

Access and Equity Policy

1. Purpose

The purpose of this Policy is to provide a frame of reference in providing and maintaining training services that reflect fair and reasonable opportunity for all students, regardless of their diversity; allowing everyone to freely participate in the learning environment free from discrimination, harassment, bullying and vilification.

2. Scope

This policy applies to all staff, students and volunteers of the Kiama Community College operation (KCC).

3. Policy Statement

Kiama Community College Ltd (the College) is committed to providing quality training and assessment products and services in compliance with the Standards for Registered Training Organisations (RTOs) 2015.

The College promotes, encourages and values equity and diversity with regard to students. The College will ensure services offered are provided in a fair and equitable manner to all students, free from bias.

The College is committed to providing flexible learning and assessment options, allowing students alternatives which recognize the diversity of their individual needs and circumstances aiding them in their learning goals.

Kiama Community College Ltd will ensure:

- a) all training and assessment policies and procedures incorporate access and equity principles;
- b) all learners have equitable access to the benefits of training and assessment irrespective of their gender, age, race, religion, culture, linguistic background, marital status, geographic location, socio-economic background, disability, sexual preference, family responsibility or political conviction;
- c) all nominations and enrolments into training courses and programs will be conducted at all times in an ethical and responsible manner, ensuring fairness and compliance with Equal Opportunity legislation; and
- d) all learners/students have equitable access to training resources, facilities, equipment, support services, information, training and assessment personnel, materials, assessment opportunities, training opportunities.

4. Definitions

4.1 The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (RTOs) 2015.

Access and equity means policies and approaches aimed at ensuring that VET is responsive to the individual needs of students whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.

4.2 Discrimination

Discrimination occurs when a person is treated less favourably than others due to the person's circumstances, characteristics or beliefs.

a) Direct Discrimination

Direct discrimination takes place when a person, organisation or group of persons is treated less fairly than others on the basis of stereotyped beliefs or views.

b) Indirect Discrimination

Indirect discrimination includes rules, practices or policies which appear to be non-discriminatory and equally applicable, but operate in such a way that certain groups of people are excluded without just cause.

4.3 Workplace Harassment

Harassment is any behaviour which is unwelcome, offends, humiliates or intimidates a person and causes the work environment to become unpleasant. If a person is being harassed then their ability to do their work is affected as they often become stressed and suffer health problems.

Harassment may result from behaviour which is not intended to offend or harm, such as jokes or unwanted attention however, this does not mean that it is lawful.

4.4 Sexual Harassment

The most common form of harassment is sexual harassment. Examples of sexual harassment include, but are not limited to:

- a) Unwanted touching
- b) Sexual innuendo propositions
- c) Nude pin-ups and posters
- d) Obscene telephone calls
- e) Wolf whistles

Sexual harassment can occur among peers or co-workers, and in subordinate-supervisor, supervisor-subordinate or staff-student, student-staff, student-student situations.

4.5 Verbal Harassment

Examples of verbal harassment include, but are not limited to:

- a) Sexual comments, advances or propositions
- b) Lewd jokes or innuendos
- c) Racist comments or jokes
- d) Spreading rumours
- e) Comments or jokes about a person's disability, pregnancy, sexuality, age or religion
- f) Repeated questions about one's personal life
- g) Belittling someone's work or contribution in a meeting
- h) Threats, insults or abuse
- i) Offensive obscene language
- j) Obscene telephone calls, unsolicited letters, faxes, emails, text messages and social media posts
- k) Persistently requesting someone to do something against their will

4.6 Non-Verbal Harassment

Examples of non-verbal harassment include, but are not limited to:

- a) Leering (e.g. staring at a woman's breasts)
- b) Putting offensive material on notice boards, computer screen savers and emails
- c) Wolf whistling
- d) Nude or pornographic posters
- e) Displaying sexist or racist cartoons or literature
- f) Demoting, failing to promote, or transferring someone because they refuse requests for sexual favours
- g) Following someone home from work
- h) Standing very close to someone or unnecessarily leaning over them
- i) Mimicking someone with a disability
- j) Practical jokes that are unwelcome
- k) Ignoring someone, or being cold and distant to them
- l) Crude hand or body gestures

4.7 Physical Harassment

Examples of physical harassment include, but are not limited to:

- a) Unwelcome physical contact such as kissing, hugging, pinching, patting, touching, or brushing up against a person
- b) Indecent or sexual assault or attempted assault
- c) Hitting, pushing, shoving, spitting, or throwing objects at a person
- d) Unfastening a person's attire

4.8 Vilification

In NSW it is generally against the law to vilify people because of their:

- a) race, colour, nationality, descent, ethnic, ethno-religious or national origin
- b) homosexuality (lesbian or gay)
- c) HIV or AIDS status
- d) transgender status.

