

## *Student Disability Policy*

### **Purpose and Scope**

This policy outlines the provisions for students with disabilities and/or medical conditions at Murdoch University, in accordance with the requirements of the *Disability Education Standards 2005* and the *Disability Discrimination Act 1992*.

Murdoch University is required to comply with the Commonwealth *Disability Discrimination Act 1992* (“the Act”) and the associated *Disability Standards for Education 2005* (“the Standards”). The Act makes it unlawful for tertiary institutions to discriminate in the provision of education against people on the basis that they have, or may have, a disability. It is unlawful for a person to contravene a disability standard. Disability discrimination and disability harassment are prohibited in all University life. Murdoch University’s *Equal Opportunity and Affirmative Action Policy* complements the Act.

Murdoch University is committed to equal opportunity principles and continues to develop and implement equal opportunity strategies to ensure that all University structures, policies, practices and decisions are free from systemic barriers for students with disabilities and/or medical conditions, and that they support the assessment of individual ability and achievement free from discrimination. Murdoch prohibits discrimination and harassment on the grounds of disability or medical condition.

This policy is designed to implement the requirements of the Act and has been constructed to align the University’s provisions for students with disabilities and/or medical conditions with the requirements of the Standards. Where appropriate references to the relevant Standards are provided throughout and special terminology is consistent with that used in those Standards and in the Act. Also throughout this policy the term “disability” refers to “a disability and/or medical condition”.

This policy applies to all staff and students.

#### **Objectives**

The principal objective of the *Student Disability Policy* is to ensure that its structures and practices are free from direct and indirect discrimination against students with disabilities and/or medical conditions. In addition to this policy, the University provides support services and participates in formal Disability Action Plan/Strategic Implementation Plan (DAP/SIP) process that also support its commitment to prevent and eliminate discrimination on the grounds specified by the *Disability Discrimination*

*Act 1992, the Equal Opportunity Act 1984 and the Disability Standards for Education 2005.*

Consistent with the Standards the objectives of this policy are to:

1. Ensure, as far as practicable, that persons with disabilities have the same rights as the rest of the community and that they are free from discrimination in the area of education and training.
2. Provide a supportive educational environment that, through the provision of appropriate supports and “reasonable adjustments” [Standards 3.4] will enable students with disabilities to be educated at Murdoch “on the same basis” [Standards 2.2] as students without disabilities.
3. Ensure that the inherent requirements of the University and its courses and units are maintained.
4. In providing reasonable adjustments to facilitate a student with a disability undertaking their education at Murdoch, ensure that the integrity of the University’s courses and assessment requirements and its academic standards are maintained, and that the inherent requirements of units and courses are achieved. In this way, the University undertakes to ensure that all graduates with disabilities can present themselves as having the appropriate knowledge, experience and expertise implicit in the holding of their award [Standards 3.4(3)].

## Policy

1. In this policy, the following words have the following meanings:
  - 1.1. “Disability” in relation to a person, 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 part of the 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 judgement or that results in disturbed behaviour; and includes a disability that:
    - h) presently exists; or
    - i) previously existed but no longer exists; or
    - j) may exist in the future (including because of genetic predisposition to that disability); or

k) 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.

## **2. Pre-enrolment**

The University is required to “consult with the prospective student, or an associate of the prospective student, about whether the disability affects the prospective student’s ability to seek admission to, or apply for enrolment in, the institution” and, in the light of this consultation, to “decide whether it has the capacity to make an adjustment enabling the prospective student to seek admission to, or apply for enrolment in a specific course of study in the University, on the same basis as any prospective student without a disability” [Standards 14.2(3)].

- 2.1. Information on the entry requirements, course structures and study opportunities for all courses will be available on-line and, on request can be provided in alternate formats accessible to students with specialised needs.
- 2.2. Information on any inherent requirements of courses and/or units that may influence student choices will be provided in course and/or unit information.
- 2.3. All students must meet the inherent requirements of any course and/or units they enrol in. Inherent requirements include compliance with University regulations, rules and policies, meeting the learning outcomes of the course and its units and include the student’s capacity to participate in activities that demonstrate the attainment of these outcomes. The University recognises that reasonable adjustments may be made and still achieve the same outcomes.
- 2.4. Information on the Murdoch Disability Support Program will be included in admissions information and promotional material aimed at prospective students and made available on-line, and in alternative formats on request.
- 2.5. Prospective students with disabilities may consult with the Equity and Social Inclusion Office (and Heads of Discipline as appropriate) on the kinds of supports and reasonable adjustments that they may need to support their study in advance of enrolling at the University.
- 2.6. Following consultation, the University will decide whether it has the capacity to make the adjustments required by the student (or if the reasonable adjustment constitutes unjustifiable hardship under the provisions of the Standards [Standards 10.2]).

