

Clear from the Start: Defining when Adjustments are Reasonable under the Disability Standards for Education

A presentation for the Tertiary Education Management Conference 2015, Wollongong

Presenters

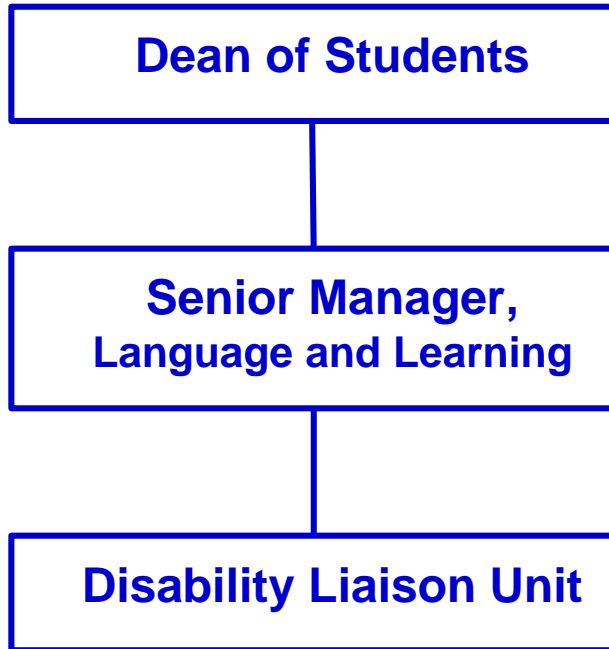
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Outline



1. Disability support and inherent requirements
2. RMIT units and processes supporting students with disabilities
3. The RMIT Inherent Requirements Project
4. Process for when students may not be able to fulfil inherent requirements

Reasonable adjustments and inherent requirements



The DLU assess students who register with them and recommend (for implementation by teaching programs and central Examinations):

- ❖ reasonable adjustments (learning and teaching) and
- ❖ equitable assessment arrangements (adjustments to assessment)

balanced against the inherent requirements of the program.

Adjustments cannot compromise program learning outcomes.

But what are the inherent requirements? Where are they stated?

What are inherent requirements?

Reminder of the legislative framework:

- ❖ It is illegal to discriminate against a student on basis of their disability (s. 22 of Disability Discrimination Act 1992).
- ❖ A provider must make 'reasonable adjustments' to accommodate a student with a disability (Disability Standards for Education 2005).
- ❖ In assessing whether adjustments/accommodation are reasonable, an education provider can:
 - 'maintain the *academic requirements* of the course or program *and other requirements* or components *that are inherent* in or essential to its nature'
 - 'ensure the integrity of its courses or programs and assessment requirements and processes, so that those [on whom] it confers an award can present themselves as having the appropriate knowledge, experience and expertise implicit in the holding of that award'.



What are inherent requirements?

Risks in not having these defined:

- ❖ claims of disability discrimination under Disability Discrimination Act 1992 or Disability Standards for Education 2005
- ❖ complaints under the Consumer and Competition Act 2010 (previously the Trade Practices Act 1974)
- ❖ impaired student experience and staff experience – lack of clear basis for conversations about reasonable adjustments and their limits.

Benefits of defining them:

