

STUDENT DISABILITY POLICY AND PROCEDURES 2023

1 Name of policy

This is the Student Disability Policy and Procedures 2023.

2 Commencement

This policy commences the day after the day on which it is registered.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds Navitas Australia Pty Limited (formerly named Study Group Australia Pty Limited) (CRICOS Provider Code: 01682E) trading as Taylors College Sydney (the College), staff, students and affiliates.

4 Overview

The College is committed to providing an inclusive and accessible teaching and learning environment for all students enrolled in a Taylors College Sydney course. This policy and its procedures outline the College's framework and processes for ensuring the identification and appropriate implementation of support measures and reasonable adjustments for students with disability to participate fully in college life and obtain equal access to learning opportunities.

5 Application

This policy and its procedures apply to students enrolled in an English Language Intensive Courses for Overseas Students (ELICOS) course delivered by Navitas Australia Pty Limited (CRICOS Provider Code: 01682E) trading as Taylors College Sydney (the College), and to staff and affiliates of the College.

6 Definitions

Access means people's ability to participate in the life of the College including its learning, teaching, physical, digital, living and communication environments.

Academic English Preparation Program (AEP) means the non-award ELICOS program offered by the by Navitas Australia trading as Taylors College Sydney.

Adjustment means the following:

- (a) a measure or action (or a group of measures or actions) taken by the College that has the effect of assisting a student with a disability:
 - (i) in relation to an admission or enrolment, to apply for the admission or enrolment; and

	<p>(ii) in relation to a course or program, to participate in the course or program; and</p> <p>(iii) 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, a facility, or a service that the student requires because of their disability;</p> <p>(b) the provision of access to specialised support services that are necessary for a student to be able to participate in the activities for which they are enrolled.</p>
Admissions Centre	means the College office responsible for administering prospective student enrolments and admissions to the College.
Admissions Director	means the senior staff member responsible for approving student enrolments.
Affiliates	means consultants and contractors to the College, members of the College Committees; and any other persons appointed or engaged by the College.
Associate (of a person with disability)	means a spouse of the person; another person who is living with the person on a genuine domestic basis; a relative of the person; a carer of the person; and another person who is in a business, sporting or recreational relationship with the person.
CAAW	means a Confirmation of Appropriate Accommodation and Welfare letter issued by the College to approve a student's welfare and accommodation arrangements while under 18 years of age and while enrolled in an AEP course.
The College	means Taylor's College Sydney, including its staff, affiliates and contractors.
Course	means a sequence of academic subjects to achieve stated learning outcomes. An ELICOS course must have a minimum of 20 hours face-to-face scheduled course contact per week.
CRICOS	means Commonwealth Register of Institutions and Courses for Overseas Students.
Delegate	means a person who has been authorised to perform a specific responsibility.
Department of Home Affairs (DHA)	means the Australian Government department responsible for issuance of student visa and provision of student visa services (www.homeaffairs.gov.au).
Director of Learning	means the College equivalent of a Deputy Principal responsible for academic, teaching and learning administration and leadership.
Disability	means: <ul style="list-style-type: none">• total or partial loss of the person's bodily 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
- the malfunction, malformation or disfigurement of a part of the person's body; 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 judgment, or that results in disturbed behaviour;

and includes disability that:

- presently exists; or
- previously existed but no longer exists; or
- may exist in the future; or
- is attributed to a person.

A disability may be visible or hidden, may be permanent or temporary, can be genetic or acquired or as a result of a chronic health condition and may impact individuals in different ways.

Discrimination

means when people with disability are treated less fairly than people without disability. It also occurs when people are treated less fairly because they are associates of a person with disability.

Direct discrimination occurs whenever someone is treated less favourably on the basis of disability. Indirect discrimination occurs when a rule, practice or policy appears to be neutral but in effect has a discriminatory impact on a particular group of people.

Enrolment

means confirmed acceptance into an AEP course where a student is progressing towards the completion of the course requirements.

Harassment

means, in relation to:

- a person with disability, 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
- a person who is an associate, an action taken in relation to the associate's relationship with a person with disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate, or distress the associate.

Inclusion

means people of diverse backgrounds (for example, of different abilities, ages, cultural backgrounds or genders) feel valued and respected, have access to opportunities and resources, and can contribute their perspectives and talents.