## **3. Enrolment standards**

- 3.1. In offering a student a place in their nominated course of study, the University is guided by the student having the capacity to satisfactorily complete the chosen course of study with the provision of reasonable accommodations and support services.
- 3.2. Information on the enrolment processes will be available on-line and, on request can be provided in alternate formats accessible to students with special needs. If a student with a disability (or their agent/associate) has difficulty completing the enrolment processes, assistance will be provided on request.

- 3.3. In the enrolment process, students with disabilities will be encouraged (but not required) to identify themselves and avail themselves of the Murdoch Disability Support Services.

#### **4. Participation standards**

The University “will take reasonable steps to ensure that the student is able to participate in the courses or programs provided, and use the facilities and services provided by it, on the same basis as a student without a disability, and without experiencing discrimination” [Standards, 5.2 (1)]. The University will ensure the following:

- 4.1. As much as possible, units should be delivered in the University’s standard flexible model (i.e. using the Lecture recording and playback system, Learning Management System, complementary print and online components, available in internal and external enrolment modes).
- 4.2. Within the context of the inherent requirements and the overall learning outcomes of the unit or course, reasonable adjustments to the learning activities and tasks (see Clause 4), and additional supports can be provided to assist the student achieve the intended learning outcomes.
- 4.3. The University encourages the adoption of the principle of “universal design”: where learning tasks and activities are not suitable for a student with a disability, and alternative, equivalent tasks and activities are designed as reasonable adjustments, consideration should be given to whether the redesigned versions could subsequently become the standard task/activity of the unit.
- 4.4. Learning tasks and activities that are not conducted in classrooms, and associated extra-curricular activities or activities that are part of the broader educational program, should be accessible where reasonable and inclusive of all students.

#### **5. Reasonable adjustments**

The University is required to make reasonable adjustments to meet the needs of students with disabilities without compromising academic standards and the inherent requirements of the units [Standards 3.4 – 3.7] in a timely manner. A student with a disability has a right to reasonable and appropriate adjustments or accommodations to minimise any disadvantage experienced by that student as a result of their disability.

- 5.1. In requesting a reasonable adjustment it is the student’s responsibility to:
  - 5.1.1. Access the Disability Support Program and to identify themselves as a student with a disability to the relevant University Equity staff to request accommodations;
  - 5.1.2. Provide appropriate and current medical documentation verifying the effect of their disability and/or medical condition on their ability to access academic resources or undertake specific requirements; and
  - 5.1.3. Meet the learning outcomes and other inherent requirements of the course and units they undertake.

- 5.2. Reasonable adjustments are to be negotiated between the student and an Equity Disability Officer. This process should involve other relevant staff as appropriate such as Heads of Discipline, Academic Chairs and Unit Coordinators. The College must be consulted if the adjustment would impact on clauses 4.3.3 and 4.3.4 or involve outside bodies, (for example where a course requires a placement in the community).
- 5.3. In negotiating a reasonable adjustment, the University, will have regard for all the relevant circumstances including the following:
  - 5.1.1. The student's disability and or medical condition;
  - 5.1.2. The views of the student or the student's associate, given under the Standards, section 3.5;
  - 5.1.3. The inherent requirements of the University, course or unit;
  - 5.1.4. The effect of the proposed adjustment on the student, including the effect on the student's ability to achieve learning outcomes in their course and their independence;
  - 5.1.5. The effect of the proposed adjustment on anyone else affected, including the University, staff and other students, and in cases of outside placements, the staff and those who access those institutions whether there is any other reasonable adjustment that would be less disruptive and intrusive but no less beneficial for the student;
  - 5.1.6. The costs and benefits of making the adjustment. The University is not required to provide an adjustment to the extent that it would impose unjustifiable hardship on the University [Standards 3.4(2)]; and
  - 5.1.7. The reasonable adjustments agreed with a student may be renegotiated over the period of a student's education as their circumstances change.
- 5.4. Reasonable adjustments and additional supports for students with disabilities can be provided for assessment tasks providing they are equivalent to the set assessment (i.e. test the same learning outcome and content), do not breach the [Assessment Procedure](#), and maintain academic standards, thus allowing the student's achievement of learning outcomes to be assessed on the same basis as other students.

## 6. Physical access

- 6.1. The University will ensure that all new buildings are designed and constructed in accordance with the current Australian Building Standards. While the Disability Standards for Education do not require that the University exceeds those Standards, the University undertakes to ensure that all new buildings provide for access and use by people with disabilities, and that as facilities and buildings are refurbished consideration is given to improving physical access.
- 6.2. Through its Disability Action Plan/Strategic Implementation Plan processes the University will regularly monitor the facilities and spaces on its

campuses to address deficiencies that may prevent full participation of students with disabilities.

