

Student Equal Opportunity and Fair Treatment Policy – Higher Education

Policy Code: STU-027 **Version:** 4.0 **Effective Date:** 13 July 15

Purpose:

The purpose of this policy is to provide guidelines and resources in relation to higher education students in terms of equal opportunity, fair treatment, harassment and discrimination matters.

Definition of “College” – *The Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health, FIAFitnation, College of Natural Beauty and Wellnation. For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective trading names.*

Scope:

- All higher education students
- All staff (including contractors) when relating to higher education students

Policy Statement:

As an education provider the College is committed to providing a learning environment free from discrimination and harassment with equal opportunity for and fair treatment of all students. This commitment is based, in part, on the need to ensure that the College complies with Federal and State equal opportunity and anti-discrimination laws, but also is an extension of the College’s organisational values and its commitment to providing a happy, authentic and student-centric learning environment.

The College will take all reasonable steps to identify and eliminate unequal opportunities, unfair treatment, harassment, bullying and discrimination from its practices in order to create an inclusive culture that fosters acceptance and respect of all students.

This policy on student equal opportunity and fair treatment (free of harassment and discrimination) applies to all activities in which higher education students may participate while a student at the College or potential student including:

- Admission and enrolments
- Teaching and learning
- Student management
- Course development and delivery
- Training and instruction
- Assessment and examination
- Access to resources and facilities
- College culture.

Equal Opportunity

Equal opportunity in student education is a principle of non-discrimination which emphasises that opportunities in education should be freely and equally available to all students irrespective of their personal characteristics or attributes which are unrelated to their ability, performance, knowledge, skill or competence (e.g. race, gender, religion, disability etc).

Discrimination

Discrimination in student education occurs when a student is denied a benefit or the equal opportunity outlined above, or treated less favourably than another student, on the grounds of a personal characteristic or attributes (e.g. race, gender, religion, disability etc).

Discrimination can be either direct or indirect. Direct discrimination occurs when unlawful distinctions are made between individual students and student groups based on any of the discriminatory grounds. Indirect discrimination occurs when a seemingly harmless policy, rule or practice has a discriminatory effect on an individual student or student group.

The following discriminatory grounds apply under various Federal and State legislative instruments:

- age
- breastfeeding
- carer status
- family responsibilities
- impairment/disability (past, present or future)
- industrial activity
- lawful political belief or activity

- lawful religious belief or activity
- lawful sexual activity
- marital status
- parental status
- physical features
- pregnancy or potential pregnancy
- race, colour, nationality, ethnic or national origin
- sex
- personal association with a person identified by reference to one of the above attributes.

Sexual Discrimination

Sexual Discrimination is when a person is treated less favourable than that of a person of the opposite sex would be treated in a same or a similar circumstance.

The following sexual discriminatory grounds apply under various Federal and State legislative instruments:

- sexual orientation
- gender identity
- intersex status
- lawful sexual activity
- personal association with a person identified by reference to one of the above attributes.

The College does not tolerate any discrimination and higher education students who believe they may be subject to unlawful discrimination should initially discuss their concerns with the perpetrator if appropriate and safe to do so, or discuss their concerns with Student Services or Academic staff. Higher education students can also lodge a complaint as per the [Grievance Policy – Higher Education](#) or the [Complaints and Appeals Policy – International](#) for international higher education students.

It must be highlighted that not all discrimination is unlawful, and in some instances discrimination on certain educational grounds may be necessary and fair, such as entry age; language requirements; supplying special services or facilities for a person with an impairment that would impose an unjustifiable hardship on the College etc.

Unforeseen discrimination exemptions will be decided on a case by case basis by the Director, Student Services.

Harassment

Harassment is perceived or actual unwelcomed conduct that humiliates, offends or intimidates people. Harassment is bullying conduct that is neither appropriate nor relevant to a situation. This includes words, as well as acts, pictures and images that create a hostile or threatening atmosphere. Behaviours that can be considered harassment include:

- Verbal abuse
- Offensive gestures
- Ignoring or segregating a person or group.

The effect of harassment is to make a person feel insulted, offended, intimidated and unable to perform a task effectively or, ultimately safely.

Harassment in this policy in any form (including sexual harassment and bullying) refers to *student* matters only (staff should refer to the Equal Employment and Anti-Discrimination Policy for details on the College's approach for employees).

