

ACCESS AND EQUITY POLICY AND PROCEDURE

PURPOSE:

Equinim College is committed to developing its students and its employees. As such, it is a natural extension that equal opportunity, access and equity are a fundamental part of Equinim College, both in its provision of education and employment. Equinim College does not accept any form of discrimination. Our minimum standard is that all people should be treated with decency and respect. This is reflected in the principles applied throughout the organisation.

1. Who does this policy and procedure apply to?

This policy and procedure applies to all students, prospective students and employees of Equinim College (each a “**College Participant**”).

2. Principles

This policy is founded on the following principles:

- a) (**No discrimination or the like**) Equinim College:
 - a. (**Commitment to prevention**) is committed to preventing unlawful discrimination, sexual harassment, victimisation, vilification and bullying in its workplaces and study environments.
 - b. (**Equal opportunity**) supports the concept of equal opportunity in employment and is committed to a program, which will ensure compliance with the relevant legislation.
 - c. (**Respect and fairness**) believes all College Participants should be treated with respect and fairness and that everyone will be afforded natural justice.
 - d. (**Respect for diversity**) values and respects the diversity of its students and workforce.
- b) (**Consequences of breach**) A failure to comply with this Access and Equity Policy and Procedure may result in disciplinary action up to and including dismissal.

3. Obligations of College Participants

The following applies:

- a) (**Courtesy and respect**) It is the responsibility of all College Participants to treat all other College Participants and equipment with courtesy and respect and to behave in accordance with this policy.
- b) (**Staff responsibilities**) All employees of Equinim College are required to ensure all prospective students and students receive fair and equitable services within their scope of responsibility. All staff hold the responsibility to maintain a work and study environment free from discrimination and harassment.
- c) (**Responsibility of each participant**) Each of Equinim College’s College Participants is required to ensure that they do not unlawfully discriminate against, harass, victimise, vilify or bully any other College Participant.

4. General procedure: access and equity

The following applies:

- a) (**Access and Equity for students**) Education and training services are available to all clients regardless of ethnicity, gender, age, marital status, sexual orientation, physical or intellectual impairment. The Accessibility Policy and Procedure applies.
- b) (**Access and Equity for staff**) Employment services are available to all staff regardless of ethnicity, gender, age, marital status, sexual orientation, physical or intellectual impairment.
- c) (**No sexual harassment**) Sexual harassment is illegal, and will not be permitted in the workplace, or in the training environment.
- d) (**No discrimination**) Equinim College will treat every client fairly and without discrimination.
- e) (**Complaints**) Grievance procedures are in place to ensure that any concerns are dealt with in a timely and appropriate manner. (Refer to the Complaints and Appeals Policy and Procedure.)
- f) (**Special needs**) Where possible, a range of support services or appropriate referrals will be provided to participants with special needs.
- g) (**Legal obligations**) Equinim College acknowledges its legal obligations under State and Federal equal opportunity laws that include:
 - a. The Human Rights Commission Act 1986 (Cth)
 - b. The Age Discrimination Act 2004 (Cth)
 - c. The Disability Discrimination Act 1992 (Cth)
 - d. The Racial Discrimination Act 1975 (Cth)
 - e. The Sex Discrimination Act 1984 (Cth)
 - f. The Privacy Act 1988 (Cth)

5. Student selection procedure

The following applies:

- a) (**Access**) Students will not be denied access to services offered by Equinim College where they are deemed eligible for the service. Clients will be individually assessed on their eligibility for the service being provided and selection will comply with relevant equal opportunity legislation and the selection criteria for the service. The Accessibility Policy and Procedure also applies, as do entry and enrolment policies and procedures of Equinim College.
- b) (**Factors to consider**) Whilst practising an open access policy, it is recognised that client eligibility for services may be influenced by:
 - a. Course pre-requisites,;
 - b. Inherent requirements of the course (see the Accessibility Policy and Procedure), or training package or industry requirements; and
 - c. Availability of services.
- c) (**Selection**) Where limited places are available, client selection is completed on confirmation of payment and enrolment processes.

6. What sort of behaviour is prohibited?

Any form of discrimination, harassment, victimisation, vilification or bullying, is prohibited. What constitutes these types of behaviour is outlined below.

