

Access and Equity Policy

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Responsible Officer	Operations and Compliance Manager		
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Related Documents	<i>Assessment Policy Discrimination, Bullying, and Harassment Prevention Policy Legislative and Regulatory Compliance Privacy Policy Staff Development Policy and Procedure Student Support Framework Work Health and Safety Policy and Procedure</i>		
Version	Authorised by	Approved	Effective Date
2.0	Chief Executive Officer	17/04/2024	18/04/2024

1. Context

This Policy supports the Australian College of Business Intelligence's (ACBI's) commitment to providing a supportive learning and professional environment in which all people with disabilities can learn and work on the same basis as other students and staff.

Australian Law requires education providers to ensure that all working and teaching practices are fair, equitable, and non-discriminatory. This Policy acknowledges and aims to implement those laws that make discrimination in employment, the provision of education, and the provision of goods and services unlawful.

In addition, this Policy also aims to adhere to the State and Federal Anti-Discrimination and Disability Discrimination Acts under which it is unlawful for anyone to be treated unfairly or discriminated against on the grounds of sex, sexuality, race, physical, intellectual impairment, age, or disability.

2. Definitions

Affiliate: any person appointed or engaged by ACBI to perform duties or functions for the college other than students and staff, including members of advisory committees and governing bodies, contractors, consultants, and agency staff.

Disability discrimination: discrimination towards a person with a disability or any associates, carers, assistants, assistance animals, and disability aids of the person with a disability - can be direct or indirect.

Disability: a total or partial loss of the person's bodily or mental functions, or total or partial loss of a part of the body, or the presence in the body of organisms causing disease or illness, or the presence in the body of organisms capable of causing disease or illness, or the malfunction, malformation or disfigurement of a part of the person's body, or a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction, or a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour (as per the *Disability Discrimination Act 1992* definition).

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Discrimination: treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability.

Individual disability access plan: a document specifying the requirements of a student or staff member with a disability to provide as far as practicable a learning and professional environment in which the person can learn or work on the same basis as other students or staff.

Inherent requirements: the essential components of a job or a course or unit that must be carried out to fulfil the purpose of a job position or demonstrate the abilities, knowledge, and skills to achieve the core learning outcomes of the course or unit

Reasonable adjustment: the modification or provision of facilities or equipment for a person with a disability to adequately engage in learning or perform their professional duties.

Unjustifiable hardship: a set of circumstances including negative consequences and lack of benefits or assistance, financial or otherwise, likely to be incurred by a person because of a measure.

Victimisation: subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation.

3. Scope

This Policy applies to ACBI students and staff, including affiliates.

4. Principles

The key principles informing this Policy are:

- elimination of direct and indirect disability discrimination at work and in education, as far as possible;
- equality in learning and opportunity for persons with disabilities, as far as practicable;
- accessible and transparent processes for seeking adjustments;
- promotion of recognition and acceptance of equality of rights for persons with disabilities; and
- procedural fairness in making decisions that could affect students' or staff's interests.

5. Policy details

5.1. ACBI is committed to promoting a working and learning environment free from discrimination for all staff and students. The College aims to ensure that it is responsive to the individual needs of its staff and students.

5.2. ACBI supports the principles of equal and fair access to educational opportunities and strives to provide students and staff with the opportunity to achieve their potential.

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5.3. ACBI is strongly committed to promoting equity and diversity regarding its staff and students. While the college's student body consists predominantly of full-fee-paying overseas students, it also has a significant cohort of domestic students from all over Australia. ACBI also consists of staff from a diverse range of cultural backgrounds. Notwithstanding this, ACBI is committed to increasing access for people from other groups such as:

- Aboriginal and Torres Strait Islanders;
- South Sea Islanders; and
- people with disabilities.

