



The National Post-Secondary Education Disability Network Incorporated

Kia Ōrite Achieving Equity

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



Tertiary Education Commission
Te Amorangi Mātauranga Matua



MINISTRY OF EDUCATION
Te Tāhuhu o te Mātauranga

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Kia Ōrite **Achieving Equity**

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

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Foreword

Equity of access and opportunity is an important part of the vision for our tertiary education system, outlined in the Tertiary Education Strategy 2002/07. The Strategy sets an objective for people with impairments to be achieving skills and qualifications in greater numbers. The Disability Strategy 2001 establishes a similar vision: to improve post-compulsory education options for people with impairments.

When the government released the Tertiary Education Strategy 2002/07 it was envisaged that providers, communities and government agencies would work together to create the vision that the Strategy outlined.

I'm delighted that the tertiary sector group ACHIEVE has initiated and developed a Code of Practice to address issues for people with impairments. Congratulations to ACHIEVE for their work on *Kia Ōrite Achieving Equity: New Zealand Code of Practice for an Inclusive Tertiary Environment for Students with Impairments*. ACHIEVE's knowledge, experience and understanding of issues for people with impairments undertaking tertiary study, is reflected in this document. I note also that the Code has been subject to wide consultation throughout New Zealand and that the Ministry of Education and the Tertiary Education Commission were involved in its development.

The benefits of tertiary education need to be available to people with impairments. Tertiary education enhances peoples' lives by contributing to their general knowledge and understanding, increasing their incomes and standard of living and widening their experiences and interests.

This Code of Practice is a significant new resource. Providers will undoubtedly find it useful in working towards equity of access and opportunity for their students with impairments. It will help in developing further the kinds of tertiary environments that enable people with impairments to achieve to their full potential.

My colleague Hon Ruth Dyson and I commend the Code of Practice to you and hope that tertiary providers will take it up as you assist people with impairments to participate successfully in tertiary education.




Hon Steve Maharey
Associate Minister of Education
(Tertiary Education)




Hon Ruth Dyson
Minister for Disability Issues

PART 1: Introduction

1.1 Preamble

People with impairments have a right to education and to realise their potential.

Tertiary education enhances our lives and our society. A fully inclusive tertiary education system is one that recognises and values diversity and enables wide ranging participation by offering flexible learning pathways to the more than twenty percent of New Zealanders who have an impairment.¹

There has been a broad movement of change in tertiary education towards social inclusion as tertiary education providers recognise that diversity is fundamental to their successful functioning, and as they seek to reflect and shape community aspirations by ensuring social justice and equity for all members of society.

In the New Zealand Disability Strategy² released in 2001, the Government adopted a vision of a more inclusive society for people with impairments. Through implementing the Strategy, barriers to people with impairments participating and contributing fully to society will be removed.

The Government recognises that New Zealand's economic growth and improved social outcomes depend on equal access and equal opportunities for all learners.³ Despite this, statistics show that people with impairments are one of the most educationally disadvantaged groups within New Zealand. It is important, therefore, that barriers to their academic achievement and participation are identified and removed.

The trend towards social inclusion and the introduction of the *Special Supplementary Grant: Tertiary Students with Disabilities* has seen an increase in both awareness of disability issues and the numbers of students with impairments within tertiary education. Some institutions have become more proactive in developing inclusive teaching practices, enhancing support services and improving their policies relating to students with impairments. However, the results of the 2002 'Code of Practice Consultation Survey'⁴ indicate that while progress has been made, there are still a number of

¹ Statistics New Zealand. (2002). *Disability counts 2001 report*. Wellington, New Zealand: Statistics New Zealand. p. 15.

² Ministry of Health. (2001). *The New Zealand disability strategy: Making a world of difference. Whakanui oranga*. Wellington, New Zealand: Ministry of Health.

³ Ministry of Education. (2002). *Tertiary education strategy 2002 – 07*. Wellington, New Zealand: Ministry of Education. p. 44.

⁴ Achieve: The National Post Secondary Education Disability Network Incorporated. (2003). *New Zealand code of practice consultation survey*. [Online] Retrieved 29/04/03 from www.achieve.org.nz.

barriers that people with impairments confront on a daily basis in tertiary education.

The Code of Practice is designed to assist tertiary education providers to achieve a fully inclusive environment through the ongoing identification and removal of barriers in all areas of campus life. It is a tool to assist all staff within an institution in meeting their responsibilities, and is not just for those working in Disability Support Services.

For information to assist with implementation, visit the Achieve website www.achieve.org.nz

“Ko te teo herenga waka.”

‘The stake for tying up the canoe.’

A mooring place for the canoe is a symbol for reliability. The canoe is an image for all the people on the journey.

Ngā Pēpeha a Ngā Tūpuna VUW Press 2001

1.2 Achieve

Achieve, The National Post-Secondary Education Disability Network Incorporated, is a national network established to ensure equal opportunity and access to post-secondary education and training for people with impairments. Achieve advocates and lobbies for people with a range of impairments who are transitioning into or studying in post-secondary education. It also provides members with information and opportunities to network.

1.3 Acknowledgements

The Code of Practice was produced with the generous assistance of many people throughout New Zealand. While Achieve was instrumental in initiating and driving this project, the Code of Practice could not have been written without the support of these people.

We particularly wish to thank the Code of Practice Steering Committee, the Achieve Executive Committee and Victoria Manning, the first coordinator for the project. We are grateful for their feedback and guidance offered throughout its development.

We also acknowledge the Codes of Practice from Australia and the United Kingdom that have provided both inspiration and a basis for this work.

During 2002 a survey was completed to provide a guide for the development of this code. Regional Forums were also held in the first half of 2003 to discuss and gain feedback about the 'Draft Code of Practice'. People also had the opportunity to provide individual feedback and submissions.

We wish to thank the various people and organisations who offered feedback, distributed surveys, supported the hosting of Regional Forums, and gave financial and administrative support. This includes various tertiary education providers and the Ministry of Education. The Code of Practice could not have been produced without this generous assistance.



Ava Gibson
Chairperson
Code of Practice Steering Committee



Grant Cleland
Project Coordinator
Code of Practice

1.4 The Relationship between the Code of Practice and the Treaty of Waitangi

Central to the Treaty partnership and the implementation of Treaty principles is a common understanding that any strategies for Māori associated with the Code of Practice should be developed and implemented in partnership with Māori. This should also occur in good faith with mutual respect, co-operation and trust.⁵

The 2001 New Zealand Disability Survey shows that twenty percent of Māori had an impairment of some kind.⁶ The Steering Committee overseeing the development of the Code of Practice acknowledges the importance of involving Māori in consultation processes and is aware of the potential shortcomings of the brief consultation process necessary for the development of the Code of Practice.

We view the Code of Practice as an evolving document with ongoing development and implementation processes, which will need to occur in partnership with Māori. This includes tertiary education providers consulting with Māori as they use the Code of Practice to create an inclusive environment for all people with impairments.

⁵ Ministry of Health. (2001). *The New Zealand disability strategy: Making a world of difference. Whakanui oranga*. Wellington, New Zealand: Ministry of Health. p. V.

⁶ Statistics New Zealand. (2002). *Disability counts 2001 report*. Wellington, New Zealand: Statistics New Zealand. pp. 15–18.

PART 2: Setting the Scene

2.1 Purpose of the Code of Practice

Key Objective:

To assist tertiary education providers to create a fully inclusive tertiary education environment for students with impairments within New Zealand.

Aims:

The Code of Practice aims to:

1. Set out 'Best Practice' standards that describe the outcomes needed to create a fully inclusive tertiary education environment for students with impairments.
2. Assist tertiary education providers to:
 - (a) Understand the status of people with impairments in tertiary education in New Zealand.
 - (b) Evaluate their progress towards an inclusive environment.
 - (c) Identify potential barriers to participation and achievement that people with impairments face.
 - (d) Improve tertiary outcomes for students with impairments.
 - (e) Be aware of policy and legal obligations relating to people with impairments in tertiary education.

2.2 Definitions of Disability

Various definitions of disability exist. The definition used in *The New Zealand Disability Strategy* is different from that used by Statistics New Zealand for the 2001 Disability Survey and in the Human Rights Act, 1993.

The New Zealand Disability Strategy states that, "disability is not something individuals have. What individuals have are impairments. They may be physical, sensory, neurological, psychiatric, intellectual or other impairments." Instead, "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".⁷

⁷ Ministry of Health. (2001). *The New Zealand disability strategy: Making a world of difference*. Whakanui oranga. Wellington, New Zealand: Ministry of Health. p. 1.

For the purposes of the Code of Practice we have used the New Zealand Disability Strategy definition of disability.⁸ In this document we will refer to people or students with impairments. This includes people with permanent impairments, those with impairments resulting from long or short-term injury or illness, the Deaf community and people with other impairments such as learning disability, neurological or cognitive difficulties, mental illness and other more hidden impairments.

