

## PP27 ACCESS AND EQUITY POLICY AND PROCEDURE

### SCOPE

This policy covers the whole Southern Cross Education Institute (SCEI) community, including staff, students, and stakeholders. This policy applies to:

- education (teaching and learning, enrolment, student management, student services, curriculum development and delivery)
- the provision of goods and services
- employment at SCEI (recruitment, allocation of duties, employment conditions, access to benefits such as training, promotion and leave).

### POLICY

Equal opportunity is a requirement under Victorian, South Australian and Commonwealth legislation listed below.

- Anti-discrimination Act 1997
- Age Discrimination Act 2004
- Disability Discrimination Act 1992 (including Disability Standards for Education)
- Disability Discrimination Act 2005
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Equal Opportunity Act 1984 (SA)
- Racial Vilification Act 1996 (SA)
- Australian Human Rights Commission Act 1986
- Equal Opportunity Act 2010 (Vic)

Equal opportunity means that every person can participate freely and equally in areas of public life such as in the workplace, in education, or in accessing goods and services. Discrimination is treating, or proposing to treat, someone unfavourably or bullying them because of a personal characteristic protected by law. Equal opportunity law aims to promote everyone's right to equal opportunities; eliminate, as far as possible, discrimination and sexual harassment; and provide redress for people whose rights have been breached.

All employees, students, and stakeholders are required to act in accordance with equal opportunity, anti-discrimination, harassment and vilification legislation. All staff, students and parents/guardians have a responsibility to ensure SCEI environment is respectful, safe and inclusive and free of discrimination, harassment, vilification and otherwise unlawful and unacceptable behaviours.

The principal role of this policy is to promote full and equal participation of all students and staff of SCEI and to foster an environment free of discrimination and harassment.

In particular, this policy follows the Standards for Registered Training Providers 2015 which states:

*Access and equity means policies and approaches aimed at ensuring that VET is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.*

And:

*The Skills First Program Quality Charter, Principle 1:*

- c. *The training provider provide training services that are in the best interests of students, taking into account their diverse social, cultural and special learning needs.*

SCEI aims to provide a welcoming, supportive, and emotionally and physically secure learning and working environment for every member of the SCEI community. SCEI ensures an environment that is safe and equitable through zero tolerance of any form of harassment, bullying, discrimination and/or racial vilification and is in line with State and Federal legislation.

SCEI recognises and promotes human rights, and values the diversity of culture, beliefs, practises, customs, physical and intellectual abilities and life experience of the whole SCEI community.

## PROCEDURE

### Principle

SCEI is committed to affecting change that promotes equality of opportunity for all. The Access and Equity Policy is guided by the following principles:

- that all staff and students have a right to equality of opportunity
- that there is recognition of, respect for and promotion of diversity within our community
- that there is encouragement of initiatives to affect change
- that while some people clearly need our advocacy, we support and encourage people on the journey of self-determination and self-advocacy (empowerment)
- that everybody has a right to participate in decisions that affect their lives

The Student Welfare Officer provides information at orientation on the following services:

- Disability Services
- Harassment and Discrimination Complaints
- Equal Opportunity for Women
- Equal Employment Opportunities
- Aboriginal and Torres Strait Islander People
- People from a non-English speaking background
- People in rural and remote areas
- Mature aged people

For the purposes of SCEI the definition of a mature aged person is an individual over 23 years of age that has not been studying at either year 12 or university/TAFE level for at least seven years and are an Australian or New Zealand citizen (or Australian permanent resident or holder of a permanent Humanitarian Visa)

The Campus Manager or delegate ensure that the structures and practices of SCEI are in line with state and national legislation regarding all areas of Equal Opportunity, including sex discrimination, racial discrimination, disability discrimination and Equal Opportunity for women in the workforce, in particular by supervising the incorporation of the principles of state and national legislation into SCEI policy. SCEI also refers to the Access and Equity policy when complying with state and national education standards.

