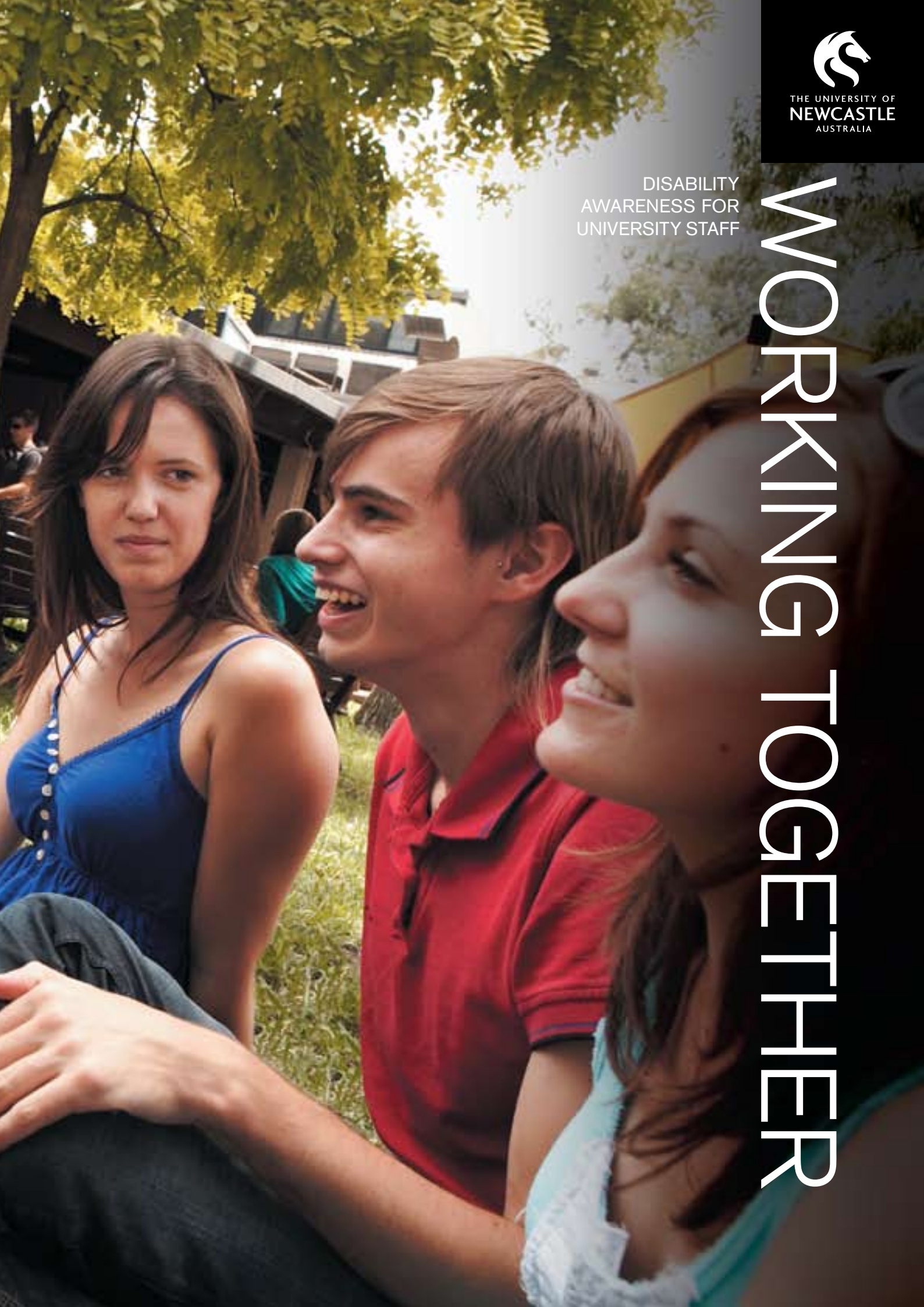




THE UNIVERSITY OF  
NEWCASTLE  
AUSTRALIA

DISABILITY  
AWARENESS FOR  
UNIVERSITY STAFF

# WORKING TOGETHER



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## INTRODUCTION

University life presents students and staff with many opportunities and challenges. In the case of students with a disability, these opportunities and challenges, for all concerned, are often magnified.

Few would be unwilling to try to find ways to accommodate and assist students with a disability. Sometimes however, problems arise, and in addition to needing to consider the interests of the student body and university as a whole in dealing with this issue, there are legal rights and responsibilities that university staff must be aware of, and work within.

The purpose of this document, which has been written for all staff of the University of Newcastle, is to:

- Increase your awareness of issues relating to university students with a disability
- Provide you with a clear understanding of your responsibilities
- Give you practical strategies to ensure you are covering your legal obligations and meeting the needs of students with a disability.

At the end of this document there is an extensive list of websites and resources that you might find useful.





## OVERVIEW

With the increased numbers of students with a disability participating in tertiary study it is increasingly likely that you will need to make 'reasonable adjustments' to the usual modes of teaching and examination in order to enable them to complete their studies.

The Disability Discrimination Act (1992) (DDA) and the Disability Standards for Education (2005) (Education Standards) (both are detailed at the end of this document) determine that the University of Newcastle and its staff have a legal responsibility to work with all students, and to understand their responsibilities in relation to students with a disability.

That said, while the University and its staff have a clear legal obligation to make reasonable adjustments for students with a disability, these adjustments should not compromise the academic integrity of the course. Students with a disability must still be able to meet the inherent requirements of any course or program. Remember, students with a disability are students first. They are studying for exactly the same reasons as any other student and have to meet the same academic criteria and are required to follow the same rules, processes and protocols as any other students studying at this University.

The majority of students with a disability who require adjustments are registered with the Disability Support Service. The Disability Support Staff meet with students to determine their support needs and the adjustments required. Before any adjustment is requested, recommended or implemented, the student must provide supporting documentation from a medical specialist. As a result of this thorough process, any recommendation from the Disability Support Service is not made lightly, and any recommendation should be implemented by teaching staff.

If you wish to clarify any issues relating to students with a disability, please feel free to contact the Disability Support Service on (02) 4921 5866 or email [student-disability@newcastle.edu.au](mailto:student-disability@newcastle.edu.au)

## WORKING WITH STUDENTS WITH A DISABILITY – PRACTICAL ISSUES



### REASONABLE ADJUSTMENTS

The DDA and the Education Standards require universities to take reasonable steps to enable a student with a disability to participate in education on the same basis as a student without a disability.

While there are some general guidelines, they are not specific to every circumstance. As student needs vary from case to case, it is important to discuss and negotiate the adjustments with each student. It is recommended that you meet with students early to plan for the adjustments and to discuss any implications of their disability for the course or program.

