

Disability Policy and Procedure

1. Introduction

Australian Lutheran College (ALC) is committed to creating a teaching and learning environment which promotes dignity, acknowledges the right to privacy and confidentiality, and promotes an awareness of the needs and rights of students and staff with disabilities.

2. Policy objectives

ALC aims:

- to ensure, as far as practicable, that persons with disabilities have the same rights to equality as the rest of the community
- to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community
- to eliminate, as far as possible, discrimination against persons on the grounds of disability.

3. Enrolment

ALC makes any decisions about admission, enrolment or participation on the basis that reasonable adjustments may be made where necessary, so that any student with disability is treated on the same basis as a student without disability. ALC also states that it is required only to make a 'reasonable adjustment'. An adjustment is not mandatory if it causes 'unjustifiable hardship' to ALC.

4. Enrolment standards

ALC ensures that in determining whether or not to offer the prospective student a place at ALC or in a particular course applied for by the prospective student, the prospective student with a disability is treated on the same basis as a prospective student without a disability, and without experiencing discrimination.

ALC:

- consults and negotiates with the prospective student, and/or the support person of the prospective student, about whether the disability affects the prospective student's ability to seek admission to, or apply for enrolment at ALC; and
- in the light of the consultation, decides whether it is necessary to make an adjustment to ensure that the prospective student is able to seek admission to, or apply for enrolment at ALC, on the same basis as a prospective student without a disability; and
- if:
 - an adjustment is necessary to achieve the aim; and
 - a reasonable adjustment can be identified in relation to that aim;makes a reasonable adjustment for the student.

5. Reasonable adjustments

ALC negotiates the following reasonable adjustments on student disclosure and request at enrolment:

5.1 Assistance measures or actions

A measure or action (or a group of measures or actions) taken to assist the student with a disability:

- in relation to an admission or enrolment—to apply for the admission or enrolment
- in relation to a course—to participate in the course
- in relation to facilities or services—to use the facilities or services on the same basis as a student without a disability, and includes an aid, support, a facility, or a service that the student requires because of his or her disability

For this policy, an adjustment is **reasonable** in relation to a student with a disability if it balances the interests of all parties affected.

Note: Judgments about what is reasonable for a particular student, or a group of students, with a particular disability may change over time.

5.2 Relevant circumstances and interests

In assessing whether a particular adjustment for a student is reasonable, all relevant circumstances and interests are considered, including:

- the student's disability
- the views of the student and/or the student support person
- the effect of the adjustment on the student, including the effect on the student's:
 - ability to achieve learning outcomes;
 - ability to participate in courses or programs;
 - independence;
 - the effect of the proposed adjustment on anyone else affected, including the education provider, staff and other students;
 - the costs and benefits of making the adjustment.

Note: A detailed assessment, which might include an independent expert assessment, may be required in order to determine what adjustments are necessary for a student.

The type and extent of the adjustments may vary depending on the individual requirements of the student and other relevant circumstances. Multiple adjustments may be required and may include multiple activities. In some circumstances, a student with a disability may not require any adjustment.

5.3 Maintenance of the academic and vocational requirements of the course

In assessing whether an adjustment to the course in which the student is enrolled, or proposes to be enrolled, is reasonable, ALC maintains the academic and vocational requirements of the course, and other requirements or components that are inherent in or essential to its nature.

Note: In providing for students with disabilities, ALC continues to ensure the integrity of courses, assessment requirements and processes, so that students may complete all requirements of the particular award.

5.4 Consulting the student and deciding on adjustments

As part of the application for admission process and before ALC makes an adjustment for the student, the course advisor (Dean or Director of VET or their delegate) consults and negotiates with the student, or the student support person, about:

- whether the adjustment is reasonable;
- the extent to which the adjustment would achieve the aims;
- whether any other reasonable adjustments would be less disruptive and intrusive and no less beneficial for the student;
- whether the adjustment may need to be changed over the period of a student's study.

6. Application of course requirements

At ALC students with disabilities have the right to participate in educational courses that are designed to develop their skills, knowledge and understanding, including relevant supplementary programs, on the same basis as students without disabilities.

7. Grievances

Refer to the ALC website for policy, procedures and forms as complementary to this policy, as well as the [Appeals and grievances](#) information on the University of Divinity website and [policies and procedures](#) on the Adelaide College of Divinity website.

8. Exceptions

Unjustifiable hardship

ALC complies with the Government Standards to the maximum extent that do not involve unjustifiable hardship based upon reasonable assessment.

ALC may fail to comply with a requirement of the Disability Standards if, and to the extent that, compliance would impose unjustifiable hardship on ALC.

Note: All relevant circumstances of the particular case are to be taken into account including:

- the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned;
- the effect of the disability of a person concerned;
- the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship;
- in the case of the provision of services.

The application of unjustifiable hardship takes account of the scope and objects 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.

ALC will take into account the costs and benefits of making the adjustment. ALC will not make unreasonable adjustments. The concepts of reasonable adjustment and unjustifiable hardship seek to provide a balance between the interests ALC and others, and the interests of students with disabilities.

Protection of public health

It is lawful for ALC to isolate, or discriminate against, a student with a disability if the disability is an infectious disease or other condition where it is necessary in order to protect the health and welfare of the student with a disability or others.

Special measures

ALC may provide special measures that 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.

9. Definitions

Act means the [Disability Discrimination Act 1992 \(Cth\)](#) (Sections refer to this act).

Adjustment—A measure or action (or a group of measures or actions) taken to assist the student with a disability as explained in section 5.1 above.

Discrimination/discriminate has the meaning given by sections 5 to 9 of the Act.

Education provider is

- (a) an educational authority (a body or person administering an educational institution); or
- (b) an educational institution (a school, college, university or other institution at which education or training is provided); or
- (c) an organisation whose purpose is to develop or accredit curricula or training courses used by other education providers.

Harassment

- (a) 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

- (b) 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.

Note: Harassment in education or training is unlawful under sections 37 and 38 of the Act.

Prospective student, for an educational institution, means a person who approaches the institution about seeking admission to, or applying for enrolment in, the institution.

Reasonable, in relation to an adjustment, means balancing the interests of all parties affected.

Student means a person enrolled in an educational institution.

Victimisation has the meaning given by section 42 of the Act.

Note: The definitions of terms in the Act apply to the Standard, under the *Acts Interpretation Act 1901*. These definitions include the following:

Associate, in relation to a person, includes:

- (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.

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 a 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 judgment 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; or
- (k) is imputed to a person.

Related documents

- [Inclusion Policy](#) and [Student Support Plan](#) (University of Divinity)
- ALC VET student handbook (see <https://alc.edu.au/study/vet-study/vet-handbooks-and-forms/>)
- [Equal Opportunity Policy](#) and [Students with Disabilities](#) (Adelaide College of Divinity)

Related information

Disability Standards for Education

The Disability Standards for Education 2005 (the Standards) clarify the obligations of education and training providers and seek to ensure that students with disability can access and participate in education on the same basis as other students. The Standards were formulated under the *Disability Discrimination Act 1992* and came into effect in August 2005.

<https://www.education.gov.au/disability-standards-education-2005>