

FINAL REPORT

May 2016

The Role of Inherent Requirement Statements in Australian Universities

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Acknowledgements

The authors wish to thank the National Centre for Student Equity in Higher Education (NCSEHE) at Curtin University for funding support. This report is based on a research grant received in 2015. The successful project – ‘The Role of Inherent Requirement Statements in Australian Universities’ – was led by Dr Andrew Harvey (Lead Investigator), Matt Brett (Co-Investigator); and Dr Andrew Funston (Co-Investigator), with research assistance from Rachael Spicer and Adam Wood.



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Executive Summary

Australian university disability practitioners have long advocated statements that describe the inherent requirements of academic programs. Students are protected by the *Disability Discrimination Act 1992* (Cth), which makes it unlawful to discriminate on the grounds of disability across a range of criteria that include denying access to any benefit provided by the educational authority, and developing curricula that will exclude a person from participation. Similarly, the *Disability Standards for Education 2005* (Cth) require universities to make their programs accessible to students with disabilities and make reasonable adjustments to enable student participation. Reasonable adjustments routinely made include provision of additional time to complete assessment tasks and provision of academic information in ways that are accessible to relevant students (such as Braille readings or Auslan interpretation).

However, while reasonable adjustments are required, these accommodations cannot themselves compromise the essential elements of a course that all students must meet. The essential elements of courses are not self-evident. Universities publish descriptions of courses and subjects in publications that include handbooks, course and subject materials, graduate attribute statements and promotional materials. Indeed the *Higher Education Standards Framework (Threshold Standards) 2015* (Cth) requires universities to specify course learning outcomes and provide students with plain language statements of relevant information including course design and prerequisite knowledge. Some universities have made a judgement that routine course and subject descriptions are not sufficient as a reference point for informing consultations about identifying reasonable adjustments. These universities publish inherent requirement statements that are designed to aid the process of identifying reasonable adjustments. To illustrate, in nursing programs at Western Sydney University, these statements include a requirement for strength and mobility using both fine and gross motor skills to be able to undertake tasks such as patient transfer and aseptic wound dressing. Inherent requirement statements are described in some cases as a mechanism for streamlining the process of determining reasonable adjustments and minimising the possibility that students unknowingly commence a course for which they do not have the characteristics required to complete satisfactorily, or where professional registration would be unlikely or impossible. The provision of inherent requirement statements is growing across the sector.

Specific examples of inherent requirement statements, that are representative of those commonly used across the sector include:

- Ability to understand and respond to verbal communication accurately, appropriately and in a timely manner
- Ability to work constructively in a diverse and changing academic and clinical environment
- Knowledge, understanding, and compliance with legislative and regulatory requirements, as pre-requisites to clinical placements in order to reduce the risk of harm to self and others
- Ability to complete tasks that involve fine motor skills including being able to grasp, press, push, turn, squeeze and manipulate various objects.

Despite the rapid recent growth in university participation of students with a disability, there has been little research conducted on the prevalence, consistency and characteristics of inherent requirement statements across Australian institutions and fields of education. We know little about the relationship between inherent requirement statements and other publications used by universities to describe their academic requirements at an institutional, course, or subject level. There also remains a dearth of research on the impact of these statements. In particular, little is known about how prospective students are accessing, interpreting and responding to them. Assessing the nature, extent and impact of inherent requirement statements is therefore central to understanding how Australian universities are promoting the participation of students with disabilities while complying with their legislative obligations and upholding academic standards.

This report represents the first stage of this research and analyses the prevalence, accessibility, and form of inherent requirement statements within the Australian university sector. We begin by considering the broader national context for this project, including the increasing participation of students with disability in higher education, and recent developments in employment law, education standards, and professional registration requirements. The origins of inherent requirement statements are examined with reference to key milestones associated with Curtin University, the University of Melbourne and Western Sydney University, and relevant literature is explored to situate university activities in relation to historical policy, legislative, and research trends. International literature is also examined to reveal the significant influence of overseas policies, particularly in the United States, on Australian legislators and educators.

The broader legislative, demographic and policy context helps to explain the origins and expansion of inherent requirements, and the multiple demands now faced by Australian universities. Universities are simultaneously seeking to: increase enrolments by promoting the participation of students with a disability; provide transparency for all prospective students on essential course requirements and skills; ensure that reasonable adjustments are made for enrolled students as required by legislation; promote the employability of all students; and satisfy the demands of professional and registration bodies, all in an increasingly complex and competitive environment. The potential tensions between these objectives, and their implications for prospective, enrolled and graduating students, require further research and investigation.

The second part of this report outlines our findings from a selected audit of existing inherent requirement statements across most Australian universities. To conduct the audit we undertook a desktop analysis of course handbooks and related websites, and a qualitative analysis of descriptors of the requirements within those texts. The analysis could not capture and contextualise every reference to inherent requirements statements on every university website, but is sufficiently representative to provide the first point-in-time sector-wide snapshot of inherent requirements statement practice. Our analyses revealed relatively limited use of inherent requirements, with their inclusion limited to 18.6 per cent of the Australian university courses covered by our audit. Moreover, we found substantial variation among universities in the extent to which inherent requirements are documented, the terminology that is employed, the length and nature of academic descriptors, the prevailing fields of education, the extent to which related legislation, course guides and university websites are cross-referenced, and the forms in which the requirements are made accessible to prospective students.

Multiple implications of our findings follow. First, institutional variability in approach reflects a lack of cross-institutional coordination and national direction. Universities are borrowing from each other, but there is no overarching coordination of effort. Consequently, substantial institutional differences exist in the terminology adopted, and in the extent to which inherent requirement statements are readily accessible. These differences create information asymmetry that is likely to negatively affect both prospective and enrolled students. Students with a disability face demonstrable and multi-dimensional barriers to participation, which may limit their capacity to navigate complex university websites and course guides. Some prospective students are likely to be unaware of the existence of inherent requirements, others may be confused by differing terminology, and enrolled students contemplating transition between universities need to contend with differing approaches, language, and communication forums. In an increasingly diverse higher education market, differences in institutional approach are inevitable, but there is merit in considering the impact of variability on equitable participation of students with a disability.

The diversity of institutional understandings of inherent requirements also carries legal implications. Our analysis suggests that different expectations are being outlined for similar courses across the sector. There is currently little related case law, but students may potentially face risks of being accepted into a course in which achievement of learning outcomes are incompatible with some disability related characteristics, or conversely being refused entry to a course at one institution where other universities might accept them. Differences in inherent requirement statements may influence the provision and denial of specific reasonable adjustments across the sector placing universities at heightened risk of complaint and litigation. The relationship between inherent requirements, disability legislation governing universities, and professional registration requirements, is complex and likely to be tested further in future.

At a policy level, questions remain over whether inherent requirement statements are being used for exclusionary or inclusionary purposes, and the extent to which they align with the *Disability Discrimination Act*. Further research is also required to assess the impact of requirements on potential, enrolled and graduating students. In particular, work is required to capture directly the voices of affected students.

Recommendations

- 1) That university stakeholders with an interest in inherent requirements explore options for achieving greater consistency, clarity and transparency of inherent requirement statements across institutions and disciplines.
- 2) That university stakeholders with responsibility for the participation of students with disabilities, which may include disability practitioners, disciplinary heads, equity and related staff, monitor the impact of inherent requirements on prospective, enrolled and graduating students.

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- 3) That further research be undertaken into the impact of inherent requirement statements on prospective, enrolled and graduating students, including the effects on participation, achievement and graduate outcomes. Such research could include a specific focus on capturing the voices of students with disabilities which are often unheard.
 - 4) That universities ensure that descriptions of academic requirements and their use within processes of identifying reasonable adjustments are accessible to, and transparent for, students, and that these descriptions are consistent with the Higher Education Standards Framework and *Disability Discrimination Act 1992* (Cth) and *Disability Standards for Education 2004* (Cth).

Report Structure

Our report initially outlines the legislative, historical and policy context for the development of inherent requirements, and major related issues. This section includes discussion of increasing rates of participation in higher education by people with disability, related legislation including the *Disability Discrimination Act 1992 (Cth.)* and *Disability Standards for Education*, and the importance of these drivers in the growing use of inherent requirement statements in Australia. We then describe some influential work by early-adopter institutions, and define relevant terms such as disability standards, quality standards, and 'reasonable adjustments' as they relate to legislation and guidelines. The relevance to our audit of Australia's Tertiary Education Quality Standards (TEQSA) and Qualifications Framework (AQF) is explained, especially in the area of course development. Similarly, we discuss the role of the Office for Learning and Teaching (OLT) and its promotion of 'threshold learning outcomes' which connects to prospective students' capacity to make informed choices about courses and subjects. We then discuss the relevance – especially in some fields of education (FOE) – of standards set by external bodies and related professional entry requirements. We conclude the Context and Issues section with a brief discussion of student placements and internships, and disclosure or non-disclosure of conditions, as these might relate to inherent requirement statements. The next section captures our Audit Findings. We present and discuss 17 tables which variously feature metric data from our desk-top audit of handbooks (Figures 1 to 8) and which report on our preliminary analysis of the inherent requirement statement discourse and themes (Figures 9 to 17). The final section of the report is an outline of the Audit Methodology, followed by References.

Context and Issues

DISABILITY DISCRIMINATION LEGISLATION AND AUSTRALIAN HIGHER EDUCATION

As documented in the Australian Government's national student equity framework, *A Fair Chance for All* (1990), people with a disability have historically been under-represented in the higher education sector. However, in recent years their participation has expanded (Brett 2014). Participation rates for domestic students with disability increased from 3.1% in 2001 to 5.5% in 2014 (Department of Education and Training 2015a). Between 1998 and 2012, the proportion of 15-64 year old Australians with a bachelor degree or higher increased from 9% to 15% for those with a disability, compared to from 15% to 26% for those without a disability (Australian Bureau of Statistics 1999, 2014).

Brett (2014) argues that this increased participation by students with disabilities has been significantly influenced by the *Disability Discrimination Act 1992* (Cth) and the *Disability Standards for Education 2004* (Cth). Section 22 of the *Disability Discrimination Act 1992* (Cth) makes it unlawful for an educational provider to discriminate against a person on the ground of the person's disability. Discrimination can occur directly, for example, by refusing to admit students because they are blind and have a guide dog. Discrimination can also occur indirectly, which would include scheduling academic activities in a room accessible only by stairs that could not be reached by a person who uses a wheelchair. The *Disability Discrimination Act 1992* (Cth) focused the attention of education providers on the participation of students with disabilities and the ways in which direct and indirect discrimination could be avoided.

A key mechanism for avoiding unlawful discrimination is the provision of reasonable adjustments. A reasonable adjustment is a change or modification made by an education provider, which in the context of the examples mentioned above could include rescheduling an academic activity in a wheelchair accessible venue. Most commonly in higher education, reasonable adjustments are required and provided around matters of assessment. Extensions of time for assignments and examinations is a way of avoiding indirect discrimination for students whose disability results in taking longer to complete tasks within a fixed timeframe.

The reasonableness of an adjustment is context dependent, contestable and often requires judgement to balance a complex range of considerations. In training to be a teacher, can one demonstrate standards of classroom management if one has restricted vision or hearing? In training to be a nurse, can one demonstrate safety in administering medication if one has difficulty in processing and comprehension of text and numbers due to dyslexia or dysgraphia? In training to be a doctor, can one demonstrate effectiveness in communication if one has Asperger's Syndrome or a stutter? Across each of these scenarios there is no definitive position on whether a change to how subject matter is taught and assessed is feasible or reasonable. Whilst determining and implementing reasonable adjustments is something that Australian universities do routinely, there is little case law and a paucity of research literature that provides clear guidance for relevant stakeholders about reasonable adjustments.

The *Disability Standards for Education 2004* (Cth) were introduced to clarify the obligations of education providers in complying with the *Disability Discrimination Act 1992* (Cth). Applying to all education contexts, the Standards provide broad guidance but not prescriptive advice on what adjustments might be considered reasonable. The Standards do, however, affirm the goal of the *Disability Discrimination Act 1992* (Cth) to eliminate discrimination, and make clear the need to consult with students on identifying and implementing reasonable adjustments that can achieve this outcome. The provision of reasonable adjustments does come with limitations. There is no requirement to provide an unreasonable adjustment. Education providers are entitled to uphold academic requirements, with Section 3.4 of the Standards stating "a provider may continue to ensure the integrity of its courses or programs and assessment requirements and processes, so that those on whom it confers an award can present themselves as having the appropriate knowledge, experience and expertise implicit in the holding of that particular award."

It is from the context of disability discrimination legislation, requirements to provide reasonable adjustments, and complexity of the intersection of academic requirements and disability characteristics, that inherent requirement statements have emerged. They can be seen as a mechanism for making clearer the reference point against which reasonable adjustments can be determined. The need to provide reasonable adjustments itself is grounded in international recognition of the long term exclusion of people with disability from mainstream society, and the need to remedy this exclusion through legislative means. Article 24 of the *United Nations Convention on the Rights of Persons with Disabilities* (2007) promotes, amongst other things, education for all to their full potential.