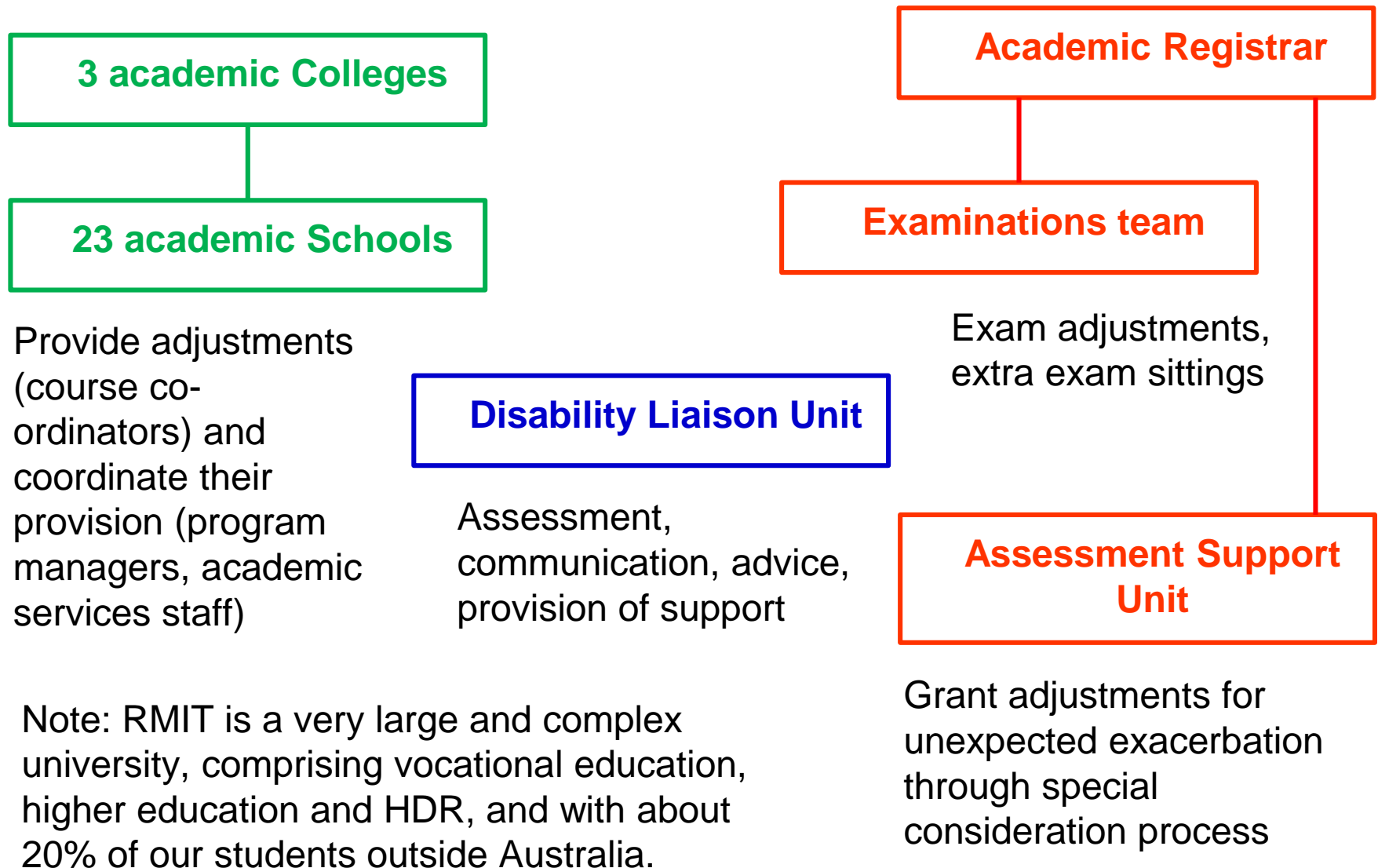
- ❖ provide a clear basis for decisions and conversations about whether adjustments are reasonable.
- ❖ integral to a holistic strategy to support learning and teaching for an increasingly diverse student population.

What are inherent requirements?

The Disability Standards are under review:

- ❖ A review of the Disability Standards for Education started in 2010.
- ❖ A draft outcome of the review was that tertiary institutions would be expected to define inherent requirements for programs.
- ❖ With a change of government the recommendations were not implemented.
- ❖ A further review of the Standards is currently in process.

Other RMIT units involved in providing adjustments



Special consideration and disability

RMIT University is unusual in having a fully centralised special consideration process.

Students

Special consideration

> Current students > Admin essentials > Assessment and exams > Assessment > Special consideration

Please check [Adjustments to assessment](#) to see if special consideration is right for your circumstances.

- > What is special consideration?
- > Application timelines
- > Your responsibilities
- > Submit an online application
- > [Application outcomes, appeal and review](#)
- > Types of outcome when granted special consideration
- > Communication about your special consideration application
- > Your responsibilities

< Assessment

- Special consideration
- Appeals
- Application outcomes, appeal and review
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- What is special consideration?
- Your responsibilities

Contact

You can enquire about your special consideration application or provide additional documentation and [information](#) for your application by emailing special.consideration@rmit.edu.au.

Special consideration and disability

Key points about the special consideration process

- ❖ Students apply online (or in hard copy)
- ❖ The Assessment Support Unit:
 - supports students to complete their application
 - assesses applications
 - notifies the student, Schools, Exams team of outcomes.
- ❖ Where it becomes apparent that students have a long-term health condition and are not registered with the DLU, special consideration outcome email includes a recommendation that they seek an EAA.

