Standing Up For Your Rights: Tertiary Education

A guide to standing up for your rights.



## About this guide

We know that people who are blind or have low vision encounter barriers in many areas, including accessing Tertiary Education. From this guide, you will learn to identify communication strategies and skills you can use to develop an organised approach to addressing barriers you will encounter in education settings due to your blindness or low vision.

This guide includes an overview of relevant Federal legislation that protects your right to participation in education, how and who you can approach for assistance, and the most effective ways to promote your rights.

## What is advocacy?

Advocacy is a way of promoting, protecting and ensuring full and equal enjoyment of all human rights, which enables you to participate in any area of life you choose.

When you experience a barrier to your full participation in everyday life and seek to address this barrier. The action you take to address the barrier is known as advocacy.

**Know your rights in tertiary education**

It is important for you to know your rights so you have an idea of what is possible, what is reasonable to expect, and how your needs may be met. While your rights are commonly upheld through social norms and the common practice of education providers, this is not always the case. Having an understanding of the laws, policies, and practices that govern and protect your rights will assist you to be able to speak up when treated unfairly because of your blindness or low vision.

### Disability Discrimination Act 1992

The *Disability Discrimination Act 1992 (DDA)* is Commonwealth legislation which makes it unlawful to discriminate against a person with a disability in key areas of public life, including education. Under the DDA, disability discrimination occurs when a person is treated less favourably than someone else, based purely on their disability.

### DDA Education Standards

Education Standards have been developed under the DDA (the Standards). The Standards outline the rights and responsibilities of education providers. Under the standards, you have rights to access education at all stages of the education process, which includes enrolment, participation, curriculum development, accreditation, delivery, support services, and eliminating harassment and victimisation.

The Standards cover education delivered by:

* Preschools and kindergartens
* Public and private schools
* Public education and training places, such as TAFE
* Private education and training places, such as private business colleges
* Universities
* Organisations that prepare or run training and education programs

The Standards are intended to give you the same rights as other students and are based on the position that all students, including students with disabilities, should be treated with dignity, and enjoy the benefits of education and training in a supportive environment which values and encourages participation.

### Reasonable adjustments

To achieve inclusion, you have the right to reasonable adjustments to help you to participate in education. An adjustment is a measure or action taken to assist you to participate in education and training on the same basis as other students.

You have the right to seek an adjustment at any stage of the education process. It is important to try to be aware of adjustments you might need before you begin your studies so you can address any potential barriers before they arise.

Some examples of reasonable adjustments you could reasonably expect in education settings include:

* getting study materials in accessible formats
* assistance with note taking during lectures
* modifying or providing equipment, for example enlarging computer screens, or providing specific computer software or an audio loop system
* changing assessment procedures, for example allowing alternative examination methods, such as oral exams, or allowing additional exam time so that someone else can write an exam answer under instructions from you
* changing course delivery, for example providing study notes or research materials in different formats.
* modifying lighting in classrooms where light and glare can adversely affect you. This can be as simple as installing window blinds or moving you to a different desk.

Under the Standards, an adjustment is considered reasonable if it accommodates your learning needs whilst also considering the interests of other parties affected, including the education provider, staff and other students.

In making a reasonable adjustment, the education provider will seek to ensure that the academic requirements of the course and the corresponding assessment requirements are maintained.

### Consultation

You have the right to be consulted on the need for, and nature of, any adjustments you require. It may be necessary to engage professional expertise, such as orthoptists, ophthalmologists or adaptive technology consultants, to obtain a detailed assessment of the nature of your disability and the adjustment(s) that is (are) appropriate for you.

### Unjustifiable hardship

The cost and benefit of adjustments may also be considered when determining whether an adjustment is reasonable and should be implemented. Prohibitive cost to an education provider is an example of unjustifiable hardship.

Financial cost to the provider is only one of several factors .You, as the student, are not required to consider these factors when requesting a reasonable adjustment – it's not your responsibility. A provider may also consider safety and public health and the impact of the adjustment on other students and staff.

### Access and inclusion plans

Your education provider is likely to have a Disability Action Plan (or similar) which outlines how it will eliminate discrimination in education, and the strategies it will put in place to change practices to fully include people with disability in education. It is useful to know whether your education provider has such a plan as you may be able to hold the provider to account by referring to it in your advocacy efforts.