Bialocerkowski et al. (2013) recognise that higher education providers need to understand their obligations under this convention and also with respect to their own country's laws if we are properly to ensure that "people with a disability have access to educational opportunities without discrimination and an equal basis with others" (Bialocerkowski et al. 2013, p. 3).

Influenced by international conventions, United States and Australian laws and standards, and shaped by various policies and guidelines (discussed later), higher education institutions in Australia employ a variety of initiatives to improve outcomes for people with disabilities. Many of these initiatives are guided by specific Disability Action Plans (DAP) (Ryan 2011). DAPs are a feature of the Disability Discrimination Act and encourage organisations to identify discriminatory practices and commit to a plan that eliminates discrimination and enables more equitable participation of people with disability. Most Australian universities have prepared a DAP, and frequently reference the development and refinement of policy that enable the provision of reasonable adjustments to support the successful participation of students with disability (Brett 2014).

Australian laws in this area have been influenced considerably by United States legislation and case laws. These United States laws include the *Vocational Rehabilitation Act 1973 (USA)* which prohibited discrimination on the basis of disability by higher education institutes, and the *Disabilities Act 1990 (USA)* and *Americans with Disabilities Act Amendments Act 2008 (USA)* (see Madaus 2011). In addition, as Rothstein (2010) argues, case law has played an important role in shaping this landscape. For instance, a landmark 1979 US Supreme Court case decided that people should be assessed on an individual basis rather than according to stereotypes about their disability; to determine if they can "carry out the essential functions of the program with or without reasonable accommodations in spite of the disability" (Rothstein 2010, p. 849). In 1991, the First Circuit Court (also cited by Rothstein 2010, p. 855) established a detailed standard for determining if reasonable accommodations had been made.

A common term used in Australia is "inherent requirements" (Watts et al. 2000), with formal inherent requirement statements being used to inform prospective and currently enrolled students (Bialocerkowski et al. 2013). There is no requirement under the *Disability Discrimination Act*, nor *Disability Standards for Education* to specify inherent requirements. The *Disability Standards for Education* make reference to several concepts that intersect with inherent requirements, but do not mention this term specifically:

A provider may continue to ensure the integrity of its courses or programs and assessment requirements and processes, so that those on whom it confers an award can present themselves as having the appropriate knowledge, experience and expertise implicit in the holding of that particular award. (*Disability Standards for Education* Section 3.4)

The term 'inherent requirements' is a key legal term in the application of Section 21A of the *Disability Discrimination Act* related to employment. There is no requirement for employers to specify the inherent requirements of a position in these terms. Inherent requirements are deemed to be associated with more general statements of what is expected in the workplace, articulated in non-discriminatory language.

Inherent requirement does not have a standard definition in the education context (Bialocerkowski et al. 2013), nor are we dealing with a universally accepted concept (see KPMG 2015). In international contexts, the UK Equality and Human Rights Commission (2014) describes "competence standards". In the United States we find the terms "essential requirements" (U.S. Department of Education 2011) and "technical standards" (Harvard Medical School 2015; Rothstein 2010). Even in Australia there is some variation. For instance, the University of Melbourne uses the term "core participation requirements" (The University of Melbourne 2008b, 2015).

Specific examples of inherent requirement statements, that are representative of those commonly used across the sector include:

- Ability to understand and respond to verbal communication accurately, appropriately and in a timely manner
- Ability to work constructively in a diverse and changing academic and clinical environment
- Knowledge, understanding, and compliance with legislative and regulatory requirements, as necessary pre-requisites to clinical placements in order to reduce the risk of harm to self and others
- Ability to perform tasks that involve fine motor skills including being able to grasp, press, push, turn, squeeze and manipulate various objects.

The origins of inherent requirement statements in Australia arise from higher education institution responses to disability discrimination legislation, but there is evidence that these statements serve a broadening role in mediating the participation of students with non-disability related characteristics, including students whose participation is influenced by religious observance. An inherent requirements and broader reasonable adjustment framework provides greater clarity for students and institutions on how to manage scenarios such as: alternative scheduling of examinations that clash with the Jewish Sabbath; participation in classes that involve life drawing which is forbidden under Islamic traditions; and, whether clothing such as a niqab is appropriate in health care practicums.

The evolution of inherent requirement statements goes beyond extending an application to groups with non-disability related characteristics. Many statements identified in the audit include reference issues that can be considered general student obligations to act in an ethical, safe and responsible manner. The inclusion of behaviours and activities within inherent requirement statements that are also likely to fall within the bounds of misconduct policies and practices of universities and registration bodies opens questions around why matters dealt with by other policy frameworks require duplication within inherent requirement statements. There are many research questions beyond the scope of this study that could examine why a focus on safety, appropriate conduct and ethical behaviour is placed within inherent requirement statements primarily associated with disability.

Some experts champion the value they see in education providers producing and publishing inherent requirement statements for all higher education courses. Watts et al. (2000, p. 12) argue the importance of making these clear “to eliminate unnecessary barriers for prospective and enrolled students with disabilities and/or medical conditions”. More recently, Bialocerkowski et al. (2013) argue similarly that such statements are useful for students to make “informed choices”, and for helping staff make “reasonable adjustments” to their courses. They also see such statements as helping universities “manage risk and ensure compliance with legislation” (p. 12). Kerr and Baker (2013) refer specifically to those students with disability who “may be hampered if they are unaware of inherent requirements that may prove problematic” (p. 78). Further, they argue that such statements help ensure that “all students can evaluate when choosing a course whether they will be able to participate fully, or if some elements may need to be negotiated with the course convenor prior to enrolment”. This idea of negotiation and discussion is consistent with obligations under the *Disability Standards for Education 2004* (Cth) to consult with students about reasonable adjustments. Translation of these requirements into practice is well described by Heavens (2006, p. 6), who recommends academics and professional student-support staff “enter into open and transparent discussions with the student about the demands of the course, skills required and available options” while recognising that “the decision to continue or not with a particular course must rest with the student with a disability”.

Watts et al. (2000, p. 18) found when surveying university staff that many respondents “agreed that while a particular unit/subject might be essential to the integrity of the course, alternative delivery methods, or substitution of some parts of the unit/subject which did not violate the essential purpose of the unit/subject, could be considered when accommodating a student with a disability and/or medical condition”. Dickson (2007, p. 28) recognises “there is inevitably some doubt about the margin between what is reasonable and what is unreasonable”. However, Ryan (2011) believes that despite the requirements in the federal legislation and education standards, many academic staff are unaware of the requirements and neglect to make reasonable adjustments.

The *Disability Standards for Education 2004* (Cth) are subject to 5 yearly reviews, with the Standards efficacy and impact assessed in 2010 and 2015. The *Report on the Review of the Disability Standards for Education 2005* (Disability Standards for Education Review Team 2012) specifically considered the role of inherent requirement statements. Tertiary sector feedback to the Review included the need for “greater clarity about the interaction of the Standards with inherent course requirements” and that “the tertiary sector should be required to develop and publish inherent course requirements, rather than leaving decisions about appropriateness to the discretion of individual providers” (p. 16). The Review concluded that “guidance is needed on the relationship between the Standards and inherent course requirements either in the Standards or in sector-specific guides” (p 57).

The 2010 report also noted problems of awareness, problems of clarity and definitions, limits to access by students with disability (connected to lack of access to practical advice and training for educators), lack of measures and accountability frameworks, problems of accountability of complaints processes and ways of identifying systemic barriers, insufficient attention to students’ transitions between education sectors, and the need for more advice on incorporating new technologies into educational practice, and more consistent implementation. The report spoke of stakeholders’ view that there was insufficient resourcing to meet needs of students with disability, despite all sectors reporting increasing rates of participation by students with disability. The review recommended awareness-raising, some amendments to the Standards, and further guidance on some specific standards.

The 2015 *Review of the Disability Standards for Education 2005* (Urbis 2015) affirmed the underlying policy intent of “supporting students with disability to access and participate in education on the same basis as other students” and “raising awareness and eliminating discrimination against people with disability in education and training”. Both the 2015 Report and *Australian Government Initial Response to the 2015 Review of the Disability Standards for Education* (Department of Education and Training 2015b) demonstrated the primacy of reasonable adjustments within Australia’s policy frameworks for enabling the participation of students with disability and continuing tensions in balancing aspirations of successful participation with maintaining academic requirements.

The 2015 review found that “stakeholders frequently come to conversations about adjustments with very different views on what is reasonable; managing these interactions effectively and achieving a good outcome can be supported by a common reference point and development of particular skill on the part of the providers” (Urbis 2015 p V). The 2015 Review recognised the power differential between students and providers in mediating different views on what is reasonable and this places inherent requirement statements as an important reference point in the process of defining reasonable adjustments. The 2015 Review also highlighted challenges in managing interactions between participation, reasonable adjustments and inherent requirements, “Stakeholders also reported that providers of vocationally-directed education and training (including degree courses) were excluding students who they did not consider could fulfil the inherent requirements of the related vocation. The practice occurs inconsistently across different institutions (who offer the same qualification) and its appropriateness is contested” (Urbis 2015 p VI).

We mention here that similar concerns were raised by The Disability Rights Commission (2007) in the United Kingdom when considering health standards required to enter some professions and the UK disability legislation. In their *Maintaining Standards: Promoting Equality* the Commission found that “generalised health standards lead to universities and their occupational health services attempting to pre-judge the ability of disabled people to be able to practice competently and safely at the application stage or at entry to courses. It is important that disabled students – like all students – are given the opportunity to develop the relevant competencies during the course, with adjustments to enable them to achieve them” (p. 18). Consequently, the Commission advised they were “opposed to the practice of attempting to judge the likely future competence or career success of disabled applicants or students at entry point” (pp. 32-33).

Since that time, the *Equality Act 2010* (UK) has consolidated discrimination legislation into a single Act, replacing all the previous discrimination legislation including the disability discrimination legislation (Equality and Human Rights Commission 2014). The Commission advises that “You should ensure that disabled people are not discriminated against because of something arising as a consequence of their disability, unless you can show it is a proportionate means of achieving a legitimate aim. Stating that you require an applicant to have a certain medical or health-related characteristic in order to be admitted to a course might result in disability discrimination” (Equality and Human Rights Commission 2010). Further, the Commission states that “although an education provider has no duty to alter a competence standard, it needs to consider whether or not a reasonable adjustment could be made to some aspect of the process by which it assesses a competence standard” (Equality and Human Rights Commission 2014, p. 100).

Cumming, Dickson and Webster (2013, p. 297) in reviewing the reasonable adjustments provisions of the *Disability Standards for Education* note “that to be compliant with the Standards the consultation process requires: consultation with the student; consideration of whether an adjustment is necessary; if an adjustment is necessary, identification of a reasonable adjustment; and making the reasonable adjustment”, and that the provider will not be considered to have discriminated if they have followed the process.

Cumming, Dickson and Webster (2013) also highlight that there is no prescription of what form consultation currently takes, and they advise that existing case law offers no guidance about adjustments. On the particular issue of academic assessments – to take just one area where a “reasonable adjustment” might be warranted – they argue that providers should consider no less than “best education practice for students with disability” when developing effective practices (Cumming, Dickson & Webster 2013, p. 299). They also identify some core principles to underpin adjustments. For instance, they state that fairness in assessment does not necessarily require that “the same assessment must be undertaken by all students” (p. 302) or that it is sufficient “just tinkering with the assessment undertaken by other students” (p. 302). Further, the authors argue that the adjustment/s “must maximise opportunity for students with disability to demonstrate their knowledge” (p. 302). Cumming et al. also raise concerns about patronizing assumptions being made about students with disability, for instance the assumption that, on occasion “non-participation in or exemption from assessments is their best option” (p. 302).

THE DEVELOPMENT OF INHERENT REQUIREMENT STATEMENTS

A key milestone in the development of inherent requirement statements across Australian higher education was a project undertaken by Watts et al. (2000) at Curtin University of Technology, who developed guidelines and procedures for creating inherent requirement statements intended for use by all Western Australian public universities. Feedback they received relating to their draft guidelines confirmed the view that “the inherent requirements of the units/subjects and therefore the courses, should be clearly stated in relevant written course outlines and that these need to be clearly separated from considerations about accommodations” (p. 25).

In surveying the schools within Curtin University of Technology as part of the pilot phase, Watts et al. (2000) requested that participants disaggregate their units/subjects into those which were essential, important, and optional. The respondents indicated the essential units were “essential to the integrity of the course” (p. 18), with many indicating they were mandatory because of employer needs or professional body demands and that “Community expectations and historical reasons were also cited in deciding when a unit/subject was essential” (p. 18). In the final guidelines subsequently created, Watts et al. (2000) advised that “The current status of a unit/subject, especially where it is based on professional requirements, may not necessarily render it essential to the course” (p. 39).

