Disability and Work or Study Adjustment Policy

Section 1 - Purpose

(1) This policy:

a. outlines Charles Sturt University's commitment to providing an accessible and inclusive work and study environment that enables staff and students with disability or caring responsibility for a person with disability to participate in university life on an equitable basis with other members of the University community
b. supports compliance with the University's obligations under:
    i. Higher Education Standards Framework (Threshold Standards) 2021 standard 2
    ii. Disability Discrimination Act 1992 and Disability Standards for Education 2005.

Scope

(2) This policy applies to current and prospective staff and students who have temporary or permanent disability.

(3) This policy also applies to current and prospective staff and students who have carer responsibilities for a person with disability, in the same way as it applies to those with disability. In this policy, the referencing of a 'person with disability' is inclusive of those with caring responsibility for a person with disability.

Section 2 - Policy

Statement of commitment

(4) Charles Sturt University (the University) is committed to providing an accessible and inclusive work and study environment to enable people with disability to participate fully in all aspects of university life.

(5) The University embraces the principle of universal design. That is, embedding in the design of products and environments the capacity to cater for a diversity of users, including people with disability.

(6) The University also seeks to apply the principle of reasonable adjustment to remove barriers to participation in work or study by people with disability.

(7) To give effect to the commitments above, the University will:

a. foster a work and study environment free from discrimination or harassment on the basis of disability
b. provide training and/or information on disability issues for staff working with people with disability, where appropriate
c. provide information about course inherent requirements required in order to achieve course learning outcomes
d. promote and implement procedures for making reasonable adjustments that enable people with disability to participate effectively in work or study at the University
e. provide adequate resources to ensure that appropriate equipment and support services are available to staff and students with disability where reasonably possible

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f. have due regard for each person's right to privacy and confidentiality when seeking information about their disability for the purpose of making work or study-related adjustments.

(8) The Accessibility and Inclusion Plan 2024-2025 outlines the key priorities, strategies, performance indicators and responsibilities for advancing equal employment opportunity through each University planning cycle.

Section 3 - Procedures

(9) See the:

a. Workplace Adjustment Procedure, regarding processes for requesting and implementing workplace adjustments for staff with disability
b. Assessment Flexibility Procedure, regarding reasonable adjustments for students with disability
c. Return to Work Policy, regarding processes for staff returning to work after a workplace injury.

Section 4 - Guidelines

(10) See the Workplace Learning for Students with Disability Guidelines, regarding workplace learning arrangements for students with disability.

Section 5 - Glossary

(11) For the purposes of this policy:

a. Carer - is a person who provides assistance or services to a person with disability, because of their disability.
b. Disability - as defined by the Disability Discrimination Act 1992 s 4(1). Disability is very broadly defined as any physical, sensory, intellectual, psychiatric, neurological or learning disability and includes physical disfigurement and the presence in the body of disease-causing organisms. A disability may be temporary or permanent, total or partial, lifelong or acquired. The prohibition against discrimination on the basis of disability also covers a disability that existed in the past, may exist in the future or that is imputed to a person.
c. Inherent requirements - as defined in the policy library glossary.
d. Reasonable adjustment - refers to the administrative, environmental or procedural alterations that are required to remove unnecessary barriers to people with disability working or studying effectively and on the same basis as others. Universities have a statutory responsibility to make such adjustments in work and study contexts wherever it is necessary, possible and reasonable to do so. An adjustment is considered reasonable if it takes into account the requirements of the person with a disability and balances the interests of all parties affected. An organisation may refuse to introduce an adjustment if it can demonstrate that to do so would cause it unjustifiable hardship (as described in the Disability Discrimination Act 1992 s 11).
e. Unjustifiable hardship - as defined by the Disability Discrimination Act 1992 s 11, refers to provisions that permit an organisation to refuse a particular adjustment if it will cause major difficulties or the cost is unreasonable. Whether or not a defence of unjustifiable hardship can be sustained is determined on a case-by-case basis, taking into account all the relevant circumstances, including:
    i. the effect of the disability on the student or staff member,
    ii. the benefits or disadvantages likely to be experienced by any persons concerned as a result of the adjustment being made, and
    iii. the cost of making the required adjustment in the context of the organisation's financial circumstances.

Status and Details

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Glossary Terms and Definitions

"Inherent requirements" - the fundamental components that demonstrate the abilities, knowledge and skills required to achieve the core learning outcomes of a course. They are based on course learning outcomes, which are designed to reflect professional standards. Reasonable adjustments can be made to meet the requirements, however, any adjustment must not fundamentally change the nature of the inherent requirement.

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