Sexual Harassment

Sexual harassment is unwanted or unwelcome sexual behaviour, whether verbal, physical or electronically communicated which makes a person feel offended, humiliated or intimidated. Behaviours that can be considered sexual harassment include:

- Staring or leering
- Unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching
- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about a student's personal life
- Displaying screen savers of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is **not** interaction, flirtation or friendship which is mutual or consensual. It is not mutual attraction or friendship.

Bullying

Bullying is a form of harassment and is when a person or group of people misuse power in a relationship to repeatedly and intentionally harm others. The outcome is the victim feels distressed, less powerful or helpless and there is a risk to their wellbeing.

Bullying can be overt (obvious) such as physical, verbal, or cyber harassment, or covert (hidden) such as social exclusion or intimidation. Examples of bullying behaviour include:

- Unfair and excessive criticism
- Excluding someone from a group (including online or in person)
- Ignoring a person's point of view
- Constantly changing or setting unrealistic targets for a person
- Undervaluing the efforts of a person
- Intentionally and repeatedly hurting a person physically
- Stalking a person
- Taking advantage of any power over some-one else.

Bullying is not mutual arguments, disagreements or dislikes.

The College does not tolerate any form of harassment and students who believe they are subject to harassment should initially discuss their concerns with the perpetrator if appropriate and safe to do so, or discuss their concerns with Student Services or Academic staff. Higher education students can also lodge a complaint as per the [Grievance Policy – Higher Education](#) or the [Complaints and Appeals Policy – International](#) for international higher education students.

It must be also highlighted that harassment is not legitimate comment or advice (including negative comment or feedback) from others, such as genuine assessment feedback. Academic staff at the College are responsible for undertaking assessment of students' work and making a judgement about their attained knowledge and competency in a particular subject. They are also expected to provide academic guidance and advice to students to complement their assessment and may have to instruct them about academic policy, processes and timeline provisions. In itself, the act – including repeated acts – of correcting students or pointing out inadequacies of performance does not constitute harassment or bullying in an educational environment.

Similarly, invoking unsatisfactory performance procedures or misconduct procedures, or applying student progress procedures, academic integrity procedures or assessment due dates do not in themselves constitute harassment or bullying of students.

Resources

The College integrates equal opportunities and fair treatment principles for students throughout its operations. In affirmation of this integration the College has policies, procedures and programs such as:

- Access and Equity Program – that exists to enable equal participation of every student focusing on increasing student social inclusion and assisting students to achieve the graduate outcomes in their course.
- [Admissions Policy – Higher Education](#) and related [Procedure](#) – that explain the commitment and process of ensuring that admission of students is fair, transparent and ethical.
- [Admission and Enrolment Policy – International and related Procedure](#) - that explain the commitment and process of ensuring that admission of international students is fair, transparent and ethical, and in line with legislative requirements around the provision of education to international students in Australia.
- [Grievance Policy - Higher Education](#) and related [Procedure](#) – which include the strategies and processes needed to manage student grievances to ensure that the students concern is raised and addressed using the appropriate channels to facilitate equitable, confidential and a prompt resolution.
- [Complaints and Appeals Policy – International](#) and related [Procedure](#) – that set out the considerations and processes that must be taken into account when managing international students complaints and appeals to ensure that the concern raised by an international student are addressed using the appropriate channels in order to facilitate an equitable, confidential and a prompt resolution.
- [Disability and Special Needs Policy](#) – which sets out the College’s commitment to provide an accessible and inclusive study environment to all students with a disability or special need.
- [Provision of Reasonable Adjustment](#) – in which the College will take all reasonable steps to ensure a student with a disability or special need is able to seek admission to or apply for enrolment; is able to participate in the courses provided; is able to use the facilities and services of the College; and where required able to participate in assessment tasks.
- [Special Circumstances Policy – Higher Education](#) - which provides a broad framework, set of principles and the minimum requirements for circumstances under which a student may seek remission of debt or refund of fees under special considerations or other circumstances where the application of the College’s policies requires consideration of special circumstances.