The decisions about what constitutes the essential elements of a unit/subject and consequently the course, are a matter of academic judgement, and “must be justifiable on other than historical or employment-based grounds” (p. 39) and with recognition that “the same learning outcomes may be achieved by different styles of participation in the unit/subject”. Watts et al. (2000) did point out that this must not be in ways that mean that “the academic integrity of the unit/subject can be compromised” (p. 40).

These early Curtin guidelines raised some interesting areas for discussion around the need for careful judgement about what should constitute essential or core units and “must be justifiable on other than historical or employment-based grounds” (Watts et al. 2000, p.39). The guidelines also stated that requirements imposed by professional bodies and registration boards – and risk of any backlash about a university providing accommodations – are “only important if they are essential to the academic course... as determined by university academic staff” (p. 39). Also, guidelines noted that that the school or department should not and cannot make judgements about a student’s capacity to undertake a particular unit, and the student’s view about how they will manage “must be explored” and must “discuss alternative means to achieve the same learning and assessment outcomes... which may be achieved by different styles of participation in the unit/subject” (p. 40) if that can occur without the “academic integrity” (p. 40) of the unit being compromised.

In referring to this work at Curtin, Heavens (2006, p. 4) regretted there were no follow-up publications and linked that absence to a wider concern that “Australian universities have thus far paid little attention to the task of identifying inherent requirements even for courses where specific skills are required” (p. 4). Despite Heaven’s claim, Curtin University still recognises the relevance of the guidelines and procedures they created (Curtin University 2012).

Turning to more recent work by Curtin University (2012, p. 5), its *Disability Access and Inclusion Plan (DAIP) 2012-2017*– required under the *Disability Services Act 1993 (WA)* – aims to “inform our students, staff and the public about areas of access and inclusion of our WA locations that can be improved, and our strategies to address this”. The document highlights initiatives by the university which “help ensure access and inclusion for people with disability” and they include specific reference to “investigations into the ‘inherent requirements’ of university courses (2000, 2002), which remain definitive and current references in today’s national discussion” (p.12). This document also speaks of the importance of communicating all aspect of the new DAIP to the Western Australian public as well as members of the university community. This attention to broad communication strategies also informed our methodology and the questions we intended to ask of relevant institutional policies, approaches and imagined audiences for inherent requirement statements.

Our audit identified that the University of Melbourne was the first University in Australia to comprehensively articulate inherent requirement statements for courses and subjects in 2008. The University’s course and subject handbook in 2008 included the field “core participation requirements” meaning that every course and subject included some statement about inherent requirement and its interaction with disability (The University of Melbourne 2008a). Whilst this approach was embedded within the template for all

courses and subjects, the template provided a generic statement¹ which was utilised in many programs and courses with limited modification, suggesting a low level of maturity in approaches to articulating the inherent requirements within this institutional context. Nonetheless, in some courses², more specific requirements were specified which highlighted some engagement with the underlying issues.

Across time, there is a progressive increase in the level of sophistication in the ways in which these core participation requirements have been articulated, with the Bachelor of Commerce for example describing inherent requirements around: communication; conceptual, integrative, and quantitative dimensions; and in behavioural and social dimensions (The University of Melbourne 2011). This evolution is suggestive of an iterative process involving both handbook templates and academic engagement in how they have been populated.

An increase in sophistication of inherent requirement statements does have some negative consequences if not balanced with a commitment to plain language and transparency. Allias (2011), writing in the context of South African higher education policy, highlighted the problems associated with articulating academic requirements within the South Africa's National Qualification Framework. Over time, to avoid contested interpretations of standards, statements became narrower, more precise in their use of language, longer and less transparent. The Audit section of this report includes some analysis of the word length of inherent requirement statements. This analysis does not assess the readability and transparency of inherent requirement statements but does provide some insights into the text density and variety of approaches used by universities across the sector.

In recent years, more Australian universities have adopted a systematic approach to the creation of inherent requirement statements for some if not all courses and student cohorts. For instance, in 2010-2011 Western Sydney University (formerly the University of Western Sydney) undertook a project (Inherent Requirements of Nursing Education or IRONE) (Western Sydney University 2016a). The project led to an Excellence in Leadership award for the project lead Dr Amanda Johnson (Western Sydney University 2016b) and produced "statements to articulate the inherency of the Bachelor of Nursing programme" (Azzopardi et al. 2014, p. 403) and developed "a tool to inform the determination of reasonable adjustments" (Azzopardi et al. 2014, p. 405).

Bialocerkowski et al. (2013) describe how statements developed by the Western Sydney University IRONE project in nursing were applied to the physiotherapy course. The approach involved consideration of legislation, statements from accrediting bodies, concerns for key stakeholders, and inherent requirement statements needing to be relevant to students (foremost). The inherent requirement statements were to be focused on outcomes of core activities, not the process by which the activity was performed. The requirements across several course statements, communicated to existing and prospective students, were categorised according to a shared framework (see below). An introductory statement provided context, description of the inherent requirement, justification of the inherency, characteristics of reasonable adjustments, and exemplars both from classroom and clinical settings. McNaught (2013) notes that several institutions have used Western Sydney University's approach.

¹ The 2008 University of Melbourne Handbook utilised a generic statement used across many other courses:

It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support

² In some University of Melbourne programs more specific information was provided that drew attention to specific academic activities and relationships with other information sources:

This course requires all students to enrol in subjects where they must actively and safely contribute to field excursions and laboratory activities. Students who feel their disability will impact on meeting this requirement are encouraged to discuss this matter with the Subject Coordinator and Disability Liaison Unit. (Bachelor of Agriculture 2008)

For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry. (Bachelor of Engineering 2008)

Western Sydney University (WSU) provides multiple statements for different courses and makes mention of current efforts “to identify inherent requirements for all WSU courses so you can make more informed choices”. The site provides an overarching descriptor (Western Sydney University 2015a) and anticipates questions such as:

- What are inherent requirements?
- Are inherent requirements the same as compulsory requirements?
- Why are inherent requirements important?

We noted, in particular, the level of detail and range of topics dealt with for the Western Sydney University MBBS (Bachelor of Medicine, Bachelor of Surgery) (Western Sydney University 2015b). This includes an ‘Introduction to Inherent Requirements’ followed by a ‘How to Read’ the statement section, a list with digital links to eight domains (and sub-domains). These domain sites provide additional explanations and exemplars and include:

- Ethical behaviour
- Behavioural stability
- Legal
- Communication (verbal and non-verbal)
- Written
- Cognition (knowledge and cognitive skills)
- Literacy
- Numeracy
- Sensory abilities (visual, auditory, tactile)
- Gross motor
- Fine motor
- Sustainable performance.

RMIT University provides us with another instance of an institution has published information about the process of developing inherent requirement statements. This includes an overview page to the website (RMIT University 2015a) which explains and gives priority to educational institutions’ responsibility to student access to courses, “to ensure that students with disability can access and participate in education on the same basis as their peers”. This emphasis on inclusion is expanded upon:

“The intent of developing and publishing inherent requirements is not to exclude students with a particular disability, long term illness or mental health condition from pursuing a program of study. Instead it is a means of study and thereby ensuring that students who commence a program will be able to complete that program”.

As we saw with the WSU/ website, users are able to click through for more detailed descriptions, frequently asked questions, and contact details for further information. The connected web pages include program examples and illustrative case studies. Staff in particular are invited to click through to another part of the site which answers the question, ‘Why develop inherent requirements?’ (RMIT University 2015b). Interestingly, this section talks quite candidly about managing institutional risk. Another part of the site outlines the process of developing inherent requirements, with a prompting question followed by “functional areas for consideration” (RMIT University 2015c). This is accompanied by exemplar lists of questions and domain categories (possibly influenced by the WSU model):

What does a student need to be able to do to function successfully to undertake this program?

- Sensory abilities – vision, hearing, tactile sensation
- Communication – verbal, non-verbal, written
- Motor abilities – gross motor and fine motor
- Cognition – memory, literacy, numeracy
- Behavioural stability – i.e. the maintenance of a level of conduct that is deemed acceptable and appropriate, according to societal or situational mores, over a given period of time
- Sustainable performance – i.e. the ability to sustain cognitive or physical performance over a given period.

INHERENT REQUIREMENTS AND REGULATION OF AUSTRALIAN HIGHER EDUCATION

Inherent requirement statements have developed contemporaneously with Australia's higher education regulatory and standards frameworks, but not in an aligned way. It is significant that inherent requirement statements have emerged as a response of some institutions to disability discrimination legislation, but remain absent from the frameworks. Major elements of Australia's regulatory and standards frameworks are the Tertiary Education Quality and Standards Agency (TEQSA), the Threshold Standards that higher education providers are expected to meet, and the Australian Qualifications Framework (AQF). These regulatory frameworks, and associated legislation and guidelines, impose requirements on higher education providers to uphold academic standards and to communicate these standards to students. They do not, however, explicitly refer to disability discrimination legislation nor inherent requirement statements. As our subsequent audit reveals, it would appear that some institutions are making an assessment that mainstream communications of academic standards and learning objectives are insufficient to manage issues associated with disability. These institutions invest some time and energy in the development of inherent requirement statements, though many institutions operate effectively without such statements. The longer term may see a further proliferation of inherent requirement statements or their integration into the policy frameworks that regulate Australian higher education. In either case, a brief description of the regulatory frameworks in Australian higher education is warranted.

The *Tertiary Education Quality and Standards Agency Act 2011* (Cth) sets standards for provider course-accreditation, qualifications, teaching and learning, and information (Section 58.1). The agency (TEQSA) registers providers and courses according to *Threshold Standards* (Department of Industry 2011). These standards ensure courses which are "current, accurate, adequate", and which provide "openly accessible information for prospective and enrolled students on all matters relating to their studies" (p. 6). Alongside TEQSA's requirements for "robust internal processes for design and approval of the course of study, which take account of external standards and requirements", there is specific reference to appropriate admission criteria to "ensure that students have adequate prior knowledge and skills to undertake the course of study successfully." (Department of Industry 2011, p. 14). As the following section outlines, TEQSA's requirement to consider external standards is notable. Equally, TEQSA's guidance notes stipulate that "admission criteria should ensure that students admitted to the course have adequate prior knowledge and skills to undertake the course successfully" (Tertiary Education Quality Standards Agency 2015, p. 5).

On April 7th 2015, TEQSA released for public consultation *New Guidance Notes: Benchmarking, Information, Resources, Course Approval, Design and Delivery* (Tertiary Education Quality Standards Agency 2015). That document refers to the value of benchmarking, including identifying areas for improvement and areas of good practice, analysing reasons for variation or commonality, and formulating improvement strategies (and progress reporting). The New Guidance Notes make specific reference to Course Accreditation Standard 1.2 and recommend that "the course should address the specifications in the professional standards so that graduates will be eligible for entry into the professional association or registration by the board" (p.4).

An example of how the TEQSA regulation works in practice is well described in the 'Group of 8 Australia' *Policy Note: Courses and Quality Assurance in Australian Higher Education* (July 2014) (Group of Eight Australia 2014). That document highlights and promotes extensive use of student surveys, regular course reviews (using a range of metrics), and various benchmarking activities. The document also describes in some detail a range of quality assurance arrangements set up by the 'Group of 8' – Australia's most selective universities – including where a panel of senior academics from across their member institutions reviews essays written by undergraduates in various fields and from different year levels.

In developing our methodology and work plan, as well as considering some of the more detailed or refined examples of inherent requirement statements issuing from certain Australian universities, we are also mindful of the Australian Qualifications Framework Council (2013, p. 9) which in its *AQF Second Edition January 2013* highlights "contemporary, relevant and nationally consistent qualifications which build confidence in qualifications", and which "assist people to move easily and readily between different education and training sectors and between those sectors and the labour market". Perhaps most pertinently, the document advocates education which "supports individuals' lifelong learning goals by providing the basis for individuals to progress through education and training and gain recognition for their prior learning and experiences" (p.9). One question arising from the AQF is whether inherent requirement statements in Australian university handbooks should be assessed partly according to whether they promote or stymie a student's progress into the labour market in their chosen professional fields.

It is conceivable that a quality assurance system – with peer review and benchmarking – might become a feature of universities monitoring the quality of their inherent requirement statements and processes. The key point here is that our methodology for auditing inherent requirement statements across Australia’s universities is not blind to the complex array of quality assurance mechanisms that are in place and are promoted or required by the regulatory agency.