This includes vilification because someone is thought to be lesbian, gay or transgender even if they are not, or thought to have HIV or AIDS, even if they don't.

NSW anti-discrimination law defines vilification as a public act that could incite or encourage hatred, serious contempt or severe ridicule towards people because of the above characteristics. A public act includes

- any form of communication to the public, such as speaking, writing, printing, displaying notices and messages on the internet and social media;
- any conduct observable by the public, including actions, gestures, wearing or display of clothing, signs, flags, emblems, or insignia

4.9 Bullying

Bullying is when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless.

The sort of repeated behaviour that can be considered bullying includes:

- Keeping someone out of a group (online or offline)
- Acting in an unpleasant way near or towards someone
- Giving nasty looks, making rude gestures, calling names, being rude and impolite, and constantly negative teasing.
- Spreading rumours or lies, or misrepresenting someone (i.e. using their Facebook account to post messages as if it were them)
- Mucking about that goes too far
- Harassing someone based on their race, sex, religion, gender or a disability
- Intentionally and repeatedly hurting someone physically
- Intentionally stalking someone
- Taking advantage of any power over someone else like a Prefect or a Student Representative.

5. Policy Principles

Kiama Community College Ltd will not accept any form of discrimination and we will apply the following principles in support of access and equity:

5.1 Access and Equity Principles

- a) The College abides by access and equity principles.
- b) The College will respect a student's right to privacy, confidentiality and be sensitive to

student needs.

- c) The College provides equal opportunity for all learners and is responsive to the individual needs of students whose gender, pregnancy, race, marital status, sexuality, age, family/carer responsibilities, disability, transgender, political conviction, cultural or ethnic background, linguistic background, religious belief, geographic location, socio-economic background, employment/unemployment, imprisonment may present a barrier to access, participation and achievement of suitable outcomes.
- d) At enrolment, students will be asked to identify personal needs or circumstances that may exist and for which they may require additional support.
- e) The College will ensure that all staff, volunteers and students have access to the information and support needed to prevent discrimination, sexual harassment, bullying and violence, victimization, and vilification or to deal with it appropriately if it occurs.
- f) The College seeks to create a learning environment where all students are respected and can develop their full potential.
- g) All students are given fair and reasonable opportunity to attend and complete training.
- h) Deficiencies will be investigated to determine whether a breach or policy deficiency exists. Should a discrepancy be proven, the impact of that breach or deficiency will be identified along with how the policy should be amended to eliminate the breach or deficiency in the future.
- i) All perceived deficiencies in the Access and Equity Policy are to be documented, assessed and reviewed by the Chief Executive Officer
- j) The College will demonstrate its commitment by:
 - i. Selecting students according to a fair and non-discriminatory process
 - ii. Making its training relevant for a diverse student population
 - iii. Providing suitable access to facilities and resources
 - iv. Providing appropriate support services
 - v. Providing appropriate complaints procedures
 - vi. Consulting with relevant industry groups
 - vii. Raising staff, volunteer and student awareness of equity issues.

5.2 Equal Opportunity

Kiama Community College Ltd is an equal opportunity organisation and ensures that the learning environment and workplace is free from all forms of unlawful discrimination and harassment. People who are members of an EEO target group are not discriminated against or favoured in either recruiting or training, unless prescribed by funding contracts. For example, a funding agreement may specify participant eligibility criteria.

Target Groups are defined as:

- Aboriginal and Torres Strait Islanders;
- People with a disability;
- People from non-English speaking backgrounds;
- People in transition and other special groups (i.e. people re-entering the workforce, long term unemployed, sole parents, people with literacy problems, and those who have been institutionalised);
- Women;
- People from regionally isolated communities.

