



# Disability Discrimination Policy

(ARC) DD-POL-2024:1.0

<b>Purpose:</b>	The purpose of this policy is to protect students with a disability or students who have an associate with a disability from unlawful discrimination, harassment and victimisation on the basis of that disability.	
<b>Scope:</b>	Students and Staff, including full-time, part-time, permanent, fixed-term and casual employees, as well as Board members, contractors, volunteers and people undertaking work experience or vocational placements.	
<b>Status:</b>	Approved	<b>Supersedes:</b> DD-POL-2023:1.0
<b>Authorised by:</b>	Board	<b>Date of Authorisation:</b> 1st August 2024
<b>References:</b>	<ul style="list-style-type: none"> <li>● <a href="#">Anti-Discrimination Act 1991 (Qld)</a></li> <li>● <a href="#">Australian Human Rights Commission Act 1986 (Cth)</a></li> <li>● <a href="#">Disability Discrimination Act 1992 (Cth)</a></li> <li>● <a href="#">Disability Standards for Education 2005 (Cth), including Guidance Notes</a></li> <li>● <a href="#">Australian Education Act 2013 (Cth)</a></li> </ul>	
<b>Review Date:</b>	Every 2 Years	<b>Next Review Date:</b> August 2026
<b>Policy Owner:</b>	Principal	

## Policy Statement

All students at Arcadia (*the College*) have the right to learn in an environment free from unlawful discrimination. The College will provide a fair and safe learning environment where all students have equal opportunities. In particular, the College will ensure that students with a disability are provided with opportunities to realise their potential through participating in education and training on the same basis as other students.

In accordance with relevant law, the College is committed, whilst students are engaging in their education, to protecting students with a disability, and students associated with a person where that person has a disability, from both direct and indirect:

- discrimination on the basis of disability
- harassment and victimisation on the basis of disability,

In accordance with the relevant law, the College will take reasonable steps to prevent unlawful discrimination, including harassment and victimisation, against students on the basis of disability in all facets of education at the College, including:

- enrolment
- participation
- curriculum development, accreditation and delivery
- student support services.

the College will make reasonable adjustments that do not cause unjustifiable hardship to ensure this equality of access and participation.

The College is committed to responding appropriately should such discrimination, harassment or victimisation occur, including possible disciplinary action. Any instances of disability discrimination, harassment or victimisation should be reported under the College Complaints Handling and Disputes Policy.

## Definitions

- **Disability**: in relation to a person, means:
  - a) total or partial loss of the person's bodily or mental functions
  - b) total or partial loss of a part of the body
  - c) the presence in the body of organisms causing disease or illness
  - d) the presence in the body of organisms capable of causing disease or illness
  - e) the malfunction, malformation or disfigurement of a part of the person's body
  - f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
  - g) 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 a disability that:

- h) presently exists
- i) previously existed but no longer exists
- j) may exist in the future (including because of a genetic predisposition to that disability)
- k) is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

- **Associate, in relation to a person**: includes:
  - a) a spouse of the person
  - b) another person who is living with the person on a genuine domestic basis
  - c) a relative of the person
  - d) a carer of the person
  - e) another person who is in a business, sporting or recreational relationship with the person.
- **Direct disability discrimination**: a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if, because of the disability, the discriminator treats, or proposes to treat, the aggrieved person less favourably than the discriminator would treat a person without the disability in circumstances that are not materially different.

A person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- a) the discriminator does not make, or proposes not to make, reasonable adjustments for the person
- b) the failure to make the reasonable adjustments has, or would have, the effect that the aggrieved person is, because of the disability, treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

For the purposes of this section, circumstances are not materially different because of the fact that, because of the disability, the aggrieved person requires adjustments.

- **Indirect disability discrimination:** a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:
  - a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
  - b) because of the disability, the aggrieved person does not or would not comply, or is not able or would not be able to comply, with the requirement or condition
  - c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.

A person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
- b) because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so
- c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.

- **‘On the same basis as’** means that a student with a disability should have access to the same opportunities and choices in their education that are available to a student without disability.

## Responsibilities

### College Responsibilities

the College will not unlawfully discriminate, harass or victimise a student on the ground of the student’s disability or a disability of any associate of a student. The school acknowledges that its responsibilities are as follows:

- **Enrolment** - the College will take reasonable steps to ensure that a student with a disability is able to seek admission to, or apply for enrolment in, the school on the same basis as a prospective student without a disability, and without experiencing discrimination.
- **Identification** - the College will take reasonable steps to identify students requiring educational adjustments both at enrolment and during the course of time at the school, including those with a disability, and consult with families/carers to develop a support plan.

- **Participation** - the College will take reasonable steps to ensure that a student with a disability is able to participate in the courses or programs provided by the school, and use the facilities and services provided by it, on the same basis as a student without a disability, and without experiencing discrimination.
- **Curriculum development, accreditation and delivery** - the College will take reasonable steps to ensure that courses and programs are designed in such a way that a student with a disability is able to participate in the learning experiences (including the assessment and certification requirements) of the course and program on the same basis a student without a disability, and without experiencing discrimination.
- **Support services** - the College will take reasonable steps to ensure that a student with a disability is able to use support services used by other students of the school in general on the same basis as a student without a disability, and without experiencing discrimination.
- **Harassment and victimisation** - the College will develop and implement strategies and programs to prevent harassment or victimisation of a student with a disability, or a student who has an associate with a disability, in relation to the disability.

Reasonable steps will depend upon the specific circumstances at the time, but may include reasonable adjustments that do not impose an unjustifiable hardship.

When considering an adjustment for a student with a disability, any confidential information provided to the College will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the College Privacy Policy.

### **Student and Employee Responsibilities**

All students and employees at the College have a responsibility not to engage in discriminatory conduct, including harassment and victimisation, and to uphold the school's policies on these issues.

If students, parents or employees believe that this type of behaviour is occurring in the school, they are able to make a complaint under the College Complaints Handling and Disputes Policy..

### **Implementation**

The College seeks to provide a safe environment free of discrimination. This policy is implemented through

- Fair and on the same basis enrolment opportunities, where effective management of the enrolment process and accommodation of students with disability is conducted on the same basis as students without disability.
- Reasonable adjustments, where students with disabilities will be able to participate in a full range of educational programmes, services and activities on the same basis as students without disability.
- Ongoing evaluation, monitoring and review of the processes involved in managing students with disability.
- Development of corrective actions where necessary.
- Staff training at induction and annually on disability discrimination.
- Promotion of an inclusive, supportive and anti-discrimination culture.
- Complaints will be handled through our Complaints Handling and Disputes Policy and Procedure.

## **Compliance and Monitoring**

The College does not tolerate discrimination, victimisation or harassment of any kind including disability discrimination and seeks to fulfill its compliance obligations in the following ways:

- The College will review the policy every two years.
- The College will keep effective records of all reasonable adjustments, complaints and disability information; and
- will keep information obtained in relation to a student's disability confidential and only disclose that information for the purpose of making adjustments and regulatory obligations.

## **Related College Documents**

- Student Positive Behaviour Policy
- Anti-Discrimination Policy
- Student Bullying Policy
- Child Protection Policy
- Student Code of Conduct
- Staff Code of Conduct
- Complaints Handling and Disputes Policy
- Privacy Policy