### Individual education plans

At the individual level, implementing reasonable adjustments is usually the best way to meet the individual education needs of students. If you need a variety of adjustments, it is beneficial to seek agreement in writing about these adjustments in the form of an individual education/learning plan. These plans may outline the adjustments required, who will be responsible for implementing them, and timelines for review if necessary.

At many tertiary education institutions, if you are registered with the disability office (which may be part of a student support or welfare office), your needs and any adjustments you require will be recorded by this office. This should ensure that your adjustments are put into place in the agreed time, and may reduce the need to advocate for adjustments at the start of each semester.

## Individual responsibilities and skills

The most important thing you can do is to raise any issues you have as soon as they arise. The disability support staff are there to help you work through these issues, and they are best placed to identify things that you can do yourself – you aren't generally b**est placed to do this, and** your right to participate in community life should not infringe on the same rights that another person has. Similarly, your right to be treated with dignity and respect comes with the responsibility of treating others in the same way when you are advocating for change in order to meet your needs.

### General education skills

There are some general skills that are useful to develop to be successful throughout your studies, and beyond. These include:

* Dedication and perseverance;
* Good study skills such as preparation, organisation, research, and a commitment to learning;
* Knowledge of availability and use of print information formats and adaptive technologies;
* Clear communication skills and the ability to be proactive, assertive and firm while also being polite and respectful when advocating for your needs;
* Ability to seek knowledge, both course related and from other resources that could support you; and
* A good understanding of the education system including relevant staff, policies and procedures.
1. **Prior to enrolling**

### Choosing the right education provider for you

Before making a choice, you should research your intended education provider, by looking at the website or calling directly to learn what disability support and assistance is available. You may be required to register with disability services before you begin classes, so knowing what is available and required of you earlier rather than later, will help to avoid delays in implementing any adjustments you require. Knowing what adjustments an education provider may offer, such as education aides, extended exam times, infrastructure and technology will also help you make an informed choice about your education.

Check that the education provider has a Disability Action Plan, and if so, familiarise yourself with the main provisions in this Plan.

**Online Learning**

 Almost all university courses now include online components, even if the courses are offered on campus. There are often accessibility issues in the way course content is delivered that makes it inaccessible for people who are blind or have low vision, such as:

* Too many links
* Overuse of buttons, which are not user-friendly
* Too much information on the screen at one time, making navigation difficult
* Incompatibility with your screen reading equipment

Some useful questions to the education provider may be:

* Do you have an inclusion or access policy?
* Are there or have there been other students with the same or similar disability and what have you done to accommodate their needs?
* Does your online course content meet accessibility standards, such as Web Content Accessibility Guidelines 2.0 (WCAG 2.0)?
* If the online course is inaccessible, do you have alternate formats?

**Disclosure and communicating your needs**

At some point, you need to consider whether you disclose that you are blind or have low vision. This is a personal choice, but will be necessary if you are seeking reasonable adjustments to the usual practices. For instance, reading materials can often be in photocopied PDF formats – a possible solution is an ebook version, a different edition, or requesting higher quality scans for use with ABBY (document scanning software).

You should consider how, when and to whom you wish to disclose and most importantly, why you are disclosing.

To be an effective advocate, you need to be able to communicate clearly and plainly, and be proactive, assertive and firm, while also being polite, respectful and patient. It is useful to consider the impression your language portrays. Using positive language to express your views like “inclusion”, “participation” and “access” may be more influential than using language like “discrimination”, “disadvantage” and “exclusion”, even if it is these circumstances you are trying to address.

You will be more effective in being able to negotiate education related adjustments if you are knowledgeable about your vision condition. It is generally not necessary to disclose detailed medical or personal information. Instead, you should focus on what adjustments or supports you require to participate in accessing the built environment, services and facilities of your campus, the learning and assessment requirements of your course, and any social or recreation activities you may choose to participate in. Receiving adequate support and adjustments to meet your needs will help you to be more independent in the future.

1. **Before starting your course**

It may be beneficial to you to engage an adaptive technology consultant if you believe it necessary, to advise on any adjustments that may be appropriate for you. For information on how to consult an adaptive technology consultant, please contact Vision Australia.

Make contact with the access and inclusion team at the education provider, and any other student support services. This will be the opportunity to put in place an appropriate Individual Education Plan. This is also the time to discuss some reasonable adjustments.