You can also discuss adjustment requests with Disability Support staff to ensure that the requests and needs are being met appropriately. Adjustments must be commensurate with the effects of the disability and also must be supported by documentation. Furthermore, adjustments should not compromise the academic integrity, or lower standards within the course or program.

If an adjustment is deemed 'reasonable' under the Act this adjustment must be made in a timely manner, unless it causes 'unjustifiable hardship' or if it is covered under the 'exceptions' clause of the DDA (see details at the end of this document).

If the adjustment is deemed 'not reasonable' under the Act the education provider is not obliged to fulfil the request, even if it means that the student cannot participate in the course or program. Reasonable adjustments can include:

- Modifying educational premises. For example, making ramps, modifying toilets and ensuring that classes are in rooms accessible to the person with a disability;
- Modifying or providing equipment. For example, lowering lab benches, enlarging computer screens, providing specific computer software or an audio loop system;
- Changing assessment procedures. For example, allowing for alternative examination methods such as oral exams, or allowing additional time for a student with a disability to undertake an exam using a scribe.
- Changing course delivery. For example, providing comprehensive lecture notes or research materials in different formats or providing a sign language interpreter for a deaf student.





## HOW DO YOU DECIDE WHETHER AN ADJUSTMENT IS REASONABLE?

In deciding whether an adjustment is reasonable, you can seek advice from Disability Support staff who will assist you in looking at the benefits and disadvantages of the adjustments, taking the following into account:

- The barriers, needs or challenges confronting a student with a particular disability;
  - The course requirements. The adjustment must not compromise the academic standards or essential requirements of a course;
  - The views of the student with a disability and their associates.
  - The effects of the adjustment on all people who are affected by the adjustment. This includes the effect on the University, on staff or other students, as well as the student with a disability. (Inconvenience on others would not be an appropriate reason to refuse an adjustment. For example, if a student with a mobility-based disability could not access a particular classroom, and therefore another classroom on the other side of campus was used, then the inconvenience to other students and staff of having to walk to the other side of campus would not be seen as a defence.
- If however, this student could not attend the lecture on campus and made a request that the class be taught at a building off campus, that would be deemed unreasonable);
- The adjustment must be commensurate with the disabling affects of the condition, and must genuinely allow the student to participate on the same basis as other students. For example, if a student has paraplegia and their only disability is an inability to walk, their asking for comprehensive lecture notes would not be considered a reasonable adjustment. After all, this student can write and take notes in the same way as any other student. However, if the student needed a room change or asked for classes to begin five minutes later because they needed to get from one side of the campus to the other, this would be deemed a reasonable request.
  - The adjustment must be provided in a timely manner for it to be useful to the student. For example, if a student with a vision impairment requests copies of overheads in large print to follow in class, they should be made available before the beginning of the lecture;
  - The adjustments need to be reviewed regularly. Some conditions change and therefore the appropriate adjustment could change.

## CASE STUDY

A drama school runs a course for people who want to write reviews about plays. The course requires students to watch and make comments on a number of plays. A blind man, James, wants to participate in this course, but he is told he can't because he can't physically see the plays. James points out that many blind people enjoy attending plays and would benefit from reviews from another blind person. He provides examples of his experiences from listening to plays, and following what is happening with help from a script with stage directions.

After consultation, the drama school apologises and agrees to adjust its policy. The school acknowledges that theatre can be experienced and reviewed on many different levels and that a blind person's experiences are as important and relevant as those of people who are not blind. For that reason James' participation is consistent with the purpose of the course and maintains the course's academic standards.

*Source: DDA Education Standards Website*



## INHERENT REQUIREMENTS

While appropriate adjustments must be made, students with a disability must still be able to fulfil the inherent requirements of a course or program.

The DDA and Education Standards do not define the term inherent requirement and there are few guidelines to assist in defining what would be an inherent requirement of a particular course. For example, is being able to walk unaided an inherent requirement of a nursing degree? Would the ability to see colour be an inherent requirement of an electrical engineering degree?

Even though there are difficulties establishing what constitutes inherent requirements within a course, it is nevertheless important to make the effort to try to identify and articulate them. It will help establish when an adjustment is appropriate, and also assist as a defence should a complaint be made about a refusal for a particular adjustment. It is important to note too that just because a task, activity, or

assessment requirement is listed as 'essential' in the course guide, it does not mean that it can be considered an inherent requirement. An inherent requirement would be an element of the course that is defensible in court and, without which, the course would be deemed worthless.

If a student is unable to fulfill the inherent requirements of a course after reasonable accommodations have been provided, they will not be able to complete the course. The DDA does not require universities to lower academic standards to accommodate students with a disability. The student may be obliged to complete an alternative course of study more appropriate to their abilities. The Disability Support staff can assist in making this assessment.

Guidelines to assist universities in determining the inherent requirements of courses have been written by Curtin University and are available at: <http://eesj.curtin.edu.au/projects/disability/examine.html>

## PLANNING AND COURSE DESIGN

It is impossible to plan for every possible scenario when it comes to making adjustments for students with a disability within your course or program. The most important factor to consider is that the likelihood of you needing to make adjustments for a number of students with a disability at some stage in your teaching career, is high.

It is recommended that you use inclusive teaching and universal design principles when developing a course because of the uncertainty and diversity of student needs. Inclusive teaching and universal design principles take into account the learning styles and needs of the diverse student cohort (disability, race, socio-economic status, gender, language, ethnicity, sexuality etc).

In relation to students with a disability, when designing your course you need to ask yourself a number of key questions.





Course design should accommodate the needs of individual students with a disability – without compromising academic standards.

These may include:

- Is the lecture material available in a form that can be made accessible to a student who:
  - Is blind or has a vision impairment?
  - Has dyslexia?
- Is there any course requirement such as field trips that will make participation difficult for a person who:
  - Uses a wheelchair?
  - Has mobility difficulties?
  - Has a vision or hearing-based disability?
  - Cannot write or read without adjustments?
- Are there resources that need to be utilised in the course that may not be easily accessed by all students, such as audiovisual resources? How will these resources be available to someone who is:
  - Blind?
  - Has severe vision impairment?
  - Is deaf or who has a hearing impairment?

- Are there physical components, such as lab work or manual handling, within the course that may pose a problem for some students? If there are, how will the course be made inclusive for someone who has:
  - Quadriplegia?
  - A disability that affects manual dexterity?
  - A back injury?

As far as inclusive teaching practices are concerned, an inclusive teaching checklist may include the following:

- Avoiding sexist, racist and socio-economic /class humour;
- Using inclusive language to ensure stereotyping is not present;
- Identifying barriers that prevent students from diverse backgrounds from learning;
- Varying teaching methods and learning activities to promote and support different learning styles/preferences;
- Using course material, activities, texts and readings that provide differing cultural / gender / race perspectives; and
- Making print- and web-based information accessible to students with a disability.

