

# Guidelines to Support Academic Counseling of Students with Disabilities



## Introduction

The mission of the Faculty of Medical and Health Sciences (FMHS) is to improve the health and well being of our local, national and global communities through excellence in teaching, research and service.

Through excellence in teaching the Faculty aims to develop the next generation of health care professionals, researchers and leaders. To achieve this we must attract potential students, and in our efforts to attract potential students we must remain conscious of one of our core values; equity. Our goal is to make the Faculty accessible to all students who have the capability to succeed, and to ensure that we provide an environment and support which gives them their best chance of success.

This document is directed at staff of the Faculty who have a role in advising potential and current students, including disabled students (declared or otherwise), and sets out the legislative and policy frameworks in which the Faculty (and University) operates and our commitment to offering an inclusive educational environment for disabled students. The following definition is important.

*Disability is not something individuals have. What individuals have are impairments. They may be physical, sensory, neurological, psychiatric, intellectual or other impairments. Disability is the process which happens when one group of people create barriers by designing a world only for their way of living, taking no account of the impairments other people have. (New Zealand Disability Strategy 2001, p.1).*

## Preamble

### **This document is consistent with:**

1. Human Rights Act 1993 (excerpt on Discrimination in access to educational establishments appended-see Appendix 1).
2. Health Practitioners Competency Assessment Act 2003 regarding fitness to practice (Standards 1.4-1.6 appended-Appendix 2).
3. The University of Auckland Strategic Plan 2005-2012 (available at <http://www.auckland.ac.nz/uoa/home/about/the-university/official-publications/strategic-plan-2005-2012>).

### **This document needs to be read with reference to:**

4. Kia Orite: Achieving Equity. New Zealand Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments (Executive Summary appended-Appendix 3).
5. *The New Zealand disability strategy: Making a world of difference. Whakanui oranga.* Wellington, New Zealand: Ministry of Health, 2001.
6. Information for students in the Prospectus and on the Web.

## Key guiding principles

1. An academically eligible person (as set out in the University Calendar) has the right to participate in an educational programme.

2. The University (and consequently the Faculty) has a role in providing equitable opportunities and an inclusive environment for disabled persons to participate in and complete core requirements of an academic programme.
3. The ability of a graduate to register and practice in a profession, or the availability or lack thereof of career options for graduates, should not be used as the sole reason to decline admission to an academic programme.
4. The Faculty will consider the circumstances and requirements of other stakeholders in the education of health professional students when giving advice. Other stakeholders may include District Health Boards, and other organisations that provide clinical placements for medical, pharmacy, nursing and population health students.
5. The programme directors and Faculty will consider each application on a case by case basis taking into account the guidelines below.
6. Academic advisors/counselors and disabled students will share responsibility for negotiating and developing solutions.
7. The Faculty will provide information about the implications of impairments on study in the Faculty of Medical and Health Sciences to prospective and current students, because of the possibility an impairment may be acquired during a student's study or career.

### **Academic counseling of disabled students (potential and current)**

Disabled students interested in applying to the Faculty's programmes, or who acquire an impairment during the period of their study in one of the Faculty's programmes, are encouraged to seek specific academic counseling. With the agreement of the student, academic counseling should preferably involve the Manager, Disability Services.

#### **Academic counseling of disabled students should:**

1. Provide information on all available programmes the Faculty offers.
2. Provide information on the core requirements of professional and other programmes of interest.
3. Provide, for those planning on entering professional programmes, information on the requirements for registration, fitness to practice, and possible regulatory authority decisions.
4. Provide guidance and information for the student on the appropriate body/bodies to contact regarding professional registration requirements on completion of an educational programme, and encouragement to get additional information from regulatory authorities.
5. Be consistent with other relevant Faculty policies and codes.
6. Provide other sources of information available to the student e.g. websites for hearing or vision impaired clinicians.
7. Provide information on possible careers that a graduate may pursue on completing a programme both within and external to a specific health profession e.g. research; different types of clinical practice.
8. Provide information on University support services and websites.
9. Provide full information to allow an informed choice to be made regarding the chosen study programme.

**The following frequently asked questions may assist staff.**

## Frequently Asked Questions

### How is disability defined?

There have been significant changes in how disability is interpreted in recent years. The medical model of disability assumed that people with impairments themselves were the problem and what was needed was either care or a cure. An alternative model has now emerged that highlights the role of the environment in producing disability. This is known as the social model of disability, wherein individuals have impairments, not disabilities. It is the attitudes of others and engrained institutional structures that create societal limitations, which lead to a disabling environment. The social model recognises society's obligation to support freedom and equality for all individuals.