- [Privacy Policy](#) – describes the importance of privacy and security of personal details of students and the practices required to handle the information.
- [Student Charter and Code of Conduct – Higher Education](#) – frameworks the College’s values and encourages active engagement between the College and the higher education student body within the contexts of professional practice, teaching and learning, research and the life of the College community. It outlines higher education student expectations as individuals and higher education student responsibilities.

Responsibilities

College

It is the College’s responsibility to ensure that unlawful discrimination and harassment does not occur. If it does occur, the allegation will be investigated in a sympathetic, fair, confidential and in a timely manner according to the [Grievance Policy - Higher Education](#) or the [Complaints and Appeals Policy – International](#) and their associated procedures.

If a higher education student informs the College of allegations of harassment or discrimination that involves persons who are not staff members or students of the College, the College will consider on the appropriateness of the College’s intervening or assisting. The decision to intervene or assist will be made by the Director, Student Services.

The College will take all reasonable steps ensure itself that it does not engage in discriminatory or harassing behaviour towards students including not vilifying or victimising a student who has voiced a discrimination or harassment complaint.

All academic and non-academic staff are responsible for implementation of this policy.

Executive Directors, Directors and National Managers are responsible for monitoring the compliance of their staff with this policy.

Staff

It is part of the role and a legal obligation of academic and non-academic staff to take reasonable steps to ensure that the educational environment at the College is free from discrimination and harassment of students. All staff at the College have a responsibility to take appropriate action if concerns about discrimination and harassment are brought to their attention by a student or personally witnessed.

Staff must ensure they do not engage in discriminatory or harassing behaviour towards students themselves including ensuring that a student is not vilified or victimised unfairly by a staff member for making a discrimination or harassment complaint.

Any staff member found to be engaging in such behaviour may be subject to consequential disciplinary action both by the College and through legal avenues.

Students

The College requires all higher education students to behave responsibly by complying with this policy and related policies, and to report unacceptable behaviour to staff.

All higher education students must ensure they do not engage in discriminatory or harassing behaviour towards other students or staff members and may be subject to consequential disciplinary action both by the College and through legal avenues.

Consequences of Discrimination or Harassment

College

Consequences of discrimination and harassment for the College may include:

- Poor public image
- Excessive absenteeism
- Increased attrition rates
- Poor retention rates
- Litigation and compensation
- Breakdown in communications.

Student

Consequences of discrimination and harassment for the student may include:

- Low morale
- Low productivity
- Poor academic results
- Excessive absenteeism
- Withdrawal from studies
- Stress related illnesses
- Loss of confidence, reduced self-esteem, depression and suicide
- Social isolation.

The College will appropriately discipline any person (student or staff) if it is proven through the grievance or complaint process that their behaviour was inappropriate and they have discriminated or harassed another person within the College.

Procedure for Reporting and Acting on allegations of Discrimination or Harassment

If harassment or discrimination occurs, the higher education student is encouraged to act according to the processes set out in the [Grievance Policy - Higher Education](#) or the [Complaints and Appeals Policy – International](#) and their associated procedures.

The College will ensure that:

- The above policy and procedure advise students of available support, such as the Student Assistance Program (SAP) if required when making a complaint or grievance.
- The student is not vilified or victimised for making a complaint or grievance.
- The complaint or grievance process will be dealt with in a professional and sensitive manner and will adhere to the principles of privacy and confidentiality.
- Support is offered to the student if required, and the student is able to have a third party of their choosing present at all meetings.
- The matter is referred to the College's legal representatives if required at which time students will be advised that legal representation may be required if they have not already sought this.

The higher education student is to ensure that they maintain confidentiality of information when making a complaint or grievance.

If the student is dissatisfied with the internal process, they may refer the matter to a relevant external body (depending on the situation) such as:

- Council for Private Higher Education (COPHE)
- Administration Appeals Tribunal (AAT)
- Overseas Students Ombudsman (for international students only)
- Leadr

If the complaint or grievance is substantiated that a student has behaved in a discriminative or harassing manner to another student, the College can initiate the [Student Misconduct Policy – Higher Education](#) and associated procedures or the [Deferring, Suspending or Cancelling Enrolment Policy – International](#) for international students to deal with the outcome of this matter. The consequential actions of such behaviour can include, but are not limited to:

- Requested apology to those involved.
- A formal warning on student perpetrator's file.
- Perpetrating student to attend the Student Assistance Program counselling.