2.3 Scope of this Code of Practice

Students with impairments are involved in the full range of tertiary courses at all levels of learning. This includes foundation courses, life skills, and vocational and academic programmes. The Code of Practice is intended to have an impact on the participation and achievement of students with impairments at all of these levels of learning and at all types of tertiary providers, including universities, polytechnics, private training establishments, wananga and colleges of education.

It is imperative that students with impairments are able to access the full tertiary experience; therefore this Code of Practice also applies to the wider aspects of tertiary life, such as the social, cultural and recreational areas.

It should also be noted that the implementation of many of the Best Practice Standards would also have a positive impact on staff, particularly those staff that have or develop impairments.

2.4 The Rationale for Using the Code of Practice

New Zealand needs to develop the skills and abilities of its entire population, including people with impairments. Students with impairments are as valuable as all other students and have the ability to contribute to the community through education.

The Code of Practice can assist tertiary education providers to:

- (a) Improve tertiary education outcomes for students with impairments.
- (b) Meet their specific obligations relating to students with impairments under the New Zealand Disability Strategy, the Tertiary Education Strategy, STEPS, and Charters and Profiles.
- (c) Avoid the possibility of an institution or organisation receiving a disability-related complaint under the Human Rights Act or other legislation, through the proactive identification and removal of barriers to participation and achievement.
- (d) Review services for students with impairments thus enabling them to get the greatest value out of resources.

⁸ We acknowledge the different viewpoints that exist with regard to the language around disability. The language we have chosen fits with the social model of disability. By referring to students with impairments, and to the interaction between the student with the impairment and the tertiary environment as creating disability, we separate out what can be changed. This is a useful tool for creating an inclusive environment.

PART 3: **Best Practice Standards for Creating a Fully Inclusive Environment**^{9 10 11 12 13}

The next section is divided into a number of topic areas covering different aspects of an inclusive environment. It is important that all topic areas are given attention.

Under each topic area there is:

- (a) A vision of an inclusive environment for that area.
- (b) A set of Best Practice Standards indicating the outcomes required.
- (c) Some ideas and examples to amplify the reader's understanding of the standards.

3.1 General Principles

Some general principles underpin the creation of a fully inclusive tertiary education environment for students with impairments. Tertiary institutions will ensure that:

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, procedures, services and facilities, including strategic planning and resource allocation, enable students with impairments to achieve

⁹ Hartley, J., O'Connor, B., Watson, R. & Power, D. (1998). *Students with disabilities: Code of practice for Australian tertiary institutions*. Queensland, Australia: Queensland University of Technology. pp. 1–21.

¹⁰ The Quality Assurance Agency for Higher Education. (1999). *Code of practice for the assurance of academic quality and standards in higher education. Section 3: Students with disabilities*. United Kingdom: The Quality Assurance Agency for Higher Education. pp. 6–27.

¹¹ Department for Education and Employment. (April 1999). *The Disability Discrimination Act 1995: What employers need to know*. United Kingdom: Department for Education and Employment. pp. 31–33.

¹² Department for Education and Employment. (1999). *The Disability Discrimination Act 1995*. United Kingdom: Department for Education and Employment Information Card Series.

¹³ The Disability Rights Commission. (2003). *Code of practice for providers of post 16 education and related services – Legal rights and requirements under the Disability Discrimination Act 1995: Part 4*. [Online] Retrieved 29/04/03 from (<http://www.drc.gov.uk/thelaw/practice.asp>).

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 are 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.

3.2 Policy and Planning

Vision

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

Best Practice Standards

1. A strategic plan to achieve a fully inclusive educational environment is developed in collaboration with students with impairments, has measurable goals and targets, and is reviewed and reported on annually.
2. All policies, procedures and planning processes take into consideration the participation of students with impairments in academic and other areas of campus life.
3. Policies and procedures that guide the interaction between staff and students with impairments are in place and are understood by staff.
4. Students with different impairments participate in the development and review of relevant policies, procedures, services and facilities.
5. Senior management commitment and accountability for achieving the agreed strategic outcomes is clearly defined, owned and resourced.
6. Management systems provide accurate information about the participation and progression of people with impairments and the impact of policies, procedures, services and facilities on those with impairments, with a view to continuous improvement.
7. Designated, trained contact(s) with effective channels of communication with senior managers exist for students with impairments.

Understanding these Best Practice Standards ...

→ Ideally strategic planning should:

- Include objectives, performance indicators, accountabilities and timeframes, so all involved are clear about what needs to be achieved, who is responsible for achieving it and by what date.
- Be endorsed by Council and driven by senior management

in partnership with students with impairments, Māori, staff from different areas of the institution, student association and community representatives (e.g. DPA, the Disabled Persons Assembly).

- Aim to remove barriers to participation, retention and achievement of students with impairments within the institution and meet their individual support needs.
- When planning any major projects staff consider the needs of students with impairments from the start. Planning includes consideration of the accessible journey around and through buildings, the design of buildings, course content, teaching practices, information provision, communication processes and support.
- Consider the requirements of people with impairments when making improvements. This could avoid possible disruption and expense later.
- Be aware that people with impairments may also experience additional barriers arising from membership of other equity or ethnic groups. For example Māori, Pacific people, women and international students with impairments.

3.3 Recruitment, Selection, Admission and Enrolment

a) Recruitment

Vision

Publicity, programme details, general information and other recruitment initiatives are accessible to students with impairments and describe opportunities for them to participate.

Best Practice Standards

1. General and specific student recruitment initiatives are developed that:
 - (a) Make explicit reference to opportunities for students with impairments.
 - (b) Assist prospective students with impairments to make appropriate educational decisions by providing information prior to starting on:
 - The range of pathways into and within tertiary education.
 - The general and specialist support systems available.
 - Special entry and/or consideration procedures to admit people with impairments.
 - Professional/vocational course requirements.
2. Promotional material is disseminated in alternative formats to a wide range of relevant community networks that people with impairments access.
3. Enquiries from people with impairments are responded to promptly and accurately.
4. Prospective students with impairments are encouraged and assisted to identify their specific support requirements, ideally prior to application for admission.
5. Strategies for increasing the awareness of tertiary education possibilities among people with impairments in the local and wider community are developed and implemented.

Understanding these Best Practice Standards ...

- Ideally all recruitment and marketing information should be available in accessible formats, include a section on disability support services and have pictorial representations of students with impairments along with other students.
- Information should include a clear and accurate statement about physical access; general, specialist, and technical support options; and designated contacts.
- Increasing awareness of tertiary education for people with impairments may include:
 - Initiatives targeting senior students in secondary schools, a 'Vacation School' for those who are considering tertiary study, and bridging programmes to assist students to make the transition into tertiary study.
 - A 'resource and planning guide' and videotape for people considering tertiary study.
 - Information brochures that target prospective students of mature and school age, parents and community organisations.
 - Specific recruitment programmes tailored to Māori, Pacific Island and other ethnic communities.
- For access to community networks contact the campus disability support staff, the local Disability Information Service, DPA (Disabled Persons Assembly) or <http://www.weka.net.nz>.
- Ask all students in advance whether they have specific requirements so staff can make adequate preparations for any support.

b) Selection and Admission

Vision

Selection and admission policies and procedures are fair, transparent and assess students on their competencies and not on their impairments.

Best Practice Standards

1. Course advisors take into account the particular needs of students with impairments in their subject selection and have appropriate training to fulfil this task.
2. Staff involved with selection and admission:
 - (a) Ensure selection and admission policies and procedures are relevant to course/professional requirements, and do not unjustifiably disadvantage or exclude applicants with impairments.
 - (b) Provide appropriate support to applicants with impairments in selection activities.
 - (c) Use sources of expertise to assess an applicant's support needs, so staff and students make well-informed decisions based on the support that can be provided.
 - (d) Develop agreements with the student and their support networks to specify the support arrangements to be provided, including examinations and assessment.
 - (e) Receive effective guidance and training to prevent disability discrimination.
 - (f) Are able to clearly justify refusing entry to a course on the grounds of impairment.
3. Handbooks and other advisory material are available in accessible formats.
4. Course selection criteria are reviewed to make sure they are suitable, applied appropriately, and do not discriminate against applicants with impairments.
5. Appeal processes for students rejected on the grounds of impairment are available and widely publicised.

Understanding these Best Practice Standards ...

- Concentrate on the person's ability – not their impairment. Ask all students what support they require and only ask about impairment if it is relevant.
- Appropriate support in selection activities such as interviews can include creating a safe environment to disclose an impairment, providing information in accessible formats, allowing

demonstration of ability using alternative ways to meet selection requirements, and notifying students about this prior to selection activities.

