

# FAIR TREATMENT AND EQUAL OPPORTUNITIES POLICY

<b>Document Name</b>	ACAP_1_A_POL_Fair_Treatment_181012	
<b>Date of Next Review</b>	21 August 2015	
<b>Approved by</b>	Executive Committee	21 August 2008
<b>Responsible Person</b>	General Manager	
<b>Related Documents</b>	Grievance, Complaints and Appeals Policy and Procedure; Academic Misconduct Policy; Non-Academic Misconduct Policy; Re-crediting of HELP Balance Policy and Procedure; Navitas Anti-Discrimination and the Prevention of Harassment Vilification and Bullying Policy; Navitas Internal Grievance Investigation Procedure, and Navitas Privacy Policy.	
<b>References and Legislation</b>	<p>Anti-Discrimination Act 1977 (NSW); Anti-Discrimination Act 1996 (NT); Anti-Discrimination Act 1991 (QLD); Equal Opportunity Act 1984 (SA); Equal Opportunity Act 2010 (VIC); Equal Opportunity Act 1984 (WA); Australian Human Rights Commission Act 1986; Age Discrimination Act 2004; Disability Discrimination Act 1992; Racial Discrimination Act 1975; Sex Discrimination Act 1984; Equal Opportunity for Women in the Workplace Act 1999; Model Work Health and Safety Act 2011; Work Health and Safety Act 2011 (NSW); Work Health and Safety (National Uniform Legislation) Bill 2011 (NT); Queensland Work Health and Safety Act 2011 (WHS Act); Work Health and Safety Bill 2011 (SA)</p> <p>Model Work Health and Safety Act (SA); Occupational Health and Safety Act 2004 (Vic); Occupational Safety and Health Act 1984 (WA); Privacy Act 1988 and VET Guidelines 2015 made under Clause 99(1) of Schedule 1A to the Higher Education Support Act 2003 and chapter 5 Student Fairness.</p> <p>Higher Education Support Act 2003; Tertiary Education Quality and Standards Agency Act 2011; National Vocational Education and Training Regulator Act 2011; Education Services for Overseas Students (ESOS) Act 2000 and National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018; and associated Commonwealth and State legislation; Australian Qualifications Framework.</p>	

## 1. Purpose:

The College is committed to providing a learning, teaching and working environment that promotes fairness, equity and respect and encourages achievement by maximising access to and participation in education and training. The College is obligated to ensure its students, staff and agents are treated in a fair and equitable manner and to meet all requirements in relation to equal employment opportunity (EEO) and anti-discrimination laws and regulations.

## 2. Scope:

This policy applies to all current and prospective students, staff members, agents (including teaching staff and supervisors) and other workplace participants such as suppliers, casuals etc.

## 3. Definitions:

Term	Definition
<i>Academic staff / teaching staff</i>	Permanent and casual employees engaged in teaching and assessment of courses at the institution.
<i>Bullying</i>	Physical or psychological violence or abuse or conduct by an individual or group and directed against an individual who is not able to defend him/herself in the actual situation.
<i>College (the)</i>	The Australian College of Applied Psychology (ACAP).
<i>Discrimination</i>	When someone behaves unfairly or if an unfair decision is made about a person which is based on the following attributes or factors: sex (including sexual harassment); pregnancy; race, colour, nationality, ethnic or ethno-religious background; marital status; physical, intellectual or psychiatric disability or illness; age and compulsory retirement; (assumed) homosexuality; transgender (transsexuality); carers' responsibilities, family responsibilities and parenthood; physical appearance; irrelevant medical or criminal records; religious or political beliefs or activities; involvement in the defence service, employment activity and association with a person with any of these attributes. There are two types of discrimination, direct and indirect.
<i>Direct discrimination</i>	Where someone is treated unfairly or differently because of their attributes or the factors mentioned above.
<i>Equal Opportunity</i>	Making sure that the college is free from all forms of unlawful discrimination and harassment and providing opportunities to assist people who are affected by past or continuing disadvantage or discrimination.
<i>Harassment</i>	Any behaviour which is unwanted and offends, humiliates or intimidates and targets a person because of an attribute or factor as mentioned above.
<i>Indirect discrimination</i>	When everyone is treated the same, but in a way that ends up being unfair to anyone with any of the above mentioned attributes or factors.
<i>International student/ Overseas student</i>	A student required to hold a student visa for study in Australia.
<i>Unit</i>	A unit of study in a higher education course or a unit of study, module and/or unit of competency in a vocational education and training course.

#### **4. Policy:**

The College ensures that all current and prospective students, staff and agents are treated fairly and respectfully in terms of enrolment, employment, promotion, transfer, remuneration, training, working environment, termination and redundancy during the course of their employment or education with the College. The College aims to provide an environment free from discrimination and all forms of harassment and bullying. By promoting a non-discriminatory policy, and thereby recognising and encouraging students, staff members, agents on the basis of their individual abilities, aptitudes, qualifications and skills, the College will engender a positive and motivated teaching and learning environment in which staff members and students feel that they are valued, treated fairly and are provided with equal access to resources and services available to participate and achieve outcomes in the learning and teaching environment.

The key principles of this policy are:

- To provide equal opportunities in all aspects of enrolment, employment including conditions of employment, recruitment, remuneration, development, promotion and termination. (refer further to the College's Anti-Discrimination and the Prevention of Harassment Vilification and Bullying Policy)
- To assess and treat all students, staff members and agents according to their skills, qualifications, abilities and aptitudes and without regard to any of the above mentioned attributes or factors.
- To conform to current legislation.

The College, its managers, students, staff members and agents are liable for their own unlawful acts.

Their specific responsibilities are to:

- Act in a positive manner and contribute to a productive working and learning environment that is free from discrimination, harassment and bullying;
- Maintain a College that is free from any form of discrimination, harassment and bullying.

The College ensures that all reasonable steps are taken in effectively managing workplace discrimination, harassment and bullying and that the College is conversant and up-to-date with EEO and anti-discrimination laws.

#### **4.2 Grievance procedure:**

Any student, staff member or agent who believes that they have been subject to actions or words that may constitute discrimination, harassment or bullying has a responsibility to act as soon as practicable, using the College's grievance procedure.

Grievance by students of breaches of this policy by the College, or by any member the College community except other students, are made in the first instance in accordance with the student grievance procedures (refer further to the College's Grievance, Complaints and Appeals procedures).

Grievance by other members of the College community of breaches of this policy by the College, or by any member of the College community except students, are made in the first instance in accordance with the staff grievance procedures.

#### **4.3 Possible actions:**

Any student, staff member or agent of the College determined to be inappropriately or unacceptably discriminating against or harassing or bullying a student, staff member or agent will be subject to appropriate disciplinary action, up to and including termination of enrolment, employment or contract. The College will not retaliate against any student or staff member/agent for filing a complaint or for participating in any investigation. The College will also not tolerate or permit

retaliation by any manager, student, staff member or agent. Such victimisation is also prohibited under anti-discrimination laws and this behaviour can also result in disciplinary action for the staff member(s) or agent(s) involved.

#### 5. Document Management Control

Date	Summary of Changes	Author
21/08/2008	Initial approval	Dean
7/09/2015	Administrative review, update to new institution template and update related laws and regulations.	Dean
25/01/2016	Minor template technical amendments	Dean
30/06/2017	Administrative update to business and academic titles and roles	Dean
12/10/2018	Change of template	VET Compliance Manager