

POLICY	DISABILITY
NVR Ref:	Standard 5
MCC Ref :	MCC-2- D3
Purpose	<p>MCC (the Institute) is fully committed to the principles of access and equity and supports the right of people with a disability to study or work in an accessible and inclusive environment, free from discrimination or harassment.</p> <p>The Institute takes all reasonable steps to provide an inclusive learning and working environment, which respects diversity and the dignity of all students and staff. This policy seeks to ensure equal opportunities for people with a disability to participate in all aspects of the Institute's education and employment environment.</p> <p>Resources will be made available to provide appropriate assistance wherever possible, however, budgetary and facility issues may govern the extent to which this Policy and Procedure can be fully implemented.</p> <p>Students will be informed of the Disability Policy in the Student Information Guide on the Institute's website.</p> <p>Students with a disability have the right to expect that:</p> <ul style="list-style-type: none"> • They will be treated with dignity and respect; • The institute will establish an inclusive educational environment; • They can undertake their studies free from discrimination and harassment; • Staff will anticipate their need for reasonable adjustment, invite them to discuss their requirements and treat the request promptly and seriously; • Their views will be sought in the development and review of policies, procedures and practices affecting their lives at the institute; • Where required, they may be assisted by independent advocates; • Staff will be given appropriate training to become familiar with good practices for meeting the requirements of the students; • They will be given the opportunity to develop skills which will enable them to obtain maximum benefit from available services; and • Confidential information about their disability will not be disclosed without their permission, except in exceptional circumstances (eg when safety factors are involved). <p>Staff will be informed of the Disability Policy in the Student Information Guide.</p> <p>Staff with a disability have the right to expect</p> <ul style="list-style-type: none"> • They will be treated with dignity and respect; • The institute will establish an inclusive working environment; • They can undertake their duties free from discrimination and harassment; • Supervisors will anticipate their need for reasonable adjustment, invite them to discuss their requirements and treat the request promptly and seriously; • Their views will be sought in the development and review of policies, procedures and practices affecting their lives at the Institute;

	<ul style="list-style-type: none"> • Where required, they may be assisted by independent advocates; • Appropriate training will be provided to staff to become familiar with good practices for meeting the requirements of any staff member with a disability • Confidential information about their disability will not be disclosed without their permission, except in exceptional circumstances (eg when safety factors are involved). <p>The Institute recognises and will comply with its legal obligations under anti-discrimination legislation.</p>
<p>Disability Legislation</p>	<p>The Disability Discrimination Act (1992)</p> <p>The Commonwealth Disability Discrimination Act (1992) or DDA, administered by the Human Rights and Equal Opportunity Commission, provides for complaints to be made by people with disabilities alleging discrimination on the basis of their disability. The DDA is intended, as much as possible, to attain systemic change through education and example. Its objective is to find solutions for complaints through conciliation.</p> <p>The guide to the Act is available online at: http://www.hreoc.gov.au/disability_rights/dda_guide/dda_guide.htm</p> <p>Section Three of the DDA outlines its objectives as:</p> <p>(a) to eliminate, as far as possible, the discrimination against persons on the grounds of disability in the areas of:</p> <ul style="list-style-type: none"> • work, accommodation, education, access to premises, clubs and sport; • the provision of goods, facilities, services and land; and existing laws; • the administration of Commonwealth laws and programs; and <p>(b) to ensure, as far as practicable, that people with disabilities have the same rights to equality before the law as the rest of the community; and</p> <p>(c) to promote recognition and acceptance of the principle that people with disabilities have the same fundamental rights as the rest of the community. The Act defines ‘disability’ in relation to a person and makes a distinction between direct and indirect disability discrimination. It acknowledges that ‘different accommodation or services may be required by the person with a disability’.</p> <p>Disability Standards for Education 2005</p> <p>The Standards were formulated under the Disability Discrimination Act 1992 (DDA), The Education Standards provide a framework to ensure that students with a disability are able to access and participate in education on the same basis as other students. The Education Standards do this by providing clarity and specificity for education and training providers and for students with a disability.</p>