- Be able to justify any decision related to selection and admission.
- Admission arrangements should not 'disadvantage' students with impairments as in the following examples:
 - Applicants must fill out an application form by hand and cannot type or use a support person.
 - An applicant with a speech impairment is refused extra time at an interview.
 - A student with epilepsy cannot enrol unless she/he has an assistant at all times, when seizures only occur at night.
 - Reviewing applications from students with impairments after other applicants have been selected.
 - Insisting on medical checks for people with impairments, and not for others, without justification.
- There may be exceptions. For example, a person who uses a wheelchair applies to do a plumbing course. It could be made accessible, but the adjustments would not be possible in the workplace. The vocational nature of the course means it would not be appropriate to make adjustments that are not replicable in the workplace.
- Consideration needs to be given to the possibility that a student with impairment is taking a vocational course to lead to a future in design or policy, rather than direct practice. For example a woman is refused entry to an Engineering degree on the grounds she would not be able to be an engineer because of her impairment. This is despite the degree not being directly vocational and that not all graduates become engineers.
- Appeal processes should:
 - Examine the grounds for refusing entry to a course,
 - Investigate support strategies that may allow entry and completion of industry requirements,
 - Seek expert impairment advice,
 - Adhere to relevant legislation,
 - Follow confidentiality protocols.

c) Enrolment Processes

Vision

Enrolment, registration and induction processes accommodate the needs of all students with impairments.

Best Practice Standards

1. Enrolment, registration and induction processes take into account the physical, communication and information access requirements of students with impairments.
2. Information about impairments is collected for relevant purposes only, the purpose of collection is clearly stated, measures to ensure confidentiality are followed, and the information collected does not appear on academic records and graduation documentation.
3. Students with impairments are advised of services available to assist them.
4. The support needs of students with impairments are identified during the enrolment and induction process, reconsidered if necessary, and the support confirmed with the student when in place.

Understanding these Best Practice Standards ...

- Physical, communication and information access can include: ramps, lifts, accessible toilets, information in alternative formats, being able to bring whanau and advocates to interviews, providing sign language interpreters and other support staff, 'orientation and mobility training' for those with vision impairments, and providing information about enrolment and induction in a variety of media such as e-mail, fax and telephone.
- The Royal NZ Foundation of the Blind recommends the use of internationally recognised standards for providing accessible information and websites (e.g. <http://www.w3.org/>).
- Ideally students with impairments should be able to complete enrolment and other relevant forms with the same level of independence and confidentiality as other students. Specific support staff may be required.

- Under the Human Rights Act it may be unlawful to record impairment information on academic records and graduation documentation.
- Orientation activities may include introducing disability and other support staff, workshops on topics such as note-taking, assignment writing, introduction to computers, and peer tutoring for specified subjects.
- Do not exclude students on the grounds of impairment, without justification.
 - For example, a student admits himself to hospital during the holidays because of an ongoing mental illness. Staff hear about this and the tertiary institution excludes the student because staff fear he may be dangerous. The tertiary institution has no evidence to suggest this.

3.4 Access to General and Specialist Services

Vision

Students with impairments have equal educational opportunity through access to appropriate support and services.

Best Practice Standards

1. Students with impairments have access to the full range of support services available to their peers. Where existing services are not accessible, alternative services and/or arrangements are made.
2. Services to all students are regularly reviewed, ensuring that they meet the emerging requirements of students with varying impairments.
3. All support services for people with impairments are culturally appropriate to Māori and to other ethnic groups, including international students.
4. General and specialist support staff have the skills, experience and support to provide effective advice and support to people with different impairments, their whanau/ families and other staff.
5. Prospective students with impairments, especially those with complex academic and/or daily living needs, are contacted early enough to arrange appropriate and effective support.
6. Students have frequent opportunities to discuss the likely impact of impairment on their studies and the appropriate support required.
7. Support services assist students with impairments to become independent members of the academic and student community.
8. Support services have effective networks and cooperate with other institutions and relevant statutory/voluntary agencies to enhance services and gain access to specialist advice when required.
9. General and specialist support staff meet their obligations related to the Health and Disability Commissioner Act, 1994 and other relevant legislation.

Understanding these Best Practice Standards ...

- Specialist support services comprise specific facilities, equipment, programmes, personnel, or arrangements to assist students with impairments. Specialist staff includes disability support staff, sign language interpreters, note-takers, readers, writers and specialist tutors.
- General support services can include all health services, student learning services, student associations and those services providing academic, administrative and general support.
- By developing and promoting a wider range of general services that encompass people with impairments, institutions can reduce the costs of specialist services.
- Accessible support services have:
 - A location that is easily identified, physically accessible to those with sensory and mobility impairments and safe for people concerned about confidentiality.
 - Appropriate communication access (e.g. faxes, access to interpreters, email, private rooms, alternative contact points that are advertised).
 - Service information in accessible formats.
- Specialist support and services for students with impairments can be enhanced by:
 - Establishing a network across all areas to coordinate support services for students with impairments.
 - Specialist staff being a resource to assist other staff to meet the needs of students with impairments.
 - Ensuring support staff (e.g. note-takers, specialist tutors, reader-writers) have the appropriate skills, a professional attitude and receive adequate training and appropriate remuneration.
 - Providing free training for senior students who have passed subjects, to become paid note-takers.
 - Linking into a 'transcription service' where audiotapes are converted to electronic or hard copy and having 'alternative format' information available through the printery.

- Developing a 'survival guide' for students with impairments and a specific individual orientation for students with different impairments (e.g. learning difficulties, mental illness, intellectual disability).
- Having peer mentoring where senior students with impairments contact new students.
- Creating specific career and transition services (e.g. specific employment package and initiatives).
- Ensuring students can use effective independent advocacy for support (e.g. personal networks, whanau, external advocacy services, consumer groups, advocates within student associations, class representatives).
- Those involved with the spiritual, cultural, sporting and social areas of campus life considering the needs of students with impairments in planning, and developing specific strategies to involve them.
- Marketing services among community networks that people with impairments access.
- Consulting with students with different impairments and whanau about service reviews and outcomes.

3.5 Funding and Withdrawal

Vision

Funds are adequate to provide effective support services to students with impairments and flexible withdrawal policies exist that reflect their particular circumstances.

Best Practice Standards

1. Clear withdrawal policies and procedures exist, allowing withdrawal without academic or financial penalty if students withdraw from subjects/courses after scheduled closing dates because of impairments.
2. The withdrawal policy and procedures are known to all students and implemented consistently.
3. All fee-paying students with impairments receive the same services as their peers.
4. Adequate funds are generated in the fee structure and/or through other non-operating grant sources to provide effective services to support students with impairments.
5. The Special Supplementary Grant for Tertiary Students with Disabilities is utilized in an appropriate manner, as set out by the Tertiary Education Commission.

Understanding these Best Practice Standards ...

- Ideally students should not receive academic and financial penalty when they are required to withdraw as a result of impairment. This should be decided on a case-by-case basis and staff should have clear guidelines for making decisions.
- Tertiary institutions can lessen the financial burden on students with impairments through targeted additional financial support (e.g. scholarships, hardship funds, subsidised accommodation or other support) and by considering the financial status of people with impairments when setting fees.

→ According to the Tertiary Education Commission (TEC):¹⁴

- The fees set for international students are expected to meet any additional marginal cost for receiving the same services and support provided for domestic students, including disability support services.
- The Special Supplementary Grant for Tertiary Students With Disabilities (SSG for TSD) is:
 - Allocated for initiatives to meet the needs of students with impairments and expected to be focused on domestic students only.
 - Intended primarily to meet the needs of the small proportion of tertiary students with impairments with high cost support service needs. The priority for expenditure should be in relation to these students.
- Institutions receiving this grant are expected to:
 - Sustain current levels of financial support for tertiary students with impairments from other funding.
 - Meet physical access modifications from funding other than the SSG for TSD.
 - Provide baseline data on enrolment numbers, course participation and completion rates and graduation or certification rates of tertiary students with impairments.
 - Include appropriate information, where possible in alternative formats, for tertiary students with impairments in marketing, publicity and enrolment material.

→ Implementation of the Code of Practice does not necessarily mean an increase in cost.

- For example the provision of lecture notes to all students in an accessible electronic form can create savings in terms of staff time and salaries. Staff may no longer be required to photocopy and enlarge information, and the institution may no longer need to employ as many note-takers if they use the notes already written electronically by teaching staff. It is also a valuable teaching tool for all students.

¹⁴ Tertiary Education Commission. (4 April 2003). *Use of the supplementary grant TSD for support of international students with disabilities*. Wellington, New Zealand: Tertiary Education Commission. pp. 1–3.

3.6 Services for Māori

Vision

Opportunities are promoted for Māori with impairments to access, participate and achieve in tertiary education with demonstrable improvements in participation and achievement rates.

Best Practice Standards

1. Māori are involved in the development and implementation of strategies to achieve the outcomes outlined in the Code of Practice.
2. General and specialist support for Māori students with impairments are developed in partnership with Māori, are culturally appropriate and accessible.
3. Ongoing consultation occurs with Māori in relation to this support.
4. Specific strategies are developed to encourage Māori with impairments to study at tertiary level.
5. Participation, retention and achievement rates of Māori students with impairments improve.

Understanding these Best Practice Standards ...

→ Strategies for Māori with impairments may include:

- Having Māori staff within disability services and staff with impairments within Māori services.
- Involving whanau and Māori networks in service development and support (e.g. having representation on Disability Advisory Committees from the local iwi and/or the wananga in that area).
- Targeting specific recruitment programmes to the Māori community.
- Ensuring all marketing information reflects cultural diversity.
- Māori staff networking in the local Māori community.
- Staff being aware of cultural issues influencing how people view impairments.

