

POLICY DOCUMENT

DIVERSITY AND EQUITY POLICY

1 Purpose and Scope

This ACPE policy provides the framework for the implementation of equal opportunity. It aims to provide a work and study environment that fosters equity, inclusion, fairness and respect for social and cultural diversity and that is free from unlawful discrimination, harassment, bullying and abuse.

Scope:

- This policy applies to any physical venue, whether on or outside the ACPE buildings, where a College activity is taking place.
- All students (domestic and international)
- All staff

2 Policy Statement

Higher Education institutions in Australia operate in a context which requires that they subscribe to the philosophy of social justice, diversity and equity, and give explicit attention to the provision of educational opportunity for people with a disability or disorder. ACPE supports this philosophy and aims to provide students who have a disability or disorder with the opportunity to participate fully in College life.

2.1 Legislative Requirements

Higher Education institutions are subject to the provisions of State and Commonwealth equal opportunity and anti-discrimination legislation. These legislative provisions make it unlawful for ACPE to discriminate against a person on the grounds of the person's gender, social background, sexual orientation, marital status, age, political conviction or disability/disorder.

This includes both *direct discrimination* (e.g. refusing to accept a person's application for admission or enrolment as a student because of a disability) and *indirect discrimination* where a condition or requirement is imposed which may be the same for everyone but

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unreasonably and disproportionately excludes or disadvantages a person with a disability or disorder. In developing good practices in this area, ACPE needs to be aware of other legislative provisions on such matters as vicarious liability, privacy, freedom of information, duty of care and workplace health and safety.

2.2 Policy Principles

- a. providing access to opportunities in education and employment at ACPE through processes which are free of discrimination.
- b. respecting and appreciating the diversity of its staff and students which contributes richly to the teaching, learning and creative endeavours of the College.
- c. selecting, progressing and promoting staff and selecting and assessing students on merit, using fair and transparent processes
- d. recognising the rights of staff and students to raise complaints in good faith under the ACPE Grievances, Complaints and Appeals Policy, without fear of retaliation or victimisation
- e. integrating equal opportunity and diversity principles in all policies and practices.

2.3 Breaches of this policy

Action may be taken against staff or students who are found to have discriminated against, harassed or abused other staff, students or other campus participants.

Action may also be taken against staff or students who are found to have victimised others for lodging complaints or participating in complaint processes.

2.4 Rights and Responsibilities

2.4.1 Staff

All staff take responsibility to ensure equity for students regardless of their gender, social background, sexual orientation, marital status, age, political conviction or disability/disorder, and discharge their duties in a non-discriminatory manner.

Staff Rights

Staff have a right to expect that students seeking reasonable adjustments to the learning program will discuss their specific requirements with the Student Services and Learning Support staff (with assistance if required) and share responsibility in negotiating solutions.

Staff Responsibilities

Academic and administration staff are expected to undertake development activities in their annual development calendar, which ensure they become familiar with the general requirements of all students, including those who have disabilities. Staff shall create a climate that encourages students to approach them to discuss issues impacting on their studies that arise from their disability. Staff respond to the particular requirements of students who have disabilities by making reasonable adjustments within a flexible curriculum. Staff understand and constructively manage behaviour arising from disability which impacts upon others in the class.

2.4.2 Students

Disclosure - In order to obtain support it is necessary that students disclose the nature of any disability/disorder they may have to the ACPE Director of Student Services and Campus Wellbeing . A student seeking special provisions must provide current supporting documentation.

Special provisions may include, but are not limited to additional time for assessments, specific and tailored learning material and special requirements for final exams.

An *Academic Inclusion Plan* (AIP) will be developed by a member of the Student Services and Learning Support team for a student requesting special provisions based on the recommendations made by their medical professional. The wish of a student to keep this information confidential from other staff will not prevent the student from receiving support.