- Probationary enrolment for a period up to 12 months, subject to the perpetrator student's ongoing good behaviour.
- Suspend the perpetrating student from the College for a specified period of time, not exceeding 12 months.
- Cancel credit or enrolment for any subject of the perpetrating student.
- Exclude the perpetrating student from the College permanently.

If the complaint or grievance is substantiated that a staff member has behaved in a discriminative or harassing manner to a student, the College can initiate action under the [Employee and Contractor Code of Conduct](#), the [Equal Employment Opportunity and Anti-Discrimination Policy](#) and/or the [Managing Unsatisfactory Performance and Workplace Behaviour Procedure](#) which can include:

- Performance Monitoring (which could include enforced peer review of teaching).
- Formal Warning on perpetrator's staff file.
- Dismissal and/or termination of contract of the perpetrating staff member.

Related Procedures:

[Managing Unsatisfactory Performance and Workplace Behaviour Procedure](#)

[Student Integrity and Academic Misconduct Procedure](#)

[Deferring, Suspending or Cancelling Enrolment Procedure – International](#)

[Grievance Procedure - Higher Education](#)

[Complaints and Appeals Procedure – International](#)

[Admissions Procedure](#)

Definitions: **Complaint** – A statement that a situation is unsatisfactory.

Grievance – An official statement of a complaint over something believed to be wrong, which has resulted in what is believed to be by the Claimant, unfair treatment.

Staff – refers to anyone employed and being paid by the College either on an ongoing basis or as a casual contractor.

Student – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID. Student may also refer to a prospective, current or former student of the College.

Victimisation – means punishing or threatening to punish someone because they have made a grievance or complaint.

Vilification - is behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of a person because they made a grievance or complaint.

Further Information:

Related Policies: [Grievance Policy – Higher Education](#)
[Complaints and Appeals Policy – International](#)
[Equal Employment Opportunity and Anti-Discrimination Policy](#)
[Student Misconduct Policy – Higher Education](#)
[Deferring, Suspending or Cancelling Enrolment Policy – International](#)
[Privacy Policy](#)
[Special Circumstances Policy – Higher Education](#)
[Disability and Special Needs Policy](#)
[Admissions Policy – Higher Education](#)
[Admission and Enrolment Policy – International](#)

Benchmarking: Box Hill Institute
James Cook University Australia
Monash University
University of Western Sydney

Supporting Research and Analysis: Australian Human Rights Commission
A Guide to Australia's Anti-Discrimination Laws
<https://www.humanrights.gov.au/guide-australias-anti-discrimination-laws#summary>

Australian Human Rights Commission
What is bullying?: Violence, Harassment and Bullying Fact Sheet
<https://www.humanrights.gov.au/what-bullying-violence-harassment-and-bullying-fact-sheet>

Anti discrimination Commission Queensland
Discrimination in Education

<http://www.adcq.qld.gov.au/resources/guidelines/discrimination-in-education>

Australian Human Rights Commission

Sexual Harassment in Education

<https://www.humanrights.gov.au/sexual-harassment-education>

The Victorian Equal Opportunity and Human Rights Commission

Gender identity, lawful sexual activity, sexual orientation discrimination.

<http://www.humanrightscommission.vic.gov.au/index.php/types-of-discrimination/gender-identity-lawful-sexual-activity-sexual-orientation>

Related

[Employee and Contractor Code of Conduct](#)

Documents:

[Student Charter and Code of Conduct – Higher Education](#)

Related

Legislation:

- [Australian Human Rights Commission Act 1986](#)
- [Age Discrimination Act 2004 \(Cth\)](#)
- [Disability Discrimination Act 1992](#)
- [Equal Opportunity Act 2010](#)
- [ESOS Act 2000](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- [New South Wales Anti-Discrimination Act 1977 \(NSW\)](#)
- [Queensland Anti-Discrimination Act 1991 \(QLD\)](#)
- [South Australia Equal Opportunity Act 1984 \(SA\)](#)
- [Victoria Equal Opportunity Act 1995 \(VIC\)](#)
- [Western Australia Equal Opportunity Act 1984 \(WA\)](#)

Guidelines:

Not Applicable

Policy Author:	Quality & Compliance Coordinator
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