- Linking Māori students into existing cultural support groups and services.
- Developing relevant staff training.
- Developing specific services for Māori as part of existing disability support services.

3.7 Access to Buildings, Facilities and Equipment

a) The Physical Environment

Vision

Students with impairments have equitable access to the physical environment within the tertiary institution in which they will study, learn, live and take part.

Best Practice Standards

1. All buildings that are required comply with or exceed the standards identified in *NZS 4121:2001 : Design for Access and Mobility: Buildings and Associated Facilities*.
2. Physical access audits are completed by trained Barrier Free Auditors, in consultation with disability support staff and students with varying impairments.
3. Audits take into account:
 - (a) All buildings, including student accommodation, marae, teaching, learning, administration, general and specialist support, spiritual and recreational facilities.
 - (b) The level of compliance with the minimum requirement of *NZS 4121:2001*.
 - (c) General access, health and safety.
 - (d) A schedule of improvements to buildings that do not meet the required standards, which is implemented flexibly and based on emerging needs.
4. An access plan to improve physical access to above the minimum standard NZS 4121: 2001 for students with varying impairments is developed, resources allocated, and an ongoing monitoring and review schedule established and implemented.
5. The annual review of the physical access plan involves students with varying impairments, disability support staff and, where necessary, those responsible for audits.
6. Policies and procedures exist to ensure that the needs of students with impairments are taken into account when any new building work or refurbishment takes place, including consulting with the parties mentioned above.

7. Key access features such as location of lifts, accessible telephones, toilets, routes, entrances, and parking are clearly signed and identified on campus maps.
8. Alternative means of participation for students with impairments exist where physical access is impossible or unreasonably difficult.
9. Students with impairments are aware of relevant changes affecting physical access during work on buildings and grounds.
10. Accessible parking and public transport drop-off and pick-up points (e.g. wheelchair taxis, buses), and campus signage comply with or exceed *NZS 4121:2001*.

Understanding these Best Practice Standards ...

- Audits and planning should cover the physical access requirements of the wide range of people with impairments in our community (Refer to section 2.2), and include buildings, landscaping, car parking and public transport.
- Ideally campus signage and maps should be available in accessible formats (e.g. tactile campus maps, easy to read wording and good colour contrast).
- It is important that tertiary institutions anticipate physical access requirements:
 - Developing a 3 – 5 year Physical Access Plan and committing funds each year to a prioritised list of physical access provisions, completed in consultation with people with impairments and disability support staff.
 - Ensuring sufficient flexibility in the budget to reallocate money between departments during the year if physical access provisions are required.
 - Building works staff are trained in physical access provisions.
 - Each time alterations occur an assessment is made of how the building's accessibility can be improved (e.g. repainting using colour contrasts for those with vision impairments, carrying out acoustic audits).
 - A list of physical access standards is developed for rented accommodation.
 - Creating a 'Physical Access Kit' for staff and people with impairments.

- Planning includes allowing students with mobility impairments enough time to travel between classes.
- If physical access is impossible or unreasonably difficult, the institution is flexible regarding where classes are held, including moving teaching from inaccessible areas.
- Procedures are in place to identify students with impairments using inaccessible facilities, prior to classes starting.

→ Trained physical access auditors can be engaged:

- At the design stage of any new buildings and alterations to existing buildings, including those to be used for student accommodation, in order to provide advice, and liaise with the building designers and owners on access requirements.
- At the completion of the building project to determine a building's compliance with the Building Act physical access provisions and other related legislation.
- To issue a Building Warrant of Fitness to conform with the above areas.

Barrier Free NZ Trust accredited auditors and other companies such as Wrightson Associates can provide these services. Staff within institutions can also be trained as Accredited Barrier Free NZ Auditors.

→ Compliance with *NZS 4121:2001* is essential. This minimum standard may not provide the level of access required for some students with impairments, therefore access is required above the minimum standard. Improving access for people with impairments has benefits for all people.

b) Facilities and Equipment

Vision

Campus facilities, equipment and events are accessible to all students with impairments.

Best Practice Standards

1. Facilities and equipment planning incorporates the requirements of students with impairments and occurs in consultation with these students and disability support staff.
2. Fire evacuation, health, safety and security procedures take into account all students with impairments.
3. Campus facilities are fully accessible to students with impairments and allow equitable access to services.
4. Information technology and computer arrangements maximise access to learning for students with impairments.
5. Arrangements for events (e.g. graduation ceremonies, registration and social events) ensure equal access and amenities for people with impairments.
6. Students with impairments are provided with appropriate specialist equipment.

Understanding these Best Practice Standards ...

→ Facilities and equipment planning should take into consideration:

- The height and layout of classroom tables and laboratory benches.
- Appropriate signage and information (e.g. large print and Braille notices, tactile maps).
- Tone/colour contrasting in the interior and exterior of buildings for those with vision impairments.
- Appropriately located accessible toilets that comply with *NZS 4121:2001: Design for Access and Mobility: Buildings and Associated Facilities*, and consider the needs of those using power wheelchairs and scooters who require full lifts or standing transfers or the use of hoists.
- Design, comfort and layout of seating in lecture theatres, computer and other laboratories.
- Lighting design that has a positive impact on people with vision impairments.
- The installation, maintenance and notification of amplification and assistive listening systems (e.g. hearing loops or infra-red systems for hearing aid users, acoustic tiles, notification on maps and signs).

- Acoustics, including minimising noise from fans in projection equipment, computers, heating, ventilation.
- Easy use of equipment in laboratories, computer and teaching rooms.
- Alternative safety systems such as flashing light fire alarms.
- The ongoing maintenance of these facilities and equipment.
- All areas and activities provided to students, including libraries, student accommodation, ceremonies, enrolment, support services, marae, examinations and assessment, administration, spiritual, recreational and teaching facilities.

→ Information technology and computer arrangements should include:

- Electronic material that is accessible to people with impairments using adaptive/assistive hardware or software (e.g. screen reader technology).
- Specialist hardware and software on computer networks (e.g. text help, zoom text).
- Access to appropriate assistive technology (e.g. scanners, voice synthesizers, Braille embossers, enlargers and voice activated computers).

→ The following can also help:

- Staff within computer services have training and the time to meet the needs of students with impairments.
- Lecture notes on the institution intranet and in an accessible format.
- Procedures to ensure these notes meet established guidelines, so there is no conflict with specialist software or features that students with dyslexia, vision impairments or blindness may be using.
- A specific equipment area, often located in the library, containing equipment suitable for students with impairments (e.g. computers with specialist software, dictaphones, ergonomic chairs and desks).
- 'Library assistance cards' so students can ask for help finding and transporting research materials.
- A card that allows telephone access to organise library services such as photocopying, equipment, resource room access, library assistants and loan renewals.

3.8 Teaching and Learning

Vision

All academic programmes are accessible to students with impairments and staff design and implement appropriate teaching and learning strategies.

Best Practice Standards

1. Programme specifications are designed so there are no unnecessary barriers to access, participation and achievement for students with impairments.
2. Academic and technical staff have the support and training necessary to enable them to meet the requirements of students with impairments.
3. Teaching staff plan and employ teaching and learning strategies and reasonable accommodations to make course delivery as inclusive as possible for students with impairments, without compromising essential programme standards or components.
4. Effective support services for students with impairments exist for open learning, distance education or other flexible delivery modes such as e-learning.
5. Where possible, students with impairments have the same access to academic and vocational placements including field trips, work placements and study abroad, as other students.
6. Students with impairments are offered the support and guidance necessary to secure access to research programmes and successfully complete this research.
7. Specific transition strategies to assist students with impairments to move successfully to higher studies or employment are implemented.

Understanding these Best Practice Standards ...

Training for staff

- Council and Senior Management endorse training for teaching staff so they can:
- Offer a flexible curriculum taking into account different ways of learning and demonstrating competence.

- Recognise the learning implications for students with impairments.
- Make adaptations to delivery appropriate for students with different impairments.
- Offer appropriate and effective academic support and guidance for these students.
- Advise students about barriers or inaccessible parts of a course prior to starting and develop solutions.

Flexible teaching practices

→ The principles of 'universal instructional design' are used in the development of courses so all students are able to fulfil course requirements with minimal support. They include:

- Using instructional materials and activities that are accessible and fair, provide flexibility in use and presentation, are easy to understand and clearly presented.
- Providing a supportive learning environment that minimises unnecessary physical effort or requirements and accommodates both the students and instructional methods.

→ The University of Guelph provides more detailed discussion about these points on its website – <http://www.tss.uoguelph.ca/uid/uidprinciples.html>. The Australian Disability Clearinghouse on Education and Training also includes some valuable teaching and learning resources – www.adcet.edu.au

→ Inclusive teaching and learning strategies include:

- Institution-wide policies and procedures to develop a flexible teaching and assessment environment, that encourages the use of inclusive practices as a standard part of course design and teaching.
- Anticipating teaching and learning requirements to prevent discrimination.
- Adapting teaching to take into account the different ways that students learn.
- Rest-breaks in class to accommodate students and support staff (e.g. interpreters, note-takers).
- Information in alternative formats – electronic, enlarged, easy-to-read (Plain English), pictorial, Braille and audio taped

versions of print material, video captioning, transcription of videos, tactile diagrams.

