

Student Disability Support Policy

Section 1 - Purpose

(1) This Policy supports Macquarie University's provision of a virtual or physical, social and learning environment that complements and enhances the University experience for students with a Disability on the same basis as other students, in an environment free from harassment and discrimination.

Background

(2) Macquarie University is committed to promoting and implementing the principles of the [Disability Discrimination Act 1992](#), the [Disability Standards for Education 2005 plus Guidance Notes](#), [Disability Inclusion Act 2014](#), the [Anti-Discrimination Act 1977](#) (NSW) and the University's [Disability Action Plan 2012-17](#).

(3) This Policy outlines the rights and responsibilities of Macquarie University staff and students in relation to:

- a. students with Disability;
- b. students who have an Associate with Disability; and
- c. the University's application of the principle of Reasonable Adjustment to ensure fair and inclusive treatment for students with Disability.

Scope

(4) This Policy applies to all staff and students of the University.

Section 2 - Policy

(5) Macquarie University aims to:

- a. provide current and future students with a Disability the opportunity to realise their potential for physical, social, emotional and intellectual development through full participation in the University;
- b. respect an individual's right to privacy and confidentiality when providing Support Services to current and future students with Disability;
- c. raise the awareness of its community regarding the requirements and rights of people with Disability;
- d. provide a university experience to be treated with dignity and respect which provides equal opportunity for all students with Disability to access, participate and enjoy the benefits of education and to participate fully in university life; and
- e. to ensure that future students with Disability are able to seek admission to the University on the same basis as future students without Disability and without experiencing discrimination.

(6) The University will:

- a. consult with students with Disability to identify Reasonable Adjustments that may be required to facilitate their access to and participation in programs and courses on the same basis as students without Disability;

- b. ensure that students with Disability can access Support Services that it provides on the same basis as students without Disability and without these students experiencing discrimination. The University will provide specialised Support Services to students with Disability so that they may negotiate Reasonable Adjustments;
- c. identify and uphold the essential academic requirements of its programs and courses implement universal design principles that plan for maximum access to content, tasks, activities, events and environments without the need to action Adjustments based on individual circumstances or needs;
- d. consider and respond to the health and safety needs of all individuals during University Activities; and
- e. provide an environment free from harassment and discrimination, and a clear process for redress where a student believes they have been harassed, bullied or discriminated against.

Student Responsibilities and Disclosure

(7) All current or future students are required to familiarise themselves with the Inherent Requirements of their chosen course before enrolment.

(8) All current or future students are required to familiarise themselves with the eligibility criteria for registration with professional registration boards before enrolling in the course.

(9) Current or future students with a Disability are encouraged to disclose the nature and extent of their Disability to the Disability Service. Students have the right to disclose only to the Disability Service for the purpose of identifying and implementing appropriate education related Adjustments without having to disclose their Disability to all other staff.

(10) It is the responsibility of the student with Disability to register and disclose to the Disability Service any Disability they experience that is likely to impact on their ability to access course materials / content or environments, participate and meet the learning outcomes or Inherent Requirements (including Assessments) of course units in which they are enrolled.

(11) Information provided to the Disability Service about the nature of a student's Disability will not be disclosed outside of the Disability Service unless:

- a. the University has reasonable grounds for concern about the health or safety of the student or other persons; or
- b. the student gives express consent; or
- c. the disclosure of the information is required by law; or
- d. it is necessary for the University to obtain legal advice.

(12) Information about the functional impact of a student's Disability will be included in the student's Individual Educational Access Plan for each student with a Disability registered with the Disability Service. The Individual Educational Access Plan will set out the specific Reasonable Adjustments required for the student. Students will be required to give written approval for the Individual Educational Access Plan to be distributed, in accordance with the University's privacy compliance framework to those with a legitimate need to know, for implementation.

(13) Current or future students with a Disability who believe they will require any Reasonable Adjustments will be required to disclose the nature of their impairment or medical condition and provide appropriate supporting documentation about the possible impact on them in the context of the learning environment in a timely manner and to the Disability Service.