5.4. The College endeavours to ensure that:

- a) an environment of support and care for staff and students is provided;
- b) cultural understanding and sensitivity inform the teaching and support of the staff and students;
- c) access and equity needs are considered in all stages of the education process including course design, enrolment, during study, acute moments when students are faced with difficulties, and on completion;
- d) there is early identification of students at risk of discrimination and support is provided for such students;
- e) practices are non-discriminatory and address the needs of all groups;
- f) all education processes are inclusive and value students from a diverse background;
- g) all policies and procedures are non-discriminatory and inclusive; and
- h) staff and students are provided with information about access and equity issues and this Policy.

5.5. ACBI makes all decisions about student admission and staff recruitment and promotion on the basis that **reasonable adjustments** will be made where necessary and possible so that the student or staff member with a disability or learning impairment is provided with opportunities and choices that are comparable with those available to those without disabilities.

5.6. Students and staff members with a disability or learning impairment are encouraged to disclose the nature and extent of their disability to ACBI before commencement to make reasonable adjustments. Supporting documentation of the disability and associate advice must be provided by a registered treating medical practitioner, registered health practitioner, or approved specialist, depending on the nature of the condition.

5.7. At enrolment there is also an opportunity for students to seek assistance with language, literacy, and numeracy so that specific learning support may be provided. ACBI Academic Team endeavours to apply alternative learning and assessment strategies to assist students with special needs. The College endeavours to meet students' physical needs where possible. Students with specific physical or academic needs are invited to contact the College before applying.

5.8. ACBI decides on reasonable adjustments in consultation with the students or staff members with a disability, considering their needs and responsibilities, and balancing the interests of all parties affected.

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5.9. ACBI considers disability support practices and mechanisms through the whole student lifecycle, including enrolment, participation, curriculum development, accreditation, and delivery, and takes appropriate measures as required.

5.10. Students and staff are made aware of behaviours against those with a disability that could constitute harassment and victimisation, receive advice on how to respond to these behaviours during orientation and induction, respectively, and receive regular reminders and updates as required.

5.11. Students and staff members with a permanent or long-lasting disability are encouraged to discuss the development of an Individual Disability Access Plan with ACBI which will enable appropriate coordination of resources to satisfy the person's education or professional requirements.

5.12. Course requirements are set out on the ACBI website and marketing materials and staff are trained, and maintain the required skills, to assist student enquiries about successfully studying at the College if they have physical or academic needs, and to interact with students in ways that do not discriminate against people with disabilities.

5.13. ACBI aims to provide facilities, resources, and equipment that are accessible and safe for its students and staff.

5.14. Supervision, audit, and reporting mechanisms are implemented to ensure compliance with this Policy.

5.15. Students or staff members who feel have been treated unfairly under this Policy may complain to the Anti-Discrimination Board of NSW, the Australian Human Rights Commission, or Fair Work Australia (for staff members only).

6. Reasonable Adjustments

6.1. ACBI enables reasonable adjustments to be made to course delivery and assessment procedures for people with special needs, such as people with disabilities or with language or literacy difficulties.

6.2. Under the Disability Standards for Education 2005, education providers must make reasonable adjustments for people with a disability, to the maximum extent that those adjustments do not cause that education provider unjustifiable hardship. While 'reasonable adjustment' and 'unjustifiable hardship' are different concepts and involve different considerations, they both seek to strike a balance between the interests of education providers and the interests of students with and without disability.

The Disability Discrimination Act 1992 includes a very broad definition of disability, including illness or disease, past disability, and present disability. VET students could have a range of disabilities such as:

- Learning disabilities
- Sensory impairments(including vision, hearing, or speech impairment)
- Physical or mobility impairments

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- Psychological or psychiatric impairments (or mental illness)
- Disabilities, such as cerebral palsy or head injury, which may result in multiple impairments
- Medical conditions such as HIV or AIDS, cancer, or chronic fatigue syndrome (which may result in multiple disabilities)
- Intellectual disabilities.

6.3. Disclosure of a disability is the choice of the student and is not a requirement for participation in a VET course or non-accredited course. However, encouraging students to share information about the impact of their disability on their learning helps to justify and make the necessary reasonable adjustments.