*"Disability is not something individuals have. What individuals have are impairments. They may be physical, sensory, neurological, psychiatric, intellectual or other impairments.*

*Disability is the process which happens when one group of people create barriers by designing a world only for their way of living, taking no account of the impairments other people have. Our society is built in a way that assumes that we can all move quickly from one side of the road to the other; that we can all see signs, read directions, hear announcements, reach buttons, have the strength to open heavy doors and have stable moods and perceptions.*

*Although New Zealand has standards for accessibility, schools, workplaces, supermarkets, banks, movie theatres, marae, churches and houses are, in the main, designed and built by non-disabled people for non-disabled users. This is our history of disability in New Zealand.*

*Disability relates to the interaction between the person with the impairment and the environment. It has a lot to do with discrimination, and has a lot in common with other attitudes and behaviours such as racism and sexism that are not acceptable in our society."*

Office for Disability Issues, Ministry of Social Development  
<http://www.odi.govt.nz/publications/nzds/introduction.html>

### How common is disability?

*"One in five people in New Zealand report having a long-term impairment. Because everyone comes from different backgrounds, holds different beliefs and has different needs, there is a great diversity of people who have impairments. The key common factor among people with impairments is that they face many lifelong barriers to their full participation in New Zealand society".*

Office for Disability Issues, Ministry of Social Development  
<http://www.odi.govt.nz/publications/nzds/introduction.html>

### Do staff/students have to declare impairment/s?

No, staff and students do not have to declare an impairment/s.

### **What are my general responsibilities as an academic staff member towards an employee or student with a declared impairment?**

Disabled people are entitled to the full benefit of all general laws in New Zealand, including human rights law, and specific law in the areas of employment, health and disability, education, and access to services and information. Academic staff would be expected to work with other University staff e.g. their operations manager or student administrator to ensure that reasonable accommodations are made for an individual's impairment.

*"The Human Rights Act of 1993 ... recognises that ensuring equality for disabled people requires different treatment in certain circumstances so that they can participate in employment, education, access to goods and services and other areas where discrimination is prohibited. The provision of special services or actions to enable equal participation of disabled people, known as 'reasonable accommodation', is exempted from the definition of discrimination. 'Special measures to ensure equality' may also be exempted from the definition of discrimination.*

*Different treatment is permitted where:*

- *a disabled person requires special services or facilities to enable him or her to participate and these can reasonably be provided; or*
- *there is a risk of harm to a disabled person or others that can be reasonably reduced to a normal level.*

*The statutory tests for 'reasonable' accommodation depend on the accommodation required. Where there is a risk of harm, a three-stage assessment of the nature of the disability and its likely effect (on the workplace, for example) is required:*

1. *Would there be a risk of harm to the individual or others?*
2. *Would it be reasonable to take the risk?*
3. *Could the organisation take reasonable measures, without unreasonable disruption, to reduce the risk to a normal level?*

*Where special services are required, an assessment is made of the required services and whether it is reasonable to provide them. Examples include providing a larger computer screen, modifying a desk area, providing specific equipment, modifying software, or changing job duties."*

Human Rights Commission

<http://www.hrc.co.nz/report/chapters/chapter05/disabled02.html>

### **What is the University policy regarding disabled student assessment / examination?**

The University is committed to ensuring accessibility of its courses, programmes and assessment procedures for all students, including students with disabilities. Assessment and examination practices and procedures should provide disabled students with the same opportunity as their non-disabled peers to demonstrate the achievement of learning outcomes. Teaching staff are therefore required to respond positively to requests for reasonable adjustments to be made if assessment arrangements are likely to place a disabled student at a disadvantage over non-disabled students.

Teaching staff should remind students early in the semester to tell staff (Teaching or Disability Services) about their special conditions requirements. Students should be told how to get special conditions approved, early in the semester (see below, **SA 25**).

Departments should also contact Disability Services as soon as possible, if assistance is required from Disability Services.

Examples of special conditions include:

- (a) Extra time (10 or 20 minutes) for continuous writing; or resting; or exercise; or toilet visit
- (b) Amanuensis (writer) required
- (c) Room Requirements: Close to toilets; Room on own; Mats and cushions; Wheelchair access; Room < 6 people; Food and drink; Natural light; Lectern; Separate table/chair

### **Who approves special conditions for assessments / examinations for students who declare impairment (SA 25)?**

Only designated Student Health and Counselling or Student Learning Centre staff can complete an SA 25, which is required for approval of special conditions.