(14) While the University undertakes to assist students with Disability, it can only do so if students identify and engage in a process of consultation with the University to determine Reasonable Adjustments. Students are responsible for disclosing to the Disability Service if the Reasonable Adjustments provided are ineffective and / or if further adjustments are required to manage the impact of their Disability. Failure to declare specific requirements at the

earliest opportunity may lead to a disruption of a student's study program, or a delay in service provision.

(15) The purpose of disclosure is not to exclude students from opportunities but to enable full participation and access to a safe environment with appropriate Adjustments.

Making Reasonable Adjustments

(16) The University will provide Reasonable Adjustments to students with Disability consistent with the [Disability Standards for Education 2005 plus Guidance Notes](#). In determining whether a particular Adjustment for a student with Disability is Reasonable, all relevant circumstances and interests will be taken into account, including the following:

- a. the student's Disability;
- b. the views of the student and the student's advocate;
- c. the effect of the Adjustment on the student, including the effect on the student's:
 - i. ability to achieve learning outcomes;
 - ii. ability to participate in courses or programs; and
 - iii. independence;
- d. the effect of the proposed Adjustment on anyone else affected, including but not limited to the University and its colleges, staff and other students;
- e. the Inherent Requirements of the course or program; and
- f. the costs and benefits of making the Adjustment.

(17) Following assessment and registration with the Disability Service, the University may implement Support Services and programs intended specifically for the benefit of a student with Disability to participate in their studies and to facilitate independent learning.

(18) The Disability Service may support a student who is an Associate of a person with Disability by making recommendations for Adjustment to meet the specific needs of the student.

Evidence

(19) To assist with the identification of appropriate Reasonable Adjustments, the University requires students seeking Adjustments to supply supporting documentation about the nature and impact of their Disability in the learning environment. In assessing a particular Adjustment for a student with a Disability, current, relevant and appropriate medical or specialised documentation must be provided to substantiate the reasonableness of the Adjustment.

(20) The evidence must:

- a. identify and describe the Disability;
- b. explain the severity and impact of the Disability;
- c. clearly describe how the Disability may adversely impact on the student's capacity to undertake educational tasks (including Placements); and
- d. state whether the Disability is temporary, permanent / unchanging, or likely to fluctuate over time.

(21) For conditions that are indicated to be temporary or fluctuate over time, the Disability Service may need to request updated disclosures, via new supporting documentation from the student's health professional, prior to completing their assessment and recommending Reasonable Adjustments to be implemented.

(22) The University may not be able to assess and / or determine the provision of a Reasonable Adjustment if supporting evidence is not provided to the Disability Service.

(23) A student who is an Associate of a person with Disability may be entitled to Reasonable Adjustments. Alternatively, such students may be eligible for Special Consideration. In this case, students should refer to the [Special Consideration Policy](#) to determine whether they are eligible. In either case, the student Associate of the person with Disability will need to provide evidence of their relationship to the person with Disability and how their responsibilities in that relationship impact on their capacity to undertake educational tasks.

Academic Assessment

(24) A student with Disability may be entitled to Reasonable Adjustment to Assessment.

(25) Consultation shall occur in relation to Reasonable Adjustment to Assessments. Consultation shall involve the student requesting Reasonable Adjustment, the Unit Convenor and / or HDR supervisor.

(26) Students with Disability who have not registered with the Disability Service may be eligible for Special Consideration for an Assessment task and should refer to the [Special Consideration Policy](#).

Practical, Clinical and Professional Placements

(27) A student with Disability undertaking fieldwork, workplace experiences and / or other practical, clinical or professional Placement training (e.g. PACE unit) may be entitled to Reasonable Adjustment.

(28) Consultation shall occur in relation to Reasonable Adjustment to Placements. Consultation shall involve the student requesting Reasonable Adjustment, the Disability Service, the staff member responsible for coordinating the Placements, and (if applicable) the Placement organisation.

(29) Where appropriate, an independent workplace risk assessment may be completed to make recommendations regarding Reasonable Adjustments for students with Disability on Placement.

(30) Students are encouraged to contact the University as early as possible to disclose their Disability to discuss required Reasonable Adjustments. Late disclosure may affect the University in being able to assess or provide for Reasonable Adjustments for students before they commence their Placement.