Special consideration and disability

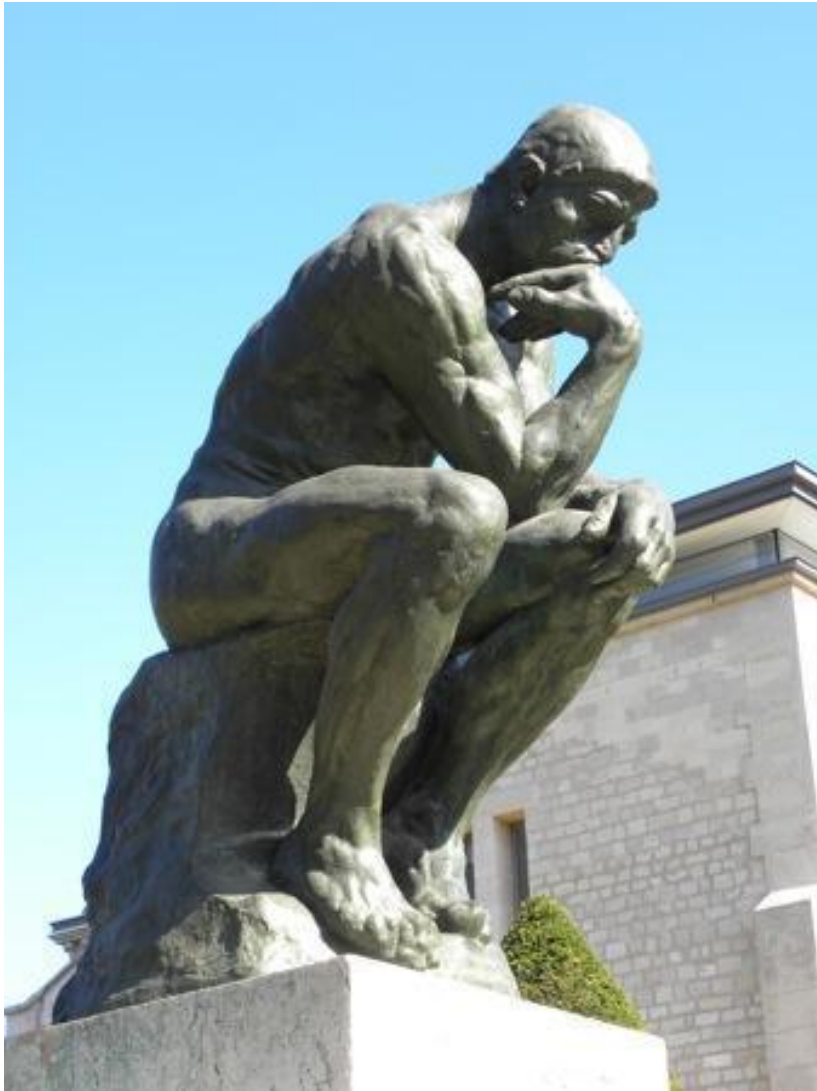
- ❖ Some students with mental health conditions are reluctant to interact with the Disability Liaison Unit.
- ❖ The exam period results in last-minute registrations with the DLU.
- ❖ It is challenging to assess these students and define adjustments in time for them to have adjustments in exams.



Disability and assessment policy

- ❖ The Assessment policy review in 2012 clarified the relationship between
 - Equitable assessment arrangements (EAAs) – for adjustments to accommodate disability – and
 - special consideration – adjustments for *unexpected* adverse events.
- ❖ The new Assessment: adjustment to assessment procedure restricted availability of a second adjustment through special consideration to exceptional circumstances.
- ❖ EAAs, however, provide greater flexibility.
- ❖ One effect has been an increase in registrations with the DLU: up from 844 in 2011 to 1376 in 2014 (a 63% increase in three years).