- Students with specific learning disabilities e.g. dyslexia, can self-refer or be referred to the Student Learning Centre.
- Students with other health or disability related impairments can self-refer or be referred to Student Health & Counselling.
- Students at Tai Tokerau must liaise with Disability Services in order to get their SA 25's.

### **Who organises the special conditions for assessments / examinations, once the SA25 is approved?**

Teaching staff (or persons with delegated responsibilities) have the primary role in organising the arrangements for special conditions for tests, with Disability Services playing a secondary role. However, Disability Services staff will assist teaching staff (or persons with delegated responsibilities), if requested.

### **What is the role of Disability Services?**

The role of Disability Services is to support both students and staff with a range of impairments to succeed and excel within the University. They offer a broad array of services and help tailor solutions to make studying and working at the University of Auckland an accessible and positive experience.

*"The Disability Co-ordinators are the first point of contact if you need to access Disability Services. Whether you are a student or staff member living with an impairment, you suspect that you have an impairment, or you are staff member wanting support and information in working with people with Disabilities or Impairments, the Co-ordinators will either be able to assist in your accessing services and resources, or be able to put you in touch with the right people to help. "*

For further information, go to

<http://www.disability.auckland.ac.nz/>

## **Appendix 1 Excerpt from Human Rights Act 1993, and Discrimination in Access to Educational Establishments.**

In principle, it is unlawful to discriminate access to an educational institution just on the basis of disability. There are exceptions –see sub-section 60, below.

### **Discrimination in Access to Educational Establishments**

**57. Educational establishments**---(1) It shall be unlawful for an educational establishment, or the authority responsible for the control of an educational establishment, or any person concerned in the management of an educational establishment or in teaching at an educational establishment,---

- (a) To refuse or fail to admit a person as a pupil or student; or
- (b) To admit a person as a pupil or a student on less favourable terms and conditions than would otherwise be made available; or
- (c) To deny or restrict access to any benefits or services provided by the establishment; or
- (d) To exclude a person as a pupil or a student or subject him or her to any other detriment,---

by reason of any of the prohibited grounds of discrimination.

(2) In this section "educational establishment" includes an establishment offering any form of training or instruction and an educational establishment under the control of an organisation or association referred to in section 40 of this Act.

Cf. 1977, No. 49, s. 26 (1), (3)

### **58. Exceptions in relation to establishments for particular groups**---

(1) An educational establishment maintained wholly or principally for students of one sex, race, or religious belief, or for students with a particular disability, or for students in a particular age group, or the authority responsible for the control of any such establishment, does not commit a breach of section 57 of this Act by refusing to admit students of a different sex, race, or religious belief, or students not having that disability or not being in that age group.

(2) Nothing in section 57 of this Act shall prevent an organisation or association from affording persons preferential access to facilities for training that would help to fit them for employment where it appears to that organisation or association that those persons are in special need of training by reason of the period for which they have not been engaged in regular full-time employment.

(3) Nothing in section 57 of this Act shall prevent an organisation or association from providing training, or facilities or opportunities for training (including facilities or opportunities by way of financial grants), only for persons above a particular age or in a particular age group.

(4) Nothing in section 57 of this Act shall prevent the making of financial grants by an organisation or association only to persons above a particular age or in a particular age group.

(5) Nothing in section 57 of this Act shall prevent an organisation or association from charging different fees to persons in different age groups.

Cf. 1977, No. 49, s. 26 (2)

**59. Exception in relation to courses and counselling**---Nothing in section 57 of this Act shall prevent the holding or provision, at any educational establishment, of courses or counselling restricted to persons of a particular sex, race, ethnic or national origin, or sexual orientation, where highly personal matters, such as sexual matters or the prevention of violence, are involved.

**60. Further exceptions in relation to disability**---(1) Nothing in section 57 of this Act makes it unlawful to refuse admission to an educational establishment to a person whose disability is such that that person requires special services or facilities that in the circumstances cannot reasonably be made available (being services or facilities that are required to enable the person to participate in the educational programme of that establishment or to enable the person to derive substantial benefits from that programme).

(2) Subject to subsection (3) of this section, nothing in section 57 of this Act shall apply where the person's disability is such that there would be a risk of harm to that person or to others, including the risk of infecting others with an illness, if that person were to be admitted to an educational establishment and it is not reasonable to take that risk.