5.3 Special Needs/Considerations

- a) Students intending to enrol for training with the College are requested prior to enrolment to advise the College if they have any disability, physical or other impairment which may adversely affect their ability to successfully undertake training and assessment.
- b) Students are encouraged to discuss with the College any 'special needs' and/or 'reasonable adjustments' to the study environment which they consider are necessary or would assist them in the performance of their studies.
- c) The College, in collaboration with the Student, will assess the potential for the Student to successfully complete the training which may include flexible delivery options to optimise the ease and benefit of the Students' learning. However, no compromise to the integrity of the assessment against competency will be allowed.
- d) Students with a disability are required to have the ability to fulfil the core requirements of the units of Competence to attain the relevant award. However, it is recognised that flexibility in arrangements may need to be implemented.

5.4 Language, Literacy and Numeracy

- a) Each Training Package sets a minimum requirement in language, literacy and numeracy skills of learners, with which the College must abide.
- b) The College makes appropriate concessions for language, literacy and numeracy issues of students where these concessions do not compromise the requirements of the relevant Training Package and the integrity, equity and fairness of assessment.
- c) Where a Student is deemed, either prior to enrolment or throughout the training program, to possess a lower level of language, literacy or numeracy than is the minimum requirement for the requirements of the Training Package, the College will provide appropriate advice and support to the Student regarding further learning options. At times, further language or literacy development or remedial assistance may be required to be completed prior to the continuation or completion of the Student's course of study.

5.5 Harassment

- a) Harassment will not be tolerated at the College. If harassment occurs, the person responsible will be subject to disciplinary procedures. Disciplinary action will be taken against any staff or student involved in such behaviour. This may include termination of employment and removal of the student from the training course.
- b) Serious cases of harassment may constitute a criminal offence.

- c) The College will not tolerate behaviour which is considered to be sexual harassment and expects all staff, volunteers and students to treat each other with dignity and respect.

5.6 Bullying and Violence

- a) The College will not tolerate bullying or violent behaviour and expects all staff, volunteers and students to treat each other with dignity and respect.
- b) The College recognises bullying and violence demeans and infringes the rights of individuals and groups, damaging the work and learning environment.

5.7 Vilification

- a) The College will not tolerate behaviour which vilifies another person and expects all staff, volunteers and students to treat each other with dignity and respect.

5.8 Complaints

- a) The College encourages informal resolutions of discrimination, sexual harassment, bullying and violence, victimization, and vilification grievances in the first instance, as close to the source as possible, with the option of conciliation or investigation of the complaint if necessary.
- b) Complaints will be investigated in a confidential manner and action will be taken to ensure that the discrimination/harassment stops. Appropriate warning or disciplinary action will be taken where harassment is found to have occurred.
- c) Those responsible for advising, conciliating or investigating a complaint must act fairly and impartially, they must act without bias and avoid any conflict of interest the respondent must be given a fair opportunity to know the case against him or her and to be given the opportunity to make a considered response.
- d) All staff, students and volunteers involved with the College complaint procedures will be treated with respect and courtesy. Enquiries and complaints will be dealt with in a sensitive, equitable, fair, and confidential manner. All attempts will be made to deal with matters expeditiously while ensuring all parties are provided with sufficient time to prepare and or respond.
- e) The College acknowledges that it is of paramount importance and in the best interests of all parties that confidentiality is maintained during these procedures.
- f) The College encourages the reporting of behaviour that breaches equal opportunity policy, but will not tolerate vexatious or frivolous complaints.

5.9 Victimisation

- a) In order for complaints to be brought forward, complainants must feel secure in the knowledge that the College's procedures will be followed without fear of reprisal.
- b) The College will not victimise or treat any person unfairly for making a harassment complaint.
- c) The College will not tolerate behaviour of victimisation of another person and expects all staff, volunteers and students to treat each other with dignity and respect.

- d) Any complaint of victimisation will be treated in the same manner as a complaint of discrimination, sexual harassment or vilification.

6. College Responsibilities

The College has a legal and moral obligation to provide equal opportunity in an environment free from discrimination for staff, volunteers and students to ensure that discrimination/harassment does not occur in the workplace.