- a) **(Discrimination)**
- a. **(Prohibited)** Equinim College unconditionally prohibits unlawful discrimination.
 - b. **(Meaning of)** Discrimination means the prejudicial and/or distinguishing treatment of an individual based on their actual or perceived membership in a certain group or category, in a way that is worse than the way other people are usually treated. It involves the group's initial reaction or interaction, influencing the individual's actual behaviour towards the group or the group leader, restricting members of one group from opportunities or privileges that are available to another group, leading to the exclusion of the individual or group based on logical or irrational decision making.
 - c. **(Direct or indirect)** Discrimination may be direct or indirect.
 - d. **(Direct)** Direct discrimination is any action which specifically excludes a person or group from a benefit or opportunity or significantly reduces their chances of obtaining it because of a personal characteristic such as personal attributes, age, race, gender, sexuality, disability, marital status, pregnancy, or personal characteristics particular to people with one of the fore-mentioned attributes.
 - e. **(Indirect)** Indirect discrimination occurs where there is a requirement, rule, policy or procedure (collectively, "requirement") that is the same for everyone but has an unequal effect on a particular group because of their gender, race or one of the other prohibited grounds of discrimination. The imposition of any such requirement is likely to constitute indirect discrimination unless the requirement is reasonable in all the circumstances. If a requirement would be discriminatory, but was unintentionally so, any person affected should bring this to Equinim College's attention immediately so that it has an opportunity to remove or adjust the requirement accordingly, before any further action is taken. Equinim College values all people equally and the basis of its principles is to treat them with respect and dignity. Equinim College welcomes any enquiries in this regard.
- b) **(Harassment)**
- a. **(Prohibited)** Equinim College unconditionally prohibits harassment.
 - b. **(Meaning of)** Harassment is persecution or bullying based on issues such as impairment, gender, marital status, parental status, pregnancy, gender, sexual preference or religion.
 - c. **(Sexual harassment)** Sexual harassment is any uninvited, unwelcome behaviour of a sexual nature involving written, visual or physical affront against another person.
- c) **(Victimisation and vilification)**
- a. **(Prohibited)** Equinim College unconditionally prohibits victimisation and vilification.
 - b. **(Meaning of victimisation)** Victimisation is the term used to describe any paybacks, retribution or intimidation associated with discrimination or harassment.
 - c. **(Meaning of vilification)** Vilification is a public act which incites, encourages or urges others to hate, have serious contempt for or

severely ridicule a person, or group of people because they are (or thought to be) members of a particular group.

- d) **(Racism)**
- a. **(Prohibited)** Equinim College unconditionally prohibits all racist behaviour and is committed to providing education programs that are equitable, accessible and inclusive.
 - b. **(Meaning of)** Racism is the exclusion or unfair treatment of any person or group on the basis of their race or apparent race.
- e) **(Bullying)**
- a. **(Prohibited)** Equinim College unconditionally prohibits bullying. College Participants are expected to treat each other with dignity and respect. Equinim College values individual differences and expects that all College Participants will work together.
 - b. **(Meaning of)** Bullying is inappropriate behaviour aimed to demean or humiliate any College Participant, such as manipulation, intimidation, belittling, persistent criticism or fault finding, verbal or physical abuse, or isolation from other students or colleagues.
- f) **(Disability discrimination)**
- a. **(Prohibited)** Equinim College unconditionally prohibits disability discrimination.
 - b. **(Meaning of)** Equinim College applies the definition of disability as given in the Disability Discrimination Act 1992 (Cth) (“DDA”). The DDA aims to eliminate, as far as possible, discrimination on the grounds of a disability in areas of education, access to public premises, and employment. The definition of disability under that legislation is broad and includes physical, intellectual, psychiatric, sensory, learning, neurological, physical disfigurement and the presence in the body of disease causing organisms.
 - c. **(Equal opportunity)** Under the DDA, training providers are required to ensure learners with disabilities are not unlawfully discriminated against when seeking to enrol in a course of study.
 - d. **(Negotiate reasonable adjustments)** Equinim College is also required to negotiate and implement any reasonable adjustments necessary to enable learners to participate in a course, in accordance with the Accessibility Policy and Procedure.

7. Consequences of breach of this policy

Equinim College regards any breach of this policy as serious. Consequences reflect this:

- a) **(Consequences for staff members)** Any staff member (including casual staff and contractors) found guilty of any of the behaviours prohibited by this policy will be subject to disciplinary action which may at Equinim College’s sole discretion, and depending on the circumstances, include dismissal and/or further legal action.
- b) **(Consequences for students)** Any student found guilty of any of the behaviours prohibited by this policy will be subject to disciplinary action which may include cancellation of enrolment without any refund and may also include further legal action. See also the Deferral, Cancellation and Suspension Policy and Procedure.

8. Relevant Legislation

Equinim College and its College Participants are required to comply with all relevant legislation applying to harassment, discrimination and equal opportunity in the workplace, as such legislation may be amended or replaced from time to time.

9. Responsible parties

The CEO is responsible for the control and issue of this policy (which may be delegated).

All management personnel are responsible to ensure:

- a) they are well educated in the relevant legislation;
- b) the College is free from any forms of discrimination as covered in this policy;
and
- c) equal opportunity is promoted.

All staff and students are responsible for ensuring that equal opportunity principles are respected and adhered to.