Student Rights

Students have the right to expect that:

- i. they will be treated with dignity and respect;
- ii. ACPE will establish an inclusive educational environment;
- iii. they can undertake their studies free from discrimination and harassment;
- iv. their views will be sought in the development and review of policies, procedures and practices affecting their lives at ACPE;
- v. where required, they may be assisted by independent advocates;
- vi. staff will be given appropriate training to become familiar with good practices for meeting the requirements of the students;
- vii. they will be given the opportunity to develop skills which will enable them to obtain maximum benefit from available services; and

- viii. confidential information about their disability will not be disclosed without their permission, except in exceptional circumstances (e.g. when safety factors are involved).

Student Responsibilities

Students and where applicable prospective students with disabilities have a responsibility to provide information which assists ACPE in the timely planning and implementation of appropriate services by:

- i. making early contact with the Director of Student Services and Campus Wellbeing ;
- ii. notifying and verifying their requirements to the extent necessary to ensure an appropriate ACPE response;
- iii. being proactive in advising ACPE of the difficulties they encounter and how to overcome these difficulties; and
- iv. ensuring that specialised services provided are utilised in a fair and effective manner.

2.5 Selection, Admission and Enrolment

In the processes of student selection, ACPE will assess the academic competence of applicants, except where special entry and/or special consideration for Aboriginal and Torres Strait Islander students and/or students with disabilities are requested by the student and supporting evidence is provided.

Applications from students who meet standard admission criteria for a course will not be rejected on the basis of pre-judgements of their ability to cope with the demands of the course, or of their potential employability.

2.6 What is Service Provision?

Provision of appropriate services to students with disabilities is the responsibility of all relevant organisational areas within ACPE. Particular advice and/or services may be provided by an individual with specialist expertise.

2.7 Physical Access

ACPE aims to provide a physical environment in which students with disabilities can effectively undertake their studies. Considerations will be given to including provisions for access for students with disabilities in the design of new buildings and extensions. In the development of educational resources (libraries, computer laboratories, lecture theatres) the needs of students with visual, hearing, manipulative and mobility impairments will be taken into account.

2.8 Staff Development

In staff development programs, ACPE will promote:

- i. awareness of the principles of equity of academic opportunity for people with disabilities;
- ii. basic disability awareness including appropriate language and attitudes in reference to people with disabilities;
- iii. general familiarity with the support services provided by ACPE for people with disabilities; and
- iv. knowledge of teaching and assessment strategies appropriate for students with disabilities.

2.9 Language

ACPE will promote the use of appropriate language in reference to disabilities/disorders and people who may have them. Every effort will be made to ensure that ACPE publications are exemplary in this regard.

2.10 Grievances

Students who believe they have been discriminated against may take action under the Grievances, Complaints and Appeals Policy.

2.11 Procedures

ACPE is committed to developing and supporting an inclusive and diverse environment which provides equal opportunities for all students, regardless of a person's gender, social background, sexual orientation, marital status, age, political conviction or disability/disorder, to access and participate in education. The purpose of this document is to outline the provision of support available to students with disabilities.

2.11.1 Application Form

The ACPE application form contains the mandatory *Department of Industry, Innovation and Science* sections where students voluntarily offer information in relation to any reportable disability, impairment, mental health issue or long term medical condition that may affect their studies (Hearing, Vision, Learning, Mobility, Medical, Other). Applicants are also asked to nominate whether they would like advice on support services, equipment and facilities that may assist them.

This information is received by the Director of Student Services and Campus Wellbeing , who will send additional information to those students requesting it.

2.11.2 Documentation

- Students requesting special provisions are required to present a statement from a medical, psychological or other recognised professional specialist. This statement must detail the student's disability and describe recommendations on the special provisions required. This statement may be via the form available from the College or documentation submitted to the *NSW Education Standards Authority (NESA)* (or equivalent body), prior to the *Higher School Certificate (HSC)* (or equivalent examination) along with the *NESA* (or similar) Notice of Approved Provisions. This information will remain confidential and will only be shared with direct individuals involved in the instruction or support of the student.
- Documentation that has been completed by a family member or partner/spouse may be submitted as **supplementary** evidence only. Students should submit evidence from a medical, psychological or other professional specialist, as specified above.
- Recommendations will be implemented as far as possible within current levels of resourcing.
- Documentation is not acceptable if it is more than two years old. Once current documentation falls outside this time period then it is the student's responsibility to provide the College with an updated statement from their medical, psychological or other recognised professional specialist.

