

Supporting Students with Disabilities Policy

1. Purpose

The main purpose of this Policy is to create an inclusive education and training environment for all prospective and current students with disabilities seeking to, or studying at Melbourne Polytechnic. The Institute is committed to providing a positive learning experience, celebrating diversity and ensuring equal opportunity for all students with disabilities.

Melbourne Polytechnic will:

- (i) Ensure that current and prospective students with disabilities are informed about their rights with respect to equal opportunity, access and participation in education and training.
- (ii) Not tolerate any discrimination, harassment, sexual harassment, bullying or victimisation of students with disabilities.
- (iii) Encourage the reporting of inappropriate, unacceptable situations and behaviour through appropriate channels of reporting. The Institute has provided an effective and accessible procedure for dealing with concerns or complaints relating to any failure or breaches relating to this policy.

2. Policy Statement

This policy aims to establish an inclusive education and training environment through working towards eliminating as far as possible practices, structures and procedures which may be a source of direct or indirect discrimination towards students with disabilities.

It provides an opportunity for greater innovation and collaboration, to promote the inclusion of students with disabilities in our Institute and is developed in the context of our obligations under a range of Commonwealth and State legislation and policies, the most relevant being the *Disability Discrimination Act 1992 (Cth)* and the *Disability Standards of Education 2005 (Cth)*.

This policy covers all aspects of student life: including enrolment, participation, curriculum development, accreditation, delivery and student support services. The Institute will not tolerate any instances of bullying, harassment, sexual harassment or victimisation of students with disabilities.

3. Principles

Melbourne Polytechnic is committed to providing supportive and inclusive practices that accommodate and reflect the needs of all individual students based on common sense, negotiated actions and outcomes.

This policy aims to:

- (i) Eliminate, as far as possible, discrimination against persons on the ground of disability in the area of education and training.
- (ii) Ensure, as far as practicable, that students with disabilities have the same rights to equality before the law in the area of education and training as the rest of the community.
- (iii) Promote recognition and acceptance to ensure students with disabilities have the same fundamental rights as the rest of the community.

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4. Scope

This policy applies to all employees and students across Melbourne Polytechnic.

This policy applies to any independent contractors, employees of any independent contractor, current and prospective students both on and offshore.

5. Commitment, Responsibilities and Obligations

Commitment

Melbourne Polytechnic is committed to ensuring all staff and students embrace diversity and inclusion across all levels in the organisation. This commitment will ensure all staff are informed about the wide diversity of disability among students in our Institute. Student induction activities will also be provided to ensure all students are informed and understand the wide diversity of disabilities within the Melbourne Polytechnic community. This policy sits under the Staff and Student Diversity and Inclusion Policy which encourages everyone to recognise their own diversity, individuality, ability and those of other individuals with whom they engage.

This collective informed knowledge will contribute to the organisation providing an inclusive environment that fosters a positive place of learning, work and wellbeing for all prospective and current students with disabilities in our Institute.

Institute Responsibility

The Institute is responsible for providing training, education and assistance for Melbourne Polytechnic staff to equip them with a broad understanding of the diverse learning needs of students with disabilities. This is done through the **People and Culture Department** and the **Student Services Division**, both of which promote diversity and inclusion across all levels of the Institute. This includes ensuring equal opportunity for all and promoting inclusive teaching and learning for students with disabilities as well as all students across the Institute.

The **Disability Support Service (DSS)** is responsible for ensuring appropriate inclusive teaching strategies and reasonable adjustments are in place to support any student who is registered with the DSS. Permission will be sought from the student prior to the release of any personal information.

Staff Responsibilities

All Melbourne Polytechnic staff members and contractors are responsible for developing knowledge and empathy for students with disabilities. At all times, staff and contractors should build an understanding of inclusive teaching practices, consider innovative and reasonable adjustments to ensure the effective participation of students with disabilities in their classrooms, offshore and in online environments. This can be done in consultation with Student Services Division to build our collective understanding of support options and provisions. This will enhance our ability to positively respond to ensuring that students with disabilities have equal opportunity at Melbourne Polytechnic.

Student Responsibilities

All Melbourne Polytechnic students must take personal responsibility for their behaviour whilst engaging in Institute life and must be sensitive to the needs of students with disabilities. Melbourne Polytechnic will not tolerate any instances of bullying, harassment, sexual harassment or victimisation of students with disabilities and encourages the reporting of any perceived allegations of such behaviour.

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Students with disabilities who would like assistance from the Disability Support Service (DSS) are responsible for contacting the DSS in order to receive assistance. Student may be required to provide medical or other documentation about their disability prior to being eligible for assistance from the DSS.

Obligations of Melbourne Polytechnic

This policy is developed to encourage everyone to actively promote the equal opportunity and inclusion of students with disabilities, to reduce discrimination and to affirm zero tolerance of any instances of bullying, harassment, sexual harassment or victimisation. This policy sits under the Staff and Student Diversity Policy which encourages everyone to recognise their own diversity, individuality and those of other individuals with whom they engage.