Scope	The Disability Policy and Procedures applies to all students, staff and representatives of the Institute
Definitions	<p><u>Disability:</u></p> <p>This definition is inclusive of definitions in the Disability Discrimination Act 1992.</p> <p>"Disability" A permanent, temporary or episodic disability that is attributable to:</p> <ol style="list-style-type: none"> a) a medical condition (eg: epilepsy, asthma); b) a psychiatric condition ; c) a sensory, physical, cognitive or learning impairment (eg dyslexia); d) a learning disability; e) or a combination of such impairments that results in: <ol style="list-style-type: none"> i. a reduced ability to access educational services provided by the (Institute), and ii. a need for support to overcome these barriers". <p>Disability discrimination occurs when a person discriminates against another person on the grounds of a disability by treating or proposing to treat that person less favourably than they would treat a person without a disability in 'circumstances that are the same or are not materially different'.</p> <p>Discrimination also occurs where a person is treated less favourably because of:</p> <ul style="list-style-type: none"> • a palliative or therapeutic device; • an auxiliary aid • being accompanied by an interpreter, reader, assistant or carer who provides services to the person with a disability; • being accompanied by a guide dog or any animal trained to assist the person with a disability <p><u>Direct discrimination</u> is when a person with a disability is treated less favourably than a person without a disability in the same or similar circumstances.</p> <p><u>Indirect discrimination</u> is a requirement or condition or practice that is the same for everyone but has an unfair effect on an individual or group of people.</p>
Responsibilities	<ol style="list-style-type: none"> 1. Overall Responsibility <ol style="list-style-type: none"> 1.1 The CEO will be responsible for the effective implementation of this Policy and Procedure throughout the Institute. 2. Institute Responsibilities <ol style="list-style-type: none"> 2.1 The Institute will be proactive in the integration of students with disabilities into its courses. 2.2 Procedures will be implemented to allow alternative means of assessment and feasible modes of study for students with disabilities. 2.3 Where possible, the Institute will liaise with government, community and

	<p>other education and training institutions, for the provision of facilities and resources for prospective students with disabilities.</p> <p>2.4 The Institute recognises that staff may need guidance and/or assistance in working with students with disabilities, and will provide the necessary training and assistance to teaching and support staff to promote awareness of disability issues.</p> <p>2.5 The Institute shall provide equal employment opportunities for all prospective members of staff, regardless of type of disability. The principle of merit shall be applied in all employment matters.</p> <p>2.6 The Institute will apply the principle of merit in all employment matters including: recruitment, selection and appointment, transfer, staff development, promotion, relieving opportunities and special duties, and conditions of work.</p> <p>2.7 Medical conditions will not be applied to staff or prospective staff with disabilities in any matter of employment except where it is deemed to be acceptable practice.</p> <p>2.8 Wherever practicable, the Institute will support flexible working methods to accommodate the individual requirements of staff with disabilities, in accordance with budgetary and facility resources.</p> <p>2.9 The Institute may, after appropriate consultation, fail to employ a person on the grounds of that person's disability where:</p> <p>2.9.1 There is a substantial risk that employment could cause physical or emotional injury to that person or to other persons; or</p> <p>2.9.2 Modifications of the workplace required for that person's disability would cause an unjustifiable hardship on the Institute.</p> <p>2.10 The Institute respects the rights of people with a disability to privacy and confidentiality and may seek information about a person's disability primarily for the purpose of a request for reasonable accommodation. This information remains confidential and is not part of the person's open record of employment or academic progress.</p> <p>3. Responsibilities of Students with a Disability</p> <p>3.1 Students with disabilities have a responsibility to provide information which assists the Institute in the timely planning and implementation of appropriate services by:</p> <p>3.1.1 making early contact with student support staff in the Institute and/or completing the relevant section in the Enrolment Form;</p> <p>3.1.2 notifying and verifying their requirements by completing the Student Disability Services Supporting Documentation Form to ensure the Institute provides the necessary specialised support;</p> <p>3.1.3 being proactive in advising the Institute of the difficulties they encounter in accessing certain aspects of the Institute environment and how to overcome these difficulties; and</p> <p>3.1.4 Ensuring that specialised services provided are utilised in a fair and effective manner.</p> <p>3.2 The Student Code of Conduct Policy and Plagiarism and Cheating Policy apply to <u>all</u> students and there are no exceptions for compliance, unless extenuating circumstances exist, in accordance with the Compassionate and Compelling Circumstances Policy.</p> <p>4. Responsibilities of Staff in relation to Students with a Disability</p> <p>4.1 All staff must ensure equity for students with disabilities and perform their duties in a non-discriminatory manner.</p> <p>4.2 Staffs have a right to expect that students seeking reasonable adjustments to the learning program will discuss their specific requirements (with assistance if required) and share responsibility in</p>
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	<p>negotiating solutions.</p> <p>4.3 Staffs are expected to undertake development activities to familiarize themselves with the general requirements of students who have disabilities.</p> <p>4.4 Staff is required to create an environment that encourages students to discuss with them any issues which may be impacting on their studies as a result of their disability.</p> <p>4.5 Staff must be responsive to the particular requirements of students who have disabilities by making reasonable adjustments within a flexible program of study.</p> <p>4.6 Where excursions are involved, staff should consider alternative arrangement for students with a disability, such as a related activity.</p> <p>4.7 It is important for staff to understand and constructively manage behavior arising from disability which impacts upon others in the class.</p> <p>4.8 Staff must be responsive to the particular requirements of students who have disabilities by making reasonable adjustments within a flexible program of study.</p>
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PROCEDURE	DISABILITY
NVR Ref:	Standard 5
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Action/Method	<p>1. Provision of Institute Services and Facilities to STUDENTS with a Disability</p> <p>1.1 The Institute will maintain confidential information on the application, enrolment and learning support needs of students with disabilities, in accordance with the Disability Discrimination Act, the Australian Skills Quality Authority and other government legislation and authorities. This information remains confidential and is not part of the person's open record of employment or academic progress.</p> <p>1.2 The Institute will provide relevant information on courses and support services in an accessible format.</p> <p>1.3 Application and enrolment forms will invite applicants to disclose whether they have a disability that requires special support and where affirmative responses are received.</p> <p>1.4 The Student Contact Officer will forward applicants who have noted their Application Form as having a "Medical Condition", a Student Disability Services Supporting Documentation Form, with their enrolment form and Student Handbook.</p> <p>1.5 A student who does not completely meet the course selection criteria may be considered for an alternative course that does not expose the student to physical and emotional risk.</p> <p>1.6 The buildings and physical facilities, wherever possible, will be made accessible to students with disabilities.</p> <p>1.7 The Institute will make every effort to relocate a class in cases where access to such class proves difficult for a student with a disability.</p> <p>1.8 Teaching and support staff will have access to the necessary staff development and training for effective provision of services to students, such as:</p> <p>1.8.1 an understanding of the Disability legislation and the importance of strict compliance;</p> <p>1.8.2 awareness of the principles of equity of learning opportunities for students with disabilities;</p> <p>1.8.3 basic disability awareness including appropriate language and attitudes in reference to people with disabilities;</p> <p>1.8.4 general familiarity with the Institute's support services for people with disabilities; and</p> <p>1.8.5 knowledge of appropriate training and assessment strategies for students with disabilities.</p> <p>1.9 The Institute will monitor the Disability Policy in respect to students through the number of enrolments of students with disabilities across all Institute courses, as part of the overall monitoring of the Access and Equity Policy.</p> <p>2. Provision of Institute Services and Facilities to STAFF with Disabilities</p> <p>2.1 Position Descriptions will identify the Institute as an Equal Employment Opportunity (EEO) Employer.</p> <p>2.2 Position Descriptions will be reviewed prior to recruitment of new staff to ensure their consistency with the principles of EEO.</p> <p>2.3 All staff involved in the selection process will be familiar with the application</p>

