

## POLICY DOCUMENT

# DIVERSITY, EQUITY AND INCLUSION POLICY

## 1 Purpose and Scope

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As a values based organisation, ACPE is committed to equity and social justice as key principles which underpin excellence in teaching and learning and its community values. This ACPE policy provides the framework for the implementation of equal opportunity aligned with current best practice and operationalises the values of the College in this regard. 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.

### 1.1 Scope:

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

## 2 Policy Statement

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The College is committed to promoting diversity, equity, and inclusion by providing and nurturing an environment that values and understands diversity in society. This is aligned with the higher education context in Australia, which requires that providers 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 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

The following are the underlying principles:

- 2.2.1 providing access to opportunities in education and employment at ACPE through processes which are free of discrimination.
- 2.2.2 respecting and appreciating the diversity of its staff and students which contributes richly to the teaching, learning and creative endeavours of the College.
- 2.2.3 selecting, progressing and promoting staff and selecting and assessing students on merit, using fair and transparent processes
- 2.2.4 recognising the rights of staff and students to raise complaints in good faith under the ACPE Grievances, Complaints and Appeals Policy (<https://acpe.edu.au/wp-content/uploads/2020/09/Grievances-Complaints-and-Appeals-Policy-POL-12-Version-18.2-DLR-002.pdf>), without fear of retaliation or victimisation
- 2.2.5 integrating equal opportunity and diversity principles in all policies and practices.

## 2.3 Application

### 2.3.1 Provision of Diversity, equity and inclusion

The College endeavours to promote and support equity in all its activities by means of:

- 2.3.1.1 Eliminating discrimination on the grounds of a person's race, age, sex, intersex status, sexual preference, gender identity, disability, marital or relationship status, parental status, family responsibilities, pregnancy, breastfeeding needs, religious beliefs or activity, political belief or activity, trade union activity or a person's association with someone who identifies with any of these attributes.
- 2.3.1.2 Providing a learning and working environment that is free from discrimination, harassment (which includes sexual harassment and assault), which is safe for students and staff, inclusive of all and characterised by respect;
- 2.3.1.3 Using non-discriminatory and inclusive language in all publications and learning materials;
- 2.3.1.4 Ensuring gender equality by providing equitable opportunities for staff of all genders and gender identities;

### **2.3.2 Inclusive practices for people with a disability**

The College supports the inclusion and involvement of people with disabilities in higher education both as students and employees.

In this regard, Disability means:

- 2.3.2.1 Total or partial loss of the person's bodily or mental functions; or
- 2.3.2.2 Total or partial loss of the body; or
- 2.3.2.3 The presence in the body of organisms causing disease or illness; or
- 2.3.2.4 The malfunction, malformation/disfigurement of part of the person's body; or
- 2.3.2.5 A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- 2.3.2.6 A disorder or illness that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.

### **2.3.3 Inclusion of sexually and gender diverse people**

The College is committed to the inclusion and support of students and staff of diverse sexualities and gender identities. The College is committed to fostering positive informed and inclusive attitudes and behaviour towards all staff and students.

### **2.3.4 Inclusion of people from culturally and linguistically diverse backgrounds (CALD)**

The College values the perspectives and contributions of staff and students from culturally and linguistically diverse backgrounds.

### **2.4 Breaches of this policy**

Staff are expected to have an understanding of diversity, equity and inclusion and are responsible for the implementation of these principles in their daily activities.

In the event that a student or staff member has breached this policy, the matter will be resolved through the application of the relevant policy:

2.4.1 Staff Code of Conduct

2.4.2 Student Code of Conduct

2.4.3 Student Misconduct (Non-Academic) Policy and Procedure

2.4.4 Sexual Misconduct, Harassment and Sexual Assault Policy

2.4.5 Sexual Misconduct, Harassment and Sexual Assault Procedure

2.4.6 Grievances, Complaints and Appeals Policy and Procedure

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.

### **2.5 Monitoring and Review**

The College will undertake regular reviews of the staff and student life cycle to ensure that systemic issues which impact equal opportunity and inclusion are addressed. These review will include an analysis of policies, processes, culture, experience and outcomes to ensure inclusive practices enable full participation. These reviews may include consultation.

### **2.6 Rights and Responsibilities**

#### **2.6.1 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.

#### **2.6.1.1 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.

#### **2.6.1.2 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.

### **2.6.2 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 the ACPE International and Student Progress Advisor 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.

#### **2.6.2.1 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).

#### **2.6.2.2 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.

### **2.7 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.

## **2.8 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.

## **2.9 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.

## **2.10 Staff Development**

In staff development programs, ACPE will promote:

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

## **2.11 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.

## **2.12 Grievances**

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

## **2.13 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.

### **2.13.1 Application Form**

The ACPE application form contains the mandatory *Department of Education, Skills and Employment data collection* section 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.

### **2.13.2 Documentation**

- i. 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.



- ii. 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.
- iii. Recommendations will be implemented as far as possible within current levels of resourcing.
- iv. 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.

### **2.13.3 Orientation**

- i. 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.

### **2.13.4 Support for students with a disability**

- i. 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:
  - a. the effect of the adjustment on the person's ability to successfully achieve the inherent learning outcomes of the unit or course;
  - b. the costs and benefits of making the adjustment; and
  - c. iii.the interests of all parties affected, including those of the student with the disability, the College, staff and other students or colleagues.
- ii. 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.