During the design stage of the program, you need to look at all aspects of the course including the teaching materials, the assessment tasks and participation requirements within the course. Ensure that the course is as accessible and flexible as possible to take into account the needs of all students, including students with a disability.

Students with some types of disabilities need to have enough lead time to plan ahead to ensure they have all course materials in an accessible format. Essential course requirement criteria and learning outcomes should be published in a timely manner, namely, prior to the commencement of the semester and preferably available to students a few weeks before semester begins.

#### **Resources for Planning and Course design:**

##### **EO Online Training Program**

[www.newcastle.edu.au/eonline](http://www.newcastle.edu.au/eonline)

##### **Cultural Diversity and Inclusive Practice Toolkit**

[www.newcastle.edu.au/service/equity/cdip/index.html](http://www.newcastle.edu.au/service/equity/cdip/index.html)

##### **Diversity and Inclusiveness Policy**

[www.newcastle.edu.au/policylibrary/000751.html](http://www.newcastle.edu.au/policylibrary/000751.html)

##### **Inclusive Language Policy**

[www.newcastle.edu.au/policylibrary/000156.html](http://www.newcastle.edu.au/policylibrary/000156.html)

##### **Inclusive Language Guideline**

[www.newcastle.edu.au/policylibrary/000797.html](http://www.newcastle.edu.au/policylibrary/000797.html)

##### **Inclusive Teaching Guideline**

[www.newcastle.edu.au/policylibrary/000750.html](http://www.newcastle.edu.au/policylibrary/000750.html)

##### **Inclusive Research Practice Guideline**

[www.newcastle.edu.au/policylibrary/000774.html](http://www.newcastle.edu.au/policylibrary/000774.html)





## TEACHING STUDENTS WITH A DISABILITY

### CONSULTING WITH THE STUDENT

When working with a student with a disability, the first step is making contact to discuss their support needs. Making an announcement in the first lecture / tutorial etc is the easiest way to start this process. Let all students know that if they have a disability that requires reasonable adjustments in lectures or to assessment items, they should make contact with you after the lecture or via email. Assure the class that all information shared with you will be treated with respect and confidentiality. Let students know that they can also meet with Disability Support staff or an Academic Disability Advisor who can help them work out what would be a reasonable adjustment within this environment.

When meeting with the student, discuss the effects of their condition in relation to their university studies. Ask the student how you can assist them, and let them tell their story. Discuss the format of lectures / tutorials etc and discuss how and if there will be barriers. Disability Support staff can be contacted for advice and for participation in such a meeting if required

Ask the student how their disability impacts on study. Most students will have a very clear understanding of their own needs. If they have recently attended school or other study, it may be helpful to ask what assistance was provided and how they felt about its effectiveness.

Support given to students with a disability is an integral part of the responsibility of academic staff.



## LECTURE AND TUTORIAL SUPPORT

Through the use of some very simple adaptations to teaching practice in lectures, seminars and classes, you can help to ensure students with a disability are not disadvantaged. There are many useful strategies that can be implemented to accommodate the needs of students with a disability. Suggestions are available at: <http://www.newcastle.edu.au/service/disability/disabilities/info-sheets/index.html>

Where it is not possible for the lecturer / tutor to provide comprehensive lecture notes, or if a student cannot take notes in class due to their disability, lecture notes may be organised through the Disability Support Service in some circumstances. Wherever possible however, the lecturer needs to look at ways of making lecture notes accessible to all students eg. through BlackBoard.

The most important skills you can utilise when working with students with a disability are: Creativity, lateral thinking, negotiation and understanding!!

If a student requires the lecture support to be organised through the Disability Support Service, they will need to submit a Lecture Support Application form prior to the commencement of semester. These are available through the Disability Support Service. The lecturers will then be contacted to see what form of lecture support is currently available, before a note taker is organised.

Despite the incorporation of inclusive teaching practices, adjustments will probably still need to be made in response to the particular needs of individual students. Comprehensive information about adjustments for particular disabilities can be found on the Disability Support Service's website: <http://www.newcastle.edu.au/service/disability/disabilities/info-sheets/index.html>

You can also contact a Disability Support Officer if you would like advice about how best to support a student with a disability in your course.

## CASE STUDY

David is a university student and has a vision impairment. David needs his course materials printed in large print. On several occasions one of his lecturers forgets to provide David with large print material. He also refuses to read the material out in class for David because he says it would take too much time. David makes a complaint. David, the lecturer, the Disability Advisor and the University's Complaints Officer then meet. The lecturer agrees that he will do his best to ensure all material will be in large print for David before each class in the future. If this is not possible, David and the lecturer agree to meet after those classes to make sure that David is clear on what material has been covered. The lecturer also agrees to make the material available in large print as soon as possible after those classes.

*Source: DDA Education Standards Website*



## ONLINE TEACHING

In recent years there has been an increase in the number of courses offered online. Flexibility and independence is increased because the learning material can be accessed at any time. There is less reliance on assistance such as note takers, scribes, and sign language interpreters, and the ability to submit work electronically can be useful for students with mobility-based impairments.

However, while there are positives, the increased usage of online teaching has also brought with it some drawbacks for students with a disability. Strategies to make online learning more accessible to students with a disability can include:

- Allowing time for direct contact with students, should a student need to meet to discuss course content. For some students, having direct contact with teaching staff is an important part of learning;
- Ensuring all material online is accessible and able to be converted to alternative formats. If using PDF files, ensure they can be accessed via adaptive technology, including screen readers. Staff in the Adaptive Technology Centre can provide advice in this area;
- Avoiding using unnecessary graphics, icons and other visual cues. If these are needed, where possible include a text equivalent;
- Using colour and contrast appropriately, keeping in mind the needs of students with vision impairment or a learning disability (eg dyslexia);
- Ensuring a text transcript is also available for students with a hearing or vision based disability where you are using audio or video based systems;
- Making sure mechanisms are in place for students who need adjustments such as extra time, large print, alternative format, scribes, or readers where tests or quizzes are undertaken online;





## ASSESSMENT / ALTERNATIVE ASSESSMENT ARRANGEMENTS

Not all students are able to undertake standard assessment tasks. Students with a disability may require reasonable adjustments when it comes to them being assessed. These adjustments are referred to as Alternative Assessment Arrangements (AAA).

As with any other adjustment, AAA should only be put in place where the adjustment is commensurate with the disabling affects of the disability; where the student has provided appropriate supporting documentation; and, where the adjustment does not compromise the academic integrity of the course.