(3) Nothing in subsection (2) of this section shall apply if the person in charge of the educational establishment could, without unreasonable disruption, take reasonable measures to reduce the risk to a normal level.

Cf. Equal Opportunity Act 1984, s. 28 (5) (Victoria)

## **Appendix 2 - Kia Ōrite: Achieving Equity**

### **New Zealand Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments**

Available on-line from: <http://www.achieve.org.nz>; <http://www.tec.govt.nz>;  
<http://www.minedu.govt.nz>;

#### **Summary**

From: Code of Practice – Background to Assist Implementation produced by ACHIEVE 2005. The purpose of this Code of Practice is to assist tertiary education providers to create a fully inclusive tertiary education environment for students with impairments within New Zealand.

*Kia Ōrite Achieving Equity* includes the vision, best practice standards, policy and legal framework to create a fully inclusive tertiary environment.

This Code of Practice is not just for Disability Support Services. It is designed to assist tertiary education providers to identify and remove barriers in all areas of campus life.

#### **Code of Practice General Principles:**

Some general principles underpin the creation of a fully inclusive tertiary education environment for students with impairments.

1. Students with impairments are provided with equitable opportunities to achieve their individual capabilities and participate in all aspects of tertiary education life.
2. All interactions with people with impairments are characterised by respect for their rights, dignity, privacy, confidentiality, and equality.
3. Students with impairments are able to participate in an environment that is free from harassment and discrimination, where both staff and students are aware of their rights and responsibilities under legislation
4. Policies, procedure, services and facilities, including strategic planning and resource allocation, enable students with impairments to achieve equitable access to tertiary education and the full range of activities that encompass campus life.
5. An equitable learning environment is created by considering the needs of students with impairments in all aspects of the learning process, including course design, curriculum, delivery, assessment and support strategies.
6. Students with impairments are enabled to participate in their course of study on equal terms with other students.
7. Staff is trained to meet the requirements of students with impairments, they invite these students to discuss their requirements and treat requests promptly and seriously.
8. Students with impairments:
  - a) Make known their requirements in advance, so appropriate services are provided
  - b) Where possible, share responsibility for negotiating and developing solutions
  - c) Advise institutions of difficulties they encounter

#### **Code of Practice Vision Statements:**

1. **Policy and Planning**  
All policies, procedures and planning processes take into account the goal the goal of a fully inclusive educational environment in which students with impairments have equal opportunities for participation and achievement



- 2. Recruitment**  
Publicity, programme details, general information and other recruitment initiatives are accessible to students with impairments and describe opportunities for them to participate.
- 3. Selection and Admission**  
Selection and admission policies and procedures are fair, transparent and assess students on their competencies and not on their impairments.
- 4. Enrolment Processes**  
Enrolment, registration and induction processes accommodate the needs of all students with impairments.
- 5. General and Specialist Services**  
Students with impairments have equal opportunity through access to appropriate support and service.
- 6. Funding and Withdrawal**  
Funds are adequate to provide effective support services to students with impairments and flexible withdrawal policies exist that reflect their particular circumstances
- 7. Services for Māori**  
Opportunities are promoted for Māori with impairments to access, participate and achieve in tertiary education with demonstrable improvements in participation and achievement rates.
- 8. The Physical Environment**  
Students with impairments have equitable access to the physical environment within the tertiary institution in which they will study, learn, live and take part.
- 9. Facilities and Equipment**  
Campus facilities, equipment and events are accessible to all students with impairments.
- 10. Teaching and Learning**  
All academic programmes are accessible to students with impairments and staff design and implement appropriate teaching and learning strategies.
- 11. Examinations and Assessment**  
Assessment and examination policies, procedures and practices provide students with impairments with the same opportunity as their peers to achieve learning outcomes
- 12. Staff Development**  
Staff development initiatives include disability issues and ensure that staff have the knowledge and skills to work effectively with people with impairments and create a fully inclusive environment.
- 13. Complaints and Appeal Policies and Procedures**  
Policies and procedures exist to deal with complaints arising directly or indirectly from the impairment and these are accessible and communicated effectively to people with impairments.
- 14. Appropriate Use of Student Information**  
Communication systems are effective in providing relevant and timely information to both staff and students, and a safe environment exists for students to disclose impairment information.