Kiama Community College Ltd will:

- Maintain policies and procedures for equal opportunities for all staff, volunteers and students;
- Disseminate policies and procedures to staff, volunteers and students;
- Examine all policies and practices, as they affect staff, volunteers and students to ensure the elimination of discrimination and harassment;
- Ensure that there is no discrimination against any individual student or group of students or staff, in access to facilities, products and services;
- Educate staff and volunteers on the general goals and philosophy of equal opportunity together with the rationale for policies and practices which are adopted;
- Eliminate sexist and other discriminator language from all publications and discourage the use of such language in all printed material and in the speech of its staff, volunteers and students;
- Establish and maintain mechanisms to deal with complaints.

6.1 Board Member Responsibilities

College Board members are responsible for ensuring the College has an Access and Equity Policy and procedures in place and that management is ensuring the effective implementation.

6.2 Chief Executive Officer Responsibilities

The Chief Executive Officer is responsible for ensuring that all staff are aware of and effectively implement this policy.

The Chief Executive Officer will not condone nor engage in discriminatory/harassing behaviour.

The Chief Executive Officer will ensure that complaints will be dealt with in accordance with the Complaints Policy.

The Chief Executive Officer will maintain the confidentiality of all complaints. If the Chief Executive Officer feels that they are not the appropriate person to deal with the complaint, they will refer the matter to either the Chair of the Board or an external independent party for review and/or action.

6.3 Managers and Course Coordinators

Managers and Course Coordinators are responsible for student equity and ensuring the effective implementation of this policy and procedures.

Managers and Course Coordinators are to ensure staff act according to this policy and all students are made aware of their rights and responsibilities pursuant to this policy.

6.4 Staff, Volunteers and Students Responsibilities

College staff, volunteers and students have the responsibility to:

- Act to prevent harassment, discrimination and victimization against others;
- Respect differences among other staff, students and volunteers, such as cultural and social diversity;
- Treat people fairly, without discrimination, harassment or victimization;
- Respect the rights of others;
- Respect people's rights to privacy and confidentiality;
- Refuse to join in with these behaviours;
- Supporting the person in saying no to these behaviours;
- Acting as a witness if the person being harassed decides to lodge a complaint;
- Observe site rules or behaviour guidelines set by College Trainers/Assessors;
- Behave in a manner that does not interfere with the learning of others;
- Conduct themselves in a responsible manner while in training; and
- Ensure the rights of all students to have their say, balanced with the responsibility to listen to others and allow others to have their say.

If a College staff, volunteer or student feels harassed, bullied or otherwise a victim of unwelcome behaviour, the staff, volunteer or student is encouraged to inform the person where the behaviour is unwanted, unacceptable and/or offensive. If the staff, volunteer or student feels unable to approach the person, or if the behaviour continues following their request that the behaviour cease, the Chief Executive Officer should be contacted.

7. Legislation

This policy reflects our commitment to the following legislation:

- a) National Vocational Education and Training Regulator Act 2011 (NVR Act) – Commonwealth
- b) Vocational Education and Training Accreditation Act 1990 (New South Wales)
- c) Age Discrimination Act 2004 (Commonwealth)
- d) Disability Discrimination Act 2009 (Commonwealth)
- e) Racial Discrimination Act 1975 (Commonwealth)

- f) Sex Discrimination Act 1984 (Commonwealth)
- g) Anti-Discrimination Act 1977 (New South Wales)

8. Records Management

All documentation regarding complaints concerning Access and Equity matters are maintained in accordance with Records Retention and Reporting Policy.

9. Related Policies

- Code of Conduct
- Student Complaints Policy
- Privacy Policy
- Anti-bullying Policy
- Legislation & Regulatory Compliance Policy
- Protecting Children and Young People Policy
- Protection from Abuse Policy
- Community Inclusion Policy
- Disability Policy
- Incident Management & Reportable Incidents (NDIS Participants) Policy
- Record Retention and Reporting Policy

10. Monitoring and Improvement

All Access and Equity practices are monitored and areas for improvement identified and acted upon.

11. Policy Version and Revision Information

Policy Authorised by:	Board
Effective date of Original Version:	6 June 2019
Policy Maintained by:	Chief Executive Officer
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