Under this policy, the Institute is responsible for ensuring that appropriate funding and resources are available to meet its obligations in the provision of reasonable adjustments and the individual support needs to students with disabilities who register with the Disability Support Service (DSS).

The *Disability Standards for Education 2005 (Cth)* clarify the obligations of education and training services providers such as Melbourne Polytechnic with respect to how education and training services and facilities are to be made accessible to all students with disabilities. The Standards require Melbourne Polytechnic to take reasonable steps, including consultation about reasonable adjustments, to ensure that students with disabilities are able to undertake the following on the same basis as students without disabilities and without experiencing discrimination:

- (i) Enrolment
- (ii) Participation
- (iii) Curriculum development, accreditation and delivery
- (iv) Student support services
- (v) Elimination of harassment and victimisation.

Under the *Occupational Health and Safety Act 2004 (Vic)*, Melbourne Polytechnic is obliged to ensure that it provides educational services in a manner that is free from harassment, sexual harassment, bullying and victimisation. Any form of bullying or victimisation of or by students in relation to Melbourne Polytechnic activities will not be tolerated. Melbourne Polytechnic will take appropriate disciplinary action against any students who engage in harassment, sexual harassment, bullying or victimisation.

6. About the Disability Standards of Education 2005 (Cth)

1. Enrolment

- 1.1 Prospective students applying to study at Melbourne Polytechnic will not be discriminated against on the basis of disability. As for all students, course admission is subject to prospective students with disabilities meeting the course entry requirements.
- 1.2 The enrolment form encourages students to disclose their disability. Melbourne Polytechnic encourages disclosure and is committed to ensuring that students with disabilities receive appropriate support and assistance with their studies.
- 1.3 Support is provided to students through the Disability Support Service. To register with this service, students are required to disclose their disabilities and provide medical documentation

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from a relevant health professional upon request to access this service.

2. Participation

- 2.1 Melbourne Polytechnic will take necessary steps and to make all reasonable adjustments to ensure inclusion and equal access course participation and in all aspects of Melbourne Polytechnic student and campus life for students with disabilities.

3 Curriculum Development, Accreditation and Delivery

- 3.1 Melbourne Polytechnic aims to deliver its training programs and to promote inclusive teaching and learning practices which will benefit students with disabilities who will receive equal opportunity to participate in learning experiences. Where necessary, additional reasonable adjustments and supports will be made to accommodate students with disabilities, ensure they are able to meet the inherent course and assessment requirements and satisfy the necessary educational standards relevant to their course of study.

4 Student Support Services

- 4.1 All students, including those with disabilities, can access a range of personal, mental health and study related supports whilst at Melbourne Polytechnic including counselling, study skills and course advice.
- 4.2 The Disability Support Service can assist students with disabilities who complete the registration process through disclosure. This may include providing relevant medical documentation in relation to their disability. Once the registration process is complete, students will be able to negotiate a range of academic support provisions to ensure equal participation in learning and study.

5 Elimination of Harassment and Victimisation

- 5.1 Melbourne Polytechnic is committed to providing educational and other services free from discrimination, harassment and victimisation for all students including those with disabilities.
- 5.2 Melbourne Polytechnic's [Student Equal Opportunity, Discrimination and Harassment Policy](#) addresses these issues more generally.

6 Procedures For Dealing With Complaints

- 6.1 The procedures for dealing with complaints which breach this policy are the same as those set out in Melbourne Polytechnic's [Student Complaints and Appeals Policy](#).
- 6.2 Students who have a complaint are encouraged to have their issue addressed through the Institute's internal processes as detailed in [Student Complaints and Appeals Procedure](#).

7 Professional Development and Awareness Raising

- 7.1 Staff induction and professional development programs will include components on disability awareness and rights and on the obligations of education and training providers.
- 7.2 Melbourne Polytechnic will provide training, education and assistance to management and staff to equip them to work effectively with student/s with disabilities.

8 Unjustifiable Hardship

- 8.1 Melbourne Polytechnic has an obligation to comply with the *Disability Discrimination Act*

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(1992). The Act does not require adjustments to be made if this imposes an unjustifiable hardship on any person or organisation. All relevant circumstances of the particular situation need to be taken into account when deciding if unjustifiable hardship applies.

7. External Agencies offering Information to Students

Melbourne Polytechnic endeavours to provide a robust environment where students concerns are attended to and addressed internally. If a student with disability is not satisfied with the outcome of any internal complaints and grievance process, the student has the option of seeking additional support and assistance from an external agency including but not limited to those listed below:

Issue	External Agency	Contact Details
Complaints about bullying, harassment or discrimination	Victorian Equal Opportunity and Human Rights Commission Level 3, 204 Lygon Street, Carlton 3053.	E: complaints@veohrc.vic.gov.au P: 1300 292 153 or via online chat W: www.humanrightscommission.vic.gov.au/
	Human Rights and Equal Opportunity Commission, HREOC (Federal) GPO Box 5218, Sydney 2001	E: complaints@humanrights.gov.au P: 1300 656 419 or via online complaints form W: www.humanrights.gov.au/
Complaints about internal policies and procedures	Victorian Ombudsman Level 1 North Tower 459 Collins Street Melbourne 3000	E: P: 03 9613 8222 or 1800 806 314 (regional only) W: www.ombudsman.vic.gov.au

8. Definitions

Adjustment: means a measure or action taken by Melbourne Polytechnic that has the effect of assisting a student with disabilities.