According to the *Disability Standards for Education*, academic standards should be maintained while ensuring education providers do not discriminate based on disability. Along with clause 3.4.3 of the *Disability Standards for Education* presented earlier, clause 6.2.1 (p. 17) states that, “The education provider must take reasonable steps to ensure that the course or program is designed in such a way that the student is, or any student with a disability is, able to participate in the learning experiences (including the assessment and certification requirements) of the course or program, and any relevant supplementary course or program, on the same basis as a student without a disability, and without experiencing discrimination”, and clause 5.3 (p. 16) requires that “the course or program activities are sufficiently flexible for the student to be able to participate in them; and ... where a course or program necessarily includes an activity in which the student cannot participate, the student is offered an activity that constitutes a reasonable substitute within the context of the overall aims of the course or program”.

Identifying the key outcomes of a course helps to maintain academic excellence (Ouellett 2004) and communicating them from the start sets the expectation that those requirements must be met (Kerr & Baker 2013). Nunan, George and McCausland (2000, p. 64) imagined “a future in which inclusive education is consistent with the highest traditions of academic excellence”. With regard to academic excellence and inclusiveness, clearly individual universities and their faculties play a crucial role, but we also mention here the important role of the Australian Government’s Office for Learning and Teaching (OLT). Part of the Department of Education and Training – and a successor to the Australian Learning and Teaching Council (ALTC) – the OLT promotes improvements in learning and teaching through dissemination of information, by supporting networks and collaborations, by providing grants and commissioning work on strategically significant issues, by giving teaching excellence awards, by funding fellowships and secondments and undertaking other initiatives which aim to support development of mechanisms for embedding good practice. We note in particular the ongoing support for the adoption of “threshold learning outcomes” which carry with them opportunities to ensure that prospective students are able to make informed choices about the courses and subjects they choose. Stated learning outcomes also provide the academics developing them an opportunity to consider issues of both excellence and inclusivity (Australian Learning and Teaching Council 2011). The OLT structure is currently being revised, but the importance of “threshold learning outcomes” is likely to remain under any future scenario.

Consistent with many aspects of the higher education sector, which is predominantly self-accrediting and self-regulating (Lee Dow & Braithwaite 2013), regulatory frameworks articulate guidelines, but there is little by way of prescriptive detail around how each institution may choose to comply with regulatory requirements consistent with its mission and operating context. The DDA, TEQSA, AQF and Standards Framework all point towards articulating statements relating to academic standards, outcomes and activities, but without mandating a specific form.

PROFESSIONAL ACCREDITATION AND INHERENT REQUIREMENTS

With the TEQSA requirement to consider external standards in mind, one complexity in producing an audit is assessing how such inherent requirement statements connect to those requirements and statements issued by the array of professional bodies. These statements are used by universities and other providers when designing curriculum (including in-course professional training such as placements) and for ensuring that students' graduate capabilities will meet professional registration requirements, including for membership of professional bodies as required under various State and Territory laws.

While university education is increasingly focussed on producing workforce graduates, scholarship in its own right remains an important means of participating in society (Nunan, George & McCausland 2000). Watts et al. (2000) cite the 1994 *Acting Against Disability Discrimination: A practical manual for using the Disability Discrimination Act* manual from the Attorney General's Department as specifying that education authorities must not make their decisions on whether or not to admit someone based on whether or not they will subsequently be accepted by a qualifying body; the educational decision must be independent of the working decision.

However, Guthrie and Waldeck (2008) speculate that the *Disability Discrimination Act* does not prevent a course being designed based on the professional entry requirements even if the course could have been designed otherwise, while acknowledging that a narrow reading of the academic requirements clause of the *Disability Standards for Education* might prevent it. McNaught (2013) recognises that completion of courses does not guarantee registration and not all graduates will decide to register professionally.

Parker (2014) reports that this has been backed up by case law (albeit argued under the New South Wales legislation, not Commonwealth legislation); the New South Wales Civil and Administrative Tribunal found in deciding whether or not someone had been unlawfully discriminated against by a University, the person's fitness to practice medicine was not a factor the tribunal needed to consider. The Tribunal declared completion of a medical degree would not automatically mean a person could practice. Despite this, many university staff are unaware that the requirements for employment and education are different, and believe people with disabilities can be excluded if they might not be able to gain professional registration (Ryan 2011). The *Threshold Standards* (Department of Industry 2011) require higher education institutions to provide information on which professional bodies recognise each course and to design courses which take professional accreditation into account.

Prior to Western Sydney University leaders creating the extensive list of inherent requirement statements they now have, Heavens (2006, p. 7) explored the link between higher education courses and the professions and advised that:

The "inherent requirements" for registration or professional practice may be very different from the "inherent requirements" involved in education. Ultimate responsibility for registration and professional practice fall outside the educational arena. Educators have a responsibility to educate students, to ensure that every student, with or without a disability successfully meets all the academic requirements needed for that student to be eligible for graduation. Registration is only possible once the person has the necessary academic qualification but even with appropriate qualifications registration is not guaranteed as the graduate must also meet the "inherent requirements" of the profession.

Furthermore, Heavens (2006, p. 6) has argued that "the decision to continue or not with a particular course must rest with the student with a disability. The student may choose to continue with a course even when it is apparent that gaining registration or professional employment may be difficult or impossible".

McNaught (2013) acknowledges the direct link between professional registration bodies that define the inherent requirements to work in a profession and certain university qualifications. Bialocerkowski et al. (2013) investigate the example of the physiotherapy profession. They advise that the World Confederation for Physical Therapy (WCPT) guidelines specify that education curriculum for physiotherapists "must qualify the physiotherapist for practice as an independent, autonomous professional" (Bialocerkowski et al. 2013, p. 2), such that inherent characteristics to practice should be designed into curriculum. The authors argue that evidence shows that reasonable adjustments can occur to physiotherapy courses "without compromising academic and professional standards, and legal requirements" (Bialocerkowski et al. 2013, p. 2).

In the United Kingdom, the Equality Act 2010 (UK) prohibits qualifications bodies (for example registration authorities) from discriminating against someone in the arrangements they make for deciding who can receive a qualification or terms on which they

will confer the qualification, while specifying that competence standards are appropriate provided they achieve a legitimate aim. Shrewsbury (2014, p. 97) speculates that, within the United Kingdom context, “As more learners with disabilities access medical education, however, it could be that resultant pressure drives an individualised perspective on the curriculum, whereby graduation denotes the achievement of a specific, rather than generic, set of competencies. Qualification by such means would be accompanied by a conditional license to practice within a set of disciplines that can facilitate practice within the remit of those competencies”. This claim also reflects a distinction that the UK Health Professions Council (HPC) showed where being fit to practice in a profession does not imply someone can practice in all settings, with the HPC arguing registration decisions should not be made based on employment prospects (Disability Rights Commission 2007).

There are tensions between professional standards and inclusion of people with disability that intersect with related public perceptions. Some regulatory standards and barriers have tended to exclude persons with disability on health and safety grounds. A UK Disability Rights Commission investigation into Professional regulation within nursing, teaching and social work and disabled people’s access to these professions (Disability Rights Commission 2007) identified multiple regulatory barriers to these professions for people with disability on fitness to practice grounds. The report examined high profile examples of patient and pupil murder where fitness to practice conventions failed to protect public safety. The report concluded that fitness to practice regulations create a false sense of security, deter people with disabilities from entering the profession, and lead to people towards not disclosing their disability thereby undermining access to support that may enable them to practice safely and effectively.

The Australian Health Practitioner Regulation Agency (2012) provides a legal practice note which recognises that education providers, employers and qualifying bodies have obligations under the *Disability Discrimination Act*, and the Agency advises the national health registration boards are part of the qualifying body category when presenting their obligations. They refer to the relevant qualifying qualifications, or in the terms or conditions they require for these. While this is what the practice note advises, there is also the potential that these registration boards (and other professional qualifying boards that similarly operate) could be construed as an education provider under the *Disability Standards for Education* such that these Standards apply to them as well.

These bodies can “accredit and monitor education providers and programs of study to ensure that graduates are provided with the knowledge, skills and professional attributes to safely practise the profession in Australia” (Australian Health Practitioner Regulation Agency 2013). Section 1.5 of the *Disability Standards for Education* includes in the notes about who must comply with the Standards as including “bodies whose purpose is the development and accreditation of curricula, training packages or courses used by education authorities, institutions or providers, including...authorities that accredit courses” (p. 8). Likewise, Section 2.1 advises “For these Standards, an education provider is...an organisation whose purpose is to develop or accredit curricula or training courses used by other education providers” (p. 9). In the case law review by Australian Human Rights Commission (2011, p. 82) it notes (in the context of a childcare centre) that Federal Magistrate McInnes “held that the expression ‘educational authority’ should be interpreted broadly”. So professional registration bodies that also accredit the courses provided by higher education institutions could possibly also be construed as an educational authority for the purposes of having to comply with the *Disability Standards for Education*.

For some professions, particularly health professions, students need to be registered by the higher education provider with the relevant professional registration body before they can undertake clinical placements (Australian Health Practitioner Regulation Agency 2014). McNaught (2013) identifies that the link between registration bodies and university qualifications can place obligations on higher education providers to report their students to the relevant board if the provider believes the student has an impairment that may risk harm to the public. Parker (2014) argues that there can be a tension between the duties a university has to its students and to the community; that in not discriminating against their students, university staff may be failing in their duty to protect the community. Parker expressed concern about completely separating the questions of discrimination against a student and fitness to practice due to having both a duty to protect the public, and ensuring students do not pursue courses that qualify them to work where they will find it difficult to do that work. Parker contends that while there is a similar university environment for professional and non-professional courses, some of the accommodations being made for professional courses that require clinical placements are inappropriate in the clinical environment.

Some commentators have argued that some disabilities will be exacerbated by the clinical environment and therefore applicants with those disabilities should be excluded. Parker argues that the *Disability Standards for Education* require reasonable adjustments to balance the interests of all parties and argues that people affected during their clinical placements should be considered when balancing interests – including considering patient safety. Parker also argues that the health and welfare of the student needs to be

taken into account when balancing the reasonable adjustments, implying that risk of exacerbating their condition should be a valid consideration under the Standards.

The *Threshold Standards* (Department of Industry 2011, p. 16) require that “the higher education provider has effective arrangements to assure the quality of student work placements, practicum and other forms of work-integrated learning in the course of study, including assuring the quality of supervision”. Section 6.3(e) of the *Disability Standards for Education* advises that a measure for ensuring students are not discriminated against is that work placements should be well designed. With this in mind Ryan (2011, p. 79) reminds us this can sometimes leave universities “torn between the requirements of registration bodies and industry and the needs of their students with disabilities, who may require adjustments or accommodations to facilitate the demonstration of such competencies, typically through a practical professional placement”. Ryan (2011, p. 81) gives as an example of this problematic nexus, the education of nurses which is arguably designed with a “one-size-fits-all” model and unnecessary expectations of “full able-bodied” and sets of competencies which graduates “may never again be required to perform... depending upon the area of nursing within which they later choose to practise”.

Kerr and Baker (2013, p. 79) believe that an inherent requirement statement “provides the opportunity for students to disclose to the institution that they have a disability and work through solutions”, hopefully removing the need for “just in time accommodations at exam time, when support services and academic staff are already overstretched”. McNaught (2013) argues that specifying inherent requirements may prevent students from undertaking courses where they won’t be able to gain professional registration. McNaught (2013) also argues there is an obligation on universities to provide the necessary information to ensure the student does not provide incorrect information, or unnecessarily disclose information.

Bialocerkowski et al. (2013) acknowledge that inherent requirement statements are used by universities to “manage risk and ensure compliance with legislation” (p. 12) while also assisting students to make informed choices, and promoting discussions about reasonable adjustments for students with disability. However, McNaught (2013) maintains that students increasingly are being asked to sign disclosure statements with potential for harm or misuse of inherent requirements. This occurs particularly in programs associated with registration with the Australian Health Practitioner Regulation Agency, where providers are obliged to make mandatory notifications where “a student enrolled with the provider has an impairment that, in the course of the student undertaking clinical training, may place the public at substantial risk of harm” (Medical Board of Australia 2014 p11). McNaught recognises the emphasis on “behaviours” and feels this could lead some students not to disclose certain conditions. This disincentive may prevent students accessing various supports, and might even discourage some potential students from even enrolling in a course.

Requiring students to sign off on inherent requirement statements as a step in enrolment could have a “range of ramifications and implications of both non-disclosure and disclosure” (McNaught 2013, p. 29) and McNaught warns that “disability support/equity officers, admission offices, and faculties, will need to be alert to ensure that incoming students have clear guidance on their rights and responsibilities related to disclosure” (p. 29). The enrolment requirement links to privacy of personal health information and “if inherent requirements impose a legal obligation to disclose known information, the capacity to provide assurances of confidentiality to students may become a contentious issue, with serious ramifications for both the student and university-employee” (p. 29). Indeed, McNaught (2013) argues that “it is only a matter of time until university policies on inherent requirements are tested in the courts” (p. 29) with potential escalation and reputational damage to the institution and other stakeholders.

