



DISABILITY DISCRIMINATION POLICY

Purpose:	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.		
Scope:	This Policy is to be adhered to by all stakeholders which include all staff, directors, managers, workers, parents, students, volunteers, contractors, suppliers and visitors to the College.		
References and Legislation:	<ul style="list-style-type: none">• <i>Anti-Discrimination Act 1991 (Qld)</i>• <i>Australian Education Act 2013 (Cth)</i>• <i>Australian Human Rights Commission Act 1986 (Cth)</i>• <i>Disability Discrimination Act 1992 (Cth)</i>• <i>Disability Standards for Education 2005 (Cth), including Guidance Notes</i>		
Ormiston College Related Documents:	<ul style="list-style-type: none">• Anti-Discrimination Policy• Anti-Bullying Policy• Child Protection Policy• Complaints Handling Policy• Privacy Policy• Staff Code of Conduct Policy• Student Expectations and Behaviour Code• Student Behaviour Management Strategy		
Policy Owner:	College Governing Body	Version:	V040724
Status:	APPROVED	Supersedes:	V010817
To be reviewed:	Every 2 years	Next Review Date:	July 2026
Authorised by:	BRETT WEBSTER	Date of Authorisation:	16/07/2024
Signature:			

POLICY STATEMENT

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

In accordance with relevant law, Ormiston 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, Ormiston 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 Ormiston College, including:

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

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

Ormiston 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 Ormiston College Complaints Handling 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 grounds 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 grounds 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, due to the disability, the aggrieved person requires adjustments.

- **Indirect disability discrimination:** a person (the discriminator) discriminates against another person (the aggrieved person) on the grounds 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 grounds 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.

Resource: Explaining the Disability Standards for Education, see Glossary, page 12 for additional definitions.

<https://www.education.gov.au/disability-standards-education-2005/students/english/explaining>

RESPONSIBILITIES

School Responsibilities

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

- Enrolment – Ormiston 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 College on the same basis as a prospective student without a disability, and without experiencing discrimination.
- Identification – Ormiston College will take reasonable steps to identify students requiring educational adjustments both at enrolment and during the course of time at the College, including those with disability, and consult with family/carers to develop a support plan.
- Participation – Ormiston 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 College, 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 – Ormiston 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 – Ormiston 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 College in general on the same basis as a student without a disability, and without experiencing discrimination.
- Harassment and victimisation – Ormiston 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.

Reasonable adjustments may be made to accommodate a student with a disability or special need that are inclusive and reduce the impact of a disability or special need on a student's academic success. Reasonable adjustments may modify learning resources, learning environment, teaching methods or assessment conditions.

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

Student and Employee Responsibilities

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

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

Exceptions

The College is not obligated to provide adjustments for a student where the parent/s and or the student choose not to disclose a disability or special need, elect not to have the disability formally diagnosed, or makes a conscious decision to decline the offer of reasonable adjustments based on an imputed disability.

IMPLEMENTATION

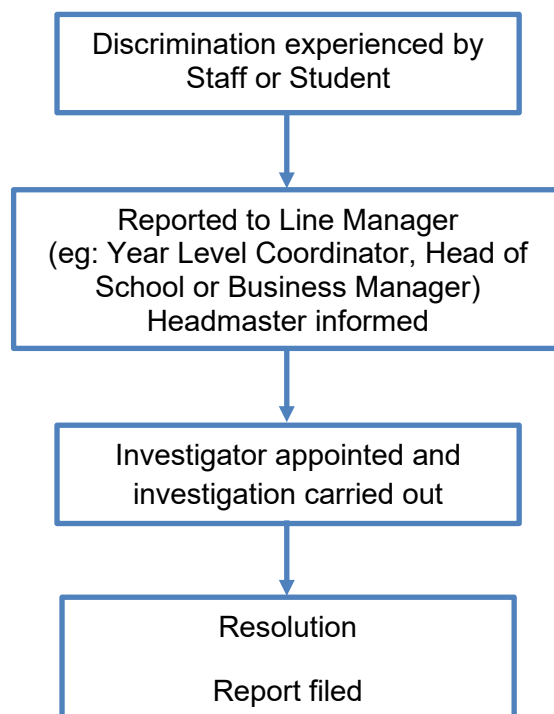
Ormiston College is committed to take reasonable steps to prevent unlawful discrimination on the basis of disability, including the following:

- Awareness – regularly making all relevant employees aware of the need to avoid discrimination, harassment and victimisation. The College is committed to the development and implementation of a Disability Discrimination Policy, and the clear support and promotion of the Policy by the College Executive.
- Training – regularly taking reasonable measures to ensure that employees have sufficient information and expertise concerning non-discriminatory methods of service delivery, including the provision of formal training.
- Complaints Handling – establishment of an appropriate Complaints Handling Policy and Procedure.
- Recording, monitoring, reporting – keep appropriate records, implement strategies to monitor and report as required.
- Culture – removal of any discriminatory or offensive materials, rules and practices, and encouragement of employees to contribute to a healthy school culture.

COMPLIANCE AND MONITORING

The College Executive Team will monitor and report to the Headmaster.

Flowchart of Action



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