

<p>Goulburn Ovens Institute of TAFE</p> <p>Policy no. POSS-03</p>	<p>Title: Student access equity and diversity policy ILQC approved: 26/03/2018</p> <p><i>Responsible Officer: Manager Student Welfare Unit</i> <i>Authorising Officer: Group manager Education Support</i> <i>Review: Biennial (30th November 2019)</i></p>
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Student access equity and diversity policy

1. PURPOSE

Goulburn Ovens Institute of TAFE (GOTAFE) is committed to the provision of an environment that promotes equal opportunity and values diversity in the areas of employment, education and service delivery; in accordance with universal principles of equity, fairness, respect and social justice.

This Policy promotes the guiding principles of inclusiveness that ensures all enrolled students and potential students have fair and equal access to educational opportunities and any required reasonable adjustments. It outlines the legal and ethical requirements to ensure that students are not treated differently, or discriminated against, because of diversity, individual characteristics or protected attributes relating to disability.

2. SCOPE

It is a requirement of staff, contractors and students across all physical and virtual domains to treat others with dignity, courtesy and respect and to act in a way that is consistent with the Victorian Human Rights Charter and the Equal Opportunity Act 2010.

This policy applies to both prospective and enrolled students.

3. DEFINITIONS

Term	Definition
Access & Equity	<p>Access and Equity within the terms of this policy is based on the following principles:</p> <ul style="list-style-type: none"> • Providing and maintaining training services that reflect fair and reasonable opportunity, and consideration for all students and staff. • Equity for all people through the fair and appropriate allocation of resources and involvement in training. • Equality of education outcome for all people, without discrimination. • Access for all people to appropriate quality training and assessment services. <p>Increased opportunity for people to participate in vocational education and training and in relevant decision making processes within the vocational education and training system.</p>
Direct discrimination	<p>When a person or group is treated unfavourably because of a personal characteristic protected by law (see list below).</p>
Indirect discrimination	<p>When an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).</p>

Term	Definition
Discrimination	<p>Direct or indirect discrimination on the basis of one or more of the following attributes:</p> <ul style="list-style-type: none"> age; breastfeeding; employment activity; gender identity; impairment; industrial activity; lawful sexual activity; marital status; parental status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; sex; sexual orientation; <p>personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above personal characteristics.</p>
Harassment	<p>Any unwelcome, offensive, abusive, belittling or threatening behaviour that humiliates, offends or intimidates another person or group of people and occurs because of a characteristic or ground specified under anti-discrimination legislation.</p>
Sexual Harassment	<p>Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:</p> <ul style="list-style-type: none"> • Comments about a person's private life or the way they look. • Sexually suggestive behaviour, such as leering or staring. • Brushing up against someone, touching, fondling or hugging. • Sexually suggestive comments or jokes. • Displaying offensive screen savers, photos, calendars or objects. • Repeated requests to go out. • Requests for sex. • Sexually explicit emails, text messages or posts on social networking sites. <p>Just because someone does not object to inappropriate behaviour at the time, it does not mean that they are consenting to the behaviour.</p>
Complaint	<p>A grievance or complaint made to GOTAFE by a student regarding unlawful discrimination and harassment, including sexual harassment or other discriminatory harassment, bullying or victimisation.</p>
Diversity	<p>Involves recognising the value of individual differences in the educational setting and in the workplace. Diversity in this context includes, age, cultural background, disability, ethnicity, family responsibilities, gender, language, religious belief and sexual orientation. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, socio-economic background, personality and marital status.</p>
Social Justice	<p>Aspiration of a more equitable society, to which GOTAFE contributes through education.</p>