- Electronic handouts that can be easily converted into large print or put into other alternative formats.
- Access to electronic information sources that are easier for some students with impairments to access (e.g. library catalogue, CD ROM, Internet).
- Arranging material in advance for students and their support staff to prepare for the class (e.g. providing the outline of the class and key terms used to a sign language interpreter).
- Flexible modes of delivery and assessment (e.g. using radio microphones).
- Encouraging students to ask for support – staff show a willingness to discuss support, invite students to approach them privately and contact students when performance may be affected by impairments.
- Staff seeking advice to help to develop effective support.
- Co-operative links with other institutions and community agencies to share equipment and support staff.
- Specific career guidance, vacation employment or work experience for students with impairments.
- Seeking accessible academic and vocational placements for students with impairments, including re-locating field trips to alternative sites or offering alternative experiences if this is not possible.
- Training focusing on inclusive teaching and learning strategies, that teaching staff must attend.

→ Programme specifications include procedures to:

- Identify essential components, learning outcomes and their implications for students with impairments.
- Identify and remove barriers to participation and achievement for students with impairments.
- Account for impairments in course delivery, including individual requirements and learning styles.

- Ensure course approval includes informed consideration of impairments (e.g. involving disability services staff).
- Provide sufficient information to enable students and their support networks to make informed decisions.

Students' learning style and individual preferences

→ Students' personal preferences for how they receive information and express their learning is accommodated and staff check their perceptions with the students involved.

Personal preferences vary from individual to individual and include:

- Listening, looking, reading, writing, speaking and handling.
 - Large or small groups, individual study, classes, library, workshops, field trips.
 - Different environmental conditions and times (e.g. noisy, quiet, bright or low light, morning, afternoon or evening, the pace at which they study).
- Staff should not make assumptions about a student's requirements. Instead ask students with impairments about what might help or what the real effects on their learning and assessment might be. They may have useful suggestions: *"Nothing about us without us!"*
- Consult with students with impairments before talking with other staff about them and remember your obligations under the Privacy Act.

3.9 Examinations and Assessment

Vision

Assessment and examination policies, procedures and practices provide students with impairments with the same opportunity as their peers to achieve learning outcomes.

Best Practice Standards

1. Alternative examination and assessment procedures and arrangements:
 - (a) Are widely publicised and easy for students to follow.
 - (b) Operate with minimum delay.
 - (c) Allow flexibility with assessment.
 - (d) Protect the rigour and comparability of the assessment.
 - (e) Are applied consistently across the institution or organisation.
2. Reasonable accommodations for examinations and assessment are provided as required.
3. There is evidence that students with impairments have the same opportunity as their peers to achieve learning outcomes.
4. Policies and procedures exist that ensure a student's subsequent academic progress is not unjustifiably impeded if study is interrupted due to their impairment.

Understanding these Best Practice Standards ...

→ Reasonable accommodations for examinations and assessment may include:

- Flexibility in the balance between assessed course work and exams to help minimise issues like stress.
- Demonstration of achievement in alternative ways – presentations in sign language, oral exams, assignments instead of exams, short-answer instead of multiple-choice exams or vice versa, assessments which vary question and response options (e.g. audio or video tape instead of written answers).
- Additional time allowances, rest breaks and re-scheduling of exams.

- The use of computers, note-takers, reader/writers and other support in examinations.
 - Examinations and presentation of assessed work in alternative formats.
 - Additional rooms and supervisors for those using alternative arrangements.
 - Extended deadlines for assignments.
- If evidence is provided that delayed completion of assessed work, non-attendance at examinations, deferral or withdrawal has been due to impairment, policies and procedures should allow this to be recorded in non-prejudicial terms in all academic files.
- Evidence of students with impairment having the same learning opportunities as other students could be gathered by analysing pass rates and completion rates.
- Some students with impairments may work through a Disability Office to inform lecturers of their needs, while others may approach teaching staff directly. One safeguard is requiring any teaching staff to:
- Notify the Disability Office of variations to assessment and teaching methods that students receive.
 - Indicate in course outlines how students with impairments may apply for variations.
- Providing an 'Alternative Arrangement Examination and Assessment Manual' can ensure consistency by guiding staff on areas such as the use of scribes and computers, additional time and managing oral exams.

3.10 Staff Development

Vision

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.

Best Practice Standards

1. Disability training is adequately resourced and arranged as part of induction and development programmes for all staff and, in particular, those involved with teaching.
2. Strategies to encourage staff to attend disability training are developed and implemented.
3. Specialist expertise, including the expertise of people with impairments and whanau, are actively involved in staff disability training and appropriately reimbursed.
4. Staff have access on an ongoing basis to resource information about creating an inclusive educational environment and have sources of support, both internal and external.
5. Designated contact(s) for students with impairments in different parts of the campus have appropriate and ongoing professional development.
6. Applicants for appointment or advancement demonstrate evidence of appropriate responses to students with impairments.
7. Strategies to measure if staff have the knowledge and skills to work effectively with people with impairments are developed and implemented.

Understanding these Best Practice Standards ...

→ Ideally staff induction, development programmes and resource information should cover:

- Disability equity issues, the principles and benefits of universal instructional design, inclusive teaching practices, curriculum development and learning resources.
- The implications of different impairments on learning and teaching strategies, including barriers and solutions.

- Designing and managing physical access for people with different impairments.
 - Student involvement, cultural issues, different communication and information strategies.
 - The range and types of support available to students with impairments.
 - Obligations under the Human Rights Act and other relevant policy and legislation.
 - Strategies to plan, implement and evaluate support for students with impairments.
- Having a designated time for staff development, endorsement from Council and Senior Management, an accredited training programme and ongoing support for teaching staff, may help to improve attendance.
- Where possible training should involve all staff, including general, teaching, part-time and contract staff.
- Strategies for measuring outcomes of training can include reviewing progress with student participation, retention and success rates, student climate surveys and staff evaluations of the benefits of training.
- Staff development initiatives may also include staff mentoring, competency programmes, actively employing more staff with impairments and advertising positions among disability community networks.

3.11 Complaint and Appeal Policies and Procedures

Vision

Policies and procedures exist to deal with complaints arising directly or indirectly from impairment and these are accessible and communicated effectively to people with impairments.

Best Practice Standards

1. Policies and procedures established in relation to student complaints, appeals, harassment and disciplinary procedures cover impairment issues.
2. People with impairments receive these policies and procedures in an appropriate manner and format and are aware of their right to have an independent advocate.
3. Students with impairments know that should a complaint be unresolved, they may use the provisions of the Human Rights Act or other relevant legislation.
4. Strategies exist to ensure that these policies and procedures are implemented fairly and effectively and outcomes are integrated into service development and planning.

Understanding these Best Practice Standards ...

- Reviewing the implementation of these policies and procedures should assess whether:
- Students are treated in a non-discriminatory manner and receive appropriate impairment support.
 - Issues are resolved in a timely and effective fashion.
 - Students know an independent advocate can accompany them. For example, an advocate from the local Health and Disability Consumer Advocacy Service.
 - Delivery is culturally appropriate to Māori and other ethnic groups, including international students.
 - There has been adherence to relevant legislation and protocols of confidentiality.
 - Expert impairment advice has been used appropriately.
 - Staff have sufficient training to fulfil this task in relation to people with impairments.

3.12 Appropriate Use of Student Information

Vision

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.

Best Practice Standards

1. Impairment information is only sought to arrange support and disseminated only to staff on a 'need to know' basis with the student's permission.
2. Communication systems allow appropriate staff to receive information about the individual needs of students with impairments in a clear, effective and timely way.
3. Staff protect an individual's privacy and only disclose impairment information for the provision of effective support and to ensure health and safety.
4. A safe environment is created for students to disclose impairment information in line with the disclosure provisions in the Health and Disability Commissioner Act 1994 and Privacy Act 1993.

Understanding these Best Practice Standards ...

→ Creating a safe environment for students to disclose impairment information includes:

- Building an atmosphere and culture within the institution that is open and welcoming.
- Institution wide policies and procedures of confidentiality and disclosure that protect the privacy of an individual's impairment information.
- Providing staff training about appropriate use of this information.
- Ensuring students are not required to continually repeat verification of impairments.
- Checking that staff and people with impairments know of and understand confidentiality and disclosure policies, including the

reasons for notification, gathering information for monitoring and who has access.

- Explaining to students the benefit of disclosure and how this information will be kept confidential.
 - Having disclosure questions in application forms that are reassuring, outline the purpose for collecting information and are linked to a statement that staff will endeavour to offer support.
 - Encouraging students to create a guideline for disclosure, so support strategies can be developed.
- If students tell someone within the institution about their impairment, then the tertiary institution may not be able to claim that it did not know if there is failure to offer support and adaptations from teaching staff (e.g. a student declares her impairments and related support on an application form).
- People have a right to request that their impairment information is treated confidentially. This may result in alternative support.
- For example, a student with a vision impairment is very embarrassed by his impairment. Normally large-print handouts would be provided in class. However, handouts are given in advance so that he can look at them before class, so he does not have to be seen reading them during the class.

