

Diversity, Access and Equity for Students

Policy

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Related policies and documents:	Student Complaints, Grievances and Appeals Policy and Procedure Disability Action Plan Diversity, Access and Equity for Employees Policy WAI Employee Code of Conduct

Purpose

To ensure that William Angliss Institute (WAI) promotes a positive and thriving learning environment with fair and equitable treatment for all students and prospective students, regardless of background or unique characteristics.

Coverage

This policy applies to all William Angliss Institute students and prospective students, and employees (including agency employees, contractors and visitors to site) in situations or activities related to their roles at William Angliss Institute.

Policy

- William Angliss Institute supports the practice of equal opportunity and safe learning environments which are free from discrimination, harassment and vilification and others forms of inappropriate language and/or behaviour.
- William Angliss Institute believes that a safe learning environment is one in which social and cultural diversity is celebrated and respected for the value it brings to WAI's community and to the communities it serves.
- William Angliss Institute opposes all forms of unlawful and unfair discrimination and will not tolerate discrimination, vilification, harassment or bullying, on the basis of any of the Protected Attributes (See Discrimination section below), or any other unique characteristics as defined in this policy in any WAI-endorsed activities.
- William Angliss Institute will not tolerate victimisation of any person who raises, or is involved in resolution of a complaint of a breach of this policy.
- William Angliss Institute will:
 - Provide reasonable adjustments to the learning and physical environment as required, and

will embed the principles of inclusion in all of its activities, providing equal opportunity for all students to access and participate in education.

- Use fair and expeditious procedures to deal with any alleged breaches of this policy, including an accessible and authentic complaints process for students.
- Manage all complaints with appropriate confidentiality and in a manner that adheres to the principles of natural justice.
- Ensure that employees understand William Angliss Institute's Diversity, Access and Equity for Students Policy and student's rights and responsibilities in this area through regular training and ongoing awareness programs including training in unlawful discrimination, sexual harassment, racial and religious vilification, diagnosed access need discrimination, LGBTIQ+ culture and bullying.
- Eliminate, as far as possible, any forms of harassment including taking positive action in the absence of a complaint to ensure that employee behaviour reflects the standards outlined in the WAI Employee Code of Conduct and the Victorian Public Sector Code of Conduct.

It is against the law to discriminate, harass, vilify or bully a person in education. The following unreasonable behaviour is not accepted by William Angliss Institute.

Discrimination

Discrimination on the grounds of any of the following attributes is unlawful:

- Age
- Diagnosed Access Need/Lived condition
- Lawful sexual activity
- Marital or relationship status
- Nationality
- Culture
- Physical features
- Gender Identity or Intersex status
- Sexual orientation
- Political belief or activity
- Pregnancy, ability to become pregnant, and maternity (breast-feeding)
- Socio-economic background
- Race, colour, descent, national origin or ethnic origin, immigrant status
- Religion or religious belief
- Sex characteristics
- Family or Caring responsibilities
- Industrial activity
- Gender identity or expression
- Expunged homosexual conviction
- Spent criminal conviction
- Personal association (whether as a relative or otherwise) with a person who is identified by reference to the above attributes.

Sexual Harassment

- Sexual harassment can refer to a person, or a group of people, behaving inappropriately towards another person (or persons) through behaviour of a sexual nature that is insulting, humiliating, abusive or aggressive and treats a person less favourably and/or unfairly.

- Sexual harassment does not include behaviour mutually acceptable to the participants. It is important to recognise individual differences and that particular behaviours will elicit different responses or reactions from different individuals.
- A person sexually harasses another person if they:
 - Make an unwelcome sexual advance or an unwelcome request for sexual favours to the other person.
 - Engage in any other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, taking everything into account, would have anticipated that the other person could be offended, humiliated or intimidated.
- Conduct of a sexual nature includes: -
 - Subjecting a person to any act of physical intimacy.
 - Making oral or written remarks or statements with sexual connotations to a person or about a person. This includes materials that are explicit or subtle in their sexual content shared over social media platforms.
 - Making any gesture, action or comment of a sexual nature in a person's presence.

Racial and Religious Vilification

Racial and religious vilification refers to acts that incite hatred, ridicule, contempt or revulsion towards a person or a group of people because of their race or lawful religious activity. A person must not engage in such acts either on a single occasion or over a period of time. Actions can include:

- Intimidation.
- Damage to property.
- Graffiti.
- Expressions of hatred or contempt.
- Communication over the internet.
- Racist posters or stickers.
- Verbal abuse of a racial or religious nature.

Vilification is unlawful in all public places such as workplaces, educational institutions, restaurants, shopping centres, railway stations, radio programs, internet sites and one's own neighbourhood. Vilification is also unlawful where it occurs in private, and the behaviour can be heard or seen by a third party.