Term	Definition
Social inclusion	A program of measures to overcome social exclusion and promote social justice
Equal opportunity	Ensuring that everyone has equal access to, and opportunity to take part in, areas of public life such as, education, employment, accommodation and access to goods and services. Equal opportunity law sets standards for the way we treat each other in these areas and provides remedies for people who have been treated unfairly.
Vilification	A public act that could incite others to hate, have serious contempt for, or severely ridicule a person or a group of people because on the basis of certain characteristics as determined by legislation.
Victimisation	Less favourable treatment of a person or persons for their participation in making, supporting or resolving a complaint of discrimination, harassment or vilification, whether that participation was actual, intended or presumed. This includes a person or persons who have agreed to be witnesses in relation to a complaint.
Reasonable adjustments	Measures and adaptations put in place for students with a disability to facilitate their participation in Course and Program on the same basis as students without a disability while ensuring that academic standards and inherent requirements of the Course and Program are not compromised. Reasonable adjustments for people with a disability are required under the Disability Discrimination Act 1992.
Student	Any person enrolled as a student of GOTAFE. This includes full-time, part-time, block-mode, online or distance education students.
Disability	Refers to <ul style="list-style-type: none"> • a total or partial loss of a part of the body • a partial or total loss of a bodily or mental function (which can be permanent or temporary, visible or invisible) • the presence in the body of organisms causing or capable of causing disease or illness (eg hepatitis or HIV/AIDS) • the malfunction, malformation or disfigurement of part of the body • mental or psychological disease or disorder • a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or • a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour
Racial and Religious Vilification:	occurs where a person engages in conduct that incites hatred, serious contempt, revulsion or severe ridicule against another person or group of people, because of their race or religious belief or activity.
Education Access Plan (EAP)	a tool used by GOTAFE's Student Welfare Unit under the guidance of the Disability Liaison Officer to communicate recommended reasonable adjustments for students with a disability.
Fair Treatment	the application of fair treatment does not require that all students are treated the same. Fairness must be considered in the context of all the relevant circumstances. There will be situations in which the fair treatment of students may result, this may apply to such processes as VET Student Loans.
Prospective Student	a person considering or seeking enrolment at GOTAFE
Social Justice	justice in terms of the distribution of opportunities, and privileges within a society.

Term	Definition
Reasonable Adjustment Plan	the concept of reasonable adjustments is the guiding principle of the Disability Discrimination Act 2004 which informs practice, it is a recommendation that every organisation develop a Disability Action Plan (DAP) Reasonable is what most people would agree is fair and sensible, when they carefully think about it; Adjustment means you are able to change something. GOTAFE strongly believes in the fairness of reasonable adjustments and brings this principle to all students through its Reasonable Adjustment Plan (RAP)

4. PRINCIPLES

GOTAFE ensures:

- GOTAFE policies and procedures are in place which support the principles of access and equity;
- incorporation of non-discriminatory employee and student selection processes that encourage access for all;
- adherence to privacy and confidentiality requirements;
- students are made aware of access and equity as part of orientation;
- the use of reasonable adjustment to provide equitable, access and training engagement;
- the provision of support with Language Literacy and Numeracy assistance for any participant who is encountering learning difficulties;
- the provision of appropriate guidance and training to employees who are required to provide services to equity minority groups;
- the development and maintenance of its Reasonable Adjustment Plan with student Education Access Plans and liaison with disability support groups to ensure that special needs can be accommodated and assistance sourced in areas beyond our field of expertise;
- that development of new products, policies, practices, systems and procedures are informed by access and equity statutes;
- ongoing commitment to eliminate access and equity barriers identified within the organisation's processes, practices and business decisions;
- the review of internal access and equity policy and procedures to ensure that they are:
 - Meeting legislative requirements
 - Satisfying individual student needs
 - Enabling participant outcomes to be met
 - Addressing community needs;
- that in addition to formal reviews, policies are checked whenever there is a change in legislation or the discovery of circumstances not covered by the policy.

5. POLICY

GOTAFE recognises its responsibilities and obligations under various legislative instruments to eliminate discrimination, harassment, bullying and vilification in all aspects of its operations and to create an environment where staff, students and visitors can work and study within a culture based on mutual respect.

GOTAFE is committed to providing equitable access to learning and employment opportunities, and will not tolerate or condone unlawful discrimination, sexual harassment or victimisation.

Such a culture encourages the use of inclusive language and respectful interpersonal interactions and is committed to the promotion of the following principles:

- building a learning community in which all members are able to realise their full potential fostering an inclusive and vibrant culture for students and staff that respects and values diversity.
- promoting diversity acknowledges that there are groups of people who share common attributes or characteristics while also appreciating the differences between and among groups of people.
- that all people have inherent dignity and the right to be treated equitably and to have their differences are respected and valued.

GOTAFE will provide avenues for resolving complaints of unlawful discrimination, sexual harassment and victimisation by informal resolution, conciliation or formal investigation. The resolution process will be underpinned by principles of natural justice.