- iii. 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, Unit Coordinators and Library Services to ensure that reasonable adjustments are provided.

### **2.13.5 Academic Inclusion Plan**

- i. The Academic Inclusion Plan (AIP) will be developed by the ACPE International and Student Progress Advisor for each student requesting special provisions. These will be housed in the Director of Student Services and Campus Wellbeing 's office.
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.
- vii. Where necessary an external specialist will be consulted about implementation of the adjustments set out in the AIP and appropriate assessments.

### **2.13.6 Formal Exams**

- i. 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

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### 3.1 Cultural and Linguistic Diversity (CALD)

Cultural and Linguistic Diversity (CALD) is a broad concept that encompasses differences between people such as language, birthplace, ancestry, ethnicity, cultural traditions, societal structures, and religion. RMIT aims to ensure policies, practices and behaviour support inclusion and equality, and do not perpetuate systemic discrimination or exclusion due to unconscious bias, stereotypes, or other inappropriate assumptions.

### 3.2 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):

### 3.3 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.

### 3.4 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:

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

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

- i. 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.

### **3.5 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.

### **3.6 Diversity**

Diversity encompasses recognising individuals from other backgrounds. This includes having employees and students of different ages, genders, ethnicity, background, physical ability, sexual orientation, marital status, physical qualities, life experience, political and religious beliefs, work experience or educational background.

### **3.7 Equity**

Providing a workplace and learning environment that is free from unlawful discrimination and harassment. ACPE's inclusive values empower staff and students

to achieve their full potential and remove actual or perceived barriers to participation regardless of gender, age, race, disability, orientation or economic background. Treating people equitably doesn't mean treating all people the same.

### **3.8 Inclusive practices**

Practices that anticipate and accommodate the needs of a diversity of people, minimising the need for adjustments to respond to individual needs, while maintaining quality and other standards.

### **3.9 Protected attributes**

The characteristics of a person on the basis of which discrimination is prohibited as outlined in state and federal anti-discrimination legislation. These attributes include, but are not limited to:

- i. Age
- ii. Breast feeding
- iii. Gender identity and expression
- iv. Impairment/disability/mental health condition
- v. Indigeneity
- vi. Industrial activity
- vii. Employment activity
- viii. Lawful sexual activity
- ix. Marital and relationship status
- x. Parental status or status as a carer (family responsibilities)
- xi. Physical features
- xii. Political belief or activity
- xiii. Pregnancy
- xiv. Race
- xv. Religious belief or activity
- xvi. Sex
- xvii. Intersex
- xviii. Sexual orientation
- xix. Personal association with a person who is identified by reference to any of the above attributes

Further guidance and definitions relating to Protected Attributes can be found on the [Australian Human Rights Commission website](#).

### 3.10 Reasonable adjustments

A reasonable change to a process, practice, procedure or environment to facilitate equal opportunity. The changes may be temporary or permanent depending upon the circumstances. For example:

- i. changes to premises, working hours or arrangements, facilities, software or equipment
- ii. adjustments to teaching, learning or assessment
- iii. change to work process, practice or procedure.

### 3.11 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

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### ***ACPE Policies and Procedures***

- 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

<b>Policy Name &amp; Code:</b>			Diversity, Equity and Inclusion Policy (POL-10)
<b>Policy Owner:</b>			Director of Student Services and Campus Wellbeing
<b>Approval Authority:</b>			Academic Board (ACPE)
<b>Date for Next Review:</b>			September 2023
<b>Approval Date</b>	<b>Effective Date</b>	<b>Version</b>	<b>Summary of changes</b>
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"> <li>• Document format changed in line with the new document template for ACPE policies, procedures and ToRs.</li> <li>• Job titles updated.</li> <li>• Changes made to policy format include: <ul style="list-style-type: none"> <li>- 'Document Administration' section updated.</li> <li>- Paragraphs numbered.</li> <li>- Previous 'Further Information Section' with references to related policies moved to new 'Related Documents' section. This section includes list of related documents.</li> <li>- Policy Administration table reformatted.</li> <li>- Numbering system updated.</li> <li>- Footer updated to include document title, document code, and document version only.</li> </ul> </li> </ul>
11 Dec 18	12 Dec 18	3	<ul style="list-style-type: none"> <li>• Revision conducted to ensure content reflects current activities.</li> <li>• Content updated to ensure HES 2.2.1-2.2.3 compliance.</li> <li>• 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.</li> <li>• <i>Scope</i> and <i>Policy Statement</i> sections updated for accuracy.</li> </ul>
14 Mar 19	14 Mar 19	3.1	<ul style="list-style-type: none"> <li>• References to Dean and Operations Director replaced with CEO and Dean.</li> <li>• References to Student Services and Learning Support Manager replaced with Director of Student Services and Campus Wellbeing.</li> </ul>
XX	XX	3.2	<p>Revision dates: 19 October, 31 October 2020</p> <ul style="list-style-type: none"> <li>• Member of the Student Services and Learning Support team replaced with ACPE International and Student Progress Advisor.</li> <li>• Content updated to include sections regarding inclusion (i.e. CALD, gender, etc.)</li> <li>• Format and numbering updated.</li> </ul>

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