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## 1 PURPOSE

- 1.1 CQUniversity ensures that students and employees with disability at CQUniversity have the same opportunity to access, participate and succeed in education, training, employment opportunities and professional development on the same basis as those without disability. All members of CQUniversity share responsibility for creating and maintaining an inclusive learning and working environment, free from discrimination and harassment.

## 2 SCOPE

- 2.1 This policy applies to all CQUniversity students, employees, committees and the University Council.

## 3 POLICY STATEMENT

- 3.1 All students and employees at CQUniversity should be treated with dignity and enjoy the benefits of education, training and employment in an inclusive environment that values and encourages participation by all.
- 3.2 CQUniversity seeks to eliminate barriers, provide appropriate resources and create a supportive learning and work environment without compromising academic or professional merit. Furthermore, the University will take all necessary steps to inform and educate students and employees of their rights and responsibilities in creating an environment free from discrimination, harassment or victimisation.
- 3.3 CQUniversity affirms the rights of people with disability through adherence to relevant legislative requirements and by recognition of the [Convention on the Rights of Persons with Disabilities](#). The University values the services it provides to people with disabilities and demonstrates its ongoing commitment to inclusive practice through the implementation of the [CQUniversity Disability Action Plan](#).

## Access and participation

- 3.4 CQUniversity encourages students and employees with disability to participate and contribute as equal members of the University community. The University is committed to providing equitable access to programs, resources, services, professional opportunities, facilities and the physical environment of University campuses so that students and employees can pursue their academic, training and professional goals on the same basis as other individuals. This may involve making reasonable adjustments for students and employees that are necessary and possible.
- 3.5 Adjustments are reasonable if they do not impose unjustifiable hardship on the University. CQUniversity will implement reasonable adjustments to remove barriers to participation in study or work by people with disability. In addition, CQUniversity will continue to adopt inclusive practices and universal design principles in its day-to-day operations in key areas of teaching, learning, services and facilities, including measures to enable appropriate access to online resources and information technology.
- 3.6 Prospective and current students with a disability have access to student support services and resources, including assistive technologies, specialised software, equipment and other reasonable adjustments. Students are advised to investigate and be fully aware of unit and course requirements and access information about reasonable adjustments from the Inclusion and Accessibility Service prior to commencement of studies. Refer to the [Disability Support Procedure – Students](#) for more information.
- 3.7 CQUniversity recognises that employees should be selected for employment on the basis of professional merit and ensures that prospective employees with disability are able to apply for employment on the same basis as those without disability. The University will ensure that employees with disability can access and participate in work related programs (including professional development activities), training, career development and performance management on the same basis as employees without disability.
- 3.8 Employees with disability will also have access to support, assistive technologies, equipment and other reasonable adjustments. Potential and existing employees will be required to undertake the inherent requirements of the position taking into account reasonable adjustments. Refer to the [Disability Support Procedure - Employees](#) for more information.

## Identification, confidentiality and disclosure

- 3.9 Students and employees are invited to indicate they have a disability during the enrolment or application process. Individuals who require assistance can discuss their needs directly with the appropriate University employee at any time, but preferably as soon as possible, to ensure that support and allocation of resources can be made in a timely manner. While disclosure is voluntary, it is important to be informed about the support and services available.
- 3.10 Information provided to the University by students and employees will be protected and stored confidentially (refer to [the Information Privacy Policy and Procedure](#)). Confidential advice can be provided to students and employees regarding support and services available at any time.
- 3.11 Documentation will be retained by designated University employees responsible for consultation and implementation of reasonable adjustments. Information will only be used to substantiate reasonable adjustments made on behalf of individuals. Students and employees must consent before any information about their disability is released.
- 3.12 Students and employees who have registered and require assistance will be consulted about reasonable adjustments based on their individual circumstances and relevant documentation from a treating health professional. The University welcomes input from students and employees in this decision making process to ensure their best possible outcomes.
- 3.13 CQUniversity employees are required to comply with mandatory reporting obligations of the [Health Practitioner Regulation National Law 2009](#) (Qld). This requires that a registered health practitioner must notify the Australian Health Practitioners Registration Authority (AHPRA) if they form a reasonable belief that another registered health practitioner has behaved in a way that constitutes 'notifiable conduct' including having placed the public at risk of substantial harm in their practice because they have impairment.