3.13 Monitoring and Evaluation

Vision

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

Best Practice Standards

1. Institutional barriers and the impact of these on people with impairments are identified and reported to senior management and those responsible for strategic planning.
2. A range of monitoring and evaluation systems measure progress with goals and targets to remove these barriers to participation, retention and achievement of students with impairments.
3. Effective mechanisms are in place to provide a forum to raise, discuss and advocate on issues affecting students with impairments.
4. Services within Student Associations are accessible for students with impairments in terms of physical, communication and information access and advocacy.

Understanding these Best Practice Standards ...

→ Reporting institutional barriers and the impact of these include:

- Assessing how staff across the institution comply with the relevant policies, procedures, legislative and government requirements for students with impairments.
- Recommending strategies to improve service provision.

→ Various monitoring and evaluation systems exist and include:

- Measuring progress with targets and goals in strategic planning.
- Structured focus groups with students with impairments.
- Student surveys that question whether people are satisfied with the support and services they received from staff in relation to their impairments.

- Climate surveys to assess if staff feel confident creating an inclusive environment and providing support.
 - Development of advisory committees to oversee and advise on impairment related strategic planning.
 - Ensuring information from complaints and appeal processes is integrated into this planning.
 - Consultation with people with impairments about specific services (e.g. those with different impairments, Māori, other cultural groups, international students and those considering tertiary education).
- Ideally there should be a recognised voice for students with impairments within the institution:
- One option is for student associations to establish a network for students with impairments, with representation both on the Student Association Executive Committee and on related strategic planning within the institution.
 - Students with impairments should also have an effective avenue for advocacy within student associations, like all other students.
 - Developing student advocacy networks through Disability Support Services can create conflicts.

PART 4: The Policy and Legal Framework for Using the Code of Practice

This section provides an overview of the status of people with impairments in tertiary education, the barriers to participation and achievement that many face, and the policy and legal framework for using the Code of Practice.

For consistency of language throughout this document, we continue to use 'people or students with impairments'. The documents referred to in this section use a mixture of 'people with disabilities' and 'disabled people'.

4.1 The Status of People with Impairments in New Zealand^{15 16 17 18 19}

People with impairments are under-represented in tertiary education and over-represented in low socio-economic groups. Thirty-nine percent of adults with impairments have no educational qualification, compared with 24 percent of those adults without impairments. More than half (56 percent) of all people with impairments have gross personal incomes of less than \$15,000.

In 2001, Statistics New Zealand found that there were fewer people with impairments with school or post-school qualifications, compared to the general population.

Educational Outcomes for People Over 15 years of age	People with Impairments	People without Impairments
Highest qualification – school.	34%	42%
Highest qualification – post school.	27%	34%

¹⁵ Statistics New Zealand. (2002). *Disability counts 2001 report*. Wellington, New Zealand: Statistics New Zealand. pp. 15–18, 26, 54–55, 66.

¹⁶ Ministry of Health. (1998). *Disability in New Zealand: Overview of the 1996/97 surveys*. Wellington, New Zealand: Ministry of Health. pp. 46, 47, 50, 90, 169.

¹⁷ Ministry of Education. (2001). *Ministry of Education report on the special supplementary grants, 1999–2001*. Wellington, New Zealand: Ministry of Education.

¹⁸ International Labour Organization. (2001). *Draft code of practice on managing disability in the workplace*. Geneva: International Labour Office. p. viii.

¹⁹ State Services Commission. (December 2001). *Public service as an employer of choice research project: Improving the effectiveness of recruitment and retention for policy graduates with disability in the public service*. Wellington, New Zealand: State Services Commission.

In 1998 the Ministry of Health reported that people with impairments who require intensive assistance on a daily basis were:

- More likely to have no qualifications (46%).
- Least likely to have post-school qualifications (21%).
- More likely to have no qualification if they had multiple impairments.

In 1998, the government introduced Special Supplementary Grants, which are paid to Tertiary Education Institutions (universities, polytechnics, colleges of education and wananga), to contribute to support for tertiary students with impairments with high support costs.

The Special Supplementary Grant has contributed to a significant increase in the number of students with impairments participating in tertiary education.

The number of students with impairments has grown from 7,700 (excluding private providers) in 1998 to 19,200 including private providers in 2002.²⁰ In recent years, the number of students with impairments has been growing between 20% and 25% a year, and in 2002 represented 4.5% of all students, up from 2.8% in 1998. However, the rate of participation by people with impairments (at 2.3% in 2001) is estimated to be less than a quarter of the participation rate for those without impairments (at 16.7% in 2001).²¹

It is widely recognised that the lower level of successful participation by students with impairments in secondary and tertiary education affects their ability to gain employment. Statistics New Zealand reported in 2001 that of those over 15 years living in households only 40% of people with impairments were employed, compared to 70% for those without impairments. People with impairments, therefore, are less likely to be in employment, with the proportion employed decreasing with increasing impairment. This trend and that relating to income also reflects what is occurring for Māori with impairments.

The fact that so many people with impairments are out of work is an international problem, causing spiralling welfare costs and productivity loss in many countries. The World Bank estimates that the annual loss of GDP globally due to long-term and short-term impairments is between US\$1.37 – 1.94 trillion.

²⁰ Ministry of Education. (2003). *Participation in tertiary education 2003*. Wellington, New Zealand: Ministry of Education. pp. 32–33.

²¹ Information about the number of students with impairments was collected by the Ministry of Education while information about the number of people with impairments is from the 2001 New Zealand Disability Survey, by Statistics New Zealand. Because of the different survey instruments and definitions used, the participation rates are estimates only.

It does not make economic sense to allow the continuation of barriers that prevent people with impairments gaining access to tertiary education and achieving academic success. If these barriers are not resolved the investment in education, training and supporting people with impairments will be wasted. Instead of contributing to society, many people with impairments will receive benefits. The potential loss of income and the economic and social cost will be significant.

The 2001 New Zealand Disability Survey can be a useful tool for planning. An overview of this survey is available, using the following resources:

- Statistics New Zealand. (2002). *Disability counts 2001 report*.
- <http://www.stats.govt.nz>

4.2 Identifying and Removing Barriers to Tertiary Education

“Some lecturers have a not-in-my-class mentality.”

(Respondent, Code of Practice Consultation Survey, 2002)

Historically, we have focused on the medical needs of people with impairments. Evidence now suggests that this alone does not help overcome barriers to participation and achievement. If it did, people with impairments would not have low rates of education and low levels of employment.

The 2002 ‘Code of Practice Consultation Survey’ was a guide for writing the Code of Practice.²² The survey results indicated that while progress has been made in tertiary education, this has largely been due to the development of disability support services and those individual teaching staff who see the value of inclusive teaching practices and support for all students.

Respondents identified the following key areas that together create an inclusive environment:

1. Disability support services and staff – note-takers, reader/writers, interpreters.
2. Physical access modifications – automatic doors/openers, accessible toilets, lifts.
3. Staff awareness and development about disability issues.

²² Achieve: The National Post Secondary Education Disability Network Incorporated. (2003). *New Zealand code of practice consultation survey*. [Online] Retrieved 29/04/03 from www.achieve.org.nz.

4. Good general staff attitudes – open, easy to talk to, supportive when made aware.
5. General support services – health, counselling and career services.
6. Disability support strategies – mobility car parks, part-time study options, library services, specific equipment, flexible teaching methods, and course material in alternative formats.

The most common barriers to creating an inclusive tertiary education environment identified by respondents were:

1. Inaccessibility of some parts of the campus for some students with impairments.
2. Difficulties with provision of equipment – this included difficulty in finding out about financial support, inadequate and inconsistent resourcing of such support for students with particular impairments, not enough equipment, badly set up computers, incompatible equipment and the high cost of purchasing equipment.
3. Staff issues:
 - Some staff do not see the benefits of inclusive teaching and do not alter their methods to accommodate students with impairments.
 - The behaviour and attitudes of some tertiary staff are inconsistent.
 - Lack of awareness and training on overcoming communication and language barriers.
 - Material presented in inaccessible formats.
 - Some staff are resentful of support offered to students with impairments.
 - Not enough support staff (e.g. note-takers, readers/writers, interpreters).

Given the survey size, these results may not accurately reflect all views in tertiary education. However, they do provide a sample of people who feel that a range of barriers to inclusion still exist for students with impairments in tertiary education.

The survey results and a summary of the respondent feedback is on the Achieve website – www.achieve.org.nz. These results are available in text and graphs.

4.3 The Policy Framework for Using the Code of Practice

In the last couple of decades disability issues have advanced from discussions on ramps and assistive technology to a more sophisticated rights-based examination of legislative and policy imperatives.²³ Disability issues are gaining more recognition in high-level policy documents in New Zealand. These documents are relevant to all tertiary institutions and this section will provide a framework for meeting policy and legislative obligations.