It is important to contact your lecturers and tutors prior to classes starting. This is the opportunity to discuss with them any reasonable adjustments that will impact on them, for example providing notes electronically, or in large font. You may also consider asking for reading lists in advance.

It will be beneficial to attend orientation week or any other orientation activities offered by the education provider. This is an opportunity to familiarise yourself with the physical layout of the campus, the location of lecture and tutorial rooms, and relevant staff rooms. It is also an opportunity to meet other students and establish social contacts.

1. **During your course**

### Building relationships

Building relationships and networking are important skills to have to maximise learning outcomes and success at any stage of education.

As well as building relationships with teaching staff, it is useful to identify other relevant staff who can influence and support your inclusion in education, such as Disability Liaison, Student Support, or Access and Inclusion staff .You may have consulted them prior to starting your course, but your relationship with them may be ongoing for the duration of your course, and needs to be a positive relationship. These particular staff can provide assistance to you to manage studies, support you to find relevant information for adjustments, adaptive technology, services and access to premises, and can help you to engage in discussions with teaching staff about your needs.

It will also be beneficial to build relationships with your peers so that you can enjoy the social aspects of being a student. You can build relationships with your peers by:

* Joining the student network on campus to attend social gatherings;
* Participating in relevant student learning workshops, such as study skills, writing courses, and time management; and
* Attending lectures and tutorials on a regular basis.

### Keeping records

It is essential to have a reliable means of note taking to keep records of experiences, ideas, conversations and decisions. Making personal file notes as soon as possible after significant meetings and conversations have concluded is a good habit to get into to ensure you have an accurate record of what was said or what was agreed to at the time. It can be difficult to remember specific details after time has passed. It is also a good idea to keep a ‘timeline summary record’ of all significant conversations, emails and meetings you have had over time to enable you to recall events in their right order, should you need to do so. This can also help you to clarify the most important issues to address in your advocacy efforts.

**General tips**

You should consider skills you may need to improve, or training to undertake:

* General technology and computer usage
* Adaptive technology and software, e.g. is JAWS, compatible with the course software, and do you have the required knowledge and skill to use JAWS
* Note taking and record keeping skills
* Keeping a diary
* Proposing solutions for your needs
* General self-advocacy skills

### Raising concerns

If you encounter barriers to your participation in your studies, you should raise your concerns as soon as possible to ensure you avoid a negative impact on your studies. Often, barriers are more easily and quickly addressed when they first emerge than when they have already escalated to more serious and entrenched problems.

It is best to speak to those directly involved first, such as your teachers, and have your discussion with an outcome in mind. To do this, you might outline what the barrier is, what you would like to see change to address this barrier, and any ideas you may have to make that change. You should consider the rights and responsibilities expected of both yourself as a student and the education provider before this discussion so that you can be realistic and understand the opportunities and limitations of any changes. At this point, it may be appropriate to negotiate or review reasonable adjustments.

You may have this discussion in person or in writing. Either way, any proposed or agreed adjustments should be recorded in writing so you may refer to these in the future if required.

### Choose to be assertive

If these discussions become frustrating, there may be a tendency to act aggressively or emotionally. If you do not speak up when your rights are not being met, you may be being too passive. Assertiveness lies between being too aggressive and too passive, where you stand up for yourself and your rights while respecting the rights of others.

It’s likely that you will have to communicate with someone more than once before your matter is resolved, so choosing to adopt an assertive approach in your communication will help to build respectful and productive relationships, and have influence in your advocacy efforts.

### Put yourself in others shoes

When advocating for change to meet your needs, it is important to try to make someone see things from your point of view. It is your job to explain to the best of your ability what they are. You should never assume other people know what you need or how they can meet your needs.

It helps to determine common ground, interests and opportunities for collaboration, as well as what you could ask for and expect, and what your chances are of success.

### Formal complaints

If the barriers to your participation continue and you have raised your concerns to those directly involved, as well as support staff, you may need to consider making a formal complaint to your education provider. Again, knowing your rights and the providers’ rights and responsibilities is essential for you to have a successful outcome from a formal complaint.

As well as the relevant anti-discrimination and inclusion policies, it is useful to know whether the education provider has an established complaints or grievance procedure so you are aware of what to expect once you have made a formal complaint.

