



Study Group Australia Pty Limited, RTO: 5806 CRICOS Provider No: 01682E

SGA STUDENTS DISABILITY POLICY AND PROCEDURE

1. POLICY STATEMENT

Study Group Australia Pty Limited (SGA) is committed to providing a high quality education and training service for all students. This policy and procedure also reflects SGA's commitment to eliminating discrimination against people on the grounds of disability. SGA aims to provide students who have disabilities with the opportunity to participate fully in College life.

2. PURPOSE

The SGA Disability Policy and Procedure sets out the framework and processes for supporting students with disabilities, from the pre-enrolment stage through to completion of their studies. It also sets out roles and responsibilities for key staff involved.

3. SCOPE

This policy and its procedure apply to all students with disabilities who are enrolled or seeking to enrol in a course of study with SGA Vocational Education and Training programs,, SGA University Partnership programs and SGA Licensed Partner Organizations. The scope of this policy and its procedures does not include programs under the SGA HE division which consists of Endeavour College of Natural Health, Australian College of Physical Education and Martin Higher Education. . Nor does it apply to the CSU Study Centres.

It should be noted that the procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law.

4. BACKGROUND AND NEED

SGA adopts the *Disability Standards for Education 2005*, underpinned by the *Disability Discrimination Act, 1992*.

The *Disability Discrimination Act 1992* ('the Act'), aims to eliminate discrimination against people on the grounds of disability including in the area of education, and to ensure that as far as possible, those with disabilities have the same rights as the rest of the community. Its application in education includes access to enrolment and student services, and participation in learning activities on the same basis as a student without a disability.

Section 22 'Education' of the Disability Discrimination Act states that it is unlawful for an educational authority to discriminate against a person on the grounds of a person's disability by refusing to accept their application or in the terms under which they are admitted, by denying them access or limiting their access to any benefit provided by the educational institution. It also states that it is not unlawful for an education institution to refuse admission from a student with a disability if it would require facilities or services that are not required by students without disabilities and the provision of such would impose unjustifiable hardship on the provider.

5. DEFINITIONS AND ABBREVIATIONS

In the context of this policy the following **applies**:

Associate (of a person with a disability) – under the *Disability Discrimination Act 1992*, defined to include '(a) a spouse of the person; and (b) another person who is living with the person on a genuine domestic basis; and (c) a relative of the person; and (d) a carer of the person; and (e) another person who is in a business, sporting or recreational relationship with the person' .

CAAW - Confirmation of Appropriate Accommodation and Welfare

Disability – SGA defines disability in accordance with the *Disability Discrimination Act 1992* In broad terms, a disability, sometimes referred to as 'impairment' involves a variation to a person's functioning and includes;

- Physical;
- Intellectual;
- Psychiatric;
- Sensory;
- Neurological;
- learning ;
- physical disfigurement; and
- the presence in the body of disease-causing organisms

Disability can be:

- temporary;
- apparent or hidden;
- slight, moderate or severe; and
- existing in the past or present

Discrimination

Disability discrimination happens when people with a disability are treated less fairly than people without a disability. Disability discrimination also occurs when people are treated less fairly because they are relatives, friends, carers, co-workers or associates of a person with a disability.

Enrolment Advisor – the person providing enrolment advice may be a Student Enrolment Advisor (SEA), a Student Progress Advisor (SPA), Student Support staff member or agent depending on the brand and college.

Equity Officer – provides initial advice to the student on application and liaises with the College to develop a 'reasonable adjustment' plan. The Equity Officer may be a designated member of the College student support team.

Harassment - 'in relation to a person with a disability, includes an action taken in relation to the person's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person; and in relation to a person who has an associate with a disability, includes an action taken in relation to the associate's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person or the associate'

Head of College – the person making the decision on behalf of the College who may also be National Academic Director

HE - Higher Education

Licensed Partner Organisations – any organisation that provides services on behalf of Study Group Australia Pty Limited, including training, assessment, related educational and support services, and/or any activities related to the recruitment of prospective domestic students . As the Registered Training Organisation, Study Group Australia Pty Limited (SGA) is responsible for ensuring all such services provided are in accordance with statutory obligations.

LLN - language, literacy and numeracy

Program Coordinators – or Program Managers

Reasonable Adjustment - administrative, environmental or procedural alterations in the learning situation which remove barriers for people with disabilities so that they can perform the inherent requirements of the course of study. It can include adjustments to the mode of delivery of lectures or written material or the assessment process and timeframe. An adjustment is reasonable if it takes into account the requirements of the person and balances the interests of all parties affected. Consideration needs to be given to:

- the effect of the adjustment on the person's ability to successfully achieve the inherent learning outcomes of the unit or course;
- the costs and benefits of making the adjustment; and
- the interests of all parties affected, including those of the student with the disability, the College, staff and other students or colleagues.