Inherent requirements based on behavioural stability can also cause problems for those students with a history of mental illness. Students may have their condition under control at the time of enrolment, or may have only had one episode years in the past; affected students may be reluctant to disclose their illness as they may be concerned about their ability to demonstrate behavioural stability. McNaught (2013, p. 28) argues that, “Without other information being provided, a student with a mental illness who reads the ‘behavioural stability’ section of a university’s inherent requirement policy might fairly assume that disclosure may lead to preclusion from all, or parts of, their intended study course”.

GRADUATE OUTCOMES AND FUTURE PRIORITIES

The introduction of disability discrimination legislation, with subsequent influences on higher education and development of inherent requirement statements, was grounded in a recognition of the inequities faced by people with disability in society. Education is perceived as a gateway to opportunity and social mobility. It is worth considering in this context whether Australian higher education is delivering benefits to graduates with disabilities in terms of labour market outcome, and what role inherent requirement statements might have in these outcomes.

The participation of students with disabilities has grown year on year in absolute and proportionate terms since data was first included in the Australian higher education data collection. The growth in participation has not come at the expense of success, with success ratios (the pass rate of students with disability divided by the pass rate of all students) stable at 0.94 for nine of the ten years from 2005 to 2014. There are challenges evident in graduate employment for students with disabilities. Census data (ABS 2011) highlights that of those aged between 20 and 29 with a bachelor degree who require assistance with core activities (signifying significant disability) 40% are not in the labour force, and 47% are employed. This compares with 12% of people who do not require assistance with core activities being outside the labour force, and 80% of them being employed. There clearly remain significant barriers to transitioning from higher education to the labour market for those with significant levels of disability. There is scope for additional research to be undertaken on causative factors behind this disparity, which could include discrimination in the labour market excluding graduates with disability or practices within higher education that are not equipping graduates with disabilities with the skills and attributes necessary to succeed in the labour market.

Some research questions the validity of emphasis on standards, requirements and adjustments for the successful participation of students with disability. Ebersold (2008) expressed concern about too much emphasis on the procedural aspects to making reasonable adjustments, or too much emphasis on individual students knowing clearly and being able to articulate how their disability may impact on their learning (and anticipate in advance their need for adjustments). There are unhelpful “normative tools used to identify students with problems rather than as vectors for dynamism and support for successful educational paths” (Ebersold 2008, p.231).

Along similar lines, Ryan (2011) contrasts the deficit/medical view, which considers disability being an issue with the individual, with the socio-political model which “views disability not as an inherent, medically-defined feature of an individual but as the product of socially constructed environments and attitudes” (p. 80). Ryan explores the idea that educational institutions that normalise ‘ableism’ reinforce prejudices and influence who participates. Alchin (2014) sees the impact of language in use by institutions, and advocates language which recognizes variability and learning as the starting point for learning design. Indeed, Alchin (2014, p.4) wants the concept of “reasonable adjustment” retired, and for education providers to move instead to an approach built on course and learning design flexibility; more in keeping with aims of the *Disability Discrimination Act (1992)* and *Disability Standards for Education (2005)* as this “enables all learners to participate in learning on the same basis from the start”.

Another line of commentary addresses the problematic focus on individuals which attends Government funding received by universities under the Disability Support Program. Under this program, the focus is on making reasonable adjustments for individual students rather than encouraging curriculum to be developed using universal design principles. According to KPMG (2015), this approach incentivises responding to student demand with reasonable adjustments rather than proactively creating an inclusive environment (KPMG 2015). KPMG authors argue that this funding model may actually create an unintended barrier to universities reviewing their course structure and delivery. In the UK, the Equality Challenge Unit (2015) has argued that, since higher education providers must make anticipatory adjustments based on barriers that potential groups of students might face, this approach may encourage the development of inclusive design practices. The Unit also identifies anticipatory adjustments as a requirement of the United Kingdom’s Quality Assurance Agency’s Quality Code, which advises that inclusive design should be used ‘wherever possible’, and individual reasonable adjustments only ‘where required’.

The UK Equality and Human Rights Commission (2014) reminds higher education institutions that course requirements must not be discriminatory, and that “stating that a certain personal, medical or health-related characteristic is necessary or preferable can lead to discrimination if the characteristic is not necessary for the course (or reasonable adjustments could be made where a disabled applicant is otherwise unable to comply with the requirement)”. The Commission warns that “applying blanket policies without taking into account individual circumstances (and without considering reasonable adjustments for disabled applicants) may result in discrimination” (Equality and Human Rights Commission 2014, pp. 140-141). Indeed, the UK Equality Challenge Unit (2015)

recommends that when developing or reviewing competence standards for higher education courses a collaborative approach should be taken including academic staff with knowledge of the subject, staff with knowledge of disability, and students.

Along such collaborative and consultative lines, some Australian expert commentators have suggested that sector-wide or cross-institutional approaches be used for setting standards and requirements. The Australian Disability Clearinghouse on Education and Training was raised as a possible broker in this respect, with capacity to work with stakeholders to define inherent requirements for courses, to ensure consistency and reduce the effort being undertaken by multiple universities (KPMG 2015). This approach might also help ensure a focus on increasing inclusivity and encouraging stakeholder participation at the sector level, and reduce barriers to inclusion or discouragements of participation where they are occurring.

In concluding this discussion, we note that standards and accommodations 'cannot themselves compromise the essential elements of a course that all students must meet'. We recognise that there will be on occasions a legitimate legal basis for an inherent requirement statement which draws a line between who can and who cannot participate. Universities routinely discriminate between various applicants on the basis of merit and achievement, although disability provides an additional factor that requires consideration at various points of the student cycle. Highly selective courses such as medicine take only the highest achievers, who are unlikely to be those with a congenital profound intellectual disability, but who may experience a wide range of disability related characteristics. We need to be open to the idea that the discourse associated with inherent requirement statements will support the participation of students with disabilities in broad terms, but not avoid legitimate and valid grounds for exclusion. However, we also suggest – noting our earlier discussion about calls for more collaboration with stakeholders – that further research is required to assess the impact of requirements on potential, enrolled and graduating students, and that particular work is required to capture directly the voices of affected students.

AUDIT OF INHERENT REQUIREMENT STATEMENTS

AUDIT FINDINGS

This audit was grounded in the terminology taken up by those universities known to have detailed inherent requirement statements on publicly accessible institutional websites – and especially within course handbook descriptors – to establish a sufficiently wide ranging set of search-terms for our desk study to locate inherent requirement statements used by 38 Australian universities. This approach resulted in a sample of 419 courses in the sample (courses where we might expect to find an inherent requirement statement because, for instance, one exists for a similar course or FOE at other institutions), and we found 78 of this sample (or 19 per cent) to contain a unique inherent requirement statement.

Further information about the methods used within this audit are outlined in the Audit Methodology section, but it is necessary to preface the Audit Findings with some brief description of project constraints and the limitations of the findings

The audit methodology used did not systematically look at every course available at every institution. Resource constraints placed limits on the extent to which this study could capture and contextualise every public reference to inherent requirements on every university website. This has important implications for the findings and how they can be interpreted.

- In a dynamic context, some institutions will have added inherent requirements statements to their websites after the period of data collection. This under reports the number of institutions who now have inherent requirements statements and the current number of unique inherent requirements statements in use across the sector.
- In institutions that have used a standardised template approach to inherent requirements statements, subtle variations across programs and unique statements may not have been identified, and may under report the total number of unique inherent requirements statements.
- In some institutions that are actively developing inherent requirements statements, the distinction between an indicative and formally published inherent requirement statement has not been made. Indicative statements are treated as formally published statements in the subsequent analysis.

The rate at which the sector is developing inherent requirements statements warrants some longitudinal analysis of practice, for which this study may prove a useful reference point. Future analysis is likely to confront similar challenges in definitively capturing and contextualising inherent requirements statements. Future analysis may find that the review and update of statements is as dynamic as the addition of new statements.

We also note that during the course of our study, the numbers have increased slightly with each sweep of the records, evidence of incremental increases in the use of inherent requirement sections across the sector. We dedicate a specific section on the contribution made by staff at Western Sydney University (WSU) as their approach to inherent requirement statements and methodology has had a significant influence on the sector's approach, and many of their categories and terms have been adopted or adapted by other institutions.

a) Where to find an inherent requirement statement

Sixty-five per cent of the inherent requirement statements were present in, or linked to, an official university course handbook. The remaining 35 per cent were located through the school or faculty website. We return to this issue in our discussion (later), and question whether someone unfamiliar with navigating university websites might find one location or the other more difficult to find.

The inherent requirement statements by undergraduate/postgraduate split is 65.4 per cent UG and 34.6 per cent PG. We mention here (and elsewhere in this report) that we have identified many instances where a single inherent requirement statement provided by an institution is used for several courses and this might be expected to influence the UG/PG split in subtle ways.

b) Inherent requirement statements by university grouping

For Australian Government reporting and other purposes, Australia’s universities are clustered: Group of 8 (Go8); Australian Technology Network (ATN); Innovative Research Universities (IRU); Regional Universities Network (RUN); and universities which do not fall into the previous groupings (Other). As seen in **Figure 1** the prevalence of inherent requirement statements is spread across the HE sector.

Figure 1

University type	Go8	ATN	IRU	RUN	Other
Number of universities	8	5	7	6	12
Number of universities contributing at least 1 statement	4	2	3	1	6
Number of inherent requirement statements	19	5	4	7	43

While the large number of inherent requirement statement in the “Other” universities sample suggests proclivity, we point out here that 24 of those 43 particular inherent requirement statements come from one university (WSU), with the remaining 19 spread over 5 other universities in that category. We also note this is by far the largest group. The audit is necessarily based on certain judgements. For instance, we mention that the University of Melbourne (which belongs to the “Group of 8”) has a policy mandating use of “core participation requirements” statements for all of its courses, with a template approach leading to instances of repetition across cognate programs, or default generic statements. Repeated instances have not been counted out of concern for creating a bias in what is meant to be an audit of unique inherent requirement statements.

For all the university groups except the RUN group, approximately half of the universities are contributing at least 1 statement. The ATN and IRU groups have each published 5 and 4 statements by 2 and 3 universities respectively, showing that the universities that are publishing these statements have only made a start on this work. The majority of the universities in the regional network have no inherent requirement statements with only 1 university publishing 7 statements.

We also provide below (**Figure 2**) a word-count, in part to illustrate the very considerable variation in density of texts: less than 500 words in 17 inherent requirement statement descriptors/outlines; between 500 and 999 words for 12; between 1,000 and 1,999 words for 19; between 2,000 and 2,999 words for 25; and 3,000 words plus for 5 inherent requirement statement outlines/descriptors.

Figure 2

	inherent requirement statement word count				
	< 500	500 - 999	1,000 – 1,999	2,000 – 2,999	3001+
Go8	7	3	7	0	2
ATN	2	1	0	0	2
IRU	0	2	0	2	0
RUN	1	1	5	0	0
Other	7	5	7	23	1

The uneven spread of inherent requirement statements can be seen better in **Figure 3** which shows that some universities have not yet seen the need to provide many or in some instances any such statements in course handbooks or related websites:

Figure 3

University	University group	Total word count per university	Total word count per group
University of Western Australia	Go8	0	21,391
Monash University	Go8	0	
University of Adelaide	Go8	4,221	
Australian National University	Go8	0	
University of Melbourne	Go8	6,013	
University of New South Wales	Go8	3,046	
University of Queensland	Go8	0	
University of Sydney	Go8	8,111	
Curtin University	ATN	0	7,829
University of South Australia	ATN	0	
RMIT	ATN	138	
University of Technology Sydney	ATN	7691	
Queensland University of Technology	ATN	0	
Flinders University	IRU	2,557	5,964
Griffith University	IRU	0	
La Trobe University	IRU	853	
Murdoch University	IRU	2,554	
University of Newcastle	IRU	0	
James Cook University	IRU	0	
Charles Darwin University	IRU	0	
Central Queensland University	RUN	0	
Southern Cross University	RUN	0	8,932
Federation University	RUN	0	
University of New England	RUN	8,932	
University of Southern Queensland	RUN	0	
University of the Sunshine Coast	RUN	0	
Australian Catholic University	Other	16,340	78,759
Charles Sturt University	Other	0	
Deakin University	Other	4,632	
Bond University	Other	0	
University of Canberra	Other	97	
Edith Cowen University	Other	0	
Macquarie University	Other	0	
Swinburne University of Technology	Other	0	
University of Tasmania	Other	4,038	
Victoria University	Other	0	
University of Wollongong	Other	2,556	
University of Western Sydney	Other	51,096	

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³ Table A and B providers The University of Notre Dame Australia, the University of Divinity, Torrens University Australia and Bachelor Institute of Indigenous Education were not included in the initial analysis.

c) Field of education and inherent requirement statement prevalence

The table below (**Figure 4**), based on Australian Government typology for “field of education type”, gives a number for each of 12 broad fields (sub-categories are also available at <http://heimshelp.education.gov.au/sites/heimshelp/resources/pages/field-of-education-types>). It is apparent at this level where inherent requirement statements are more prevalent.