The adjustment should be equitable for both the student with the disability and for the majority of students who are sitting the exam. The AAA should be academically equivalent to the original exam.

As an example, if a student is enrolled in a public speaking course, and the student has a phobia about performing in public, then a request to submit a written assignment instead of making a presentation would not be considered reasonable. However, if the student made a request to take limited prompt notes into the presentation, then this may be considered reasonable.

What is considered a reasonable AAA will depend upon the assessment task. Some examples of appropriate adjustments could include:

- Flexibility with assignment deadlines;
- An alternative assessment task (eg a written assignment instead of making a presentation - unless the presentation is an inherent requirement (see above) of the course);
- Use of sign interpreters for presentations;
- Alternative Exam Arrangements (see below).

If you are unsure about what adjustments would be appropriate, discuss the issue with Disability Support staff.

*NOTE: Alternative Assessment Arrangements are sometimes referred to as 'Special Accommodations' or 'Additional Accommodations'. These terms have been superseded by the current terms 'Alternative Assessment Arrangements' or 'Alternative Examination Arrangements'. The reason for the change in terminology is that the words 'special' or 'additional' can be incorrectly interpreted to mean that the student is receiving benefits not available to other students, which seemingly will give them an advantage over the other students.*

In recent years there has been an increase in the number of courses offered online. Flexibility and independence is increased because the learning material can be accessed at any time.



## ALTERNATIVE EXAM ARRANGEMENTS

Alternative exam arrangements (AEA) are available, upon application, to students who have a disability or chronic illness and are unable to complete the exam without adjustments. These adjustments are available for formal exams, class and school exams, class tests, quizzes and practical examinations.

Students are able to request any adjustment, however it must be commensurate with the disabling effects of their condition. For example, a student with a severe hearing impairment may request the use of an English dictionary. This would be deemed an appropriate accommodation for the disability (as long as it did not compromise the integrity of the examination). A student with a broken arm might request a scribe and the use of an English dictionary. The scribe would be a reasonable request, but the English dictionary would not be. If in doubt, contact the Disability Support Service.

Alternative exam arrangements could include:

- Extra time;
- Sign interpreters;
- Readers;
- Scribes (amanuenses);
- Personal assistants;
- Oral examinations;
- Use of a computer;
- Use of specific software for personal computers - e.g., Zoomtext, voice activated software, spellcheckers, software designed for learning disabilities, screen readers;
- Specialised equipment or furniture, such as adjustable chairs, lectern, back supports, closed circuit TV;
- Ability to have rest breaks;
- Able to lie down, stretch or walk around;
- Ability to take food, drink or medication into exams;
- Ability to have a room of one's own;
- Split exams (only where the student's condition makes it impossible to complete the exam in one sitting with extra time);
- Providing the exam paper in an alternative format (eg electronic format, large print, different colour paper);
- Room with natural lighting, or the use of a reading lamp;
- Exam scheduling flexibility.

## FORMAL EXAMINATIONS

Formal examinations are organised by the Examinations Office and are held at the end of each semester and trimester. Students requiring AEA must register with the Disability Support Service and make arrangements to meet with the Disability Support Officer as soon as the final timetable is posted for each exam period.

An adjustment can only be made where appropriate notice has been given. Where a student has not made a formal request in a timely manner, it is not expected that the adjustment will be made. Adjustments cannot be made retrospectively.

Students have a two week period once the timetable is posted to make these arrangements. This information is passed onto the Examinations Office, which organises the specific adjustments. Applications for AEA after the closing date will only be accepted where the effects of the condition were unknown prior to the closing date. (For example where a student recently broke their hand in an accident)

Depending on timing, and the nature of the request, the application may be refused or the adjustments limited (eg if an application is made within a week of the exam, the student may only be granted extra time). If a student's application is refused, they are advised to submit a Special Consideration application and follow the appropriate procedures. See [www.newcastle.edu.au/policylibrary/000641.html](http://www.newcastle.edu.au/policylibrary/000641.html)



## SCHOOL AND CLASS EXAMINATIONS AND TESTS

Students with a disability are also able to apply for AEA for class exams, tests, quizzes, and online tests.

To make arrangements, students need to contact the lecturer, course co-ordinator or the Disability Support Service at least two weeks before the assessment task is to take place. The student should do this in writing either via email or via a mechanism prescribed by the course co-ordinator or lecturer. The application needs to state the course code, the date and time of the exam and the adjustments requested. This application needs to be supported by either a letter from a doctor / specialist or a letter from the Disability Support Service.

If you are uncertain about how particular adjustments should be made, or whether the request is reasonable, contact a Disability Support Officer for advice. Some costs involved with making the adjustment are to be absorbed by the school or faculty, while some may be covered by the Disability Support Service. The Disability Support staff can give you advice on this.

The lecturer or course co-ordinator makes the specific arrangements for the exam adjustments, or delegates this responsibility to an appropriate staff member.

## SPECIAL CONSIDERATION AND ALTERNATIVE EXAM ARRANGEMENTS

There is often confusion between Special Consideration and AEA. Special Consideration and AEA serve completely different functions. A student who requires AEA for formal or class-based exams should not also submit a Special Consideration application.

Alternative exam arrangements cover how a student undertakes the exam. They are not asking for Special Consideration, but need to undertake the exam with adjustments.

A Special Consideration application is made when a student feels that their performance in an exam was affected by particular circumstances. For clarification see: [www.newcastle.edu.au/policylibrary/000641.html](http://www.newcastle.edu.au/policylibrary/000641.html)

However there are occasions when a student with a disability requires both AEA and Special Consideration.

The following scenarios outline the difference between AEA and Special Consideration:

### FIRST CASE STUDY:

A student with schizophrenia has been admitted to hospital three weeks prior to the exams. Now she is well enough to do the exam, but will require AEA to be able to undertake it. This student's condition is exacerbated by being with large groups and her medication slows her thinking. Consequently, the AEA agreed to include being in a room on her own and having extra time to do her exams (an additional 10 mins per half hour).

Due to the effects of the medication, and because she had been in hospital for a few weeks prior to the exam, she will also be submitting a Special Consideration application. While this student was able to sit the exam in more comfortable conditions, her reasons for applying for Special Consideration are that she had little access to study resources while she was in hospital and the medication fogs her thinking. She hopes that she was well enough to pass her course, but also realizes that her illness and medication may have affected her performance.

### SECOND CASE STUDY:

A student has a severe vision impairment and requires large print and extra time for all exams including class tests and quizzes. This student applies for AEA to ensure she is able to undertake the exam. This student would not submit a Special Consideration application.