This policy aims to:

- ensure there is equitable access to education for students.
- provide an environment that values diversity, promotes natural justice and offers equality of opportunity.
- eliminate discrimination, harassment, sexual harassment and victimisation on the grounds of any attribute protected under the Equal Opportunity Act (Victoria) 2010.
- ensure that students and potential students are treated fairly and respectfully by others.
- ensure that students are aware of their rights and responsibilities with respect to discrimination, harassment, sexual harassment and victimisation.
- respect and appreciate the diversity of its students which contributes so richly to the teaching and learning environment.
- ensure that students are selected and assessed on merit, using fair and transparent processes.
- provide access to opportunities in education and employment outcomes through processes which are free of discrimination.
- provide avenues for resolving complaints of unlawful discrimination, sexual harassment and victimisation by informal resolution, conciliation or formal investigation.
- recognise the rights of students to use the formal complaints procedure, without fear of retaliation or victimisation.
- integrate equal opportunity and diversity principles in all policies and practices throughout the Institute.

GOTAFE has a zero tolerance approach to all forms discrimination and will not tolerate or condone unlawful discrimination, sexual harassment or victimisation. Breaches of this Policy may also constitute unlawful behaviour under state and/or federal legislation and may result in action being taken against individuals by the relevant statutory authority and/or external agency.

Equitable Access to VET Student Loans

Equal Benefits and Opportunities

GOTAFE will have open, fair and transparent procedures that, in the provider's reasonable view, are based on merit for making decisions about students undertaking, and persons applying for places in VET units of study through VET Student Loans.

GOTAFE will consider each application for VET Student Loans in an open, fair and transparent manner without discrimination and solely based on merit of the student.

Fees and Refunds – Special Consideration

If students need to withdraw from a unit after the census day because of becoming seriously ill or for other special circumstances, students can apply to have their FEE-HELP balance re-credited and HELP debt removed. Students cannot have their debt removed if they have already successfully completed their unit of study.

Students may be referred to the Student Welfare Unit and/or Student Administration Department for assistance with this process.

Positive duty

The Equal Opportunity Act 2010 includes a positive duty of employers and persons who have obligations under the Act to eliminate discrimination, sexual harassment and victimisation.

This positive duty to eliminate discrimination obliges GOTAFE and consequently all staff, students and visitors to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation

6. REVOCATION OF FORMER POLICY

This Policy was approved at the ILQC meeting held on 26th of March 2018. In making this Policy, the following policies were revoked in their entirety:

- Access and Equity Policy E24
- Fair Treatment and Equal Benefits and Opportunity Policy POSS-01
- Student Access and Equity Policy (Disability) E20
- Disabilities Policy E5

7. DOCUMENTATION

- [Complaints and appeals from students and clients procedure – PRQM-170](#)
- [Application for student disability support form – FSS-04](#)
- [Child Safe Policy – POHR15](#)
- [Child Safe Reporting Procedure – PRSS-186](#)
- [Disability Support Worker Procedure Manual – ODSS-01](#)
- [Student Code of Conduct Procedure – E6-P27](#)
- [Admissions Procedure – E10-P31](#)
- [Fees and Charges Policy – POSA-03](#)
- [Fee Help Re-credit and Review Procedure – E-P145](#)
- [Student information privacy policy – E7](#)
- [Disability Support Procedure – E8-P29](#)
- [Reasonable Adjustment Plan 2014 – 2017 – ODSS-14](#)
- [Student Disability Disclosure Amendment Form – FSS-39](#)

LEGISLATIVE CONTEXT

Commonwealth Legislation

Higher Education Support Act 2003 (HESA)
Racial Discrimination Act 1975
Sex Discrimination Act 1984
Australian Human Rights Commission Act 1986
Disability Discrimination Act 1992
Disability Standards for Education 2005
Racial Hatred Act 1995
Workplace Gender Equality Act 2012
Age Discrimination Act 2004
Fair Work Act 2009
Privacy Act 1988 – amended 2014
Education Service for Overseas Students Act 2000
VET Student Loans Guidelines

Victorian Legislation

Victorian Equal Opportunity Act 2010
Victorian Racial and Religious Tolerance Act 2001
Victorian Charter of Human Rights and Responsibilities Act 2006
Disability Amendment Act 2012
Carers Recognition Act 2012
Privacy and Data Protection Act 2014
Health Records Act 2001
Mental Health Act 2014