International student/overseas student	means a person (whether physically located within or outside Australia) who holds or needs a visa with rights to study in Australia, and who has the right to enrol at the College.
Language, Literacy and Numeracy (LLN)	means the language, literacy and numeracy requirements to be met by students.
National Code 2018	means the National Code of Practice for Providers of Education and Training to Overseas Students 2018 made under subsection 33(1) of the Education Services for Overseas Students (ESOS) Act 2000 (Cth) , which outlines nationally consistent standards for the conduct of registered providers and the registration of their programs.
Overseas student	means a person (whether within or outside Australia) who is required to hold a student visa for the purpose of study in Australia as defined by the ESOS Act. May also be referred to as an international student.
PRISMS	means the Provider Registration and International Student Management System.
Reasonable Adjustment	means an adjustment in relation to a student with a disability that balances the interests of all parties affected, including the College, staff, and other students.
Reasonable Adjustment Plan	means a plan setting out the reasonable adjustments agreed to be implemented by the College following consultation with the person with disability.
Student	means a person who is currently an enrolled student in an AEP course (This does not include former students).
Unjustifiable Hardship	means the circumstances in which, if adjustments were made, the College or other parties affected may suffer detriment or unreasonable costs.

7 General principles

- (1) The College aims to fully support students with disability by building a culture of inclusion.
 - (a) The College aims to ensure that students with a disability are able to access those support and learning services used by other students on the same basis as a student without disability.
 - (b) The College will have sufficient student support personnel to meet the needs of enrolled students, including students with disability.
 - (c) The College will provide reasonable adjustments to students with disability.
 - (d) The College curriculum, and teaching and learning environment, is monitored for its accessibility and inclusiveness to allow the full participation of students with disability.
 - (e) The College provides staff with training on how to apply this policy and its procedures.
 - (f) The College will take all reasonable steps to support students with disability who may be disadvantaged by additional costs or other requirements, while undertaking online learning.
 - (g) The College aims to eliminate discrimination against people on the grounds of disability, so that students with a disability have access to enrolment and student services and can participate in learning activities on the same basis as students without disability.
 - (h) Bullying, harassment, victimisation and discrimination, including in relation to disability, are prohibited within the College. The College has policies in place to prevent, manage and eliminate bullying, victimisation, harassment and discrimination.

- (i) College staff are educated and trained in the identification and management of all forms of bullying, victimisation, harassment and discrimination. All reasonable steps will be taken by the College to educate students about discrimination, and ensure that students do not harass or victimise students with disability or their associates.
 - (j) The College will not discriminate against a person on the grounds of that person's disability by refusing to consider their application or in the terms under which they are admitted, or by denying them access or limiting their access to any benefit provided by the College. However, the College may be unable to admit a student with a disability if admission would require provision of such facilities or services that exceed the College's capability or impose unjustifiable hardship on the College.
- (2) The College consults with students with disability requiring adjustments.
- (a) Enrolment processes include opportunities for students to disclose disability and to request reasonable adjustments for learning and assessment. Students with disability are informed pre-enrolment of the support able to be offered by the College.
 - (b) Prior to enrolment, every student is required to complete an application for admission, which, when an offer of acceptance is signed by the student, becomes part of a contract between the College and the student for the delivery of educational services. Applicants are requested to provide information with the application for admission about any special needs they may have due to disability, so that the College is able to confirm it will be capable of providing any reasonable adjustments required.
 - (c) Applicants identified with special needs due to a disability in regard to language, literacy or numeracy are provided with assistance to maximise learning outcomes. The College will consult with each student who has special needs due to a disability in regard to language, literacy or numeracy needs. Discussion will focus on the student's needs and appropriate assistance options. Possible options may include but are not limited to additional English language classes, special tutoring, and/or outsourcing of specialised assistance.
 - (d) Reasonable Adjustment Plans (see below, Section 9, and Part 2 - Disability Support Procedures) are created as required for students with disability and these are monitored each term. Reasonable adjustments for each student will be determined by a consultative process to meet an individual's needs, as outlined in the procedures below. This process will be reviewed on a periodic basis to ensure that it meets the changing needs of the learner
 - (e) The College recognises that it may not always have the expertise and internal knowledge to identify and meet the support needs of students with disability. The College may use external expertise in relation to disability as required.

