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| Disability Discrimination Policy | Version No: | 1 |
| | Reviewed by: | Principal |
| | Last review: | New Policy |
| | Creation Date: | 14 07 2017 |
| | Review by: | Executive and ILC Staff /Principal |
| | Approved by: | Board Chairman |
| | Approved date: | |

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| Purpose: | The purpose of this policy is to protect students, staff and parents, with a disability or students who have an associate with a disability from unlawful discrimination, harassment and victimisation on the basis of that disability. |
| Scope: | Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements. |
| References/Related Policies and Procedures: | <ul style="list-style-type: none"> ▪ Anti-Discrimination Act 1991 (Qld) ▪ Australian Human Rights Commission Act 1986 (Cth) ▪ Disability Discrimination Act 1992 (Cth) ▪ Disability Standards for Education 2005 (Cth), including Guidance Notes ▪ Australian Education Act 2013 (Cth) ▪ CCC Disability Procedures ▪ CCC Anti-Discrimination Policy ▪ CCC Student Bullying Policy ▪ CCC Child Protection Policy ▪ CCC Student Code of Conduct ▪ CCC Employee Code of Conduct ▪ CCC Dispute Resolution Policy ▪ CCC Dispute Resolution Procedure ▪ CCC Privacy Policy |

Policy Statement

All stakeholders (parents, staff and students) at Caloundra Christian College (CCC) have the right to learn in an environment free from unlawful discrimination. CCC will provide a fair and safe learning environment where all students have equal opportunities. In particular, CCC will ensure that stakeholders with a disability are provided with opportunities to realise their potential through participating in education and training that has been differentiated.

In accordance with relevant law, CCC 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; and
- harassment and victimisation on the basis of disability.

In accordance with the relevant law, CCC 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 CCC, including:

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

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

CCC 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 CCC Dispute Resolution and Complaints Handling Policy.

Responsibilities

School Responsibilities

CCC 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: CCC will take reasonable steps to ensure that a student with a disability is able to seek admission to, or apply for enrolment in, the College on the same basis as a prospective student without a disability, and without experiencing discrimination.
- Participation: CCC 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: CCC 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 as a student without a disability, and without experiencing discrimination.
- Support services: CCC 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: CCC 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 CCC will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the CCC Privacy Policy.

Student and Employee Responsibilities

All students and employees at CCC 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 CCC Dispute Resolution Policy.

Definitions

For definitions of the following, please refer to Appendix 1 attached to this document.

- Disability
- Associate, in relation to a person
- Direct disability discrimination
- Indirect disability discrimination
- On the same basis
- Reasonable adjustment
- Unjustifiable hardship
- Harassment
- Victimisation

Implementation

Awareness: regularly making all relevant employees aware of the need to avoid discrimination, harassment and victimisation, through implementing the Disability Discrimination Policy, related procedures and direct advice to employees, and via clear support and promotion of the policy by the College's Executive and Staff;

Training: regularly taking reasonable measures to ensure that employees have sufficient information and expertise concerning non-discriminatory methods of service delivery, which may include the provision of formal training;

Dispute resolution: promoting the College's Dispute Resolution Policy and Procedures and ensuring that complaints are properly and effectively dealt with, in accordance with the Policy and Procedures;

Recording, monitoring and reporting: implementing other reasonably available monitoring strategies, in addition to complaint mechanisms, including internal monitoring through supervisory and management responsibilities and external monitoring;

Culture: removing any discriminatory or offensive material, rules and practices, and encouraging students, parents and employees to contribute to a healthy school culture.

Addendums

See references at the beginning of this document and specific links to related information throughout this document.

AUTHORISATION:

Board Chairman: _____

Date: _____

Principal: _____

Date: _____

POLICY CHANGES:

| DATE: | POLICY CHANGES |
|--------------|-----------------------|
| 14/07/2017 | New Policy |

Definitions

- **Disability:** in relation to a person, means:
 - a) total or partial loss of the person's bodily or mental functions; or
 - b) total or partial loss of a part of the body; or
 - c) the presence in the body of organisms causing disease or illness; or
 - d) the presence in the body of organisms capable of causing disease or illness; or
 - e) the malfunction, malformation or disfigurement of a part of the person's body; or
 - f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
 - 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; or
- i) previously existed but no longer exists; or
- 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.

- **Associate, in relation to a person:** includes:
 - a) a spouse of the person; and
 - b) another person who is living with the person on a genuine domestic basis; and
 - c) a relative of the person; and
 - d) a carer of the person; and
 - 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; and
- 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; and
 - 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; and
 - 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; and
- 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; and
- 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:

- (1) A person with a disability is able to seek admission to, or apply for enrolment in, an institution on the same basis as a prospective student without a disability if the person has opportunities and choices in admission or enrolment that are comparable with those offered to other prospective students without disabilities.

Note: This subsection is relevant to subsection 4.2 (1).

- (2) An education provider treats a prospective student with a disability on the same basis as a prospective student without a disability if the provider makes any decisions about admission or enrolment on the basis that reasonable adjustments will be provided in accordance with section 5.2.

Note 1: This subsection is relevant to subsection 4.2 (2).

Note 2: An education provider that:

- (a) refuses a prospective student with a disability a place in the institution, or in the particular course or program applied for by the prospective student, on the ground that the student would be able to enrol in another institution, or in a course or program at another institution; and
- (b) does not refuse students without disabilities places on the same ground; does not treat a prospective student on the same basis as a prospective student without a disability.

Part 2

- (3) A person with a disability is able to participate in courses or programs provided by an educational institution, and use the facilities and services provided by it, on the same basis as a student without a disability if the person has opportunities and choices in the courses or programs and in the use of the facilities and services that are comparable with those offered to other students without disabilities.

Note 1: This subsection is relevant to subsections 5.2 (1), 6.2 (1) and 7.2 (1).

Note 2: In some cases, students with disabilities will not be able to participate on the same basis as other students if all students are treated in the same way, or if all students with disabilities are treated in the same way.

▪ **Reasonable adjustment:**

- (1) For these Standards, an adjustment is reasonable in relation to a student with a disability if it balances the interests of all parties affected.

Note: Judgements about what is reasonable for a particular student, or a group of students, with a particular disability may change over time.

- (2) In assessing whether a particular adjustment for a student is reasonable, regard should be had to all the relevant circumstances and interests, including the following:

- (a) the student's disability;
- (b) the views of the student or the student's associate, given under section 3.5 of the Act;
- (c) the effect of the adjustment on the student, including the effect on the student's:
 - (i) ability to achieve learning outcomes; and
 - (ii) ability to participate in courses or programs; and
 - (iii) independence;
- (d) the effect of the proposed adjustment on anyone else affected, including the education provider, staff and other students;
- (e) the costs and benefits of making the adjustment.

▪ **Unjustifiable hardship**

In determining whether a hardship that would be imposed on a person (the **first person**) would be an **unjustifiable hardship**, all relevant circumstances of the particular case must be taken into account, including the following:

- (a) the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned
- (b) the effect of the disability of any person concerned;
- (c) the financial circumstances, and the estimated amount of expenditure required to be made, by the first person;
- (d) the availability of financial and other assistance to the first person;
- (e) any relevant action plans given to the Commission under section 64.

▪ **Harassment:**

- (a) in relation to a person with a disability, includes an action taken in relation to the person's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person; and
- (b) in relation to a person who has an associate with a disability, includes an action taken in relation to the associate's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person or the associate.

- **Victimisation:** has the meaning given by section 42 of the Act. To view definition, please click on the link.