Student - refers to a person enrolled or seeking to enrol in any course or unit of study at SGA or at a partner organization licensed to deliver SGA courses on behalf of SGA. A student or a potential student can be a domestic or overseas student.

Unjustifiable Hardship -

The *Disability Discrimination Act 1992, Section 11* notes that adjustments need not be made if this will cause major difficulties or unreasonable costs to a person or organization. This is called "unjustifiable hardship".

Before considering claiming adjustments are unjustified, SGA will:

- Thoroughly consider how an adjustment might be made
- Discuss this directly with the person involved, and
- Consult relevant sources of advice.

VET - Vocational Education and Training

6. POLICY PROVISIONS

6.1 General Principles

SGA has an overall strategy for supporting students with disabilities across all its colleges.

SGA is committed to ensuring it is compliant with the requirements of the law, including those in relation to disability support within its colleges.

Bullying, harassment and discrimination, including in relation to disabilities, are not tolerated within SGA Colleges. Staff training in the avoidance of bullying, harassment and discrimination is provided by SGA.

Enrolment processes will include opportunities for students to disclose disabilities and request reasonable adjustment of learning and assessment. Students with disabilities are informed pre-enrolment of the support able to be offered by the colleges.

Reasonable Adjustment Plans are created for students with disabilities where requested. Plans are monitored regularly.

In development of new courses and on renewal of existing courses, curricula is analysed with respect to inclusiveness.

SGA provides staff with required training in relation to this policy and procedure, including training in relevant legislation.

SGA recognises that it may not have the expertise and internal knowledge and expertise to identify the support needed for particular defined disabilities. SGA utilises external expertise in relation to disabilities when required.

7. PROCEDURES

7.1 Application and Enrolment Process

Students with disabilities are informed about support options prior to enrolment, in order to inform their decision-making. The following processes are followed:

7.1.1 Student application form completion

An application form is completed by the Student or with the assistance of an enrolment advisor who conducts an initial application interview with the potential student.

The application form includes a section relating to disclosure of disabilities with an option to request reasonable adjustment to academic studies. Applicants requesting reasonable adjustment to their academic studies may be required to submit supporting evidence in the form of a **Disability, Health Condition and/or Educational Professional Report** completed by a medical practitioner, or other relevant professional

Information relating to disclosure of a disability will be, by necessity, released to the College, however it will be treated confidentially.

7.1.2 Application form is sent to the Admissions Centre and referred to the Equity Officer

An Equity Officer is responsible for:

- reviewing applications where a disability has been disclosed;
- ensuring that the completed **Disability, Health Condition and/or Educational Professional Report** is received if required;
- engaging with external disability support agencies for specialist advice in relation to disability, if required.

Where a disability has been disclosed and request for reasonable adjustment made, the Equity Officer contacts the student for the initial interview. If an adjustment is required, the Equity Officer forwards the initial interview form to the College with the **Disability, Health Condition and/or Educational Professional Report, where required**. The relevant staff member within the College provides the Equity Officer with detailed information about the course and its requirements.

7.1.3 Communication with potential student

Following dialogue and agreement between the College and Equity Officer, the student is contacted by the Equity Officer to ascertain whether the disability affects or could affect the applicant's ability to participate in their chosen course, including using the facilities and services of the College on the same basis as a student without disabilities.

A Reasonable Adjustment Plan is completed by the Equity Officer and forwarded to the College Program Coordinator for additional input. The Reasonable Adjustment Plan is signed by the student and the College Program Coordinator. The Reasonable Adjustment Plan is kept in a confidential location at the College with a copy to the Equity officer.

7.1.4 Overseas student's accommodation and carer arrangements

Overseas students under the age of 18 at the time of course commencement requiring an SGA CAAW or approved accommodation may not be permitted to enrol if the carer organisation or accommodation organisation cannot accommodate the specific needs of the student. This must be determined at acceptance as the decision is based on the need of the student and availability of resources.

7.1.5 Decision made about student application

Decisions about acceptance or non-acceptance of a potential student's application are made expediently.

The Program Coordinator and Equity Officer then must decide whether an adjustment is necessary and achievable. Advice from external disability support agencies may also be sought. Particular consideration should be given to the ability of the College to make reasonable adjustments.

Where the Program Coordinator, in consultation with the Equity Officer, believes it is not possible to make reasonable adjustment the matter is referred to the Head of College.