Disability and assessment policy



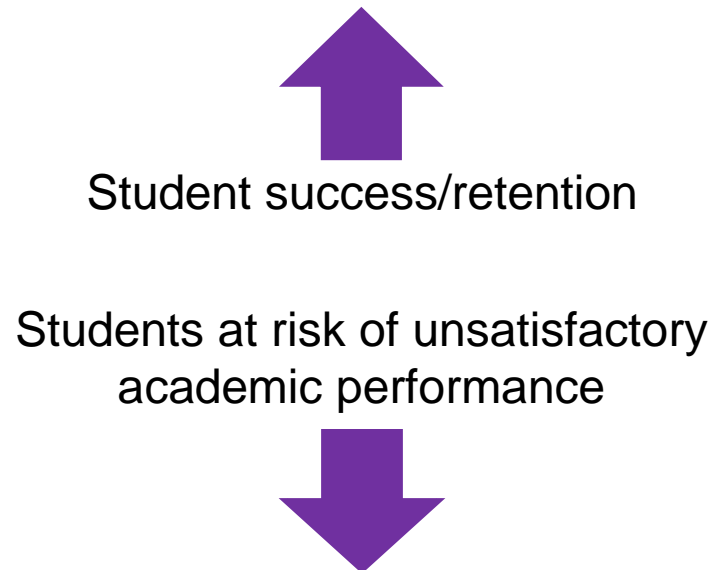
A couple of thorny issues:

- ❖ How many deferments of assessment can a student with a severe health condition have, before it becomes apparent that they are unable to complete the course on this attempt – that they cannot meet the academic inherent requirements?
- ❖ If a student has persisted in study but has failed the course despite all adjustments the University can provide, should this be recorded as a fail? (Such students may seek a late withdrawal without academic penalty, arguing that their health condition prevented them for passing the course.)

The RMIT Inherent Requirements Project

- ❖ In 2013 an action was added to the University's Disability Action Plan: to define academic program level inherent requirements.
- ❖ This would enable applicants to make better informed decisions about which programs best suit them.

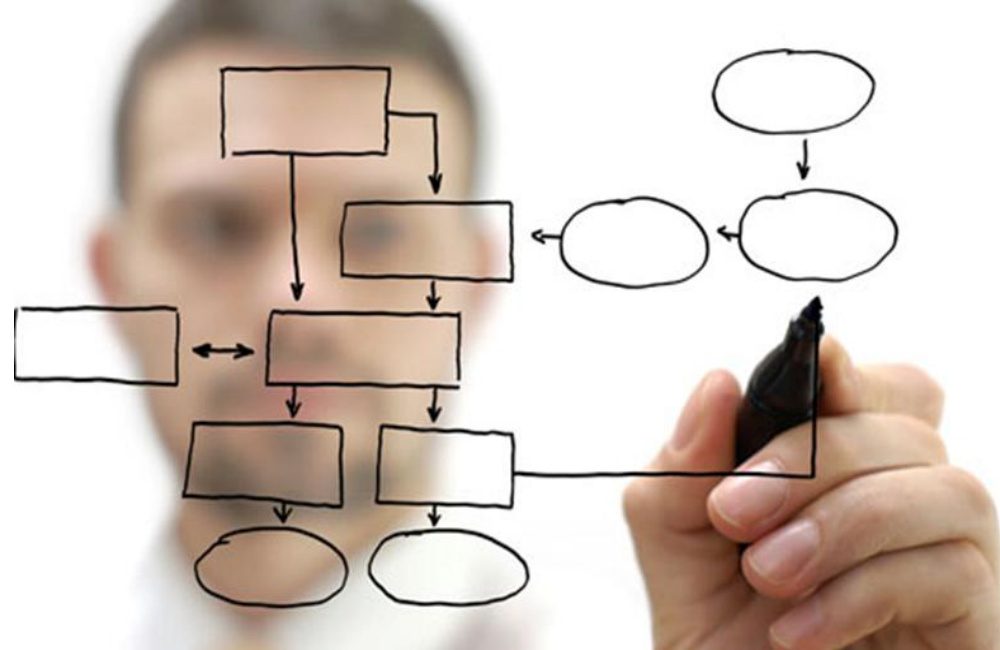
Informed program choice =



The RMIT Inherent Requirements Project

Inclusive Practices Project Officer position filled March 2014, to:

- ❖ develop an institution-wide approach to articulating inherent requirements
- ❖ work with programs to define their inherent requirements
- ❖ collaborate with institutional stakeholders and decision-makers to publish and use inherent requirements statements.