8 Procedural fairness

- (1) Students with disability have the right to expect that:
- (a) they will be treated with dignity and respect
 - (b) the College will establish an inclusive and accessible educational environment
 - (c) they can undertake their studies free from discrimination, bullying and harassment
 - (d) staff will invite them to discuss their needs for reasonable adjustments and acknowledge and respond to their requests promptly and with due diligence
 - (e) where required, they may be assisted by an associate
 - (f) relevant staff will be given appropriate training for meeting their learning and support needs
 - (g) they will be given the opportunity to develop skills which will enable them to participate fully in college life and obtain maximum benefit from available services

- (h) confidential information about their disability will not be disclosed without their permission, unless exceptional or legal circumstances prevail, for example to ensure the safety of students, staff or visitors
 - (i) they will have an opportunity to seek reasonable adjustments for learning, to discuss their specific requirements with relevant College staff (with assistance if required), and be consulted and share responsibility in negotiating solutions.
- (2) All staff have a responsibility to ensure equity for students with disability and to fulfil their duties in a non-discriminatory manner. Staff also have a responsibility to:
- (a) create a teaching and learning culture and environment that encourages students to discuss issues attributable to disability that may impact on participation in their studies;
 - (b) respond to the particular needs of students with disability by making reasonable adjustments within a flexible curriculum; and
 - (c) understand and appropriately and proactively manage their own and students' behaviour and conduct, which may arise from the participation of students with disability.

9 Reasonable adjustments

- (1) Reasonable academic adjustments are designed to ensure that students are treated equally in course delivery and assessment processes.
- (2) It is expected that a student or prospective student with disability who is concerned about a potential adverse impact on their assessment or learning outcomes will advise the College when reasonable adjustments are needed.
- (3) If necessary, the College, without disclosing the identity of a student, may seek timely advice from government agencies, support organisations or medical authorities to determine actions to accommodate the needs of the individual, or to verify that a stated condition justifies eligibility for reasonable adjustment(s).
- (4) Where a Reasonable Adjustment Plan has recommended changes to assessment, the Director of Learning or delegate may seek advice to develop assessments that allow for reasonable adjustments.
- (5) The following factors will be considered when planning reasonable adjustments:
 - (a) the nature of a person's disability
 - (b) the information provided by, or on behalf of, the student about how disability affects their ability to participate
 - (c) information and views provided by the student or their associate about preferred adjustments
 - (d) the possible impacts of adjustments on others at the College
 - (e) the possible impacts of adjustments on the student, and their ability to participate and achieve learning outcomes
 - (f) the costs and benefits of making the adjustments
 - (g) the effect of the adjustment on the person's ability to successfully achieve the stated learning outcomes of the unit or course
 - (h) the interests of all parties affected, including those of the student with disability, the College, staff and other students.
- (6) Reasonable Adjustment Plans and activities may involve, but are not limited to:
 - (a) providing additional lighting;
 - (b) providing an adjustable workstation or special seating;
 - (c) modifying equipment or providing special adaptive technologies such as voice-activated computer software, special keyboard, large screen monitor or associated aids;

- (d) providing special assistance such as an interpreter for hearing impaired students and provision of paper-based materials in advance of face-to-face sessions;
- (e) adapting teaching and delivery methods, without impacting on the delivery of the essential skills, knowledge and understanding required to meet student outcomes; and/or
- (f) adapting the assessment methodologies, without impacting on the validity of the attainment of the relevant student outcomes. For example, allowing extra time, a separate exam space, varying question and response modalities (such as use of oral questioning rather than written form, and audiotaped or videotaped answers instead of written answers).

10 Records Management

Records in association with this policy will be kept in accordance with the Records Management Policy and Procedures. Confidential documents related to the implementation of the policy will be maintained according to relevant privacy requirements.

11 Applying for disability provisions and support

- (1) Students with disability are informed about support options prior to enrolment, to assist their decision-making.
- (2) Decisions about acceptance or non-acceptance of a potential student's application are made expediently.
- (3) Overseas students under the age of 18 requiring a CAAW or approved accommodation may not be permitted to enrol if the carer organisation or accommodation organisation cannot accommodate the specific needs of the student.
- (4) The enrolment application form includes a section relating to disclosure of disability. Students are given an option to request reasonable adjustments for academic studies. Applicants requesting reasonable adjustments may be required to submit supporting evidence in the form of a Disability, Health Condition and/or Educational Professional Report completed by a medical practitioner, or other relevant professional.
- (5) Confidential information relating to disclosure of disability will be released to the College for planning and compliance purposes and be handled appropriately.
- (6) Enrolment Advisors can assist potential students to complete the enrolment application form, provide advice on what reasonable adjustment means, and ensure prospective students know how to apply for reasonable adjustments with required documentation and evidence.
- (7) Students with disability have a responsibility to provide information to the College which assists the timely planning and implementation of appropriate support services and reasonable adjustments by:
 - (a) disclosing their disability during enrolment if immediate support is required
 - (b) communicating with the Director of Learning or delegate
 - (c) describing their necessary support needs to ensure an appropriate College response
 - (d) being proactive in advising the College of difficulties they encounter in accessing aspects of life at the College and how they may be assisted to overcome these difficulties; and
 - (e) engaging with the strategies set out in any approved Reasonable Adjustment Plan.
- (8) The Director of Learning or delegate must decide whether an adjustment is necessary and achievable. Advice from external disability support agencies may also be sought. Particular consideration should be given to the ability of the College to make reasonable adjustments.
- (9) The Director of Learning or delegate reviews applications and supporting evidence where a disability has been disclosed, and engages with external disability support agencies for specialist advice in relation to disability, if required.