The Head of College must make a decision based on the Disability Standards for Education 2005 (see **Appendix 2**), and in consideration of the definition of 'unjustifiable hardship' defined under the *Disability Discrimination Act 1992*.

The Head of College informs the relevant Executive Director, SGA of any decision to not admit a student to the College because of unjustifiable hardship or inability to meet course learning outcomes.

The Enrolment Advisor and/or Admissions Centre are advised whether or not the student may be enrolled.

The Admissions Centre notifies the student of the outcome of their application.

7.2 Elements of a Reasonable Adjustment Plan

A Reasonable Adjustment Plan may involve, but is not limited to, the following items listed below. This information may also be provided as part of the explanation of 'reasonable adjustment' provided on the College website.

- providing additional lighting;
- providing an adjustable workstation or special seating;
- modifying equipment or providing special adaptive technologies such as voice-activated computer software, special keyboard, large screen monitor or associated aids;
- providing special assistance such as an interpreter for hearing impaired candidates and provision of paper-based materials in advance of face-to-face sessions;
- adapting teaching and delivery methods, without impacting on the delivery of the essential skills, knowledge and understanding required to meet the student outcomes; and
- adapting the assessment methodologies, without impacting on the validity of the attainment of the relevant student outcomes. For example: allowance of extra time, varying question and response modalities (such as use of oral questioning rather than written, and audiotaped or videotaped answers instead of written answers).

A *Reasonable Adjustment Checklist* is provided (**Appendix 1**) which may assist Program Coordinators and Subject Coordinators in considering Reasonable Adjustment Plan delivery.

7.3 Curriculum Design and Delivery

As part of an ongoing process of curricula renewal, course curricula is analysed in terms of its inclusiveness in relation to students with disabilities.

Where a Reasonable Adjustment Plan has recommended changes to assessment, Program Coordinators may contact the Curriculum Team for advice and development of bespoke assessments that allow for reasonable adjustments.

The *Reasonable Adjustment Plan Delivery Checklist* (**Appendix 1**) sets out considerations for changes to curricula.

7.4 Student Support Services

Colleges ensure that:

- students with disabilities are able to access those support services used by other students on the same basis as a student without disabilities;
- students with disabilities have access to specialised support services;
- where specialised equipment is needed to support a student with a disability to participate in a course, where possible and where it would not be reasonable to expect the student to have the equipment themselves, procure the equipment; and

- staff are aware of specialised services available to assist students with disabilities and are able to assist students with disabilities to access specialised support services.

SGA has relationships with external disability support agencies for the purposes of providing additional support and advice for students with disabilities.

7.5 Victimisation and Harassment Prevention Strategies & Processes

SGA has policies in place to prevent victimisation and harassment of all students including those with a disability.

7.6 Staff Training

All staff must be aware of the Disability Standards for Education 2005, underpinned by the *Disability Discrimination Act 1992* and the responsibilities of education providers under this Act. All staff training should include this component.

8. RIGHTS OF STUDENTS AND STAFF

8.1 Student Rights

Students have the right to expect that:

- they will be treated with dignity and respect;
- the College will establish an inclusive educational environment;
- they can undertake their studies free from discrimination and harassment;
- staff will invite them to discuss their requirements for reasonable adjustment and treat the request promptly and seriously;
- where required, they may be assisted by independent advocates;
- staff will be given appropriate training to become skilled in good practices for meeting the requirements of the students;
- they will be given the opportunity to develop skills which will enable them to obtain maximum benefit from available services; and
- confidential information about their disability will not be disclosed without their permission, except in exceptional circumstances (eg when safety factors are involved).

8.2 Staff Rights

Staff have a right to expect that:

- students seeking reasonable adjustments to the learning program will discuss their specific requirements with relevant College officer(s) (with assistance if required) and share responsibility in negotiating solutions.

9. ROLES AND RESPONSIBILITIES

9.1 Student Responsibilities

Students and where applicable prospective students with disabilities have a responsibility to provide information which assists SGA in the timely planning and implementation of appropriate services by:

- disclosing their disability on enrolment, if immediate support is required;
- making early contact with the appropriate Equity Officer;
- describing their requirements to the extent necessary to ensure an appropriate SGA College response;
- being proactive in advising the SGA College of the difficulties they encounter in accessing aspects of the life of the College and how to overcome these difficulties; and
- engaging with the strategies set out in their Reasonable Adjustment Plan.

9.2 Responsibilities of Staff in General

All staff take responsibility to ensure equity for students with disabilities and discharge their duties in a non-discriminatory manner.

Staff have a responsibility to:

- create a climate that encourages students to approach them to discuss issues impacting on their studies that arise from their disability;
- respond to the particular requirements of students who have disabilities by making reasonable adjustments within a flexible curriculum; and
- understand and constructively manage behaviour arising from disability which impacts upon others in the class.

