

Students with Disability Policy

Section 1 - Preamble

(1) Charles Darwin University supports the rights of students with disability to be involved in all facets of university life, including full and equitable participation in training, education, and research.

(2) We will meet our obligations under the [Disability Discrimination Act 1992](#) and [Disability Standards for Education 2005](#) by enacting the requirements and spirit of the legislation and guidelines.

Section 2 - Purpose

(3) This policy will drive innovation, future improvements, and systemic changes in the provision of physical, learning, and social environments that are accessible to students with disabilities, along with Carers of people with disability.

(4) The policy outlines the principles for increased participation and the removal of barriers to training, education or research, and the describes the process for requesting reasonable adjustments and accessing support services.

Section 3 - Scope

(5) This policy applies to all applicants and students enrolled at the University, whether in a qualification or short course, and includes those studying with partner organisations.

- a. Partner organisations will share the responsibility for the provision of appropriate services and reasonable adjustments for students with disability.

(6) A student who is a Carer of a person with disability can request reasonable adjustments or other support services.

Section 4 - Policy Principles

(7) The University is committed to creating an inclusive environment where students with disability and Carers of a person with disability can participate in all aspects of university life.

(8) To foster a positive learning and research environment, the University will:

- a. Adopt inclusive practice in training, education, and research, removing or reducing barriers to access wherever reasonably practicable, and thereby reduce the need for students with disability to seek adjustments or individual services.
- b. Use universal design principles to create equitable access to services, professional opportunities, events, facilities, and the campus environment (both physical and online).
- c. Support staff to become informed about inclusive practice, providing resources, training opportunities and case management as required.
- d. Support students with Access and Inclusion services, empowering students to participate in their studies and

implementing reasonable adjustments as outlined in Access Plans.

- e. Continuously improve accessibility by reviewing leading inclusion practices and incorporating these into course design, delivery, and assessment.

(9) The University acknowledges that a disability may be visible or hidden and can have minimal or substantial impact on a person's ability. As such, we recognise that students with disability are best placed to understand their needs and share the responsibility for identifying and implementing appropriate solutions to support participation in study. Therefore, applicants and students with disability have a responsibility to:

- a. Familiarise themselves with the inherent requirements of the course in which they intend to enrol and the eligibility criteria for registration through professional registration boards.
- b. Contact the Access and Inclusion team as soon as practicable if their disability is likely to impact on their studies.
- c. Work together with the University to develop, implement, and review reasonable adjustments, recognising that this can be an iterative process.
- d. Report any changes regarding the impact(s) of a disability on their capacity to study.

Admission to Courses

(10) The University will implement flexible entry pathways to ensure that students with disability are not discouraged from applying or discriminated against by admission processes.

(11) The University recognises that students with disability may have experienced prior educational disadvantage because of their disability. This disadvantage may be taken into consideration by the University during admission processes.

(12) The University will provide all prospective students with clear information about the inherent requirements of courses, detailing the required specific competencies.

- a. Where possible, students with disability will be provided with services and reasonable adjustments to meet the inherent requirements of a course. However, reasonable adjustments cannot compromise the inherent requirements or academic integrity of a course of study.

Disclosing Information

(13) Applicants or students with disability do not need to disclose that they have a medical condition or disability unless they require access to adjustments or other Access and Inclusion services.

(14) Applicants or students seeking reasonable adjustments or other Access and Inclusion services will:

- a. be required to disclose that they have disability and/or a medical condition (without necessarily naming the disability/condition), and
- b. need to describe its impact on their studies.

(15) All applications for reasonable adjustments must be supported by documentation from a relevant treating medical practitioner or allied health professional (see section 8).

(16) Disclosure of disability at admission does not automatically lead to the provision of services.

(17) Information regarding a student's disability will be treated confidentially by Access and Inclusion, and in accordance with the University [Privacy and Confidentiality Policy](#). The University will only disclose personal information to a third party with the consent of the student.

Reasonable Adjustment

(18) A reasonable adjustment refers to the measures taken by the University to enable full access and participation to education services on the same basis as students without disability.

(19) When determining if an adjustment is reasonable, the University will consider:

- a. the effect of the adjustment on the person's ability to be successful in their studies;
- b. the costs and benefits of making the adjustment; and
- c. the interests of all parties affected, including those of the student, the University, and other students and staff.

(20) In accordance with the [Disability Discrimination Act 1992](#), the University may not be able to make a reasonable adjustment where:

- a. the adjustments cause unjustifiable hardship on the University;
- b. because of the disability, the student would be unable to fulfil the inherent requirements of the course;
- c. adjustments will compromise the academic integrity of course, assessment, or accreditation process; or
- d. a student with disability has an infectious disease or other condition that requires isolation or discrimination to protect the welfare of others.

Applying for an Access Plan and Reasonable Adjustments

(21) Students who would like to engage support services and/or seek reasonable adjustments are required to register with the Access and Inclusion team.

- a. Students can involve a disability support person(s) at any stage of the process, including bringing them to meetings.

(22) Students will need to discuss with the Access and Inclusion team, the impacts of their disability and the types of supports and reasonable adjustments that they may require to participate in university activities.

(23) Students will also need to provide current supporting evidence from a relevant treating medical practitioner or allied health professional, outlining:

- a. the circumstances affecting the student and the expected duration;
- b. the impact(s) on the students' studies and/or other staff and students; and
- c. recommendations for reasonable adjustments; and

(24) Unless otherwise agreed, the evidence provided must be no more than:

- a. Two (2) weeks old for temporary conditions
- b. Six (6) months old for fluctuating conditions
- c. Three (3) years old for a learning disability
- d. Five (5) years old for a permanent disability, recognising that adaptability and supports for managing a condition may have change

(25) Students may be requested to provide further or updated information where necessary, including from a treating medical practitioner or allied health professional.