6.4. Any information about a student's disability is shared and decisions about reasonable adjustment are made collaboratively with the student, trainer, Operations and/or Director of Studies, and Student Support Coordinator. Consideration in the decision-making process will include students' special needs such as:

- Writing
- Reading
- Hearing
- Communicating with others or getting ideas across
- Moving or manipulating objects
- Paying attention / staying on track
- Sitting for long periods
- Moving around the learning environment
- Remembering/retention
- Dealing with frustration

6.5. The Director of Studies, in liaison with the relevant ACBI staff, will design suitable training for the individual in line with the Individual Disability Access Plan. As part of professional development, each trainer will be made aware of policies relating to this process. If the course is not suitable for the student, ACBI will offer counselling about alternative training and career path options.

The following examples may be applied for reasonable adjustment:

- Modifying workstations
- Modifying premises
- Modifying or providing equipment
- Adapting delivery strategies
- Ensuring that course activities are sufficiently flexible
- Providing additional support to students where necessary
- Customising resources and activities within the training package or accredited course
- Modifying the presentation medium
- Making information accessible both before enrolment and during the course
- Monitoring the adjustments to ensure student needs continue to be met

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6.6. Any changes or modifications to courses and assessments need to be done in a way that maintains the integrity of the course and the qualification. ACBI will not make changes to any accredited or non-accredited courses which would undermine the academic integrity of the course.

6.7. At all times, ACBI is entitled to maintain the academic requirements of the course and training package and any other requirements/components inherent to the nature of the course. ACBI may exclude a student who cannot meet the inherent requirements of the course, even with adjustments, and is also entitled to consider excluding a student if any adjustment would impose unjustifiable hardship on its operations.

6.8. ACBI's decision will be communicated to the student in writing as soon as practicable together with a copy of the Individual Disability Access Plan and any costs payable by the student (if applicable).

6.9. If ACBI chooses not to offer an adjustment, it will inform the student in writing of the decision, including the reasons for that decision. In the event ACBI does not offer the student an adjustment or place in the course, it will also inform the student of their right to access the Complaints and Appeals Policy and related processes available on the ACBI website.

6.10. Where reasonable adjustments are implemented, the detailed plan including timetables, notes regarding the required adjustments, and any related communications regarding the adjustments will be distributed to the relevant ACBI staff and a copy will be maintained on the student's file in the Student Management System.

6.11. The plan will be reviewed by the trainer and the Director of Studies to ensure its efficacy. Any changes made to the plan must be communicated to the student and a copy retained on the student's file.

6.12. ACBI endeavours to obtain information on a student's needs before course commencement but this may not always occur. Where needs arise after the course commencement, this Policy will apply and ACBI will attempt to adjust the student's learning requirements accordingly.

7. Breaches

If a student or staff member is found to be in breach of this Policy, she or he may be subject to disciplinary action under the relevant Code of Conduct and Misconduct Procedure, which can be accessed from the ACBI website.

8. Appeals

Appeals concerning any decision taken in relation to this Policy should be made under the relevant Complaints and Appeals Policy, which can be accessed from the ACBI website. Overseas students may appeal to the Commonwealth Ombudsman.

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9. References

Disability Discrimination Act 1992 (Cth)

Disability Standards for Education 2005 plus Guidance Notes (Cth)

Anti-Discrimination Act 1977 (NSW)

Australian Human Rights Commission Act 1986 (Cth)

10. Acknowledgements

In developing this Policy, ACBI acknowledges:

- *Think: Colleges, Disability Policy;*
- *Western Sydney University, Disability Policy;*
- *Macquarie University, Disability Policy;*
- *AIBI HE Higher Education, Disability Support Policy.*
- *APC Access and Equity Policy*

Document History:

Version	Date	Author	Reason	Sections
1.0	8/06/2018	-	Initial Policy based on changes to the National Code 2018	All
2.0	12/04/2024	Ivan Negro	Updated to provide further clarity. Addition of new sections. Addition of Reasonable Adjustments details and examples. Applied new policy format.	All

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