2.11.3 Orientation

- All newly enrolled students are required to attend an orientation program. This program includes information on available support services and the guidelines related to the provision of additional needs. Information on services to assist students with disabilities will be publicised on the ACPE web site.

2.11.4 Support for students with a disability

- Reasonable adjustments are defined as: administrative, environmental or procedural alterations in the learning situation which remove barriers for people with disabilities so that they can perform the inherent requirements of the course of study. It could mean adjustments to the mode of delivery of lectures or written material or the assessment process and timeframe. An adjustment is reasonable if it takes into account the

requirements of the person and balances the interests of all parties affected. Consideration needs to be given to:

- i. the effect of the adjustment on the person's ability to successfully achieve the inherent learning outcomes of the subject or course;
 - ii. the costs and benefits of making the adjustment; and
 - iii. the interests of all parties affected, including those of the student with the disability, the College, staff and other students or colleagues.
- As part of student support services, students with disabilities (with provided documentation) are offered: pre-enrolment advice and assistance with enrolment; reasonable adjustments for lectures, tutorials and examinations; academic support through the Student Learning Services and the Library; and liaison with teaching staff in relation to reasonable adjustments.
 - The responsibility for ensuring students with disabilities are provided with appropriate support and services falls within the remit of the Director of Student Services and Campus Wellbeing . The nominated contact person/s for these students is the Student Services and Learning Support team, who work closely with the Heads of Departments, Subject Coordinators and Library Services to ensure that reasonable adjustments are provided.

2.11.5 Academic Inclusion Plan

- The Academic Inclusion Plan (AIP) will be developed by a member of the Student Services and Learning Support team for each student requesting special provisions. These will be housed in the Director of Student Services and Campus Wellbeing 's office.
- The Academic Inclusion Plan will not disclose the nature of the student's disability or chronic health condition. It will set out the specific reasonable adjustments required by the individual. Academic Inclusion Plans should be reviewed prior to the commencement of each semester.
- Students are required to give written approval for the AIP to be distributed to academics and relevant staff for implementation by selecting the option on the AIP form to either give or not give consent.
- If consent is given, the AIP will be forwarded to the Director of Student Services and Campus Wellbeing . It will also be distributed on a 'need to know' basis to academic staff, library staff and Career Development Services staff to appropriately support the student's needs.

- Prior to the commencement of each semester of their studies, students with disabilities are required to meet with a member of the Student Services and Learning Support team to update their AIP. Updates will be forwarded to the Director of Student Services and Campus Wellbeing and to the relevant Head of Department. The Head of Department will then disseminate relevant information to teaching staff.
- Academics will make every attempt to implement the adjustments set out in the AIP. Wherever possible, inclusive teaching and learning practices will be incorporated into curricula, course delivery and assessment.
- Where necessary an external specialist will be consulted about implementation of the adjustments set out in the AIP and appropriate assessments.

2.11.6 Formal Exams

- Students without AIPs are able to request special exam conditions by completing the form *Request for Special Exam Provisions Form* and forward it to the Director of Student Services and Campus Wellbeing . This form must be accompanied by a statement from a medical, psychological or other recognised professional specialist. The form and documentation must be submitted no later than 5 working days before the commencement of the scheduled exam week.

3 Definitions

- **Discrimination**

Discrimination can be either direct or indirect. Under NSW and federal legislation, discrimination on the basis of certain characteristics or grounds is unlawful (see Grounds below):

- **Direct discrimination**

Direct discrimination occurs when, in the same or similar circumstances, a person treats, or proposes to treat, someone less favourably because they have certain characteristics or belong to a particular group of people, than they would treat someone who doesn't belong to that group, or who belongs to a different group of people. In relation to a person with a disability, direct discrimination also occurs if the College does not make, or proposes not to make, reasonable adjustments for that person, and where the failure to make a reasonable adjustment has the effect, because of the disability, of that person being treated less favourably than a person without the disability in the same or similar circumstances.