- 6.3. The University undertakes to be flexible in solving problems that might arise in respect of room scheduling and physical access to buildings and equipment.

## **7. Curriculum development**

Students with disabilities have “the right to participate in educational courses or programs that are designed to develop their skills, knowledge and understanding, including relevant supplementary programs, on the same basis as students without disabilities” [Standards 6.1].

- 7.1. To enable students with disabilities to participate in the learning experiences (including the assessment and certification requirements) of its courses and units, the University will ensure that:

- 7.1.1. Subject to maintaining the inherent requirements of the University, course and units, the development of curriculum, teaching materials, and learning activities takes account of intended educational outcomes and accessibility to students with a range of learning capacities and differing needs;

- 7.1.2. Where possible, courses and units are available internally and externally and students are able to enrol in the mode that best suits their situation;

- 7.1.3. Where the standard format of study materials (complementary print and online) are not suitable for a student with a disability, the student is not disadvantaged by the time taken to convert materials into an alternative accessible format;

- 7.1.4. Any disadvantage in the student’s learning resulting from their disability is addressed through the provision of additional supports (which may include relevant awareness training for staff);

- 7.1.5. Activities that are not conducted in a classroom, such as field trips, industry site visits and work placements, or that are part of the broader educational program for the course, are designed where reasonable to accommodate students with disabilities; and

- 7.1.6. Assessment tasks should be set to enable a student to demonstrate the knowledge, skills or competencies being assessed. Where a student is disadvantaged by their disability in undertaking an assessment task, it may be modified (for all students or the individual student as appropriate) in accordance with Clause 4.3 and 6.2.

- 7.2. Courses and/or units that have specific inherent requirements in learning activities or assessments must identify these in accordance with the attached procedures and clearly articulate these in the handbook, and in unit materials as appropriate.

Inherent essential requirements are subject to specific academic planning approval.

## **8. Student support services**

The University is required to “ensure that the student is able to access support services used by students in general, on the same basis as students without disabilities, and to ensure his or her access to specialised support services” [Standards 7.3].

- 8.1. Students with disabilities have the right to access the support services provided for students generally.
- 8.2. Students who self-identify as having a disability will, when appropriate, be directed to the Equity and Social Inclusion Office and its disability support staff for assessment of their specialised needs.
- 8.3. The Equity and Social Inclusion Office will facilitate the provision of required specialised services for the student, including identified specialised equipment, where necessary.

## **9. Anti-Harassment and Victimization standards**

The University “must develop and implement strategies and programs to prevent harassment or victimisation of a student with a disability, or a student who has an associate with a disability, in relation to the disability” [Standards 8.3(1)].

- 9.1. The obligations of staff and students to not act in ways that are discriminatory or constitute harassment are set out in their respective *Codes of Conduct* and in the University’s *Equal Opportunity Policy*.
- 9.2. Staff and student complaints and grievances in respect of harassment and victimisation are managed through the University’s *Equity Grievance Procedures*.
- 9.3. The staff induction program will include information on staff obligations under the *Codes of Conduct* in respect of matters of harassment and victimisation, and the provisions for complaints and equity grievance procedures.
- 9.4. Staff and students of the University will have access to training opportunities to acquire the understanding and competencies necessary to meet the educational support, social and employment needs of students with disabilities.
- 9.5. The University commitment to providing an environment free from all forms of harassment and discrimination extends to the associates of a student (prospective or enrolled) with a disability [Standards 9].

### **Supporting Procedures**

The Equity and Diversity Committee is authorised to approve all supporting procedures.

### **Supporting Guidelines**

The Equity and Diversity Committee is authorised to approve all supporting procedures.

## Governance

<b>Approval Authority</b>	President Academic Council
<b>Owner</b>	Academic Council
<b>Legislation mandating compliance</b>	<i>Disability Discrimination Act 1992 (Cth)</i> <i>Disability Education Standards for Education 2005 (Cth)</i> <i>Disability Services Act 1993 (WA)</i> <i>Disability Services Regulations 2004 (WA)</i>
<b>Category</b>	Primarily academic
<b>Related University Legislation and Policy Documents</b>	<i>Disability Action and Inclusion Plan (DIAP)</i> <i>Equal Opportunity and Affirmative Action Policy</i> <i>Staff Code of Conduct</i> <i>Student Code of Conduct</i> <i>Student Disability Inherent Requirements Guideline</i> <i>Student Disability Inherent Requirements Procedure</i> <i>Student Disability Reasonable Adjustment Guideline</i>
<b>Date effective</b>	08/08/2023
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## Revision History

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Revised	09/11/2011	AC/172/2011(ii)
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