## Elimination of discrimination and harassment

- 3.14 It is unlawful to discriminate against a person because of their disability. Individuals who believe they have experienced discrimination or harassment because of their disability should pursue a resolution through the [Student Feedback – Compliments and Complaints Policy and Procedure](#) or the [Workplace Harassment \(Including Sexual Harassment\), Workplace Bullying and Unlawful Discrimination Policy and Procedure](#). Use of these procedures does not preclude students and employees also having the right to make formal complaints to the [Australian Human Rights Commission](#) or the [Anti-Discrimination Commission Queensland](#).
- 3.15 The [Disability Discrimination Act 1992](#) (Cwlth) protects friends, relatives and others from discrimination because of their connection to or relationship with someone with a disability. In recognition of carer responsibilities, the University may make special provisions and/or provide support as required for students and employees who are carers of people with disability.
- 3.16 CQUniversity endeavours to encourage positive and informed attitudes towards people with disability and their associates through education and professional development programs.

## 4 RESPONSIBILITIES

### Compliance, monitoring and review

- 4.12 The Director, Student Experience is responsible for monitoring, reviewing and ensuring compliance with this policy.
- 4.13 Compliance monitoring will occur through reporting of disability discrimination in matters raised under the [Student Feedback – Compliments and Complaints Policy](#) and the [Workplace Harassment \(Including Sexual Harassment\), Workplace Bullying and Unlawful Discrimination Policy and Procedure](#).

### Reporting

- 4.14 No additional reporting is required.

### Records management

- 4.15 Employees must maintain all records relevant to administering this policy in a recognised University recordkeeping system.

## 5 DEFINITIONS

- 3.11 Terms not defined in this document may be in the University [glossary](#).

### Terms and definitions

**Disability:** As per the [Disability Discrimination Act 1992](#) (Cwlth), 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 judgement 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), or
- 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.

**Discrimination:** involves treating people with disability less fairly than people without disability. Examples of discrimination include restricting access to services, educational or employment opportunities on the basis of stereotyping people with disability or restrictive personnel practices (e.g. employment policies, working conditions). Discrimination can be either direct or indirect. Harassment because of disability, such as insults or humiliating jokes, is unlawful in employment and education. It is also unlawful to discriminate against relatives, friends, carers or assistants of people with disability if discrimination occurs because of that connection or relationship.

**Inherent requirements:** are the fundamental, essential elements to the learning and assessment requirements of a particular course or the performance of roles and tasks relevant to an employment position. The University considers whether the person could perform these requirements if a reasonable adjustment were made.

**Reasonable adjustment:** (also known as accommodations) are the tangible and practical considerations and measures made to the learning and/or working environment in order for students and employees with disabilities to fulfil the inherent requirements of academic programs and their professional duties. CQUniversity fulfils its positive duty to provide reasonable adjustments based on consultation. Examples of reasonable adjustments include the provision of materials in alternative formats, specialized equipment or modification of premises.

**Unjustifiable hardship:** is a defence which may be used by the University to counter a claim of discrimination if it is unable to make an adjustment for a person with a disability. In determining unjustifiable hardship CQUniversity must take into account all relevant circumstances of a particular case. This includes consideration of:

- the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned, and
- the effect of the disability of the person concerned, and
- the financial circumstances and the estimated expenditure required by the university.

## 6 RELATED LEGISLATION AND DOCUMENTS

[Anti-Discrimination Act 1991](#) (Qld)

[Anti-Discrimination Act 1977](#) (NSW)

[Australian Human Rights Commission Act 1986](#) (Cwlth)

[Disability Action Plan 2016-2021](#)

[Disability Discrimination Act 1992](#) (Cwlth)

[Disability Services Act 2006](#) (Qld)

[Disability Standards for Education 2005](#) (Cwlth)

[Disability Support Procedure – Students](#)

[Disability Support Procedure – Employees](#)

[Equal Opportunity Act 1984](#) (SA)

[Equal Opportunity Act 1984](#) (WA)

[Equal Opportunity Act 2010](#) (VIC)

[Fair Work \(Registered Organisations\) Act 2009](#) (Cwlth)

[Guide, Hearing and Assistance Dogs Act 2009](#) (Qld)

[Health Practitioner Regulation National Law Act 2009](#) (Qld)

[Information Privacy Policy and Procedure](#)

[Racial Vilification Act 1996](#) (SA)

[Racial and Religious Tolerance Act 2001](#) (VIC)

[Rehabilitation Policy and Procedure](#)

[Student Feedback – Compliments and Complaints Policy and Procedure](#)

[Workplace Harassment \(Including Sexual Harassment\), Workplace Bullying and Unlawful Discrimination Policy and Procedure](#)

## 7 FEEDBACK

7.12 University employees and students may provide feedback about this document by emailing [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Advisory Committee to Approval Authority	Vice Chancellor's Advisory Committee
Administrator	Director, Student Experience
Next Review Date	7/11/2021

Approval and Amendment History	Details
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Notes	