The New Zealand Disability Strategy Whakanui Oranga 2001²⁴

This strategy, released in 2001, is the first government document that explicitly identifies barriers to participation and achievement for people with impairments. It contains objectives and actions that are relevant to all tertiary education providers.

Objective 3:

Provide the best education for people with impairments.

Action:

- 3.8 Improve post-compulsory education options for people with impairments, including: promoting best practice, providing career guidance, increasing lifelong opportunities for learning and better aligning financial support with education opportunities.

Objective 4:

Provide opportunities in employment and economic development for people with impairments.

Action:

- 4.1 Provide education and training opportunities to increase the individual capacity of people with impairments to move into employment.

Objective 6:

Foster an aware and responsive Public Service.

²³ Hartley, J., O'Connor, B., Watson, R. & Power, D. (1–4 December 1998). *Developing and implementing a code of practice*. Paper presented at the Pathways IV – 4th National Conference of People with Disabilities in Education and Employment. Perth. p. 1.

²⁴ Ministry of Health. (2001). *New Zealand disability strategy: Making a world of difference. Whakanui oranga*. Wellington, New Zealand: Ministry of Health. pp. 16, 17, 20, 27.

Action:

- 6.1** Develop mechanisms to ensure that all government policy and legislation is consistent with the objectives of the New Zealand Disability Strategy.

Objective 13:

Enable children with impairments and youth to lead full and active lives.

Action:

- 13.6** Improve support for children with impairments and youth during transition from early childhood education, primary and secondary school, tertiary education and employment.

The Ministry of Education, Tertiary Education Strategy 2002–07^{25 26}

The Tertiary Education Strategy recognises that one of the factors New Zealand's economic growth and improved social outcomes depends on is equal access and equal opportunities for all learners. People with impairments are educationally disadvantaged and are a significant equity target group. The Tertiary Education Strategy directly contributes to the government's broad national, economic and social goals. It provides a new direction and policy framework for tertiary education and will guide the activities of government tertiary education agencies.

The direction of tertiary education for the next five years is based around six strategies to enhance sector performance. Each of the six strategies has specific objectives. These include specific references to inclusive practices and the provision of services for students with impairments that tertiary institutions need to be aware of and plan towards. The Code of Practice provides a framework for this.

The early sections of the document provide the context for the strategy and outline the role of tertiary education. It states:

"Social change also requires a heightened focus on access to education and implies the remediation of the current digital divide and other barriers to inclusion".

²⁵ Ministry of Education. (2002). *Tertiary education strategy 2002 – 07*. Wellington, New Zealand: Ministry of Education. pp. 1– 47.

²⁶ Tertiary Education Commission. (2002). *Statement of tertiary education priorities (STEP) and draft guidelines for charters and profiles*. [Online] Retrieved 29/04/03 from <http://www.tec.govt.nz>.

This implies that tertiary institutions will need to focus on access to education and overcoming barriers to inclusion. The new tertiary education environment 'critical success factors' for tertiary institutions will also include areas that relate to students with impairments. These success factors relate to:

Strategy One: *Strengthen systems capability and quality.* They include "having staff who are making innovative use of new learning technologies and demonstrate and embrace new technology modes that recognize different styles of learning."

Other key references to students with impairments include:

Strategy Three: Raise foundation skills so that all people can participate in our knowledge society.

Objective 15: Clearer accountability for quality and outcomes within foundation education, including a greater focus on assessment.

The vision for this strategy and objective states that by 2007:

- We will have achieved improvements in the number and diversity of learners accessing and succeeding in obtaining foundation skills through tertiary education, particularly amongst priority groups with lower literacy levels, including learners with impairments.
- Foundation skills providers will be of high quality and their programmes will be targeted to priority learner groups, including people with impairments.

Strategy Four: Develop the skills New Zealanders need for our knowledge society.

Objective 20: Equity of access and opportunities for all learners.

The vision for this strategy and objective states that by 2007:

- People from lower income situations and others who have traditionally faced barriers to participation and achievement in tertiary education, including people with impairments, will also be achieving skills and qualifications in greater numbers.

Objective 21: Learners are equipped to make informed choices about career and learning options.

The vision for this strategy and objective states that by 2007:

- Information and advice about the employment opportunities and experiences of specific groups, including people with impairments, will be readily available.

Objective 5 also aims to create “a stronger system focus on teaching capability and learning environments to meet diverse learner needs.” By 2007 it is hoped there will be “increased responsiveness to the needs of and wider access for learners”, including people with impairments.

As part of the implementation for the Tertiary Education Strategy, the Tertiary Education Commission (TEC):

1. Has developed the *Statement of Tertiary Education Priorities (STEP)*. The Interim STEP for 2002/03 required tertiary institutions to understand the key changes in the strategy and to begin incorporating them into internal planning. Given the references to inclusive practices and the provision of services for students with impairments, planning should cover these areas.
2. Has introduced a system of *Charters and Profiles* to increase clarity around the nature and purpose of tertiary provision delivered by tertiary education organisations. All providers need to demonstrate their contributions to achieving the Tertiary Education Strategy. They must first identify the education and development needs and aspirations of their communities, including people with impairments. Guidelines for these Charters and Profiles have been developed which cover the provision of an inclusive environment and outcomes for students with impairments.

As part of their Charter, tertiary institutions were asked to indicate how the organisation goes about ensuring that its educational activities are meeting the needs of learners – factors that encourage learner success and achievement.

As part of their Profile, tertiary providers are required to provide evidence of:

- Performance targets and indicators in relation to educational activities, learner outcomes and meeting the needs of under-represented groups.
- Plans and objectives for improving equity of access and achievement.
- Partnerships with relevant community organisations to identify and meet learner needs to lower barriers to participation and achievement.

4.4 Legal Framework for Using this Code of Practice

1. The Human Rights Act, 1993^{27 28 29 30}

The Human Rights Act covers people who have physical, sensory, intellectual or other impairments or mental health illness, those with disease or illness from organisms in the body (e.g. HIV, Hepatitis), reliance on remedial means (e.g. guide dogs) and loss or abnormality of structure or function.

All organisations that provide goods, services, public facilities, transport, employment, education, training and accommodation must provide *reasonable accommodations* for people who are defined as having impairments under the Act. This includes all aspects relating to providing an inclusive environment such as teaching practices, support services, the provision of enrolment information or course material.

Currently New Zealand has very few formal cases of discrimination recorded in tertiary education. The following are some examples of possible scenarios.³¹

People may complain to the Human Rights Commission if they believe that they have been discriminated against on the grounds of their impairments. Discrimination occurs if someone is treated *unfairly or less favourably* than someone else in the same situation.

A person with a learning disability applies to do a degree in English. The university tells her it has a policy not to accept people with learning disability on English degrees.

²⁷ Human Rights Commission. (2002). Adapted from *Tu tikanga, Rights now! A human rights workshop for people with disabilities (Plain text version). Facilitator's handbook*. Auckland, New Zealand: Human Rights Commission. pp. 30–117.

²⁸ Human Rights Commission. (2002). *Making human rights work: An introductory workshop for public sector employees*. Auckland, New Zealand: Human Rights Commission Training Manual.

²⁹ Ministry of Justice. (2002). *Non-discrimination standards for government and public sector: Guidelines on how to apply the standards and who is covered*. Wellington, New Zealand: Ministry of Justice.

³⁰ Human Rights Commission. (October 2001). *Te Rito. Human Rights Commission quarterly case notes*. Auckland, New Zealand: Human Rights Commission.

³¹ The Disability Rights Commission. (2003). *Code of practice for providers of post 16 education and related services – Legal rights and requirements under the Disability Discrimination Act 1995: Part 4*. [Online] Retrieved 29/04/03 from (<http://www.drc.gov.uk/thelaw/practice.asp>).

A student with a facial disfigurement is taking an evening class in Tai Chi. The tutor spends time with all the students individually, helping them with their technique. The tutor does not spend any time individually with the student with impairment because he feels uncomfortable with her. No other student has been treated in this way.

Discrimination may also occur when a tertiary institution fails to provide *reasonable accommodations* for a person with impairments:

A student who is partially deaf and lip-reads is attending a Business Studies course. A lecturer continues to lecture while simultaneously writing on the whiteboard. The student asks him to stop speaking when he turns his back to use the whiteboard so that she can follow what he is saying and he refuses.

A campus has a policy of not allowing dogs onto its premises. A person who is blind and needs his guide dog to navigate around the premises is refused entry.

A tutor delivers one of his modules through a computer-based learning environment and awards marks for students' participation in online discussion. The system does not work with the software of a student with a vision impairment. The student would be disadvantaged if accommodations were not made.

Indirect discrimination may also occur when a rule or practice exists which, on the face of it, appears neutral but, in fact, has a detrimental effect on a person (e.g. a website with information for students is designed using a PDF format, making information access impossible to some students who use impairment related software).