SCEI acknowledges that in society some people are treated unfairly or unfavourably because of irrelevant personal characteristics such as their sex or race. SCEI supports the Charter of Human Rights and the Equal Opportunity Act 2010 (Vic), which says that it is against the law to discriminate against anyone, including students and staff, because of their actual or assumed:

- age
- breastfeeding
- carer status
- disability/impairment
- gender identity
- industrial activity
- lawful sexual activity
- marital status
- parental status
- physical features
- political belief or activity
- pregnancy
- race
- religious belief or activity

- sex
- sexual orientation
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

No member of the SCEI community will be treated less favourably because they possess any of these personal characteristics nor will such characteristics affect access to benefits and services SCEI provides.

On behalf of the whole SCEI community, the SCEI management committee support this policy, and the human rights principles and practice of equal opportunity, inclusion and respect for diversity that it articulates.

Discrimination is unacceptable at SCEI.

Discrimination may be direct or indirect – both are against the law.

**Direct discrimination** means treating someone unfairly or less favourably because of one of the personal characteristics listed above or because of their association with someone identified with one of those characteristics.

Examples: refusing to enrol a student because he has Hepatitis C, refusing to allow a Muslim student to wear the hijab as part of her Institute uniform or failing to hire a suitably qualified teacher because of his or her sexual orientation.

**Indirect discrimination** happens when a rule, policy or requirement unnecessarily or unreasonably disadvantages a person or group of people because of a protected personal characteristic they share.

Example: Imposing a requirement that all students take notes from the whiteboard without assistance may unreasonably disadvantage a student with vision impairment.

Harassment is unacceptable at SCEI.

**Harassment** is behaviour (through words or actions) based on the personal characteristics listed above that are unwanted, unasked for, unreturned and likely to make Institute an unfriendly or uncomfortable place by:

- humiliating (putting someone down)
- seriously embarrassing
- offending (hurting someone's feelings) or
- intimidating (threatening someone so they behave in a certain way).

Examples: name calling, stereotyping jokes and offensive comments.

**Sexual harassment** is an unwelcome sexual advance; request for sex or any other sexual behaviour that a reasonable person would know or expect would offend, humiliate, seriously embarrass or humiliate another.

Examples: unwanted touching, unwelcome sexual innuendo or jokes, displaying sexually explicit material (posters, emails, internet sites).

Racial and religious vilification is unacceptable at SCEI.

**Vilification** is behaviour (through words or actions) that incites hatred, serious contempt or ridicule of another person or group of people because of their race or religious belief.

Examples: public threats of harm, encouraging others to hate someone because of their religion, racist statements made in a public meeting, racist graffiti

Bullying is unacceptable at SCEI.

**Bullying** is unreasonable behaviour that is intimidating, threatening or humiliating and repeated over time or occurring as part of a pattern of behaviour. Bullying can be physical, verbal or indirect, and creates an unfriendly, threatening or offensive environment.

Examples: taking or damaging other people's property, excluding or isolating someone, subjecting someone to homophobic abuse, deliberately withholding information so as to affect their work performance, threatening not to renew an employment contract.

Victimising someone who makes an EO complaint is unacceptable at SCEI.

**Victimisation** means treating someone unfairly or otherwise disadvantaging them because they have made an EO complaint or might do so in the future.

SCEI will take action to prevent discrimination, harassment, vilification, bullying and victimisation and to promote a safe and inclusive environment.

SCEI will take immediate and appropriate action to address and resolve EO issues and complaints.

SCEI will take action to promote human rights both in terms of SCEI policy and practice and within its educational activities and culture.

A human rights based approach means taking steps to assess the SCEI's decisions and actions within the framework of the Charter and also taking proactive steps to encourage and promote wider SCEI discussion and student learning on the key Charter themes of Freedom, Respect, Equality and Dignity.

Under this policy, every member of the SCEI has the right to learn and work in a safe and inclusive environment free of discrimination, harassment, bullying, vilification and victimisation. Along with this right comes the responsibility to respect and promote human rights and responsibilities by behaving according to this policy.

The SCEI management committee is accountable for implementation of this policy.

The SCEI management committee may appoint an EO and Anti-Harassment Co-ordinator to support implementation of this policy.

SCEI encourages all members of the SCEI community to attempt to resolve complaints and concerns through the SCEI PP11 Complaints and Appeals Policy.