## REASONABLE ADJUSTMENT PLANS FOR FIELDWORK, PRACTICUM AND INTERNSHIPS



Many courses offer fieldwork, practicum or internship opportunities. In the majority of cases, these are compulsory and must be completed to satisfy the requirements of the course and program. It is therefore important to ensure that appropriate adjustments are made so students with a disability can participate in these components of their courses. Like any other course requirement, students must still be able to fulfil the inherent requirements of the activity, and any adjustments made should not compromise the academic integrity of the placement.

For students with a disability, it is recommended that a Reasonable Adjustment Plan (RAP) be used to implement appropriate adjustments when they are undertaking fieldwork / practicum / internships.

The advantages of using a RAP include:

- Helping to identify barriers and reasonable adjustments;
- Providing clarity for students, staff and field supervisors;
- Reducing likelihood of complaints after placement;
- Helping to ensure that the university is complying with its responsibilities under the DDA and Education Standards;
- Helping students to understand and comply with their responsibilities.

There are four key steps a RAP should follow:

**Step one:** Prior to the placement, the lecturer or practicum / internship co-ordinator should discuss the major objectives, goals and roles and responsibilities of placements to all students within the class. Students should then be invited to meet with the lecturer or practicum / internship co-ordinator if they feel they have a disability or medical condition that may impact on their ability to complete all requirements of the placement.

This should be undertaken early so there is ample time to ensure appropriate adjustments can be made

**Step two:** Meet with the student to discuss the specifics of the fieldwork / practicum / internship. Areas to discuss should include:

- Identification of goals, roles, responsibilities and tasks of the specific placement
- Identification of possible barriers that may exist due to the student's disability or medical condition. For example, a person may have a hearing impairment and might find it difficult to hear instruction;
- Identification of strategies to eliminate or minimise the effects of the condition;
- Outlining the responsibilities of the student and the lecturer / co-ordinator, practicum / internship supervisor.

**Step three:** Draw up a RAP outlining the goals, roles, responsibilities and adjustments as discussed and agreed upon in the meetings. This can be revised as necessary through the placement. A copy of the RAP should be provided to all appropriate parties including the student, the practicum / internship co-ordinator, and the practicum / internship supervisor.

**Step four:** It is important to monitor the placement to ensure the adjustments are effective. This monitoring should include:

- A review of the situation within the first week of placement. This will allow the student and field supervisor to identify any barriers and strategies that may only be evident once the placement begins. These should be incorporated into the RAP;
- Good communication throughout placement. The student should be able to contact the lecturer or practicum / internship co-ordinator at any stage throughout the placement, particularly if further barriers are being identified, or if strategies or reasonable adjustments need to be altered.



## DISCLOSURE, CONFIDENTIALITY AND DOCUMENTATION



### CONFIDENTIALITY

Privacy and confidentiality are important factors when working with students with a disability. Students with a disability are not obliged to disclose all the details relating to their condition, and any information provided by the student needs to be respected and confidentiality maintained. When meeting with the student, let them know briefly what your role is and your confidentiality perimeters. It is not always possible to guarantee confidentiality, so it is advised that you outline to the student what type of information can remain between you and what type of information you are obliged to pass on to other staff members. This way the student can make an informed decision about what specific information they wish to discuss.

Once the boundaries have been established, any information provided by the student in relation to their condition must be kept confidential unless the student has given permission to discuss the details with other staff. If a student requests support or appropriate adjustments, they only need to provide documentation to one university 'agent'. Usually this is the Disability Support Service. A Disability Support Officer will then write a letter or email verifying that documentation is held with the university, and outlining the support needs of the student. Disability Support Officers encourage students to discuss relevant information with their lecturers and tutors; however, students are not obliged to follow this advice.





## DISCLOSURE

Students with a disability are not obliged to disclose their personal details unless they require services, support or adjustments. If a student does disclose the details to a staff member, the staff member is expected to treat the information with respect and not discuss the information with anyone else unless the student gives permission to do so.

For more information and guidance see [www.uws.edu.au/rdlo/disclosure](http://www.uws.edu.au/rdlo/disclosure)

## DOCUMENTATION

Students with a disability are not obliged to disclose their personal details unless they require services, support, or adjustments. For conditions that do not change, documentation only needs to be provided once. If the condition changes, and the student's requirements change, further documentation will need to be provided. For further details please see: <http://www.newcastle.edu.au/policylibrary/000839.html>

Students with a disability are not obliged to disclose their personal details unless they require services, support or adjustments.

## ATTITUDINAL ISSUES – LANGUAGE, LABELLING AND HARASSMENT

One of the most important, yet difficult to define areas of working with students with a disability, is our attitude towards people with a disability. Peoples' attitudes affect the ways buildings are designed, the way laws are enacted, the way people are treated, and the way people feel in relation to belonging to a group. Attitudes can also impact on whether people feel they have a right to be in a particular place or undertake a particular task.

Clearly, it is important to maintain a positive attitude towards students with a disability. Key features of a positive attitude include:

- Treating all people as equals;
- Focusing on what people can do;
- Recognising individuality;
- Consulting with the person directly about issues that affect them;
- Fostering participation and inclusion;
- Using information free from bias;
- Respecting rights and confidentiality;
- Providing access to services;
- Displaying attitudes and actions that recognise people with a disability are in charge of their own lives, have abilities and rights;
- Focusing on the person, rather than the disability;
- Ensuring provisions are made so that a disability does not become a handicap;
- Using appropriate language and refraining from labelling people or situations.

Students with a disability have exactly the same needs and expectations as all students. They attend classes, pay fees and are expected to fulfil the same academic requirements as any other student.





## LANGUAGE

Students with a disability have exactly the same needs and expectations as all students. They attend classes, pay fees and are expected to fulfil the same academic requirements as any other student. Therefore, the language that university staff use should reflect this. For example:

- When we are referring to a student with a disability, there is no need to comment or mention the disability unless it is directly relevant to the conversation;
- Use 'people-first' language. Try to avoid referring to a person as 'the disabled student', or 'the paraplegic'. Appropriate terminology would include:
- Person with a disability;
- Person with a hearing impairment;
- Student who is deaf;
- Person with cerebral palsy.

The best way to refer to a student with a disability is by their name.

- Try to avoid differentiating between individuals or groups by using terms like 'normal students' vs. 'students with a disability'. For example, instead of saying "the ramp to the building means that the building is accessible for students with a disability as well as normal students", it is preferable to say, "the ramp means that the building is accessible", or "the ramp to the building means that everyone can access the building";
- Try to use language that is not emotive -eg. "the student with cancer" rather than "the student suffers from cancer": "the student with cerebral palsy" rather than "the student is a cerebral palsy victim"





## STUDENTS WITH A DISABILITY

In relation to providing support to students with a disability, international students are no different to any other student. These students are subject to the same rights and responsibilities as domestic students, and their needs are met primarily through established systems. Like domestic students, international students are covered by the DDA. The DDA not only covers students once they have arrived, but also covers them at the recruitment and enrolment stage. It is unlawful to reject a student's application purely on the basis of their disability, or related costs.