9.3 Enrolment Advisors Responsibilities

Enrolment Advisors are responsible for:

- assisting potential students to complete the enrolment application form;
- providing advice on what reasonable adjustment means;
- ensuring that students who wish to apply for reasonable adjustment based on disability understand that they may need a **Disability, Health Condition and/or Educational Professional** Report completed by their doctor or other relevant professional; and
- advising students that information about their disability will be disclosed to the College in order for the College to be able to make an informed decision regarding reasonable adjustment, however it will be treated as confidential information.

9.4 Equity Officer Responsibilities

The Equity Officer is responsible for:

- reviewing applications where a disability has been disclosed and reasonable adjustment requested;
- ensuring that the completed **Disability, Health Condition and/or Educational Professional** Report, where required, is received.
- engaging with external disability support agencies for specialist advice in relation to disability, if required;
- liaising with the Program Coordinator to reach a decision on whether reasonable adjustment is achievable;
- developing a Reasonable Adjustment Plan, in consultation with the Program Coordinator and the student; and

- providing Program Coordinator and/or teachers with any information necessary about reasonable adjustment in relation to the student.

9.5 Program Coordinator Responsibilities

Program Coordinators (or the equivalent) have the following responsibilities:

- providing the Equity Officer with detailed information about the course and its requirements;
- liaising with the Equity Officer to decide whether a reasonable adjustment to learning and/or assessment is necessary and achievable (and seeking external advice where necessary);
- informing the relevant staff of the Reasonable Adjustment Plan, and the requirement that this information is kept confidential;
- communicating any adjustments to learning delivery and assessment that need to be made as a result of the Reasonable Adjustment Plan, to relevant academic staff; and
- receiving advice from support staff or teachers in relation to the experiences of a student with a registered disability at any time during the student's course, which may require additional adjustments to be made to the initial Reasonable Adjustment Plan.

9.6 Heads of College Responsibilities

Heads of College have the following responsibilities:

- on receipt of a documented recommendation from the Program Coordinator and Equity Officer that reasonable adjustment is not achievable, making a decision based on consideration of a range of factors and in consideration of the definition of 'unreasonable hardship' under the Act;
- informing the Executive Director, SGA of any decision to not admit a student to the College because of unjustifiable hardship or inability to meet course learning outcomes; and
- ensuring relevant staff training under this policy and procedure is provided.

10. GRIEVANCES

Students who believe they have been discriminated against may take action under the SGA Student Complaints and Appeals Policy and Procedure.

11. SUPPORTING DOCUMENTS

Related Websites and Documentation

- *Disability Discrimination Act 1992*, Available at <https://www.comlaw.gov.au/Details/C2015C00252>
- *Disability Standards for Education 2005 (Plus Guidance Notes)*. Available at URL: <https://education.gov.au/disability-standards-education>
- SGA Reasonable Adjustment to Assessment Policy
- SGA Access, Equity and Fair Treatment Policy and Procedures
- Provision of Support for Students with Disabilities
- SGA Student Complaints and Appeals Policy and Procedure.
- Student Handbooks contain a Student Code of Conduct, which includes reference to bullying, harassment and victimisation.

12. APPROVAL AND REVIEW

SGA Disability Policy and Procedure	
ELT Custodian	Executive Directors UP and VET
Policy owner	Head of Quality and Governance
Version Number	2
Approval Authority	Executive Director VET; Executive Director University Partnerships
Approval Date	7 July 2016
Next Review Date	Feb 2021

Appendix 1 Reasonable Adjustment Delivery Checklist

This checklist is based on the information set out in the Disability Standards for Education 2005 (plus Guidance Notes)².

Area	Requirement	Description of Actions Taken/Notes	Compliant (insert ✓)
Curriculum <i>Measures that the education provider may implement to enable the student to participate in the learning experiences (including the assessment and certification requirements) of the course or program, and any relevant supplementary course or program, on the same basis as a student without a disability</i>	The curriculum, teaching materials, and the assessment and certification requirements for the course are appropriate to the needs of the student and accessible to him or her		
	The course delivery modes and learning activities take account of intended educational outcomes and the learning capacities and needs of the student		
	The course study materials are made available in a format that is appropriate for the student and, where conversion of materials into alternative accessible formats is required, the student is not disadvantaged by the time taken for conversion		
	Teaching and delivery strategies for the course are adjusted to meet the learning needs of the student and address any disadvantage in the student’s learning resulting from his/her disability, including through the provision of additional support, such as bridging or enabling courses, or the development of disability-specific skills		
	Assessment procedures and		

