

EQUITY (ANTI-DISCRIMINATION)

Policy

DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

Claimant: The person who formally instigates a grievance, complaint or appeal.

Complaint: A statement that a situation is unsatisfactory.

Discrimination means to treat an individual less favourably because of an attribute or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply. Attributes include but are not necessarily limited to:

- parental status
- pregnant
- breastfeeding
- religious belief or activity
- political belief or activity
- relationship status
- sex
- lawful sexual activity
- gender
- sexuality
- age
- race, nationality or ethnic origin
- disability or impairment
- trade union activity
- family responsibilities
- physical appearance (e.g. body shape and size)

Discrimination can be either direct or indirect. Direct discrimination can occur regardless of the discriminator's motive and whether or not he or she is aware of the discrimination or considers the treatment less favourable. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

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.

Harassment means any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, sexuality or gender based harassment.

Mediation: Mediation is a process by which a neutral third party called a mediator helps people in conflict negotiate a mutually acceptable agreement. The parties to the mediation control the outcome. If informal negotiations have failed, mediation provides an alternative to pursuing other more formal processes.

Respondent: The person or institution against whom the grievance is lodged.

Sexual harassment means any unsolicited, unwelcome and unreciprocated behaviour act or conduct of a sexual nature that embarrasses, humiliates or offends other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault and including but not limited to the following examples:

- inappropriate jokes or comments with sexual connotations
- the display of offensive material
- comments and questions about another person's sexual conduct and/or private relationships
- persistent unwelcome invitations
- requests for sexual favours
- offensive written, telephone or electronic mail or other computer system communications
- unnecessary close physical proximity including persistently following a person
- unwelcome physical contact such as brushing against or touching a person

Victimisation means treating someone unfairly because they have made, or intend to make, a discrimination or harassment complaint. This also includes those who have supported another person in making a complaint.

Workplace bullying means repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

PURPOSE

The ACC has a legal and moral responsibility to ensure that staff, students and visitors are not subjected to behaviours or practices that may constitute discrimination.

The aim of this policy is to establish the ACC's commitment to fostering a learning and workplace environment that provides all students, staff and visitors with equal benefits and opportunities to pursue their learning or work responsibilities.

SCOPE

The policy applies to all staff, students, contractors, other service providers, visitors and members of various ACC committees.

POLICY AND PROCEDURES

1. Policy principles

The ACC recognises the diversity of students and staff and other stakeholders in the ACC community and is committed to creating an inclusive learning and workplace environment.

All students, staff and visitors are to receive fair and equitable treatment at the ACC without regard to, for example, political affiliation, gender, sexuality, religion, cultural background, disability, marital status, disability or other attribute.

Discrimination, harassment, workplace bullying and other forms of practice that disadvantage staff and students are not tolerated at the ACC. The ACC will ensure that strategies are developed and sustained to establish an inclusive place to work and study.

The ACC is committed to fostering the right of individuals to be free from discrimination and harassment while engaged in activities undertaken as part of their study and employment. All members of the ACC community are to be treated with courtesy and respect.

The ACC will use educative approaches for the prevention of discrimination and harassment, ensuring staff and students know their rights and responsibilities.

The ACC will integrate information on anti-discrimination, equality of opportunity and the promotion of a diverse community into all levels of training, including induction, during supervisor and management training programs and into key student activities during orientation, enrolment and at other times of the academic year.

All students and staff will be informed of what constitutes discriminatory, harassing or bullying behaviour.

All managers and supervisors will be informed of their responsibility to maintain an environment free of discrimination and harassment.

The ACC will actively encourage staff and students to report behaviour that breaches this policy.

The ACC will support any staff member or student who reports experiencing discrimination, harassment or bullying.

The ACC will ensure that complaints are dealt with in a sensitive, impartial, efficient and confidential manner. Persons against whom complaints have been made will be accorded natural justice through the use of procedures that are transparent and open.

The ACC will do everything practicable to protect persons making complaints from victimisation and will ensure such persons are not penalised for reporting discrimination or harassment. Any person who is found to have victimised the person who has made or intends to make a complaint, or to have victimised a witness or associate of the person who has made, or intends to make a complaint, will be considered to have breached this policy.

2. Responsibilities

All staff and students are required to conduct themselves in accordance with ACC policies.

All students of the ACC are encouraged to report any form of discrimination and/or harassment and/or bullying experienced or observed (either as an observation or in the form of a complaint) directly to the Academic Registrar.

All academic staff of the ACC are encouraged to report any form of discrimination and/or harassment and/or bullying experienced or observed (either as an observation or in the form of a complaint) directly to the Academic Dean.

All non-academic staff, contractors, other service providers, visitors and external committee members of the ACC are encouraged to report any form of discrimination and/or harassment and/or bullying experienced or observed (either as an observation or in the form of a complaint) directly to the Corporate Services Manager.

In the event that the complaint relates to the designated complaints receiving officer specified above, the complainant is encouraged to report the discrimination and/or harassment and/or bullying direct to the College President.

The Academic Registrar, Academic Dean or Corporate Services Manager will assess the nature of the case and determine the action to be taken to achieve a resolution.

- In the case of a student making an allegation, it will be managed through the Grievance Management (Non-academic) – Students Policy and Procedures.
- In the case of a staff member making an allegation, it will be managed through the Grievance Management – Staff Policy and Procedures.
- In the case of a customer, contractor, service provider or visitor making an allegation, whilst engaging with ACC staff or students, it will be managed by the Corporate Service Manager in the context of the relevant Service Contract or Agreement with the College.

3. Consequences for breaches of this policy

The ACC will treat all allegations of discrimination and harassment seriously and impartially. The consequences for breaching this policy will depend on the seriousness of the case. Outcomes may include, but are not limited to the following:

- Obtaining a commitment from a person to cease, and not to repeat, the behavior;
- Giving an apology to the complainant;
- Mediating between the parties, if both parties agree to a mediation process and to the mediator;
- Offering support to the person making the complaint;
- Offering support to the person against whom the complaint is made;
- Disciplinary action;
- Dismissal, suspension or expulsion, against the person found responsible for discrimination or harassment where serious or repeated misconduct in this regard has been established;
- Disciplinary action, up to and including dismissal, suspension or expulsion, against the person making a complaint of discrimination or harassment if the complaint is found to have been vexatious or malicious;
- Disciplinary action against anyone who victimises or penalises a person who has made a complaint.

REVIEW

The ACC's *Equity Anti-Discrimination Policy* is normally reviewed every three years.

It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

RELATED POLICIES and DOCUMENTS

- Recruitment, Hiring and Promotions Policy
- Grievance Management (Non-academic) – Students Policy and Procedures
- Grievance Management – Staff Policy and Procedures
- Workplace Bullying and Work-related Violence Policy and Procedures

VERSION CONTROL

Document: H002 Equity (Anti-Discrimination) Policy		
Responsible Officer: President/CEO		
Initially Approved by: Board of Directors		Date: 16 November 2016
Reviewed and approved by: Board of Directors		Date: 1 October 2020
Version: V1.1	Replaces Version(s): V1.0	Next Review: March 2023
Nature of Change	September 2020: <ul style="list-style-type: none">• Minor formatting edits• 2. Responsibilities – Specific staff members designated to receive reports: the Academic Registrar is first point of contact to receive student reports related to discrimination/harassment/bullying, the Academic Dean will receive academic staff reports and the Corporate Services Manager will receive all other reports.	