Direct discrimination: means treating, or proposing to treat, someone with disability, or because they are an associate of a person with disability, unfavourably because of that attribute.

Disability means:

- (i) total or partial loss of a person's bodily or mental functions; or
- (ii) total or partial loss of a part of the body; or
- (iii) the presence in the body or organisms causing disease or illness; or
- (iv) the presence in the body or organisms capable of causing disease or illness; or
- (v) the malfunction, malformation or disfigurement of a part of the person's body; or
- (vi) a disorder of malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (vii) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; or

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- (viii) includes a disability which presently exists; or previously existed but no longer exists; or may exist in the future; or is imputed to a person.

Harassment: includes an action taken in relation to a person's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person. In relation to a person who has an associate with a disability, it also includes taking action in relation to the associate's disability which is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person or the associate.

Indirect discrimination: means imposing, or proposing to impose, a requirement, condition or practice:

- (i) that has, or is likely to have, the effect of disadvantaging a person with a disability; and
- (ii) that is not reasonable.

Prospective student: means a person seeking to enrol in a course of study at Melbourne Polytechnic.

Reasonable in the context of an adjustment: means balancing the interests of all parties affected including having regard to all relevant circumstances and interests including the following:

- (i) the student's disability;
- (ii) the views of the student or the student's associate, given as a result of consultation about the reasonableness of any proposed adjustments;
- (iii) the effect of the adjustment on the student, including the effect on the student's:
 - a) ability to achieve learning outcomes; and
 - b) ability to participate in course or programs; and
 - c) independence; and
 - d) the effect of the proposed adjustment on anyone else affected, including Melbourne Polytechnic staff and other students; and
 - e) the costs and benefits of making the adjustment.

Student: means a Melbourne Polytechnic enrolled student or prospective student. It can also mean groups of students or prospective students.

Victimisation: means subjecting or threatening to subject someone to any detriment because he or she:

- (i) has made or proposes to make a complaint under anti-discrimination legislation; or
- (ii) has brought, or proposes to bring, proceedings under anti-discrimination legislation; or
- (iii) has given, or proposes to give, any information, or has produced, or proposes to produce, any documents to any person performing a function under anti-discrimination legislation;
- (iv) has attended, or proposes to attend, a conference held under anti-discrimination legislation; or
- (v) has appeared, or proposes to appear, as a witness in a proceeding under anti-discrimination legislation; or
- (vi) has reasonably asserted, or proposes to assert, any rights of any person under anti-discrimination legislation; or
- (vii) has made an allegation that a person has done an act that is unlawful under anti-discrimination legislation.

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9. Responsibility and Accountability

Task	Responsibility	Notes
Provide training, education and assistance for all staff to equip them with a broad understanding of the diverse learning needs of students with disabilities.	People and Culture Department and Student Services Division	
Ensure appropriate inclusive teaching strategies and reasonable adjustments are in place to support any student registered.	Disability Support Service	
Develop knowledge, empathy for and promote equal opportunity and inclusion for students with disabilities.	All staff and contractors	
Take personal responsibility for their behaviour whilst engaging in Institute life and must be sensitive to the needs of students with disabilities.	All prospective and current students	

10. Supporting Documents and Templates

Melbourne Polytechnic Documents

- [Equal Opportunity, Discrimination and Harassment Policy](#)
- [Melbourne Polytechnic Code of Conduct Policy](#)
- Staff and Student Diversity and Inclusion Policy (In development)
- [Student Complaints and Appeals Policy](#)
- [Student Complaints and Appeals Procedure](#)
- [Student Equal Opportunity, Discrimination and Harassment Policy](#)

Relevant Legislation

- [Age Discrimination Act 2004 \(Cth\)](#)
- [Australian Human Rights Commission Act 1986 \(Cth\)](#)
- [Carers Recognition Act 2012 \(Vic\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Disability Discrimination Act 1992 \(Cth\)](#)
- [Disability Standards of Education 2005 \(Cth\)](#)
- [Equal Opportunity Act 2010 \(Vic\)](#)
- [Equal Opportunity for Women in the Workplace Act 1999 \(Vic\)](#)
- [Fair Work Act 2009 \(Cth\)](#)
- [Occupational Health and Safety Act 2004 \(Vic\)](#)
- [Public Administration Act 2004 \(Vic\)](#)
- [Racial and Religious Tolerance Act 2001 \(Vic\)](#)
- [Racial Discrimination Act 1975 \(Cth\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)
- [Victorian Public Sector Code of Conduct](#)
- [Workplace Gender Equality Act 2012 \(Cth\)](#)

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11. Policy Control

Approving authority	<i>Melbourne Polytechnic Executive</i>
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