Reasonable accommodations in a tertiary education setting may include:

- (a) Making adjustments to the facilities or how a task is completed.
- (b) Supplying additional training or support.
- (c) Acquiring or modifying equipment.
- (d) Modifying instructions, communication processes or information manuals.
- (e) Modifying procedures for testing or assessment.
- (f) Providing a note taker, reader/writer, sign language interpreter or other support staff to improve reading and communication.

- (g) Regular contact to discuss support needs.
- (h) Arranging an assessment to make appropriate course adjustments.
- (i) Returning comments about an essay to a student with vision impairment electronically.
- (j) Altering work placements or making specific field trip arrangements for students with mobility impairments.
- (k) Allowing a Deaf student to present her work using New Zealand Sign Language.
- (l) Physical access provisions.

Tertiary institutions should not wait until a student with impairment applies for a course or uses a service before thinking about *reasonable accommodations*. They need to be continually anticipating the requirements of people with impairments and making adjustments.

There may be exceptions to providing *reasonable accommodations* if an institution can prove:

- (a) Unreasonable disruption.
- (b) Undue hardship, or
- (c) A risk to health and safety.

What is reasonable for a particular tertiary institution will depend on the circumstances of the case. In the United Kingdom various factors are taken into account when considering what is reasonable:

- (a) The need to maintain academic and other prescribed standards.
- (b) Whether the elements are central or core to the course.
- (c) The size and financial resources of the tertiary institution.
- (d) The type of services provided.
- (e) The effect of the impairment on the individual person.
- (f) The extent to which it is practicable to take a particular step and other available support.
- (g) Health and safety requirements.
- (h) The relevant interests of other people including other students.

All tertiary education providers are expected to comply with the Human Rights Act. Where possible, complaints are dealt with using mediation. However, legal proceeding may occur for cases of a serious nature that

cannot be resolved through mediation. It is important that all staff are given guidance and training on the use of non-discriminatory practices, so that they are aware of their legal obligations in relation to the development of policies, teaching practices and the provision of support services.

The Ministry of Justice has released *The Non-discrimination Standards for Government and the Public Sector*. These provide guidance for assessing whether staff are at risk of discriminatory practices and whether the discrimination is justifiable under the Act. It includes useful discussion on the development of inclusive policies, practices and services.

The Human Rights Commission newsletter, 'Tirohia', contains information about cases. These can be useful to illustrate how human rights principles apply to factual situations. In the years ending June 1999, 2000, 2001 and 2002, the largest category of Human Rights complaints were on the grounds of impairment. In recent years there have been a few high profile tertiary education cases where the Commission found in favour of the complainant with impairments.

2. Bill of Rights Act, 1990³²

Tertiary institutions should also be aware that they may be subject to the New Zealand Bill of Rights Act, 1990. Section 19(1) of the Bill of Rights Act provides that everyone has the right to freedom from discrimination on the grounds of discrimination in the Human Rights Act, 1993. The right to be free from discrimination is subject to limits that are considered reasonable (see section 5 of the Act). This is a different test from that found in Part II of the Human Rights Act and is more amenable to actions performed by public authorities because of its flexibility. Section 2 states; "Measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination that is unlawful by virtue of Part II of the Human Rights Act 1993 do not constitute discrimination"³³. Recent amendments to the Human Rights Act have meant that individuals can now have access to a publicly funded complaints system under Part 1A of the Human Rights Act if they consider that their right not to be discriminated against has been infringed.

The emphasis in section 3 of the Bill of Rights Act is on the activities performed by the agency and not the status of the agency itself. It is possible therefore that only certain activities carried out by tertiary

³² Ministry of Justice. (2002). *Non-discrimination standards for government and public sector: Guidelines on how to apply the standards and who is covered*. Wellington, New Zealand: Ministry of Justice.

³³ Ministry of Justice. (2002). *Non-discrimination standards for government and public sector: Guidelines on how to apply the standards and who is covered*. Wellington, New Zealand: Ministry of Justice. p. 42 Section 19(2).

institutions are subject to the Bill of Rights Act. The education sector is a field in which the application of public law values through the Bill of Rights Act is likely to be complex because of the mixed education delivery systems in place, and the diverse range of facilities offered by various educational institutions. The Ministry of Justice, Non-discrimination Standards for Government and the Public Sector, also provide assistance on when and how to comply with the Bill of Rights Act non-discrimination standard.

3. The Privacy Act, 1993³⁴

The Privacy Commissioner has developed some *Health Information Privacy Code Fact Sheets*, which include information about impairments. These provide guidelines for collecting, storage, access and disclosure of this information.

Health information should be collected directly from the individual, only be used for the purpose it is collected and the person disclosing the information should be aware of the purpose for collecting this information. As a general rule, health information should not be disclosed to other people unless the individual who disclosed has authorised the disclosure to colleagues or other people. People should be able to view the information collected and have the opportunity to correct mistakes.

There are exceptions to the Rules above (see Rule 2, 10, and 11 of the Act). The key exception to this rule on disclosure is when disclosure will prevent a serious or imminent threat to public health or safety or to the life or health of the individual concerned or another individual. In these circumstances staff need to be able to justify their actions. To receive fact sheets, contact the Privacy Commissioner, 0800 803 909, <http://www.privacy.org.nz>

4. Health and Disability Commissioner Act, 1994³⁵

The Health and Disability Commissioner Act, the associated Code of Rights and the complaint process, cover all health and disability services, including those in tertiary education environments such as Student Health and Counselling Services. The aim of this Act is to "*promote and protect the rights of health and disability service consumers*", including those with impairments.

Under the Code of Rights service providers must provide services that comply with these rights, inform consumers of these rights and inform consumers how to make complaints.

³⁴ The Privacy Commissioner. (1998). *Privacy Act 1993: Health information privacy code fact sheets*. Auckland, New Zealand: The Privacy Commissioner.

³⁵ Health and Disability Commissioner's Office. (1994). *Code of health and disability services consumers' rights*. Auckland, New Zealand: Health and Disability Commissioner's Office Brochure.

Under the Code of Rights all people, including those with impairments, when they use a health and disability service have the right to:

- Respect, dignity and independence
- Fair treatment, not discrimination
- Service of a proper standard
- Effective communication
- Be fully informed and give informed consent
- The support they choose
- Complain.

These rights also apply to teaching or research that involves Health and Disability services. The Health and Disability Commissioner's Office has developed a brochure that provides an overview of obligations that relate to specific rights outlined in the Code of Rights, including the complaints procedures that all health and disability services must follow when a complaint is received.

The mechanism used to resolve complaints or issues is generally informal discussion and mediation, using an independent advocate from the Health and Disability Advocacy Services. There are also legal processes for cases of a serious nature.

5.1 Glossary³⁶

Access – Ability to join and participate in all facets of life in tertiary education institutions or organisations (e.g. access to: buildings, programmes and facilities; courses; educational materials and other relevant social/cultural information; ceremonial events; communication access).

Accommodations – Adaptations that remove barriers to enable equal participation. These are based on the premise that students with impairments should be neither disadvantaged nor advantaged relative to other students. Students can be treated differently if it is achieving equity.

Assistive Technology – Equipment or software designed or modified to enable people with impairments to meet their information, communication and mobility needs.

Barriers – Social and environmental processes preventing or disadvantaging access, participation and achievement of students with impairments in tertiary education.

Best Practice Standards – Steps that a tertiary education institution or organisation can take to create a fully inclusive tertiary education environment for people with impairments. These may be enhanced through quality reviews.

Code of Practice – A guide for tertiary education providers detailing what is expected of their inclusion of students with impairments. Similar codes are found at the following websites:

Australian Code of Practice: http://www.qut.edu.au/pubs/disabilities/national_code/code.html

British Code of Practice: <http://www.qaa.ac.uk/public/cop/copswd/contents.htm>

Equitable Learning Environment – Reasonable accommodations have been made to enable students with impairments to participate in a course and compete on equal terms with other students.

³⁶ Adapted from Hartley, J., O'Connor, B., Watson, R. & Power, D. (1998). *Students with disabilities: Code of practice for Australian tertiary institutions*. Queensland, Australia: Queensland University of Technology. pp. 22–23.

Equity – Principles that ensure fairness to people with impairments in providing the opportunity for them to participate in and successfully complete studies in tertiary education.

Flexible Delivery – Adoption of a range of teaching strategies in a variety of learning environments to cater for differences in learning styles, learning interests and needs, and variations in learning opportunities.

Inclusive Educational and Learning Environment – One in which diversity among students is valued and procedures are implemented to facilitate equitable access, participation and outcomes for all students.

Staff – Everyone employed by the tertiary institution or organisation, including teaching staff consisting of lecturers, tutors, teachers, instructors, workplace trainers, assessors and mentors.

Student – A person who is enrolled by a tertiary institution or organisation to participate in any educational activity.

Tertiary Education Provider – A tertiary education provider means all or any of the following, but does not include an industry training organisation:

- (a) an institution (i.e. a university, polytechnic, college of education or wananga);
- (b) a registered private training establishment;
- (c) a government training establishment; and
- (d) any organisation that provides tertiary education and receives government education funding (a community education provider for example).

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