Figure 4

Field of Education	Number of courses	Number of inherent requirement statements	Percentage chance of finding an inherent requirement statement
1. Natural and Physical Sciences	16	0	0
2. Information Technology	1	0	0
3. Engineering and related technologies	7	1	14.3
4. Architecture and Building	16	2	12.5
5. Agriculture, Environmental and related Studies	5	1	20
6. Health	180	46	25.6
7. Education	44	6	13.6
8. Management and Commerce	24	5	20.8
9. Society and Culture	104	16	15.4
10. Creative Arts	13	1	7.7
11. Food, Hospitality and Personal Services	0	0	0
12. Mixed Field Programmes	9	0	0

In the final column we have given statistics representing the likelihood of finding an inherent requirement statement for a given FOE. We observed that FOE6 (Health) and FOE8 (Management and Commerce) account for the highest prevalence (25.6 per cent and 20.8 per cent respectively) of inherent requirement statements in our sample. FOE9 (Society and Culture) has an inherent requirement statement prevalence of 15.4 per cent, FOE3 (Engineering and Related Technologies) has an inherent requirements prevalence of 14.3 per cent, and FOE 7 (Education) has an inherent requirement statement prevalence of 13.6 per cent. FOE4 (Architecture and Building) has an inherent requirement statement prevalence of 12.5 per cent and FOE10 (Creative Arts) has an inherent requirements prevalence of 7.7 per cent (note that FOE 11 – VET based Food Technology was not sampled).

It is important to note here that any additional courses added to the sample would – based on our current method and findings – be likely to lower rather than increase the statistical likelihood of discovering an inherent requirement statement, especially if we were to include a larger sample from fields less likely to feature an inherent requirement statement. In **Figure 5** (below) we give percentages of the inherent requirement statements gathered based on FOE, and note that, for instance, 59 per cent related to FOE 6 (Health).

Figure 5

Field of Education	Percentage of inherent requirement statements
1. Natural and Physical Sciences	0%
2. Information Technology	0%
3. Engineering and related technologies	1.3%
4. Architecture and Building	2.6%
5. Agriculture, Environmental and related Studies	1.3%
6. Health	59%
7. Education	7.7%
8. Management and Commerce	6.4%
9. Society and Culture	20.5%
10. Creative Arts	1.3%
11. Food, Hospitality and Personal Services	0%
12. Mixed Field Programmes	0%

d) Inherent requirement statements and reference to capacity or skill

We generated, for purposes of analysis, a definition of categories based on existing occurrence in handbooks and on related websites, and then determined whether that particular category – for instance, literacy, or behavioural stability – was prevalent in at least 50 per cent of inherent requirement statements where these might seem relevant. We note that 70 of the statements (or 89.7 per cent of all statements considered in this audit) used such categories.

We observed (**Figure 6**) that “Verbal and non-verbal” skills/capacity are the most prevalent (appearing in 93.6 per cent of inherent requirements statements), followed by “Behavioural stability” (in 84.61 per cent of the statements) followed by “Cognition” (in 83.3 per cent). Less prevalent was “Written” skills/capacity (in 66.7 per cent of statements), “Motor skills” (in 65.4 per cent), followed by “Ethical behaviour” (in 61.5 per cent), and “Literacy” (56.4 per cent). Other categories came close to meeting the “prevalent” definition, including “Legal” and “Sustainable performance”.

Figure 6

Category	Number of inherent requirement statement including category	Percentage of inherent requirement statement including category
Verbal and non-verbal	73	93.6
Behavioural stability	66	84.6
Cognition	65	83.3
Written	52	66.7
Motor skills	51	65.4
Ethical behaviour	48	61.5
Literacy	44	56.4

e) Inherent requirement statements by professional disciplines

We also analysed the prevalence of inherent requirement statements by professional destinations. As seen in **Figure 7** (below) a professional area such as Nursing and Midwifery has many more inherent requirement statements than all others listed here. Readers need to be mindful here that courses for Nursing and Midwifery are offered by most Australian universities, whereas Medicine is offered by far fewer universities.

Figure 7

Profession	Number of courses in the sample	Number of courses in sample with a statement	Percentage of courses in sample with statement
Dentistry/optometry, medical imaging & speech pathology	17	6	35.3
Nursing & midwifery	53	18	34
Veterinarian & animal health	13	4	30.8
Social work and community welfare	31	9	29
Medicine & surgery	26	5	19.2
Paramedicine	16	3	18.6
Occupational therapy/physio	33	6	18.2
Architecture, engineering & design	26	4	15.4
Education & teaching	43	6	14
Business & leadership	22	3	13.6
Psychology & counselling	45	5	11.1
Pharmacy/nutrition	27	3	11.1
Law & corrections	38	4	10.5
Agriculture & environmental	14	1	7.1
Arts & media	14	0	0
Interpreting	1	1	100 (sample-size effect)

f) Inherent requirement statements and professional registration

The Ethical behaviour and Legal categories are the two that relate to rules based reference points with the common themes being that of compliance with professional standards, policies and legal legislation and safety. To illustrate what this means practically, to study education at Western Sydney University, there are inherent requirement statements that cover:

Initial teacher education courses are mandated by specific legislation and regulations to comply with professional accreditation, registration and professional and field experience requirements.

With contextual exemplars that specify:

Complying with relevant child protection and safety legislation

Complying with relevant Work Health and Safety legislation

Adhering to requirements of informed consent, privacy and confidentiality with organisational, family and child information in academic and education settings

(Western Sydney University 2016c)

There are mentions of accreditation and professional registration in many of the categories but most of these are limited to only 1 or 2 instances. However the categories of Cognition, Ethical behaviour, Legal and Motor skills have multiple instances ranging from 5 for Motor skills up to 21 for Legal with Cognition and Ethical behaviour holding 9 instances each. Teaching and legal practice are the professions present in the Motor skills category while teaching, legal practice and community/social work are present in the Cognition and Ethical behaviour categories. The Legal category holds professional accreditation for teaching, engineering and accounting, while there are student registration requirements for social work and the health professions of physiotherapy, nursing and occupational therapy.

How closely are the statements informed by professional bodies? There is only one IR statement that refers explicitly to the professional standards of the field. The course is a (UTAS) Bachelor of Education (Primary); however this statement applies to all education courses at the university. The statement refers to the Australian Professional Standards of Teaching and the relevant sub categories within these standards to present some of the inherent requirements definitions, descriptors and justifications.

g) Inherent requirement statements and explanatory case studies

There are no case studies or example scenarios within the inherent requirement statements themselves. Within the supporting documentation RMIT have given specific “program examples” and “case studies”, while Deakin has supporting documentation called “Determining inherent course requirements” containing a detailed example of a scenario where inherent requirements were relevant. These were the only case studies or examples found.

h) Inherent requirement statements and non-disability related characteristics

The only references to diversity in the inherent requirement statements are found in the introductions of 6 statements published by 2 universities. The context of 5 of these references is relating to adjustments. The universities are willing to make adjustments not only for disabilities but for cultural and religious reasons as well. However it is still stated that the “adjustments must not fundamentally change the nature of the inherent requirement”. The reference to diversity from the other university is “The University of New England aims to achieve an inclusive study environment that reflects the diversity of Australian society”.

There are no mentions of diversity in the inherent requirements themselves. For the purposes of this analysis an inherent requirement statement is defined by the information and statements attached to a particular course or set of courses.

However, relevant or supporting documentation was also gathered for each university, and some of these documents are extra information about inherent requirements not attached to a course, disability policies, disability action plans, etc. Within these supporting documents there are some mentions of diversity. Instances of “diversity” range from course design and teaching methods being informed by the diversity of the student body, through to university aspirations of an environment based around equity, opportunity and diversity.

i) Inherent requirement statements and reference to the disability discrimination act and education standards

In some of the inherent requirement statement introductions there is talk of what an adjustment is, what it can be used for and the university's obligations to provide them. Only 9 statements make reference to the *Disability Standards for Education (Cth 2005)*, while of these 9, 8 refer to the *Disability Discrimination Act* as well and a further 4 mention relevant state based Anti-Discrimination Acts.

j) Inherent requirement statements and complaints policies and procedures

There are no references to complaints or grievance policies and procedures in the inherent requirement statements, including the introductions. Within some of the university disability policies there are complaints sections directing students to the Equity and Diversity Office or equivalent.

k) Inherent requirement statements across multiple linked courses

The definition of multiple linked courses used here includes not only separate courses from the original course listed, but also different majors within a more generic course, e.g. Bachelor of Environments at University of Melbourne has multiple majors (architecture, construction, engineering systems to name a few). The inherent requirement statement, however, is applied to the Bachelor of Environments.

There are 22 courses recorded in our sample that have an inherent requirement statement within or linked to the handbook, where the statement applies to multiple courses. Most of the courses listed as multiples do have links to the inherent requirement statements. Only in a few select cases is there no link. This is as expected, as commonly the courses are variants on the course listed in the sample or a different AQF level of the course (e.g. postgraduate vs undergraduate).

INHERENT REQUIREMENT STATEMENTS AT WESTERN SYDNEY UNIVERSITY

The prevalence and methodology of inherent requirement statements offered by WSU is notable, particularly because of the extent to which other institutions would seem to have emulated the work of WSU, and this includes acknowledging and adopting similar approaches (in part at least).

In profiling the work undertaken by WSU we refer here to the way inherent requirement statements feature on that university's website inherent requirement statement overview (see http://www.uws.edu.au/ir/inherent_requirements). This page begins by stating that "the university strongly supports the right of all people to pursue studies" and that the university "embraces diversity and endeavours to accommodate all students". The FAQ (and answers) are followed by a list of academic areas where more detailed statements will be found (we return to these in table form later in this section):

1. What are inherent requirements?
This is explained and then the focus is on reasonable adjustments and the institution's commitment to providing them. Cultural and religious reasons may also be considered as cause for reasonable adjustments.
2. Are inherent requirements the same as compulsory requirements?
Here they specify that they are different.
3. Why are inherent requirements important?
Academic integrity of the course.
4. How does this affect you?
You need to be able to meet all of the inherent requirements. Contact with a campus disability advisor is advised if one is worried about being unable to meet them.

The WSU website overview of inherent requirement statements (417 words) is supported by an explanation of key terms (677 words) and a brief description of each of the domains

[http://www.uws.edu.au/ir/inherent_requirements/inherent_requirements_key_terms], which may be present in any given inherent requirement statement, and specific definition of terms used including "reasonable" in reasonable adjustment, and some examples such as assistive technology, furniture, note takers or extra time in exams. It is also stated that the university has an obligation to provide these reasonable adjustments under the *Disability Standards for Education 2005*. A summary of the distribution (and word count) follows (**Figure 8**):

Figure 8

WSU Courses with inherent requirements Statement	Word count
Master of Teaching (Secondary)	3312
Master of Art Therapy	2948
Bachelor of Physiotherapy	2826
Bachelor of Medicine	2627
Bachelor of Health Science/Master of Occupational Therapy	2608
Bachelor of Midwifery	2570
Graduate Diploma in Counselling	2568
Bachelor of Health Science Paramedicine	2541
Bachelor of Engineering	2403
Master of Psychology (Clinical Psychology)	2363
Bachelor of Social Work	2327
Bachelor of Arts (Interpreting and Translation)	2324
Bachelor of Laws (Graduate entry)	2170
Bachelor of Design (Visual Communication)	2127
Master of Arts (TESOL)	1999
Bachelor of Business and Commerce (Accounting)	1980
Bachelor of Community Welfare	1946
Bachelor of Applied Leadership and Critical Thinking	1749
Bachelor of Criminal and Community Justice	1382
Master of Nursing	686

Note: the Bachelor of Nursing is absent since it is no longer offered

Within each of these statements is an introductory section, split into two parts: “introduction”; and “how to read the inherent requirements statements”. The introduction reiterates the university’s commitment to supporting the students right to study and their dedication to providing reasonable adjustments where required. Where relevant, there is also discussion of challenges of the professional and clinical placements, e.g. the Bachelor of Medicine/Surgery.

The second section again encourages the reader to contact the campus disability officer if they are worried about not meeting the inherent requirements, whilst also encouraging the reader to do further investigation. It is in this section that the structure of the domains is presented, which is in 5 levels.

-
- Level 1 - introduction to the inherent requirement
 - Level 2 - description of what the inherent requirement is
 - Level 3 - explanation of why this is an inherent requirement of the course
 - Level 4 - the nature of any adjustments that may be made to allow you to meet the requirement
 - Level 5 - examples of things you must be able to do to show you've met the requirement.