If the program were offered offshore, local laws, not Australian laws, would cover the regulations and policies in relation to support. However, this can often be overwritten by specific agreements the University has put in place. If agreements state that offshore students will have access to the same services and support as domestic students, then we have an obligation to provide the same level of support.

The Department of Immigration and Citizenship (DIAC) can refuse to grant a person a visa on the basis of the person's disability, but only where the disability is a threat to public health, where it will mean a significant cost to the community, or where it will prejudice access by Australian citizens or permanent residents to health care.

International students with a disability must comply with visa regulations. They must declare their disability or medical condition to obtain a visa, and must undertake a full time workload. If a student's disability or medical condition prevents them from undertaking a full workload, they need to apply to DIAC before they can reduce their workload. Permission for a reduced workload is not guaranteed and the student is required to submit a strong argument and supply supporting documentation before their request is considered. Nondisclosure of disability or medical condition may result in their visa being revoked. International students must also ensure they have appropriate medical insurance.



## LEGAL AND POLICY FRAMEWORKS AND DEFINITIONS

A number of laws, guidelines, policies and plans inform how we work with students with a disability. The main ones are listed here with a brief description. Comprehensive information about these is available on the web.

### THE DISABILITY DISCRIMINATION ACT, 1992 (DDA)

The Commonwealth Disability Discrimination Act (DDA) was enacted in 1992 to provide protection for everyone in Australia against discrimination based on disability, and is primarily administered through the Human Rights and Equal Opportunity Commission (HREOC).

The DDA states that it is unlawful to discriminate against a person with a disability across many areas including education. In relation to education, the DDA covers people with a disability at all stages of the education process including enrolment (or making enquiries about enrolment), students who are currently studying at the institution, and people who are no longer studying at the institution or have been expelled from the institution.

### COMPLAINT CASES

The DDA is a complaints-based Act, so at times it is unclear whether a particular action or denial of a particular adjustment would be considered unlawful. Since the DDA came into force in 1992, a number of complaints have been resolved either through conciliation or through court action. The results of these cases can be found at the Human Rights and Equal Opportunity Commission website ([www.hreoc.gov.au/disability\\_rights/decisions/decisions.html](http://www.hreoc.gov.au/disability_rights/decisions/decisions.html)) and may provide information that can assist you when making decisions about providing reasonable adjustments.

Further information about the Disability Discrimination Act 1992 can be found at [www.hreoc.gov.au/disability\\_rights](http://www.hreoc.gov.au/disability_rights)





## THE DISABILITY STANDARDS FOR EDUCATION, 2005 (EDUCATION STANDARDS)

The Disability Discrimination Act (1992) allows for the Commonwealth Government to implement Disability Standards in particular areas of life, including education. The Education Standards were introduced in 2005 as subordinate legislation to explain the DDA in more detail. They outline the obligations of organisations and institutions such as schools and universities in relation to students with a disability to ensure these students have access to the same opportunities and choices that are available to other students. As well as outlining the rights of a student with a disability and the education provider's obligations, the Education Standards also affirm that universities are entitled to maintain academic standards and requirements.

The Education Standards assist the University to work out whether adjustments are reasonable. The University and students with a disability can use the Education Standards as a guide to negotiate adjustments in particular circumstances. It is important to note that a student can make a formal complaint to HREOC if the University and University staff do not fulfil the obligations under the Disability Discrimination Act Education Standards.

Further information about the DDA Education Standards can be found at [www.ddaedustandards.info](http://www.ddaedustandards.info)  
[www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination\\_DisabilityStandardsforEducation](http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_DisabilityStandardsforEducation)



## THE UNIVERSITIES AUSTRALIA DISABILITY GUIDELINES

The Universities Australia (formerly Australian Vice Chancellor's Committee (AVCC)) developed guidelines to assist universities to provide accessible services to all students. The guidelines aim to assist universities in meeting the needs of students with a disability by outlining good practice across the spectrum of the student experience from recruitment and selection, through to transition to employment. The guidelines encompass the three key areas of - policy and administration; teaching and learning; and, campus life and services.

These guidelines were first developed in 1996 and revised in 2006 in recognition that:

- DDA case law has developed, complementary state-based legislation has been introduced, and obligations on institutions are now better understood;
- There has been a significant increase in numbers of students with a disability attending universities and in the expectations of these students;
- Students are more frequently resorting to formal complaints both within the University and under anti-discrimination legislation;
- There has been a significant shift in institutional response to disability issues, with most universities now having professional disability services in place;
- The 'AVCC Guidelines on Information Access for Students with Print Disabilities' were developed in 2004;
- The Disability Standards for Education were introduced in 2005 and clarified both the obligations on universities to provide accessible educational services to all students, and the rights and responsibilities of students.

Further information can be found at [www.universitiesaustralia.edu.au/documents/publications/policy/statements/DisabilityGuidelinesMay06.pdf](http://www.universitiesaustralia.edu.au/documents/publications/policy/statements/DisabilityGuidelinesMay06.pdf)



## THE UNIVERSITY OF NEWCASTLE STUDENTS WITH A DISABILITY POLICY

The Students with a Disability Policy outlines the University's position in relation to students with a disability. It covers the rights and responsibilities of students with a disability as well as the rights and responsibilities of the staff that work with them.

Further information can be found at

[www.newcastle.edu.au/  
policylibrary/000344.html](http://www.newcastle.edu.au/policylibrary/000344.html)

## THE UNIVERSITY OF NEWCASTLE DISABILITY ACTION PLAN 2007 - 2011

This Disability Action Plan (DAP) offers staff and students of the University a succinct statement of the University's goals, strategies and targets for assisting staff and students with a disability.

The DAP aims to ensure that the University of Newcastle's enduring commitment to access and equity is put into practice for people with a disability who use the University, and to ensure that all areas of the University comply with the Commonwealth Disability Discrimination Act (1992).

The DAP 2007 - 2011 objectives are to provide equitable learning opportunities for people with a disability; provide equitable employment opportunities for people with a disability; and provide an inclusive culture and environment, and accessible facilities for people with a disability.

Further information can be found at

[www.newcastle.edu.au/service/equity/  
index.html](http://www.newcastle.edu.au/service/equity/index.html)



## EXCEPTIONS TO THE DISABILITY DISCRIMINATION ACT (1992) DISABILITY DISCRIMINATION ACT STANDARDS FOR EDUCATION, (2005)



### CASE STUDY

Annie is a student with Attention Deficit Hyperactivity Disorder (ADHD). She completed her final exams last year. She did well at her high school and says that this was because her school had small classes and the teachers were well trained to understand her disability.