Area	Requirement	Description of Actions Taken/Notes	Compliant (insert ✓)
	methodologies for the course or program are adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed.		
	Course requirements are been reviewed, in the light of information provided by the student or an associate of the student, and includes activities in which the student is able to participate.		
Student Participation <i>Measures that the education provider may implement to enable the student to participate in the learning experiences (including the assessment and certification requirements) of the course or program, and any relevant supplementary course or program, on the same basis as a student without a disability.</i>	Appropriate programs necessary to enable participation by the student are negotiated, agreed and implemented		
	Where a course necessarily includes an activity in which the student cannot participate, the student is offered an activity that constitutes a reasonable substitute within the context of the overall aims of the course or program		
	Any activities that are not conducted in classrooms, and associated extra-curricular activities or activities that are part of the broader educational program, are designed to include the student.		
	Additional support is provided to the student where necessary, to assist him or her to achieve intended learning outcomes		

Area	Requirement	Description of Actions Taken/Notes	Compliant (insert ✓)
Support Service Access <i>Measures implemented to ensure that the student is able to access support services used by students in general, on the same basis as a student without a disability, and to ensure his/her access to specialised support services</i>	Staff of education providers are aware of the specialised services available for the student and are provided with information that enables them to assist the student to access the services that the student needs;		
	Provision of specialised services for the student, where necessary, is facilitated, including through collaborative arrangements with specialised service providers e.g. services in health, personal care and therapy; services provided by speech therapists, occupational therapists and physiotherapists		
	Any necessary specialised equipment is available to support the student in participating in the course or program e.g. adaptive technology, assistive devices		
	Appropriately trained support staff, such as specialist teachers, interpreters, note-takers and teachers' aides, are made available to students with disabilities		

Appendix 2 Section 10 of the Disability Discrimination Act 1992

Part 10 Exceptions

10.1 Exceptions

- (1) These Standards do not render it unlawful for an education provider to fail to comply with a requirement of these Standards if section 10.2, 10.3, 10.4 or 10.5 applies.
- (2) If an exception is invoked, it is the responsibility of the provider to demonstrate that the exception operates.

10.2 Unjustifiable hardship

- (1) This section does not apply to a requirement in Part 8 of these Standards.
- (2) These Standards do not render it unlawful for an education provider to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on the provider.
- (3) The provider must comply with the Standards to the maximum extent not involving unjustifiable hardship.

Note Section 11 of the Act provides that, for the purposes of the Act, in determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:

- (a) the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
- (b) the effect of the disability of a person concerned; and
- (c) the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
- (d) in the case of the provision of services, or the making available of facilities — an action plan given to the Commission under section 64 of the Act.

The application of unjustifiable hardship should take account of the scope and objects of the Act and the Standards, particularly the object of removing discrimination as far as possible, and of the rights and interests of all relevant parties. In determining whether the exception of unjustifiable hardship can be relied on, all relevant circumstances of the particular case are to be taken into account.

The Standards generally require providers to make reasonable adjustments where necessary. In determining whether an adjustment is reasonable the factors in subsection 3.4(2) are considered, including any effect of the adjustment on anyone else affected, including the education provider, staff and other students, and the costs and benefits of making the adjustment. There will be possible adjustments which are not reasonable. There is no requirement on providers to make unreasonable adjustments. The concept of unreasonable adjustment is different to the concept of unjustifiable hardship on the provider in section 10.2. Where the obligation to make a reasonable adjustment none-the-less imposes unjustifiable hardship on the provider, section 10.2 will operate. The concepts of reasonable adjustment and unjustifiable hardship seek to provide a balance between the interests of providers and others, and the interests of students with disabilities.

10.3 Acts done under statutory authority

These Standards do not render unlawful anything done in the circumstances described in section 47 of the Act.

10.4 Protection of public health

These Standards do not render it unlawful for an education provider to isolate, or discriminate against, a student with a disability if the disability is an infectious disease or other condition and it is reasonably necessary to so isolate or discriminate to protect the health and welfare of the student with a disability or the health and welfare of others.

10.5 Special measures

- (1) These Standards do not render it unlawful for an education provider to provide special measures (including specialised units or institutions) intended specifically for the benefit of students with disabilities.
- (2) In this section:

special measure means an act mentioned in section 45 of the Act.

Note Special measures are intended specifically for the benefit of students with disabilities, and can take the form of programs or initiatives that afford students with disabilities, or with a particular disability, benefits, grants, programs, goods, or access to facilities, services or opportunities to meet their special needs in relation to education and training. However, providing specialised support services will not necessarily be sufficient to eliminate discrimination.