Work Health and Safety

(31) Macquarie University recognises its obligations and responsibilities under the [Work Health and Safety Act 2011](#). The University is committed to ensuring a safe work / study environment and to ensuring that work health and safety planning and activities also incorporate the requirements of people with Disability. Students with Disability must meet work health and safety requirements when participating in University Activities.

Complaints

(32) Complaints are governed by the [Complaints Resolution Policy for Students and Members of the Public](#).

(33) Students who believe they have been treated unfairly, or received inadequate delivery or quality of services, are encouraged to use the University procedures on appeals, grievances and complaints. Macquarie University is committed to accessible, fair and confidential processes for the resolution of complaints, including those based on allegations of discrimination on the grounds of Disability.

(34) Any questions or concerns on matters pertaining to Disability discrimination may be referred to Student Equity and Diversity or to Disability Service in the first instance.

(35) Complaints may also be made externally to the [Australian Human Rights Commission](#) or the [Anti-Discrimination Board of NSW](#).

Section 3 - Procedures

(36) Refer to the [Student Disability Support Procedure](#).

Section 4 - Guidelines

(37) Nil.

Section 5 - Definitions

(38) The following definitions apply for the purpose of this Policy:

- a. Adjustment means a measure or action (or a group of measures or actions) taken by the University that has the effect of assisting a student with Disability on the same basis as a student without Disability, and includes an aid, a facility, or a service that the student requires because of their Disability. An Adjustment can be administrative, environmental or procedural alterations in the learning situation which removes barriers for a student with Disability so they can perform the Inherent Requirements of the course of study.
- b. Assessment means an illustrative task or performance opportunity that closely targets defined learning outcomes, allowing students to demonstrate their knowledge and ability to meet the learning requirements of a course. This includes both the content and design of assessment tasks.
- c. Associate means a student who provides support to a person with Disability who may or may not be a student at the University. An Associate may include but is not limited to:
 - i. a spouse of the person; or
 - ii. another person who is living with the person on a genuine domestic basis; or
 - iii. a relative of the person; or
 - iv. a carer of the person; or
 - v. other groups listed within the [Disability Discrimination Act 1992](#).
- d. Disability is very broadly defined under the [Disability Discrimination Act 1992](#) as any physical, sensory, neurological, intellectual, psychiatric, or learning disability in relation to a person and includes:
 - i. total or partial loss of the person's bodily or mental functions; or
 - ii. total or partial loss of a part of the body; or the presence in the body of organisms causing disease or illness; or
 - iii. the presence in the body of organisms capable of causing disease or illness; or
 - iv. the malfunction, malformation or disfigurement of a part of the person's body; or
 - v. 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
- may exist in the future (including because of a genetic predisposition to that disability); or
- is imputed to a person.

A disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

- e. Disability Action Plan means an organisational plan for the removal, as far as possible, of discrimination against

people with Disability. The Disability Action Plan identifies actions that the University does and will take to ensure that education and employment, services, premises and facilities are accessible and non-discriminatory to people with Disability.

- f. Disability Service means the University Disability Service that provides specialised assessment, advice, information, support and recommendations to staff and students regarding Reasonable Adjustments, resources and services for students with a Disability.

Academic and professional staff can obtain advice and information on accessibility, inclusive teaching and learning strategies and how various disabilities may affect a student's study.

- g. Harassment means any type of behaviour, explicit or implicit, verbal or non-verbal that is unwelcome, offensive, abusive, belittling or threatening.
- h. Individual Educational Access Plan (IEAP) means a student-centred plan that sets out the academic, practicum, examination, assessment, library, security and information technology requirements the student will need whilst studying at Macquarie University. Where appropriate, a student undertaking Placement may require the development of an additional plan that includes Adjustments recommended by an independent workplace risk assessment.
- i. Inherent Requirements means the essential activities, capacities and academic requirements that are necessary for a student to successfully achieve the core learning outcomes of a Macquarie University degree or program or unit. Students must meet the Inherent Requirements in order to complete their Macquarie University degree, program or unit and graduate.