- (10) Where a disability has been disclosed and request for reasonable adjustment made, the Director of Learning or delegate will contact the student for the initial interview. If an adjustment is required, the Director of Learning or delegate will forward the initial interview form to the College with the Disability, Health Condition and/or Educational Professional Report, where required.
- (11) The student will be contacted to ascertain whether the disability affects or could affect the applicant's ability to participate in their chosen course, including using the facilities and services of the College on the same basis as a student without disability.
- (12) The Director of Learning or delegate will meet with each student who has identified as having special needs related to disability. The meeting will encompass a discussion of all relevant circumstances and interests, including the student's needs, the disability and the student's views on assistance required.
- (13) The Director of Learning or delegate will organise the consultation meeting, which will take place within 10 working days of receiving an application for reasonable adjustments. The Director of Learning will record notes of the meeting in the student management system.
- (14) The objective of the meeting is for the Director of Learning or delegate to determine:
 - (a) the need for an adjustment
 - (b) if an adjustment proposed is reasonable
 - (c) if there are any other reasonable adjustments which would be less disruptive and intrusive and no less beneficial for the student
 - (d) the timeframe for implementation of the reasonable adjustment.
- (15) A Reasonable Adjustment Plan is then completed by the Director of Learning or delegate. The Director of Learning or delegate informs relevant staff of the plan and the need to ensure its confidentiality, and liaises with academic staff to implement any learning delivery and assessment provisions, and make later plan adjustments. The Reasonable Adjustment Plan is signed by the student and stored in the student management system.
- (16) If the Director of Learning or delegate believes it is not possible to make a reasonable adjustment, the matter is referred to the College Director.
- (17) The College Director must make a decision based on the Disability Standards for Education 2005, and in consideration of an unjustifiable hardship defined under the *Disability Discrimination Act 1992*.
- (18) The College Director informs the Admissions Director of any decision to not admit a student to the College because of unjustifiable hardship or inability to meet course learning outcomes.
- (19) The Admissions Centre notifies the student of the outcome of their application.
- (20) Students who allege they have been discriminated against may take action under the Student Complaints and Appeals Policy and Procedure.

12 Rescissions and replacements

This document replaces the following, which are rescinded as from the date of commencement of this document:

Nil

NOTES

Student Disability Policy and Procedures 2023

Date adopted: 06 September 2023

Date registered: 06 September 2023

Date commenced: 18 September 2023

Administrator: Principal Executive Officer

Review date: At least once every 5 years from the date of commencement.

Rescinded documents: Not applicable

Related documents:

- (1) Anti-Discrimination Act 1977 (NSW)
- (2) Competition and Consumer Act 2010 (Cth)
- (3) Corporations Act 2001 (Cth)
- (4) Disability Discrimination Act 1992 (Cth)
- (5) Disability Inclusion Act 2014 (NSW)
- (6) Disability Standards for Education 2005
- (7) Disability (Access to Premises – buildings) Standards 2010
- (8) Education Services for Overseas (ESOS) Act 2000 (and its amendments)
- (9) Education Services for Overseas Students Regulations 2019
- (10) ELICOS Standards 2018
- (11) National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code)
- (12) Privacy Act 1988 (Cth)
- (13) Attendance Policy and Procedures
- (14) Progression, Exclusion and Completion Policy and Procedures
- (15) Records Management Policy and Procedures
- (16) Safety and Wellbeing of Under 18 Students Policy and Procedures
- (17) Student Code of Conduct
- (18) Student Complaints and Appeals Policy and Procedures
- (19) Student Learning Assistance Policy and Procedures
- (20) Student Misconduct Policy and Procedures
- (21) Student Support Procedures
- (22) Student Privacy Policy