Bullying

Bullying is defined as repeated behaviour directed toward a person, or group of persons, which creates a risk to their health (including mental health) and safety. The determining factor is the effect on and perception of the receiver or any observers, rather than the intentions of the person engaging in the behaviour. The behaviour can include, but is not limited to:

- Verbal abuse.
- Excluding or isolating a person or persons.
- Psychological harassment.
- Assigning meaningless tasks unrelated to course outcomes.
- Giving people impossible tasks (i.e. setting a person up to fail).
- Deliberately changing arrangements or schedules to inconvenience particular people.
- Deliberately withholding information that is vital for effective performance.

Responsibility

Employees, students and other members of WAI, including contractors, visitors and agency employees, are responsible for their own behaviour and may face disciplinary and/or legal action if they engage in, condone or collude with discriminatory, harassing, vilifying or bullying behaviour.

Teachers, Managers and Executive Group members of WAI are responsible for the promotion of positive and inclusive language and behaviours and prevention of discriminatory, harassing, vilifying behaviour and bullying in the areas or activities for which they are responsible. This responsibility includes actively promoting the terms of this policy to their employees and students and taking immediate proactive action when witnessing any discriminatory, harassing, vilifying or bullying behaviour and responding immediately when concerns have been raised about behaviours that breach this policy.

Managers with responsibility for engaging other individuals or groups (such as contractors, partner providers) who will have interactions with WAI's students, are responsible for putting in place measures to have those individuals or groups comply with the expectations of this policy where appropriate to their activities.

Managers and Executive Group members and any employees responsible for the design of new activities, facilities and services need to conduct a Gender Impact Assessment prior to their implementation and critically consider how the activity, facility and service will impact gender diverse individuals.

Managers and Executive Group Members and any employee responsible for the design of activities, facilities and services, are responsible for ensuring the provision of reasonable adjustments to the learning environment as required, and for promoting and applying the principles of inclusion.

The Director Student Recruitment and Services is responsible for the provision of information on this policy, and for provision of information on ways to resolve complaints of breaches of this policy.

A person accused of discrimination, sexual harassment or bullying must be fully informed in writing of the complaint made against them, who has made the complaint, be given the opportunity to give their side of the situation, and be assured that the person investigating the grievance is fair and impartial.

Definitions

- **Bullying:** - repeated behaviour directed toward a person, or group of persons, which creates a risk to their health (including mental health) and safety.
- **Discrimination:** - occurs when a person, or a group of people is treated less favourably than another person or group because of their background or certain personal characteristics or a legislated protected attribute.
- **Direct discrimination:** - occurs if a person treats, or proposes to treat, someone with a protected attribute less favourably or unfairly because of that characteristic.
- **Indirect discrimination:** - occurs where treating everyone the same and not considering a protected attribute can be unfair.
- **Protected attribute:** - those qualities, traits or characteristics that, by law, cannot be discriminated against.
- **Diagnosed Access Need:** - includes physical, intellectual, psychiatric, sensory, neurological, learning disabilities, physical disfigurement and the presence in the body of disease-causing organisms.

- **Sexual Orientation:** - emotional, affectional and sexual attraction, or intimate and sexual relations with people of a different gender, the same gender or more than one gender.
- **Gender Identity:** – appearance, mannerism or other gender-related characteristic of the person regardless of what sex a person was assigned at birth or whether the person has undergone any medical intervention.
- **Intersex Status:** - a person has physical, hormonal or genetic features that are neither wholly female nor wholly male, are a combination of female and male, or are neither female or male.
- **Inappropriate behaviour:** - is unacceptable, unprofessional, disrespectful or harmful behaviour which breaches this policy or is behaviour that a reasonable person, having regard to all the circumstances, would consider to be undermining, bullying, threatening, victimising or humiliating. It includes behaviours which have a negative consequence for individuals, teams, or organisations but does not include reasonable management action.
- **Natural Justice:** - a duty to act fairly and without bias.
- **Victimisation:** - a person is subject to victimisation if they are subjected to or threatened with unfair treatment because they have either made a complaint or assisted a person making a complaint.
- **Vilification:** - incitement of hatred, ridicule, contempt or revulsion towards a person or a group of people

Legislative and/or Institute Management Context

This policy enables William Angliss Institute to comply with regulatory and management instruments including but not limited to:

- Disability Discrimination Act 1992 (Clth)
- Equal Opportunity Act 2010 (Vic)
- Australian Human Rights Commission Act 1986 (Clth)
- Racial and Religious Tolerance Act 2001 (Vic)
- Racial Discrimination Act 1975 (Clth)
- Sex Discrimination Act 1984 (Clth)
- Age Discrimination Act 2004 (Clth)
- Victorian Public Sector Code of Conduct
- Change or Suppression (Conversion) Practices Prohibition Act 2021

Non-compliance with Policy

Established breaches of WAI's s Diversity, Access & Equity for Students Policy and any associated policies and procedures will be met with disciplinary action and may result in suspension or expulsion. Proven non-adherence may also result in the initiation of legal investigations where breaking the law prescribes legal action.