Inherent Requirements do not refer to all of the requirements of a learning outcome, but rather contrast with the minor or non-essential elements, which may be negotiable or flexible. All students, including students with Disability, must meet the Inherent Requirements of the individual compulsory units to complete the course or program of study. Inherent Requirements ensure the academic integrity of a course or unit is maintained and preserves the University's learning, assessment and accreditation processes. They must be met by all students. In assessing whether an Adjustment to the course or unit in which the student is enrolled, or proposes to be enrolled, is 'reasonable' (see below), the University is entitled to maintain the academic requirements of the course or unit, and other requirements or components that are inherent in or essential to their nature.

- j. On the same basis means a student with Disability has opportunities and choices in courses or programs and the use of the University's facilities and services comparable to those of other students without Disability.
- k. Placement means fieldwork, workplace experiences and / or other practical, clinical and professional training requirements that comprise:
 - i. all or part of a subject or course; and / or
 - ii. a PACE unit; and / or
 - iii. optional Placements or internships offered by the University.
- l. Reasonable means an Adjustment is reasonable in relation to a student with Disability or an Associate if it balances the interests (including the health and safety) of all parties affected. Consideration needs to be given to:
 - i. the effect of the Adjustment on the student's ability to meet the Inherent Requirements and learning outcomes of the unit or course;
 - ii. the costs and benefits of making the Adjustment; and
 - iii. the interests of all parties affected, including those of the student with Disability, staff and other students, the University or colleges.
- m. Special Consideration means the provision of one additional opportunity for a student to demonstrate that they have met the learning outcomes of a unit or units.

Special Consideration is intended to provide support to a student whose assessable work has been affected by

serious and unavoidable circumstances. It is not a mechanism to appeal against an assessment outcome. Serious and unavoidable circumstances may result from events that are personal, social or domestic in nature and may include illness (either physical or psychological), accident, injury, societal demands (such as jury service), bereavement, family breakdown or unexpected changes in employment situations.

- n. Staff means all persons appointed as academic or professional staff of Macquarie University, whether they hold full-time, part-time, casual or conjoint appointments.
- o. Student means a person registered for a course at Macquarie University including a person who approaches the University about seeking admission to, or applying for enrolment in, the University.
- p. Support Services means an action or program provided by Macquarie University that assists a student's ability to participate in the University's physical, virtual, social and learning environments.
- q. Universal design means the design of services, devices, products, communication and built environments, to be usable by as many people as possible at little or no extra cost without need for adaptation or specialised design.

A universal design to curricula is student centred, inclusive and enables students with Disability to fully participate and demonstrate equivalence in learning outcomes.

- r. University Activities means the activities of the University, any student organisation or any member of the University community including:
 - i. teaching, study and research at the University;
 - ii. the conduct of any academic exercise;
 - iii. recreational, commercial, disciplinary, commercial or ceremonial activities of the University or the University community;
 - iv. any clinical, professional or practical work, research, workshops, camps or field or vocational Placements and any other activities arranged, sponsored, controlled or supervised by the University whether or not it is part of a program or unit of study at the University;
 - v. the provision by the University of services to the general community;
 - vi. the use or enjoyment of any University property by any person authorised by the University; and
 - vii. the management or administration of the University.
- s. Unjustifiable hardship – under Section 10.2 of the [Disability Standards for Education 2005 plus Guidance Notes](#), it is not unlawful for the University to fail to comply with a requirement of the Standards if, and to the extent that, compliance would impose unjustifiable hardship on the University.

Unjustifiable hardship has a meaning in accordance with Section 11 of the [Disability Discrimination Act 1992](#).

In determining what constitutes unjustifiable hardship, in relation to an Adjustment for a student with Disability, all relevant circumstances of the particular case are to be taken into account including:

- i. the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
- ii. the effect of Disability of a person concerned; and
- iii. the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
- iv. in the case of the provision of services or the making available of facilities, an action plan given to the [Australian Human Rights Commission](#) under Section 64 of the [Disability Discrimination Act 1992](#).

Status and Details

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Effective Date	22nd February 2021
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Responsible Executive	Rorden Wilkinson Deputy Vice-Chancellor (Academic)
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