The RMIT Inherent Requirements Project



Work completed to date:

- ❖ Establishment of a framework for articulating inherent requirements
- ❖ Requirement that program inherent requirements be defined has been included in new Program design procedure
- ❖ Prioritisation of academic programs for which inherent requirements are to be defined – 16 programs that require placements/internships to go first
- ❖ Establishment of a staff-facing inherent requirements web portal
- ❖ Inherent requirements defined for first programs:
 - Bachelor of Applied Science (Medical Radiations) – approved
 - Bachelor of Social Work – ready to be submitted for approval
 - Bachelor of Education – ready to be submitted for approval

The RMIT Inherent Requirements Project

Program inherent requirements are defined across seven functional areas:

- ❖ Communication
- ❖ Literacy and numeracy
- ❖ Cognitive skills
- ❖ Behavioural stability and mental health
- ❖ Sensory
- ❖ Strength and mobility
- ❖ Sustainable performance

Other requirements such as legislative/professional accreditation requirements may also be included.

The RMIT Inherent Requirements Project

For each functional area, the statement of inherent requirements will explain

- ❖ What the student needs to be able to do
- ❖ Examples of this
- ❖ Why the student needs to be able to do it
- ❖ What reasonable adjustments could be considered.

A brief summary of the inherent requirements will be published in the program guide (handbook), with a link to the student-facing inherent requirements web page for the full statement.

The program summary for prospective students will state that the program has inherent requirements, with a link to the web page for the full statement

The RMIT Inherent Requirements Project

Current/impending work

- ❖ Publish student-facing web page of program inherent requirements statements
- ❖ Define inherent requirements for placement/internship programs by 2016
- ❖ Develop inherent requirements staff training to ensure that inherent requirements statements are used to:



- support informed decision-making by prospective and current students,
- *not* to exclude students.
- ❖ Define process to be followed when it becomes apparent that students may not be able to fulfil inherent requirements.

Process for when students may not be able to fulfil inherent requirements

Who is involved in developing this?

- ❖ Inclusive Practice Project Officer – leading inherent requirements development and training
- ❖ Disability Liaison Unit – assesses students to plan reasonable adjustments
- ❖ Academic Policy Unit – drafting process document (instruction)
- ❖ Student Governance Unit – responsible for student conduct, student complaints, external review processes
- ❖ Safety Advisory Team – handles situations where student behaviour may pose a serious risk to safety
- ❖ Legal Services – ensures processes are sound in case of complaint of disability discrimination or other external review



Process for when students may not be able to fulfil inherent requirements

Approach that has emerged:

- ❖ Identify aspects of inherent requirements with which student is observed to be struggling – as soon as difficulties are observed
- ❖ Program manager has a conversation with the student – table of program inherent requirements with observed difficulties is the basis of this
- ❖ If student discloses a disability/long-term health condition, encourage them to have DLU assessment – identify reasonable adjustments (DLU Plan).



Process for when students may not be able to fulfil inherent requirements

Approach that has emerged:

- ❖ DLU assessment may also result in recommendation that student have treatment and/or take time off for recovery.
- ❖ If reasonable adjustments are proposed, program team can consider whether these may enable student to fulfil program requirements
- ❖ In some cases the student may be considered unlikely to fulfil inherent requirements even with adjustments: in this case, advise the student to consider alternative programs/career options.
- ❖ At all points of the process, keep records: the table of inherent requirements and student's observed difficulties, and program's advice to the student.



Process for when students may not be able to fulfil inherent requirements

Approach contd

❖ The student decides whether to engage in the process and/or continue in the program. But:



- Where the student behaves in ways that may constitute misconduct, initiate the student conduct process (if there is serious risk to safety, this will involve Safety Advisory Team).
- Where the student's condition makes it unsafe for them to undertake assessment activities or a placement, follow OHS protocols.

Process for when students may not be able to fulfil inherent requirements

Approach contd

- ❖ If the student does not engage in the process, or elects to continue in the program against advice that they are considered unlikely to succeed, they may fail courses and encounter the academic progress process.
- ❖ The academic progress process offers further opportunities to engage the student in discussion of inherent requirements, reasonable adjustments and their limits.
- ❖ If the student reaches 'final stage' of academic progress, decision whether to exclude should:
 - consider whether student has engaged with process, had DLU assessment, been advised that they are unlikely to be able to fulfil inherent requirements:
 - program has a responsibility to exclude if student is considered unlikely to succeed.

Process for when students may not be able to fulfil inherent requirements

Approach contd

- ❖ If the student has been excluded for continued unsatisfactory academic performance, decision whether to readmit should:
 - consider whether student now has an improved likelihood of success, or
 - if not, student should not be readmitted (not in their interest).



Your questions are welcome.

