

Students with a Disability - Operational Policy

1. Purpose

1.1 This policy outlines the University's commitment to equitable opportunities for students with disabilities to access, participate and engage in higher education in accordance with the Anti-Discrimination Act 1991 (Qld), the Disability Discrimination Act 1992 (Cth), and the Disability Standards for Education 2005 (Cth).

1.2 This policy provides a statement of the commitment by the University to create a work and study environment that values the rich diversity of its staff and students, with a specific focus on students with disabilities. The University is dedicated to facilitating equitable access and full participation for students with disabilities by integrating universal design principles into all aspects of University life.

1.3 This approach ensures that educational resources, facilities, and services are accessible to the widest possible range of students, thereby promoting inclusivity and eliminating barriers to participation. The University encourages all members of the University community to take personal responsibility for working to eliminate discriminatory practices and to support a culture of accessibility and inclusion.

2. Scope and application

2.1 This policy applies to all students who identify as having a disability, and to the whole University community who engage with these students.

3. Definitions

3.1 Refer to the University's Glossary of Terms for definitions as they specifically relate to policy documents.

3.1 Disability

UniSC supports the social model disability outlined in the United Nations Convention on the Rights of Persons with Disabilities definition of disability which describes people with disability as people who have physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. The social model of disability ... views disability as stemming from communities, services and spaces that are not accessible or inclusive. In the social model of disability, it is society that places limits on a person, not their disability.

The Disability Discrimination Act (1992) in relation to a person, disability means:

- (a) Total or partial loss of the person's bodily or mental functions; or
- (b) Total or partial loss of a part of the body; or
- (c) The presence in the body of organisms causing disease or illness; or
- (d) The presence in the body of organisms capable of causing disease or illness; or
- (e) The malfunction, malformation or disfigurement of a part of a person's body; or
- (f) A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- presently exists; or
- previously existed but no longer exists; or

APPROVAL AUTHORITY

Vice-Chancellor and President

RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Academic)

DESIGNATED OFFICER

Academic Registrar and Director, Student Services

FIRST APPROVED

7 October 2003

LAST AMENDED

20 May 2024

REVIEW DATE

20 May 2026

STATUS

Active

- may exist in the future (including because of a genetic predisposition to that disability); or
- is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

A student who is pregnant and does not meet the above criteria is not a student with a disability.

A student with a disability refers to an enrolled student of the University with a disability as defined in The Disability Discrimination Act (1992). All students of the University in all modes of study and locations, physical or digital, undertaking academic work/scholarships towards the completion of their program, higher degree research.

Impairment means a diagnosed condition of a person with a disability.

UniSC acknowledges that each student will have their own preference regarding how they identify. For example, some are protected under the Disability Discrimination Act (1992) and have rights under the United Nations Convention on the Rights of Persons with Disabilities, but may not identify as a person with disability, or use the term 'impairment' to refer to a diagnosed condition. We encourage all staff to be flexible and adapt when the student's preferences are known.

3.2 Direct disability discrimination

When a person with disability is treated less favourably than a person without disability in similar circumstances (and otherwise, as defined in the *Disability Discrimination Act 1992* Section 5).

3.3 Indirect disability discrimination

Indirect disability discrimination is considered to occur if a person with a disability is not able to comply with a requirement or condition, because of their disability. The requirement or condition will also be likely to have the effect of disadvantaging persons with disability in a way that is not reasonable (and otherwise as defined in the *Disability Discrimination Act 1992*, Section 6).

3.4 Reasonable Adjustments

The *Disability Discrimination Act* provides for the fact that a person with a disability may require reasonable adjustments to ensure equal participation in work or study. The aim of reasonable adjustments is to provide negotiated measures to ensure that students with disabilities have equality of access to education. Such adjustments are not intended to compromise academic standards or to provide an undue advantage to students with a disability.

3.5. Inherent Academic Requirements

The inherent academic requirements of a program are those fundamental skills, capabilities and knowledge that students must be able to demonstrate and achieve the essential outcomes of the program, while maintaining the academic integrity of that program.

3.6. Universal Design-

By proactively incorporating universal design principles into our facilities, curricula, and services, we aim to eliminate barriers to access and participation. This approach ensures that educational resources are accessible to the widest possible range of students, regardless of their abilities or disabilities. Universal design not only enhances the learning experience for students with disabilities but also benefits the entire student body by promoting diverse learning methods, flexible teaching strategies, and supportive learning environments.

3.7 Unjustifiable hardship

If the organisation can prove that the accommodations or adjustments would impose an unjustifiable hardship on the organisation, it is not legally bound to make the accommodations or adjustments.

In determining what constitutes unjustifiable hardship, all relevant circumstances of the case are considered including:

- the nature of the benefit or detriment likely to accrue or be experienced by any persons concerned;
- the effect of the disability on the person concerned;
- the financial circumstances and the estimated amount of expenditure required to be made by the organisation claiming unjustifiable hardship; and
- in the case of the provision of services, or the making available of facilities, the commitments contained in the action plan given to the Australian Human Rights Commission.