**15. Monitoring and Evaluation**

Effective monitoring and evaluation systems report on the participation, retention and achievement of students with various impairments and identify any barriers

**Policy, Legislative and Funding Framework for Using the Code of Practice**

- The New Zealand Disability Strategy Whakanui Oranga 2001
- The Ministry of Education, Tertiary Education Strategy 2002 – 2007
- The Ministry of Education, Tertiary Education Strategy 2008 – 2012
- The Human Rights Act, 1993
- Bill of Rights Act, 1990
- The Privacy Act, 1993
- Health and Disability Commissioner Act, 1994
- Tertiary Education Commission / TEO Component Funding – Equity Funding:  
<http://www.tec.govt.nz/templates/printsummary.aspx?id.=206&printpageid=2529>

**Appendix 3: Health Practitioners Competence Assurance Act 2003 Sections 16 & 45 (4) (5).**

**16 Fitness for registration**

*No applicant for registration may be registered as a health practitioner of a health profession if-*

- (a) he or she does not satisfy the responsible authority that he or she is able to communicate effectively for the purposes of practising within the scope of practice in respect of which the applicant seeks to be, or agrees to be, registered; or*
- (b) he or she does not satisfy the responsible authority that his or her ability to communicate in and or comprehend English is sufficient to protect the health and safety of the public; or*
- (c) he or she has been convicted by any court in New Zealand or else where of any offence punishable by imprisonment for a term of 3 months or longer and he or she does not satisfy the responsible authority that, having regard to all the circumstances, including the time that has elapsed since the conviction, the offence does not reflect adversely on his or her fitness to practise as a health practitioner of that profession; or*
- (d) the responsible authority is satisfied that the applicant is unable to perform the functions for the practice of that profession because of some mental or physical condition;*
- (e) he or she is the subject of professional disciplinary proceedings in New Zealand or in another country, and the responsible authority believes on reasonable grounds that those proceedings reflect adversely on his or her fitness to practise as a health practitioner of that profession; or*
- (f) he or she is under investigation, in New Zealand or in another country, in respect of any matter that may be the subject of professional disciplinary proceedings, and the responsible authority believes on reasonable grounds that that investigation reflects adversely on his or her fitness to practise as a health practitioner of that profession; or*
- (g) he or she-*
  - (i) is subject to an order of a professional disciplinary tribunal (whether in New Zealand or another country) or to an order of an educational institution accredited under section 12 (2) (a) or to an order of an authority or a similar body in another country; and*
  - (ii) does not satisfy the responsible authority that that order does not reflect adversely on his or her fitness to practise as a health practitioner of that profession; or*
- (h) the responsible authority has reason to believe that the applicant may endanger the health or safety of members of the public.*

**45 Notification of inability to perform required functions due to mental or physical condition.**

- (4) Subsection (5) applies to a person in charge of an educational programme in New Zealand that includes or consists of a programme of study or training (a **course**) that is a prescribed qualification for a scope of practice of a health profession.*
- (5) If a person to whom this subsection applies has reason to believe that a student who is completing a course would be unable to perform the functions required for the practice of the relevant profession because of some mental or physical condition, the person must promptly give the Registrar of the authority written notice of the circumstances.*

**118 Functions of authorities**

*The functions of each authority in respect of the health profession are as follows:*

- a) to prescribe the qualifications required for the scopes of practice within*

- the professional, and for that purpose, to accredit and monitor educational institutions and degrees, courses of studies, or programmes:*
- b) to authorise the registration of health practitioners under this Act, and to maintain registers:*
  - c) to consider applications for annual practising certificates:*
  - d) to review and promote the competence of health practitioners:*
  - e) to recognise, accredit, and set programmes to ensure the ongoing competence of health practitioners:*
  - f) to receive and act on information from health practitioners employers and the Health and Disability Commissioner about the competence of health practitioners:*
  - g) to notify employers the Accident Compensation corporation the Director-General of Health, and the Health and Disability Commissioner that the practice of a health practitioner may pose a risk of harm to the public:*
  - h) to consider the cases of health practitioner who may be unable to perform the functions required for the practice of the profession:*
  - i) to set standards of clinical competence, cultural competence, and ethical conduct to be observed by health practitioners of the profession:*
  - j) to liaise with other authorities appointed under this Act about matters of common interest:*
  - k) to promote education and training in the profession:*
  - l) to promote public awareness of the responsibilities of the authority:*
  - m) to exercise and perform any other functions powers and duties that are conferred or imposed on it by or under this Act or any other enactment.*