In a case where a student feels harassed by other students or staff of SCEI, students should contact the Welfare department, or the management.

If an employee feels they are being harassed by other staff or students, they should immediately approach their manager to discuss the situation.

All complaints will be treated confidentially, fairly and consistently, and resolved as speedily as possible.

Any member of the SCEI community who raises an issue of discrimination, harassment, bullying or vilification in good faith will not be victimised or otherwise unfairly treated or disadvantaged. All complaints of victimisation will be taken seriously, investigated and acted upon as quickly as possible.

Every student and staff member at SCEI should feel welcome, supported and emotionally and physically secure at SCEI. The wellbeing of all students and staff is a priority for SCEI.

The PP11 Complaints and Appeals Policy exists to provide an avenue to address unacceptable behaviour. It is designed to explain what to do if any member of SCEI community has been discriminated against, harassed, sexually harassed, bullied, vilified or victimised as explained earlier in this policy and the complaint is about the education or employment at SCEI.

All harassment complaints will be investigated impartially, seriously, empathetically and in strict confidence, taking into account the privacy of all parties. Where appropriate, disciplinary action will be taken by SCEI and brought to the attention of the Police.

If proven, the consequences of such behaviour may include; suspension or expulsion. SCEI will arrange counselling and support, where appropriate or where requested, for any student or staff member who has experienced bullying or harassment. Counselling may also be provided for a person who has bullied or harassed another.

SCEI will monitor how the complaint was resolved and the wellbeing of those involved. Further action will be taken if the problem behaviour continues.

SCEI encourages all members of the SCEI community to attempt to resolve complaints and concerns through the informal procedure if possible. It is also your right to seek help from outside SCEI. For example, you can contact the training Ombudsman, the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) or Fair Work Australia for information or advice, or to make a complaint.

Where to obtain help and advice:

- SCEI Compliance Officer
- SCEI Student Welfare Officer
- Department of Education and Early Childhood Development 1800 809 834
- Lifeline 13 11 14
- Fair Work Australia

## Recruitment

SCEI ensures fair recruitment procedure by:

- using the same recruitment and admission process for all applicants
- providing a special benefit for specific groups such as Aboriginal and Torres Strait Islander people
- basing admission to courses and programs solely on availability of places and the applicant satisfying course entry requirements
- providing applicants with adequate information and support to enable them to select the most suitable program for their needs

## Aboriginal and Torres Strait Islander students

SCEI aims to meet the needs of the Aboriginal and Torres Strait Islander community by:

- involving Aboriginal and Torres Strait Islander people in making and implementing decisions that affect their access, participation rates and successful outcomes in vocational education, training and employment
- increasing the participation rates and success of Aboriginal and Torres Strait Islander people in vocational education and training proportionate to other Australians
- actively promoting Aboriginal and Torres Strait Islander people as positive role models
- eliminating any discriminatory policies, practices, assumptions and behaviours in the organisation by providing training programs and employment conditions which are equitable, accessible and culturally inclusive
- providing temporary, special measures schemes for the benefit of Aboriginal and Torres Strait Islander employees, potential employees and students, including 50% discount on the textbooks for Aboriginal and Torres Strait Islander students enrolling in any course at SCEI.

## Campus Facilities

SCEI campuses across Australia are equipped with the following facilities to allow access to all stakeholders of SCEI:

- Disabled toilet
- Wheelchair access
- Lift

Where SCEI delivers training and assessment at other venues, SCEI will ensure to the best of its ability that venues are accessible to people with a disability.

## **LEGISLATIVE CONTEXT**

2015 Standards for Registered Training Organisations: Standard 1, Clause 1.3

National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (2017); Standard 6

2017 Standard VET Funding Contract Skills First Program; Quality Charter, Principle 1

## **RESPONSIBILITIES**

Responsibility for implementation of the policy and procedure are:

- Chief Executive Officer
- Campus Manager
- Training Manager
- Compliance Manager
- Administration Manager
- Marketing Manager
- Administration staff

Responsibility for monitoring the implementation and compliance of this policy and procedure are:

- Chief Executive Officer
- Campus Manager
- Compliance Manager

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