- **Indirect discrimination**

Indirect discrimination occurs when a rule, practice or policy appears to be neutral but in effect has a disproportionate impact on a particular group of people. Indirect discrimination occurs when a person imposes (or proposes to impose) a requirement, condition or practice:

- a. that someone from a particular group does not or cannot comply with, and
- b. that has or is likely to have the effect of disadvantaging the person from that particular group, and
- c. that is not reasonable in the relevant circumstances.

In relation to persons with a disability, indirect discrimination also occurs if:

- a. the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the impairment or disability.

This provision does not apply if the requirement or condition is reasonable, having regard to the circumstances of the case.

• **Disability**

Defined by the Disability Discrimination Act (1992) in relation to a person means:

- i. total or partial loss of the person's bodily or mental functions; or
- ii. total or partial loss of a part of the body; or
- iii. the presence in the body of organisms causing disease or illness; or
- iv. the presence in the body of organisms capable of causing disease or illness; or
- v. the malfunction, malformation or disfigurement of a part of the person's body; or

- vi. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- vii. a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour; *and includes a disability that*
- viii. presently exists; or
- ix. previously existed but no longer exists; or
- x. may exist in the future; or
- xi. is imputed to a person.

Commonly used descriptions of disability such as physical, sensory, intellectual, psychiatric and learning are included in this definition.

- **Victimisation**

When a person subjects (or threatens to subject) another person to a detriment because that other person has made a complaint or been involved in a complaints procedure, or because the first person thinks the other person intends to make a complaint or be involved in a complaints procedure.

4 Related Documents

- Student Code of Conduct
- Grievances, Complaints and Appeals Policy

Legislation

- Tertiary Education Quality and Standards Agency Act 2011
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
- [Department of Industry, Innovation and Science](#)
- [Racial Discrimination Act 1975 \(Cwlth\)](#)
- [Sex Discrimination Act 1984 \(Cwlth\)](#)
- [Disability Discrimination Act 1992 \(Cwlth\)](#)
- [Age Discrimination Act 2004 \(Cwlth\)](#)

5 Policy Administration

Policy Name & Code:			Diversity and Equity Policy (POL-10)
Policy Owner:			Director of Student Services and Campus Wellbeing
Approval Authority:			Academic Board (ACPE)
Date for Next Review:			September 2023
Approval Date	Effective Date	Version	Summary of changes
15 Jan 15	16 Jan 15	1	Document content revised and approved by the ACPE Board of Directors.
26 Jun 18	27 Jun 18	2	<ul style="list-style-type: none"> • Document format changed in line with the new document template for ACPE policies, procedures and ToRs. • Job titles updated. • Changes made to policy format include: <ul style="list-style-type: none"> - Document code, version and dates moved to 'Document Administration' section. - Paragraphs numbered. - Previous 'Further Information Section' with references to related policies moved to new 'Related Documents' section. This section includes a list of related policies, procedures, and other documents. - Policy Administration table reformatted. - Numbering system updated. - Footer updated to include document title,

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			document code, and document version only.
11 Dec 18	12 Dec 18	3	<ul style="list-style-type: none"> • Revision conducted to ensure content reflects current activities. • Content updated to ensure compliance with HES 2.2.1-2.2.3. • Policy title changed from <i>Students with Disability Policy</i> to <i>Diversity and Equity Policy</i> to ensure it better reflects this policy content and purpose. • <i>Scope</i> and <i>Policy Statement</i> sections updated for accuracy.
14 Mar 19	14 Mar 19	3.1	<ul style="list-style-type: none"> • References to Dean and Operations Director replaced with CEO and Dean. • References to Student Services and Learning Support Manager replaced with Director of Student Services and Campus Wellbeing.

* Unless otherwise indicated, this policy will still apply beyond the review date.