	<p>of non-discriminatory principles and practices.</p> <p>2.4 Where applicants for positions within the Institute identify themselves as having a disability prior to the interview process, the Institute will ensure the applicant is not disadvantaged and will ensure his/her participation in the interview.</p> <p>2.5 Where a person with an identified disability is selected for a position, that person will be consulted prior to appointment in regard to any special requirements relevant to the role.</p> <p>2.6 The Institute will seek expert advice, where necessary.</p> <p>2.7 Provision and modification of equipment, facilities and work methods will be undertaken by the Institute, within the boundaries of financial constraint.</p> <p>2.8 The Institute will investigate opportunities for funding of special equipment and resources.</p> <p>2.9 Staff development programs will be delivered by the Manager Quality Improvement, as required, to increase the awareness of Institute staff to issues of disability in both learning and workplace environments.</p>
Attached Documentation	<p>Student Disability Services Supporting Documentation Form</p>
Related Legislation	<ul style="list-style-type: none"> • Disability Discrimination Act 1992 • Disability Standards for Education 2005 • Human Rights and Equal Opportunity Commission Act 1986 • Equal Opportunity Act 1987 • Workplace Relations Act 1996 • Victorian Equal Opportunity Acts 1984 and 1995 • Privacy Act 1988 • OH&S Act 2004 • Anti-Discrimination Act 1991 • National Vocational Education and Training Regulator Act 2011 • Standards for Registered Training Organisations (RTOs) 2015 • AQTF 2010
Related Documentation	<p><u>Policies, Procedures and Related Forms</u></p> <p>Assessing Students' Qualifications, Experience and English Proficiency for Entry into Vocational Education and Training Courses</p> <p>Formalisation of Enrolment</p> <p>Access and Equity</p> <p>Compassionate and Compelling Circumstances</p> <p>Student Support Services</p> <p>Orientation and Induction</p> <p>Critical Incident</p> <p>Student Code of Conduct</p> <p>Staff Code of Conduct</p> <p>Complaints and Appeals</p> <p>Occupational Health and Safety</p> <p>Risk Management</p> <p>Privacy Policy</p> <p>Records Management, Maintenance and Security</p> <p>Staff Recruitment, Induction, Review and Development</p> <p>Staff Professional Development</p>

	<p>Staff Capability, Educational Resources and Premises</p> <p><u>Other</u></p> <p>Student Handbook Staff Handbook Student Support Services Continuous Improvement Business Model</p>
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VERSION CONTROL**Review/ amendment history****Policy Approved by:** Chief Executive Officer**Responsible Officer:** Chief Executive Officer**Next Policy Review Date:** July 2018

Version	Date	Details
1.0	July 2014	Policy issued
2.0	Dec 2014	Updated to reflect Standards for Registered Training Organisations (RTOs) 2015
3.0	July 2015	No material change
4.0	July 2016	No material change
5.0	June 2017	No material change