Now she is enrolled in a course at a university. She is not doing well in her assessments and asks the university to move her to a small class instead of having to go to large classes filled with many students. She provides the university with reports from her high school teachers that say small classes are a good adjustment for Annie. The university says that it probably needs to improve the training of its lecturers in disability awareness, in particular ADHD. However, the university refuses to change the class structure and create a small class for Annie. It says that doing this would cost it too much and it would not be fair to the other students who would still have to go to the large classes. Also, it says it doesn't have enough staff to make this adjustment and that class timetables couldn't be changed without a lot of trouble. The university says a review of available classrooms shows that the only spare classrooms are in a completely different part of the university grounds. Here, the university is using the exception of unjustifiable hardship to refuse to provide a small class for Annie. If this went to court, the university would need to show reports, review notes and written reasons to try to prove a small class would cause unjustifiable hardship.

*Source: DDA Education Standards Website*

There are four main exceptions to the DDA and Education Standards. They are:

- Unjustifiable hardship;
- Protection of public health;
- Exceptions for special measures, and;
- Exceptions for court orders and special laws.



## UNJUSTIFIABLE HARDSHIP

There is a provision for unjustifiable hardship under the DDA and Education Standards. Some factors that might cause unjustifiable hardship include:

- Cost – where the cost of an adjustment or accommodation is so high that an education provider cannot afford it;
- Safety – where carrying out an adjustment might put other people at risk;
- Severe inconvenience – where other students may be subject to extreme inconvenience due to an adjustment.

If the exception of unjustifiable hardship is to be used as a defence for not providing a particular adjustment, the University would need to prove that the obligation would cause it unjustifiable hardship in any of the ways listed above.

## PROTECTION OF PUBLIC HEALTH

Under the Education Standards, discrimination may be allowed if a person has an infectious disease or other condition and it is reasonably necessary to discriminate to protect the health and welfare of that person or others. The education provider must show how discriminating against a student with an infectious disease or other condition actually protects that student or other people against that disease or condition. Where the DDA and Occupational Health & Safety (OH&S) legislation conflict, usually the OH&S legislation overrides the DDA. This cannot be assumed however and determinations would need to be made on a case by case basis.

## EXCEPTIONS FOR SPECIAL MEASURES

Positive discrimination that helps or assists people with a disability is not against the law. For example, a university that gets a grant for a program specifically designed to help students with an intellectual disability will not be discriminating if it refuses to provide the same funding for a person with a physical disability.

## EXCEPTIONS FOR COURT ORDERS AND SPECIAL LAWS

Court orders and some other special laws can allow discrimination. These special laws are called 'prescribed laws'. If a person follows a prescribed law or a court order, they will not be breaking discrimination laws.

## DEFINITION OF DISABILITY

The definition of disability used by the University of Newcastle is the definition used in the Disability Discrimination Act (1992) (DDA).

The DDA defines 'disability' as:

- Total or partial loss of the person's bodily function or mental functions; or
- Total or partial loss of a part of the body; or
- The presence in the body of organisms causing disease or illness; or
- A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour.

It is important to note that the DDA covers a disability which the person:

- Has now;
- Has had in the past (for example a past episode of mental illness);
- May have in the future (for example, a family history of a disability which may also develop for the person in question);
- Is believed to have (for example if people think the person may have AIDS)

The DDA also covers discrimination because:

- The person is accompanied by an assistant, interpreter or reader; or
- The person is accompanied by a trained animal, such as a guide dog, or a hearing dog; or
- The person uses equipment or an aid, such as a wheelchair or hearing aid.

The DDA also protects people such as relatives, friends, carers and co-workers if they are discriminated against because of another person's disability, for example:

- If a parent is refused a job because the employer assumes he or she will need time off work to look after their child with a disability;
- Someone is refused access to a restaurant because they are accompanied by a person with a disability; or
- A carer is refused accommodation because they are caring for someone with a disability;
- A co-worker is hassled about working with a person with a disability.

Harassment because of a disability, such as insults, or humiliating jokes, is unlawful in employment, education, and in the provision of goods, services and facilities.







## WHERE TO GO FOR HELP

The Disability Support Service can provide advice and assistance.

Contact details for Disability Support Officers are:

**Callaghan campus**

T: 4921 5766 or 4921 5866

**Ourimbah campus**

T: 4348 4060

**Port Macquarie and Singapore campuses**

Please contact the Disability Support Officers at Callaghan.

Contact details for the Adaptive Technology Centre are:

T: 4921 8684 or 4921 7046

**E: [student-disability@newcastle.edu.au](mailto:student-disability@newcastle.edu.au)**

## ACADEMIC DISABILITY ADVISORS

Academic Disability Advisors are available in each School. The Academic Disability Advisors can provide advice to other staff within their school and act as a referral point.

## FREQUENTLY ASKED QUESTIONS

### **When should students apply for reasonable adjustments?**

A student should apply for reasonable adjustments if they have a disability or chronic illness that is likely to affect their academic performance or ability to move around campus.

### **Can students apply for reasonable adjustments if they have a temporary disability such as a broken arm?**

Yes. Students can apply for reasonable adjustments whether they have a temporary or permanent disability, providing they have documentation supporting their request and the request is commensurate with the disabling effects of their condition.

### **Does every student with a disability need to apply for reasonable adjustments?**

No. Students should only apply for adjustments if they feel they need them to be able to fulfil their responsibilities as a student.

### **Do students need to notify their lecturers / course co-ordinators / tutors of their disability?**

Students do not need to notify lecturers or coordinators of their condition if they do not want to. While students are encouraged to discuss their learning needs with their teachers, they are not legally obliged to do so. If a student requires an adjustment, they can discuss the specifics with a Disability Support Officer.

### **How do students register with the Disability Support Service?**

To register with the Disability Support Service students need to make an appointment with one of the Disability Support Officers to discuss their needs. To successfully register with the Service a student needs to provide appropriate supporting documentation.

### **How do I get help with essay writing?**

If a student with a disability needs help with essay writing and general academic skills, where should they be referred to?

- The Learning Support Service within the Centre for Teaching and Learning offers free workshops, tutorials, individual assistance and Blackboard courses for academic skills development. More information is available at [www.newcastle.edu.au/unit/ctl](http://www.newcastle.edu.au/unit/ctl)

- For library and research skills - InfoSkills tutorials are available at [www.newcastle.edu.au/service/library/tutorials/infoskills/index.html](http://www.newcastle.edu.au/service/library/tutorials/infoskills/index.html)
- For general computer skills - self paced ITskills tutorials are available at itskills. <http://www.newcastle.edu.au/service/teaching-learning/itskills.html>

### **What support is available in lectures?**

Depending on identified needs and supporting documentation, students may be eligible for services including sign interpreters, note taking, equipment loans and ergonomic furniture. Audio loops and recording equipment are available in several lecture theatres.