The inherent requirement statements then follow this formula for all the categories.

THEMATIC ANALYSIS OF INHERENT REQUIREMENT STATEMENTS

Returning to an audit of 38 Australian universities, and having located the broad categories of skills/capacities that were the most prevalent in inherent requirement statements, we also identified some of the more common themes – typically, explanatory statements – which featured in the handbook references to those categories.

In **Figures 9-17** we offer, for each of several categories, a characteristic (thematic) quote, and then indicate the number of times each such statement occurs in a course outline/descriptor (for instance, in the course handbook or related website pages).

Figure 9 “Verbal & non-verbal communication”

Themes	Number of references relating to theme	Common terms and phrases
Understand and respond	86	“Ability to understand and respond to verbal communication accurately, appropriately and in a timely manner”
English	68	“Effective and efficient verbal communication, in English, is an essential requirement to provide safe delivery of care”
Instructions/feedback	59	“Provide clear instructions in the context of the situation” “Timely clear feedback reporting”
Non-verbal	49	“Capacity to recognise, interpret and respond appropriately to behavioural cues” “Consistent and appropriate awareness of own behaviours” “Building rapport with people”
Participation in discussions (Exemplar)	32	“Participating in tutorial, simulation, clinical and placement discussions”
Communicate respectfully	29	“Communicate respectfully with people of different gender, sexuality and age, and from diverse cultural, religious, socio-economic and educational backgrounds”

Figure 10 “Behavioural stability”

Themes	Number of references relating to theme	Common terms and phrases
Adaptable/demanding	81	“Required to function and adapt effectively and sensitively in a demanding role” “Work constructively in a diverse and changing academic and clinical environment”
Emotional and physical health	48	“Coping with own emotions and behaviour effectively when dealing with individuals in the workplace environments.”
Objectivity and professionalism	41	“Students will be exposed to highly complex human situations and will be required to have behavioural stability to manage these events competently and professionally”
Feedback	36	“Receptive and responding appropriately to constructive feedback.”

Figure 11 “Cognition”

Themes	Number of references relating to theme	Common terms and phrases
Safety and competency	112	“Consistent and effective knowledge and cognitive skills must be demonstrated” “Competent and accurate numeracy skills are essential for safe and effective care”
Obtain, understand and apply	97	“Capacity to locate appropriate and relevant information” “Conceptualise” “Integrate and implement knowledge in practice”
Policy and procedures	25	“Applying knowledge of policy and procedures in the clinical setting”

Figure 12 “Written”

Themes	Number of references relating to theme	Common terms and phrases
Standards	68	“Constructing essays and other written assignments to academic standards” “Constructing a nursing report in a timely manner that meets professional standards”
Ability to convey knowledge and understanding	46	“Capacity to construct coherent written communication” “Necessary to convey knowledge and understanding of relevant subject matter for professional practice”
Accuracy	42	“Accurate written communication” “Vital to provide consistent and safe patient care”
Fundamental responsibility	29	“Effective written communication is a fundamental nursing responsibility with professional and legal ramifications”

Figure 13 “Ethical behaviour”

Themes	Number of references to the theme	Common terms and phrases
Compliance with professional codes, guidelines and standards	54	“Compliance with the codes, guidelines and policies ensures the physical, psychological, emotional and spiritual wellbeing of the individual is not placed at risk.”
Knowledge and practice	43	“Student demonstrates knowledge of, and engages in ethical behaviour in practice.”
Misconduct policies (exemplar)	30	“Complying with academic and non-academic misconduct policies.”

Figure 13 “Literacy”

Themes	Number of references relating to theme	Common terms and phrases
Acquire and convey knowledge	115	“Ability to acquire and to accurately convey messages is fundamental to ensure safe and effective assessment, treatment and delivery of care”
Safety	82	“Competent literacy skills are essential to provide safe and effective delivery of care” “Ability to read, decode, interpret and comprehend multiple sources of information is fundamental for safe and effective delivery”
Written text (Exemplar)	76	“Accurate, concise and clear” “Meets legal and professional practice requirements” “Scholarly manner”

Figure 14 “Motor skills”

Themes	Number of references relating to theme	Common terms and phrases
Safety	82	“Students must be able to demonstrate and perform these tasks consistently and safely to reduce the risk of harm to self and others”
Required to perform tasks	48	“Tasks that involve fine motor skills include being able to grasp, press, push, turn, squeeze and manipulate various objects and individuals” “Tasks that involve gross motor skills include sitting, standing, twisting, bending, using upper and lower limbs during tasks and manoeuvring around equipment, patient and team members in confined spaces”
Manual dexterity	32	“is a profession that requires manual dexterity and fine motor skills” “Independently manipulate and carry instruments, materials and equipment necessary for clinical care”
Scope of practice	28	“Student demonstrates the ability to perform gross motor skills to function within scope of practice”

Figure 15 “Legal”

Themes	Number of references relating to theme	Common terms and phrases
Knowledge and compliance	64	“Student demonstrates knowledge and compliance with Australian Law, professional regulations and scope of practice”
Safety	62	“practice is mandated by specific legislation to enable the safe delivery of care” “Knowledge, understanding, and compliance with legislative and regulatory requirements are necessary pre-requisites to clinical placements in order to reduce the risk of harm to self and others”
Accountability	32	“Compliance with these professional regulations and the Australian Laws ensures that students are both responsible and accountable for their practice”

Figure 16 “Sustainable performance”

Themes	Number of references relating to theme	Common terms and phrases
Consistency and quality	68	“The capacity to maintain consistency and quality of performance throughout the designated period of duty”
Sustained physical energy/concentration	57	“Consistent and sustained level of physical energy to complete a specific task in a timely manner and over time” “The ability to perform repetitive activities with a level of concentration that ensures a capacity to focus on the activity until it is completed appropriately”
Safe and effective service	30	“Sufficient physical and mental endurance is an essential requirement needed to perform multiple tasks in an assigned period to provide safe and professional support in the field placement context”
Participation (exemplar)	29	“Participating in tutorials, lectures and skills throughout the day”

We highlighted earlier the higher incidence of certain themes – connecting to a particular range of inherent requirement statements – in certain fields of education (FOEs), and this is well demonstrated in the field of Nursery and Midwifery (see **Figure 17**).

Figure 17 Prevalent Categories in Nursing and Midwifery inherent requirement statements

Category	Number of statements referring to category	Percentage of statements referring to category
Verbal and non-verbal	16	89
Cognition	15	83
Motor skills	15	83
Written	15	83
Ethical behaviour	14	78
Behavioural stability	14	78
Literacy	13	72
Sensory abilities	12	67
Legal	11	61
Numeracy	11	61
Sustainable performance	11	61

OTHER INSIGHTS IDENTIFIED BY THE RESEARCH

We see benefit in more extensive research in this area, and that includes a deeper qualitative analysis of relevant documents, and also ideally some interviews with students (past and present) and academic and professional staff in universities, as well as other stakeholder groups in the disability field. Some further work might include close analysis of the sort of language used. For instance, we would like to consider further whether the language in inherent requirements and related documents is perceived as inclusive or exclusive in intent or likely impact.

We did attempt some discourse analysis and discussion in this audit report. In this regard, we noted that 79.5 per cent of the statements are accompanied by introductory material. The inclusive language in many of the statements centred on supporting the rights and decisions of anyone who wishes to pursue higher education. Searching for terms such as “strongly supports” or “welcomes” reveals 46 instances of universities stating this explicitly. For example, The University of Adelaide’s Bachelor of Dental Surgery states that “The University of Adelaide strongly supports the right of all people who wish to pursue studies in the Dental or Oral Health programs at the School of Dentistry to achieve their potential and chosen career objectives” and follows with a commitment to provide reasonable adjustments to “minimise” or “address the impact of students’ disabilities so they are able to successfully participate”.

Considering inclusion of people from diverse social, cultural and religious backgrounds, only 7 references to considerations of the student’s social, cultural or religious background were found, and how reasonable adjustments can be made relating to these factors as well. However, we noted a tendency for such cultural inclusion statements to be paired with advice that adjustments cannot compromise the academic integrity of the course. A further 8 references to cultural and religious background refer to the environment of the related profession, and how (to quote one statement) students will be expected to “undertake activities which reflect the Australian healthcare context which may include mixed gender, religious and culturally diverse environments”. We summarise these instances, and 27 where universities were willing to “work collaboratively with students to make reasonable adjustments”, according to FOE clusters:

- Communicate respectfully with people of different gender, sexuality and age, and from diverse cultural, religious, socio-economic and educational backgrounds. **Dentistry, Pharmacy, Psychology, Nutrition and dietetics**
- Students are required to undertake activities which reflect the Australian health care context which may include mixed gender, religious and culturally diverse environments. **Nursing**
- Students are required to undertake professional experience placement activities in mixed gender and diverse cultural environments that reflect the Australian social welfare context. **Social work**
- Students are required to undertake clinical placement activities in mixed gender environments which reflect the Australian health care context. **Medicine and surgery, Psychology, Occupational therapy, Paramedicine**
- Students are required to undertake activities which reflect the Australian health care context which may include mixed gender, religious and culturally diverse environments. **Counselling, Art therapy, Community welfare, Physiotherapy.**

While it was understood that inherent requirement statements were likely to refer to the skills, qualities and attributes that the student must possess in order to complete the course and function effectively in the chosen profession, we noted in some instances a warning tone; with phrases such as “students must possess”, “must be demonstrated” or “adjustments must not compromise” and so forth. In fact we documented 94 instances of these 3 phrases alone. We also noted – and we paraphrase or quote directly here – statements that seemed more legalistic in style and we imagine might connect to institutional risk management:

- All students enrolled in the program must be capable of participating actively and in an independent manner in all classes, and of taking responsibility for their own safety and the safety of others
- In addition, students in all courses are required to comply with Australian laws and University rules and policies, including the Code of Conduct for Students. The University of Sydney upholds the academic standards of each degree and discipline so that all students graduate with the skills and knowledge expected of a graduate of the award conferred
- With appropriate supports and reasonable accommodations, students must be able to carry out the list of Inherent Requirements described below, in order to successfully complete dentistry courses
- The Discipline of Nursing and Midwifery must comply with the *Disability Standards for Education 2005* and *Disability Discrimination Act 1992*. In accordance with University policy, when requested, reasonable accommodations may be provided for individuals with disabilities.

Some fields and courses have generated more detailed attention and discursive treatment. For example, the Doctor of Medicine inherent requirement statement of Melbourne University includes Section 11.2.1 of the University's Statute 11.2 - Exclusions for Health reasons. This states that if an "appropriate faculty is of the opinion that an applicant is unfit for enrolment or re-enrolment into a course" due to a condition, disability, illness or psychological condition, their case will be examined by a board of assessors, but a student will only be excluded if the board recommends that no appropriate adjustment can be made to allow the student to continue from the course or particular subject.

The University of Sydney includes a FAQ section in their inherent requirement statements. In this section they answer the questions: "Can I enrol even if I am not sure I will be able to carry out some of the inherent requirements?", "What happens if I do enrol and I am unable to carry out some of the inherent requirements?" The first question is answered by stating that it is usually unlawful for the university to discriminate against students with a disability, and that reasonable adjustments will be made, but a student may fail the course if they cannot meet the inherent requirements with these adjustments. RMIT University, by contrast, appears to leave this judgement to the relevant professional registration board. Reasons are listed as to why the board may refuse registration; most of these relate to public safety. There is no talk of exclusion of an individual in the university setting, however they do suggest the individual contact the Program Director or the Disability Liaison Unit prior to placement if any of the reasons seem applicable.

Most of the inherent requirement statements do mention a review process available to the student if they feel they may have trouble meeting all of the inherent requirements, and (where these statements are provided) the typical advice is that once the student has read the inherent requirement statements and if they think that they might have trouble meeting one or more of the inherent requirements, they should contact the disability office or an academic advisor to "discuss" or "collaborate" on a reasonable adjustment to meet these inherent requirements. Some of the universities do not disclose the course of action if it is deemed that no such adjustment can be made, while others go on to say the university will "provide guidance on other study options" or the student may be unable to graduate. Deakin University notifies the reader that the university has a legal obligation under section 143 of the Australian Health Practitioner Regulation National Law, to report any student to the Australian Health Practitioners Regulatory Authority if they "feel" that the student has an impairment that may place the public at substantial risk.

There were 31 instances found that encouraged the reader to look at other information sources, specifically the other course information on the university website. More importantly, however, the reader is often directed toward the relevant body governing registration of the profession. Of those statements which direct the reader to the governing body, 24 suggest particular documents and 12 of these provide links to the documents. The relevant documents are "Guidelines for mandatory notifications", "Guide to professional boundaries", "National competency standards" and "Codes of ethics". In 32 of the statements, there are links to a professional body governing the standards or registration for the profession. This equates to 41 per cent of the inherent requirement statements linked to their governing body. If we only consider courses with a clear profession attached (e.g. accounting), then the percentage rises slightly to 42.7 per cent.