### Key information

Below is a list of the information that you may consider including in your communications. This will vary, depending on your specific situation.

* Subject. In your email or letter the subject line should identify your correspondence as relating to access for people with disabilities (if applicable)
* Disclosure. An explanation about the relevant aspects of your vision impairment and how you are experiencing a barrier to your full participation in accessing the classrooms/website/course requirements etc.
* How the inaccessibility has impacted on you (for instance, you were unable to [Insert examples of impact such as unable to access the course notes, information on signs, access the website etc.
* Arguments supporting the need to address the issue, for example that it will assist you to be a successful student
* Details of your attempts to address the matter through means other than by formal complaint
* The outcome you are seeking
* A request for action, for instance, an indication of when the provider will remove the barrier to accessibility;
* A time frame for the organisation to get back to you in order for you to consider your next steps.

You may also choose to refer to something in the current situation that is working for you, to demonstrate how participation is possible.

To facilitate a successful outcome, it is important to make your complaint in a way that shows that you are reasonable and willing to collaborate with the provider to implement change. To do this, it is helpful to prepare your complaint at a time when you are not too emotional and have been able to consider potential options for change. It may be useful to have a trusted friend or student peer review your complaint before you submit it.

For information on how to make complaints to influence change please see Vision Australia’s information sheet “Making a Complaint”.

### Complaints to the Australian Human Rights Commission

Often, successful advocacy occurs without the need to lodge a discrimination complaint with the Australian Human Rights Commission (AHRC).

However, if your education provider is not fulfilling its obligations under the DDA and the Standards, and you have tried all avenues to reach an outcome, and you are still encountering barriers to participation, you may consider making a formal complaint to the AHRC.

For information on how to make a complaint to the AHRC please see Vision Australia’s information sheet on the DDA. The advocacy team at Vision Australia may assist you to prepare your written complaint to the AHRC.

## Related resources

### Vision Australia National Call Centre

Telephone: 1300 847 466

Email: info@visionaustralia.org

## Further information

For information on self-advocacy strategies or to obtain this guide in another format, call Vision Australia’s advocacy team on 1300 847 466 or email advocacy@visionaustralia.org

### Australian Human Rights Commission (AHRC)

National Information Service: 1300 656 419

Email: infoservice@humanrights.gov.au

[AHRC website](https://www.humanrights.gov.au/complaint-information)

### Anti-Discrimination Commission Queensland (ADCQ)

State-wide telephone information and enquiry line: 1300 130 670

[ADCTQ website](https://www.adcq.qld.gov.au/contact-us)

### Victorian Equal Opportunity and Human Rights Commission (VEOHRC)

Enquiry Line: 1300 292 153

[VEOHRC website](http://www.humanrightscommission.vic.gov.au/making-a-complaint)

### Equal Opportunity Commission (WA)

Ph. 08 9216 3900

Email: eoc@eoc.wa.gov.au

[Equal Opportunity Commission website](http://www.eoc.wa.gov.au/complaints-inquiries/making-a-complaint)

### Anti-Discrimination Board NSW

Ph.: 02 9268 5544 between 9am – 1pm and 2pm – 4pm

Email: adbcontact@justice.nsw.gov.au

Email: complaintsadb@justice.nsw.gov.au

[Anti-Discrimination Board website](http://www.antidiscrimination.justice.nsw.gov.au/Pages/adb1_makingacomplaint/adb1_makingacomplaint.aspx)

### ACT Human Rights Commission

Ph.: 02 6205 2222

Email: human.rights@act.gov.au

[ACT Human Rights Commission](http://hrc.act.gov.au/)

### Northern Territory Anti-Discrimination Commission

Ph.: 1800 813 846

Email: antidiscrimination@nt.gov.au

[Northern Territory Anti-Discrimination Commission website](http://www.adc.nt.gov.au/index.html)

### Equal Opportunity Commission (SA)

Ph.: 08 8207 1977 between 10am – 3pm

Email: eoc@agd.sa.gov.au

[Equal Opportunity Commission SA website](http://www.eoc.sa.gov.au/eo-you/making-complaint)

### Equal Opportunity Tasmania

Ph.: 03 6165 7515

Email: office@equalopportunity.tas.gov.au

[Equal Opportunity Tasmania website](http://equalopportunity.tas.gov.au/complaints)