Developing an Access Plan

(26) An Access Plan is developed collaboratively through discussions between the student and the Access and Inclusion team. The Access Plan outlines the relevant agreed reasonable adjustments to learning, assessment, and examinations.

(27) Access Plans may include adjustments and supports needed for practicums, work placements, field trips, study at other institutions or study abroad as appropriate.

- a. Students may be required to meet fitness tests for work placements or provide evidence from a medical practitioner about their fitness to study overseas.

(28) When determining reasonable adjustments, the Access and Inclusion team may need to liaise with the Course Coordinator or nominated academic staff member and will take into account information provided by the student in their application for support or in subsequent meeting and evidence supplied by the student from a relevant medical practitioner or allied health professional.

(29) Adjustments may include, but are not limited to:

- a. adjustments to physical access,
- b. more time in exams or to complete assessments,
- c. study materials in a different format, and
- d. Assistive technology and software.

(30) Where the relevant health professional indicates that the nature or extent of a person's disability has the potential to create a health and safety risk to themselves or others, the Access and Inclusion team will work with the student and the relevant health professional to minimise the risk where possible, with assistance from the University Health and Safety team.

Approval and Implementation of an Access Plan

(31) Depending on the nature of the disability, the Access Plan will either be approved for the duration of the course or for a specific time period as outlined in the Access Plan.

- a. Students will receive a copy of the Access Plan once it has been approved.
- b. Access Plans will be reviewed periodically, however students are encouraged to contact Access and Inclusion at any stage to seek advice or to request changes to their Access Plan as appropriate.

(32) Staff and students are responsible for the implementation of the Access Plan in a reasonable timeframe.

- a. Students are to provide a copy of their Access Plan to Lecturers and Unit Coordinators in a timely manner for each semester of study, noting that the Access and Inclusion team can share an Access Plan on a student's behalf where they do not feel comfortable doing so.
- b. Where relevant, the Access and Inclusion will notify the Examinations team of the reasonable adjustments to be implemented during the student's examinations.

(33) Where the implementation of a reasonable adjustment may take time to implement (e.g. changes to physical access), the student will be kept informed of the expected timeframe of completion.

Review of Decision / Complaints

(34) A student may request a review of a decision made under this Policy within ten (10) working days of issue of the approved Access Plan. The outcome of such a review will be final.

(35) A student who is not satisfied with the quality or delivery of a university service, or who has experienced unfair treatment can submit a complaint in accordance with the [Student Complaints Policy](#).

Promotion

(36) Information and educational resources regarding this Policy will be included in staff induction and reinforced in annual programs of professional development.

(37) Signposting to this Policy will be included in handbooks, course guides and student diaries, in the Library and Student Central, and on the University's website. Promotion of the Policy to students will be available in a range of languages.

Records

(38) Confidential records relating to student Access Plans will be retained by the Access and Inclusion team and held separately from student academic records. Records will be disposed of according to the relevant University Records Disposal Schedule.

Section 5 - Non-Compliance

(39) Non-compliance with Governance Documents is considered a breach of the [Code of Conduct – Staff](#) or the [Code of Conduct – Students](#), as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the [Charles Darwin University and Union Enterprise Agreement 2022](#) and the [Code of Conduct – Students](#).

(40) Complaints may be raised in accordance with the [Code of Conduct – Staff](#) and [Code of Conduct - Students](#).

(41) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the [Fraud and Corruption Control Policy](#) and [Whistleblower Reporting \(Improper Conduct\) Procedure](#).

Section 6 - Definitions

(42) Definitions of key terms can be found in the [CDU Glossary](#).

(43) Disability is defined by the University in line with the [Disability Discrimination Act 1992](#), and includes students with:

- a. any physical, sensory, neurological, intellectual, learning disability, psychological or psychiatric condition, and includes physical disfigurement, the presence in the body of disease-causing organisms and total or partial loss of part of the body or a bodily function, and
- b. a temporary, permanent, current, past or future disability, and chronic health conditions which may not commonly be considered disabilities.

(44) Inherent Requirements are the abilities, knowledge, and standards of conduct and performance that are essential for a student to achieve the learning outcomes of a course or unit. These may include compulsory standards set by professional registration, or accreditation bodies.

(45) Partner organisation is an organisation, in conjunction with whom the University offers a program of study or a component of a program of study.

(46) Health professional refers to a person who is registered as a health professional with the Australian Health Practitioner Regulatory Agency.

(47) Reasonable Adjustment refers to adjustments that can be made to enable a student with disability to participate in education on the same basis as students without a disability. An adjustment is reasonable if it successfully balances the interests of all parties affected and does not compromise the academic standards or inherent requirements of a subject or course.

(48) Disability Support person refers to a person that a student can nominate to provide them with emotional support and advocacy. This may include a parent, spouse, relative, carer or assistant.

(49) Universal design refers to the design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or of specialised design. In education, this means developing course content, teaching materials and delivery methods to be accessible to and usable by students across the broadest diversity ranges.

- a. Unjustifiable hardship is an exception outlined in the [Disability Discrimination Act 1992](#) that allows an organisation to refuse to make an adjustment. In determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account, including:
 - i. the benefits and disadvantages that would be caused by making the reasonable adjustment; and
 - ii. the effect of the disability of the student concerned; and
 - iii. the financial cost of making the reasonable adjustment in the context of the organisation's financial circumstances.

Status and Details

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