### **What support is available for physical assistance for students with a disability in the library?**

Staff at all libraries can provide some assistance such as building access, orientation, retrieval of physical items, photocopying, library and information training. For ongoing regular support, it is recommended that students register with the Adaptive Technology Centre located in the Auchmuty Library for library and computer support, adaptive technology, equipment loans and ergonomic furniture.

### **What support services are available if a student's disability prevents them from using a computer?**

The Adaptive Technology Centre specialises in assisting students with a disability in the use of computer technology. The Centre provides students with a range of adaptive and mainstream computer technologies to assist them with their studies. Training and support are provided by Centre staff on an ongoing basis. To use the resources available through the Adaptive Technology Centre students must be registered with the Disability Support Service and have documentation that supports the use of this facility.

For more information check the Adaptive Technology Centre's web page at [www.newcastle.edu.au/service/disability/adtech/index.html](http://www.newcastle.edu.au/service/disability/adtech/index.html)

### **If a student with a disability requires extensions on assignments, or needs to apply for Special Consideration, should I refer them to the Disability Support Service?**

No. Any student needing an extension on an assignment or needing to apply for Special Consideration should follow the process as outlined in the Extension of Time or Adverse Circumstances procedure. Information about this can be found at [www.newcastle.edu.au/policylibrary/000641.html](http://www.newcastle.edu.au/policylibrary/000641.html)

To apply for Special Consideration or for an Extension of Time, students need to go to [www.newcastle.edu.au/study/enrolment/SpecialCircumstancesChecklist20070402.doc](http://www.newcastle.edu.au/study/enrolment/SpecialCircumstancesChecklist20070402.doc)

The student will need to attach either primary documentation from their doctor/specialist or a current letter from the Disability Support Service.

If you think a student may need to discuss their support needs more fully, it would be worthwhile suggesting they make an appointment to see a Disability Support Officer.

### **Can I get a list of all students registered with the Disability Support Service who are enrolled in my course at the beginning of each semester?**

No. The Disability Support Service can't provide a list of students who have a disability. Confidentiality policies prevent the Service from giving this information to other staff. Also, not all students register before the semester begins. Many students only register when it becomes apparent that they may need adjustments.

It is the student's choice about whether they disclose their personal details to their lecturers / tutors / course coordinators. Disability Support Officers encourage students to discuss their situation with their teachers, however, the student is not obliged to do this. If a student would like the Disability Support Officer to contact the lecturer / tutor / course co-ordinator, the Disability Support Officer will do so.





**Who is responsible for making the specific arrangements for a student with a disability for class based exams or tests?**

The lecturer, course coordinator or their delegate is responsible for making the specific arrangements for class exams. The Disability Support Officer can provide the student with a letter outlining their support needs. A student with a disability should make direct contact with the lecturer / course coordinator at least two weeks prior to the exam / test to discuss the details and make arrangements.

**If a student has a mobility-based condition that makes it difficult to move around campus, what assistance is available?**

The Disability Support Service has a mobility bus that can assist students move around the Callaghan Campus. If a student at Ourimbah campus has difficulty, they should discuss options with the Disability Support Officer based at the Ourimbah Campus. Students should contact the Disability Support Service to make arrangements.

**How much notice does a student need to give if they need adjustments?**

Students need to give appropriate notice for the responsible person to be able to make the necessary arrangements. It is recommended that a student give at least two weeks notice, or follow particular prescribed processes.

**Are support services and adjustments for students with a disability available at all campuses?**

Support, services and adjustments are available to students with a disability at all campuses of the University. The support and services may be delivered in a slightly different way at different campuses.

**Does the Disability Support Service have a website?**

Yes, the Disability Support Service has a comprehensive website. It is highly recommended you look at this site if you have any questions or you would like to find out more about the Service at <http://www.newcastle.edu.au/service/disability/index.html>

**I understand that different students may need different adjustments. Is there any information available about how to provide adjustments for particular conditions?**

Yes, the Disability Support Service has comprehensive information on this subject on its website. This can be found at [www.newcastle.edu.au/service/disability/disabilities/info-sheets/index.html](http://www.newcastle.edu.au/service/disability/disabilities/info-sheets/index.html)



## RESOURCES

This document was prepared by the University of Newcastle Disability Support Service, using information from many of the sources listed and in collaboration with the National Disability Co-ordination Officer Program.

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Further information can be found at the following websites:

**The University of Newcastle Disability Support Service**  
[www.newcastle.edu.au/service/studentsupport/index.html](http://www.newcastle.edu.au/service/studentsupport/index.html)

**The University of Newcastle Student Support Service**  
[www.newcastle.edu.au/service/studentsupport/index.html](http://www.newcastle.edu.au/service/studentsupport/index.html)

**Human Rights and Equal Opportunity Commission**  
[www.hreoc.gov.au](http://www.hreoc.gov.au)

**The Disability Discrimination Act Education Standards Website**  
[www.ddaedustandards.info](http://www.ddaedustandards.info)

**Australian Universities**  
[www.universitiesaustralia.edu.au/documents/publications/policy/statements/DisabilityGuidelinesMay06.pdf](http://www.universitiesaustralia.edu.au/documents/publications/policy/statements/DisabilityGuidelinesMay06.pdf)

**The University of Newcastle Policy Library**  
[www.newcastle.edu.au/policylibrary/000344.html](http://www.newcastle.edu.au/policylibrary/000344.html)

**The University of Newcastle Disability Action Plan**  
[www.newcastle.edu.au/policylibrary/000344.html](http://www.newcastle.edu.au/policylibrary/000344.html)

**National Disability Co-ordination Officer (NDCO) Program (Formerly Regional Disability Liaison Officer (RDLO))**  
[www.newcastle.edu.au/rdlo](http://www.newcastle.edu.au/rdlo)

**Creating Accessible Teaching and Support**  
[www.adcet.edu.au/cats](http://www.adcet.edu.au/cats)

**Curtin University (Inherent Requirements)**  
[www.eesj.curtin.edu.au/projects/disability/examine.html](http://www.eesj.curtin.edu.au/projects/disability/examine.html)

**Australian Disability Clearinghouse on Education and Training**  
[www.adcet.edu.au](http://www.adcet.edu.au)

**Opening All Options (A Learning Disability Resource)**  
[www.adcet.edu.au/oao](http://www.adcet.edu.au/oao)



**Australian Government**  
**Department of Education, Employment and Workplace Relations**



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