There is only one statement that directly references the professional standards – the Bachelor of Education (Primary) – but this statement applies to all "teacher education courses". The statement explicitly refers to the Australian Professional Standards for Teachers (APST) in the definitions, descriptions and justifications for most of the inherent requirements. These paragraphs are not quoting the APST but simply linking the relevant focus area to the inherent requirement.

The WSU model is the most widely emulated model being used to present the inherent requirement statements. We mention that WSU was the first Australian institution to embed its inherent requirement statement process within a project framework which led to publication in peer-reviewed publications. Some of the WSU-influenced statements present parallels between professional documents outlining policies such as professional standards and codes of ethics and the inherent requirement statements. Considering the Bachelor of Social Work, the categories of the inherent requirements seem to echo the components of social work practice expressed in the "AASW practice standards 2013". The components refer to "values and ethics", demonstrating and applying "knowledge for practice" and "communication and interpersonal skills". All of these attributes and skills are present in the inherent requirement statement, yet are not quoted directly.

Numeracy is one area in the category of "Cognition" referred to earlier where the link to professional requirements is more common in inherent requirement statements (although we again note the influence of the WSU statements on other institutions, and WSU lists numeracy as a distinct subdomain). Our audit discovered 25 instances of numeracy being described as a required skill. A further 17 statements mention numerical/quantitative or mathematical skills as key skills required for the profession. In total, 42 statements (or 59.0 per cent of inherent requirement statements discovered through this audit) refer to numeracy or quantitative ability.

The main professions that have numeracy in the statements are accounting and engineering – as one would expect – but also teaching and almost anything health related, e.g. nursing, midwifery, medicine, paramedicine, veterinary science, dentistry, pharmacy, psychology, nutrition, optometry and medical imaging.

Major professions where numeracy was not referred to in the statements were social work, counselling, social welfare and also the postgraduate nursing and midwifery qualifications (although we note that the bachelor degree does stipulate that numeracy is a required skill for professional practice). Typically, where numeracy is referred to in health professions the focus is on performing basic arithmetic required for drug calculations within the context of patient safety. For professions that are clearly numerical/quantitative disciplines e.g. accounting or engineering, the emphasis tends to be on safety and quality of work.

CONCLUSION OF AUDIT OF INHERENT REQUIREMENT STATEMENTS

In our analysis of the sample of 419 courses we found only 78 unique inherent requirement statements, or 18.6 per cent of the sample. Sixty-five per cent of statements were in, or linked to, a course handbook. Our list of universities made stark the considerable differences across the sector with 22 universities having no recorded text or inherent requirement statement instances, while others ranged from a few thousand words to over fifty thousand in the case of Western Sydney University. Our inherent requirement statement word count for each Australian university – and per university grouping – also helped illustrate the considerable variations across the sector.

Where we considered prevalence within different fields of education (FOE) we again saw considerable variation and one way we expressed this was in terms of the “chance of finding an IR”. We observed that FOE6 (Health) and FOE8 (Management and Commerce) account for the highest prevalence (25.6 per cent and 20.8 per cent respectively) of inherent requirement statements in our sample. FOE9 (Society and Culture) has an inherent requirement statement prevalence of 15.4 per cent, FOE3 (Engineering and Related Technologies) has an inherent requirements prevalence of 14.3 per cent, and FOE7 (Education) has an inherent requirement statement prevalence of 13.6 per cent. FOE4 (Architecture and Building) has an inherent requirement statement prevalence of 12.5 per cent and FOE10 (Creative Arts) has an inherent requirement statement prevalence of 7.7 per cent. Even for professional disciplines where there was the greatest likelihood of finding an inherent requirement statement within a course description, we again noted that only some of the sampled courses included an inherent requirement statement, and again there is considerable variation across these disciplines: Dentistry/Optomety/Medical Imaging and Speech Pathology (35.3 per cent with an inherent requirement statement), Nursing and Midwifery (34 per cent), Veterinarian and Animal Welfare (30.8 per cent), Medicine and Surgery (19.2 per cent) and Paramedicine (18.6 per cent).

There is also considerable variation in the sorts of professional rules or registration requirements mentioned, and in total these are only in a minority of inherent requirement statements (which only exist for a minority of courses). Almost no use is made of case studies, and only six statements refer to issues of diversity (although some accompanying material does make that connection explicit). Only nine statements in our sample refer to *Disability Standards for Education (Cth 2005)*. Complaints policies or procedures in inherent requirement statements were conspicuous by their absence. Our analysis suggests that different inherent requirement statements, and varying expectations for similar courses across the sector, create information asymmetry that is likely to negatively affect both prospective and enrolled students.

In our closer analysis of themes we noted some common uses and style of language for categories, and we illustrated in tables the prevalence of particular foci within those categories. We found that under the skills and requirements category “Verbal and Non-Verbal” there was a common emphasis in inherent requirement statements on a student’s capacity to understand and respond, to have effective English for communication and safety, to appreciate instructions and feedback, and to recognise non-verbal as well as verbal communication. Under “Behavioural stability” there was an emphasis on adaptability and managing in demanding situations, and emotional and physical health for coping with people in the workplace. Under “Cognition” the emphasis was on capacity to appreciate safety issues and work safely, and capacity to locate relevant information, conceptualize and integrate knowledge in practice. Under “Written” the emphasis was on the ability to convey knowledge and understanding, and to do so accurately, and according to set standards. Under “Ethical behaviour” the emphasis was on compliance with professional codes, guidelines and standards, linked to knowledge and practice, and with an appreciation of misconduct policies. Under “Literacy” the emphasis was on the ability to acquire and to accurately convey messages, including through written texts, and also an emphasis on safety. Under “Motor skills” the emphasis was again on safe performance of required tasks, and reference to both gross and fine motor skills and more general manual dexterity. Under “Legal” the emphasis was on knowledge of Australian law for purposes of compliance, safety and accountability. Under “Sustainable performance” the emphasis was on sustainable levels of energy to complete specific and sometimes repetitive tasks, with adequate levels of concentration, maintenance of consistency and quality of outputs, ability to participate, and again with reference to safety.

The larger point we make here is that some Australian universities, through their use of inherent requirement statements, indicate very serious concerns which they feel should be considered by prospective and current students, and for those designing, teaching and promoting courses. These audit findings raised questions. Should all Australian universities be encouraged to provide inherent requirement statements – with ample explanatory information, and easily accessible – or are alternative approaches sufficient or even superior? How should institutional diversity be weighed against the advantages of more consistent sectoral approaches? How

can institutions best manage increasingly complex professional requirements, legislative requirements, and policy settings to fulfil their obligations and support students with a disability? Most importantly, what is the impact of the different institutional approaches on prospective, enrolled, and graduating students? Our thematic and discourse analysis, while preliminary, revealed the complexity and inconsistency of approaches in this space; the need for further research, particularly on impacts and outcomes; and the imperative that students are placed at the centre of disability policy and reform in Australian higher education.

Summary of research findings and recommendations

- 1) That university stakeholders with an interest in inherent requirements explore options for achieving greater consistency, clarity and transparency of inherent requirement statements across institutions and disciplines.

The audit reveals significant variation in the use and application of inherent requirement statements. The 2010 and 2015 Reviews of the Disability Standards for Education have received submissions critical of, and made recommendations in relation to the use of, inherent requirements statements. The incremental increase in the use of inherent requirements statements runs significant risks of establishing sector wide normative practices that are inconsistent with the objectives of disability discrimination legislation. The custodians of the higher education academic standards are many and complex including professional bodies, regulatory frameworks, academics and higher education providers. This audit report raises significant questions that we trust will be of use to stakeholders with an interest in inherent requirements.

- 2) That university stakeholders with responsibility for the participation of students with disabilities, which may include disability practitioners, disciplinary heads, equity and related staff, monitor the impact of inherent requirements on prospective, enrolled and graduating students.

This research identified significant institutional variation in the use of and application of inherent requirement statements. Understanding the impact of inherent requirements would benefit from institutional level monitoring. With most Australian universities having a Disability Action Plan in place, a mechanism is already utilised by the sector to identify barriers to successful participation and to plan for their removal. Those institutions that utilise inherent requirement statements could explore the efficacy and impact of inherent requirement statements on their students within an Action Plan framework.

- 3) That further research be undertaken into the impact of inherent requirement statements on prospective, enrolled and graduating students, including the effects on participation, achievement and graduate outcomes. Such research could include a specific focus on capturing the voices of students with disabilities which are often unheard.

There is little evidence or research that examines the impact of inherent requirements on prospective, enrolled and graduating students. High level national indicators of increasing participation and sustainable successful participation can be seen as a positive reflection of the efforts made by the Australian higher education sector to include students with disabilities. However, there is evidence of poor labour market outcomes for graduates with disability that warrants analysis of the ways in which higher education is made available to students with disabilities, and the role that inherent requirements statements might have in influencing this outcome.

- 4) That universities ensure that descriptions of academic requirements and their use within processes of identifying reasonable adjustments are accessible to, and transparent for, students, and that these descriptions are consistent with the Higher Education Standards Framework and *Disability Discrimination Act 1992 (Cth)* and *Disability Standards for Education 2004 (Cth)*.

This research did not identify instances where inherent requirement statements have been subject to scrutiny through legal proceedings. For universities that choose to publish inherent requirements statements, ensuring that the processes and systems that generate these statements lead to outcomes that are consistent with higher education regulatory and anti-discrimination frameworks would appear to offer some protection against complaint and legal action on the basis of disability discrimination.

Audit Methodology

The methodology adopted is outlined below:

1. Define what we understand to be 'inherent requirement statements and/or descriptors' (inherent requirement statement) as they might be found in public documents issued by Australian universities. Not every course nor every university was examined in this study due to resource constraints. Expect to find these in course outlines and/or handbooks.
2. Also locate any substantial references (paragraph plus) to inherent requirements in a university's publicly available key policy statements.
3. In drawing on exemplars (discussed above) keep in mind alternative expressions (e.g. University of Melbourne produces 'core participation requirements').
4. Working with this agreed definition, prepare an Excel spreadsheet (or other expandable and searchable digital file) for each Australian university.
5. Build into that spreadsheet, for each university, a sub-field which records (and digitally links to) each *undergraduate* and *postgraduate* course offered by that university.
6. Copy (if permissible for our purposes) the entire inherent requirement statement into the sub-field/course file
7. If feasible, do a 'word count' on that text.
8. Establish codes to indicate broad field of study (based on AQF or other field-of-study categories), whether the course is undergraduate (UG) or postgraduate (PG), and whether the course is taught inside or outside of Australia by an Australian university.
9. Using the assembled data, generate metrics (creating a 'national picture') to answer the following questions:
 - a. How many UG and how many PG courses are currently offered by Australian universities in Australia and outside of Australia?
 - b. What proportion of courses currently taught by Australian universities are supported by course outlines and/or handbook entries which include (and name as such, in titles/headings) an inherent requirement statement?
 - c. Using several broad field-of-study categories, what proportion of courses offered by Australian universities – within each of those categories – includes an inherent requirement statement?
 - d. Using the coded data, what proportion of UG and what proportion of PG courses include an inherent requirement statement?
10. Provide a short appraisal (focussing on style of language here, as well as easily accessible digital links) of such features as:
 - a. How easy was it to find the inherent requirement statement doing a digital search of the university website?
 - b. Does the *inherent requirement statement* provide an introduction or overview which defines/explains what an *inherent requirement statement* is?
 - c. Does the inherent requirement statement refer to the university's determination/efforts to be more inclusive of students with disability?
 - d. Does the inherent requirement statement refer explicitly to the university's 'risk management' strategy?
 - e. Does the inherent requirement statement explain why an inherent requirement statement exists for this particular course?
 - f. Does the inherent requirement statement – in its introduction or elsewhere in the statement – refer to the *Disability Discrimination Act 1992* or any other relevant legislation and guidelines?
 - g. Does the inherent requirement statement refer to or provide digital links to a university's key statements about equal opportunity, fairness, and/or inclusion? Or to other specific policies about the support for and treatment of students with disability?
 - h. Is this particular inherent requirement statement one of several or many used by the university, across its course offerings, or does it appear to be a response to particular discipline and professional registration needs?
 - i. Does the inherent requirement statement break down the information into domains – drawing here on the Western Sydney University exemplar – and if so do all or any of the following domains feature:
 - i. Ethical behaviour
 - ii. Behavioural stability
 - iii. Legal

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- iv. Communication (verbal and non-verbal)
 - v. Written
 - vi. Cognition (knowledge and cognitive skills)
 - vii. Literacy
 - viii. Numeracy
 - ix. Sensory abilities
 - x. Gross motor skills
 - xi. Fine motor skills
 - xii. Sustainable performance.

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