4. Policy statement

4.1 The University is committed to the principles of equity, fairness, and inclusivity, particularly for students with disabilities. The University recognises that students with disabilities have historically faced long-term and systemic disadvantages and undertakes to

redress this by implementing appropriate and reasonable measures to ensure equity of access and participation in all aspects of university life. This commitment extends to both current and prospective students, ensuring that all members of the University community can benefit from an inclusive environment.

5. Principles

5.1 The University is committed to fostering a positive, safe, and supportive environment for all students, ensuring equitable access to programs, services, and facilities. Our goal is to support participation through the following measures:

- (a) raising awareness of the requirements and rights of people with disabilities;
- (b) respecting individuals' rights to privacy and confidentiality;
- (c) creating an inclusive and universally designed learning environment that improves outcomes for students with disabilities;
- (d) consulting with students with disabilities to identify reasonable adjustments needed to facilitate access to and participation in programs and courses on an equal basis with students without disabilities;
- (e) identifying and communicating the essential academic requirements of our programs and courses; and
- (f) providing equitable access to support services, including specialised support services for students with disabilities, to help negotiate reasonable adjustments.

5.2 Universal design is a foundational principle in our commitment to creating an inclusive and equitable learning environment for all students, including those with disabilities.

5.3 The University makes reasonable adjustments to course content, delivery and assessment methods without compromising the academic standards or inherent requirements of the course. The University is not required to provide an adjustment that would impose unjustifiable hardship or compromise the health and welfare of the student or others.

5.4 The University provides resources and staff development opportunities to assist in meeting the learning and support needs of students with disabilities.

5.5 The University's Disability Access and Inclusion Plan 2021-24 contains the agreed statement of goals and intended action for a three-year period and forms part of the implementation of this Policy.

5.6 To be provided reasonable adjustments students must provide documentation in accordance with the Documentation Requirements to the University's AccessAbility Services staff.

5.7 Staff respect students' rights to confidentiality and decision to disclose personal information however students are encouraged to discuss (or allow AccessAbility Services staff to discuss) the effect of their disability on their learning, with staff who are asked to make reasonable adjustments.

5.8 Statistical information on enrolment, retention, participation, and success rates for students with disabilities is analysed to identify barriers and facilitate planning for the continued development of quality services.

5.9 The University strives to eliminate discrimination, harassment, bullying, and vilification in all its operations and to foster an environment where students with disabilities can study and engage within a culture based on mutual respect. Such a culture encourages the use of inclusive language, respectful interpersonal interactions, and the adoption of universal design principles to support accessibility for all.

For further information, see Disability and accessibility | UniSC | University of the Sunshine Coast, Queensland, Australia (usc.edu.au)

6. Authorities and responsibilities

6.1 The Vice-Chancellor and President makes this policy in accordance with the University of the Sunshine Coast Act 1998 (Qld).

6.2 The Deputy Vice-Chancellor (Academic) is authorised to make procedures and guidelines for the operation of this Policy. The procedures and guidelines must be compatible with the provisions of this policy.

6.3 The Academic Registrar and Director Student Services is authorised to make associated documents to support the application of policy documents. These must be compatible with the provisions of the respective policy document.

6.4 This policy operates from the Last Amended date, will all previous policies related to students with a disability are replaced and have no further operation from this date.

6.5 All records relating to students with a disability must be stored and managed in accordance with the Information Management – Governing Policy.

6.6 This policy must be maintained in accordance with the Policy Framework – Procedures and reviewed on a two year policy review cycle.

6.7 Any exception to this policy to enable a more appropriate result must be approved in accordance with the Policy Framework – Procedures prior to the deviation of the policy document.

6.8 Refer to Schedule C of the Delegations Manual in relation to the approved delegations detailed within this policy document.

END

RELATED DOCUMENTS

- Anti-Discrimination and Freedom from Bullying and Harassment - Governing Policy
- Assessment: Courses and Coursework Programs - Procedures
- Coursework Curriculum - Academic Policy
- Deferred Examinations - Procedures
- Equity, Diversity and Inclusion - Governing Policy
- Health, Safety and Wellbeing - Governing Policy
- Marketing and Communications - Operational Policy
- Resolution of Complaints (Staff) - Guidelines
- Review of Assessment and Final Grade - Procedures
- Staff Code of Conduct - Governing Policy
- Student Grievance Resolution - Governing Policy
- Student Grievances - Procedures
- Student Review and Appeals - Procedures
- Work Integrated Learning (Placement) - Procedures

RELATED LEGISLATION / STANDARDS

- Anti-Discrimination Act 1991 (Qld)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Human Rights Act 2019 (Qld)