

## STUDENT EQUAL OPPORTUNITY POLICY

<b>Date Approved:</b>	11 November 2023
<b>Date Effective:</b>	11 November 2023
<b>Policy Category:</b>	Student
<b>Policy Owner:</b>	National Manager –Student Support

### 1. Context, Purpose & Key Principles

SEDA Group Pty Ltd (“SEDA”) seeks to provide students with a supportive teaching and learning environment that is responsive to individual student needs. The purpose of this policy is to provide guidelines and resources in relation to Vocational Education and Training (VET) students in terms of equal opportunity, fair treatment, harassment, and discrimination matters.

### 2. Scope

- All VET students
- All Staff (including contractors) when relating to students, refer to *Bullying and Harassment Policy – Staff* for staff bullying and harassment

### 3. Policy Statement

As a Vocational Education and Training provider, SEDA is committed to providing a learning environment free from discrimination and harassment with equal opportunity for and fair treatment of all VET students. This commitment is based, in part, on the need to ensure that SEDA complies with Federal and State equal opportunity and anti-discrimination laws, but also is an extension of the SEDA’s organisational values and its commitment to providing a happy, authentic, and student-centric learning environment.

SEDA will take all reasonable steps to identify and eliminate unequal opportunities, unfair treatment, harassment, bullying and discrimination from its practices in order to create an inclusive culture that fosters acceptance and respect of all students.

This policy on student equal opportunity and fair treatment (free of harassment and discrimination) applies to all activities in which students may participate while a student at the SEDA or potential student including:

- admission and enrolments
- teaching and learning

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- student management
- course development and delivery
- training and instruction
- assessment
- access to resources and facilities
- SEDA culture

#### 4. Equal Opportunity

Equal opportunity in student education is a principle of non-discrimination which emphasises that opportunities in training and education should be freely and equally available to all students irrespective of their personal characteristics or attributes which are unrelated to their ability, performance, knowledge, skill, or competence (e.g., race, gender, religion, disability etc.).

#### 5. Discrimination

Discrimination in student education occurs when a student is denied a benefit or the equal opportunity outlined above, or treated less favourably than another student, on the grounds of a personal characteristic or attributes (e.g., race, gender, religion, disability etc.). Discrimination can be either direct or indirect. Direct discrimination occurs when unlawful distinctions are made between individual students and student groups based on any of the discriminatory grounds. Indirect discrimination occurs when a seemingly harmless policy, rule or practice has a discriminatory effect on an individual student or student group. The following discriminatory grounds apply under various Federal and State legislative instruments:

- age
- breastfeeding
- carer status
- family responsibilities
- impairment / disability (past, present or future)
- industrial activity
- lawful political belief or activity
- lawful religious belief or activity
- lawful sexual activity
- marital status
- parental status
- physical features
- pregnancy or potential pregnancy
- race, colour, nationality, ethnic or national origin
- sex
- personal association with a person identified by reference to one of the above attributes

#### 6. Sexual Discrimination

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Sexual Discrimination is when a person is treated less favourable than that of a person of the opposite sex would be treated in a same or a similar circumstance.

The following sexual discriminatory grounds apply under various Federal and State legislative instruments:

- sexual orientation
- gender identity
- intersex status
- lawful sexual activity
- personal association with a person identified by reference to one of the above

SEDA does not tolerate any discrimination and students who believe they may be subject to unlawful discrimination should initially discuss their concerns with the perpetrator if appropriate and safe to do so, or discuss their concerns with their Trainer & Assessor, Student Support Coordinator or National Manager, Student Support.

Students can also lodge a complaint as per the **Complaints and Appeals Policy**. It must be highlighted that not all discrimination is unlawful, and in some instances discrimination on certain educational grounds may be necessary and fair, such as entry age; language requirements; supplying special services or facilities for a person with an impairment that would impose an unjustifiable hardship on SEDA etc. Unforeseen discrimination exemptions will be decided on a case-by-case basis by the General Manager, Training Operations.

## 7. Harassment

Harassment is perceived or actual unwelcomed conduct that humiliates, offends or intimidates people. Harassment is bullying conduct that is neither appropriate nor relevant to a situation. This includes words, as well as acts, pictures and images that create a hostile or threatening atmosphere. Behaviours that can be considered harassment include:

- verbal abuse
- offensive gestures
- ignoring or segregating a person or group

The effect of harassment is to make a person feel insulted, offended, intimidated and unable to perform a task effectively or ultimately safely.

Harassment in this policy in any form (including sexual harassment and bullying) refers to student matters only (staff should refer to the **Bullying and Harassment Policy – Staff**)

## 8. Sexual Harassment

Sexual harassment is unwanted or unwelcome sexual behaviour, whether verbal, physical or electronically communicated which makes a person feel offended, humiliated or intimidated. Behaviours that can be considered sexual harassment include:

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching
- suggestive comments or jokes

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- insults or taunts of a sexual nature
  - intrusive questions or statements about a student's personal life
  - displaying screen savers of a sexual nature
  - sending sexually explicit emails or text messages
  - inappropriate advances on social networking sites
  - accessing sexually explicit internet sites
  - requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual. It is not mutual attraction or friendship

### 9. Bullying

Bullying is a form of harassment and is when a person or group of people misuse power in a relationship to repeatedly and intentionally harm others. The outcome is the victim feels distressed, less powerful or helpless and there is a risk to their wellbeing.

Bullying can be overt (obvious) such as physical, verbal, or cyber harassment, or covert (hidden) such as social exclusion or intimidation. Examples of bullying behaviour include:

- unfair and excessive criticism
- excluding someone from a group (including online or in person)
- ignoring a person's point of view
- constantly changing or setting unrealistic targets for a person
- undervaluing the efforts of a person
- intentionally and repeatedly hurting a person physically
- stalking a person
- taking advantage of any power over someone else

Bullying is not mutual arguments, disagreements or dislikes.

SEDA does not tolerate any form of harassment and students who believe they are subject to harassment should initially discuss their concerns with the perpetrator if appropriate and safe to do so, or discuss their concerns with Training & Assessment staff, their Student Support Coordinator or the National Manager, Student Support. Students can also lodge a complaint as per the **Complaints and Appeals Policy**.

It must be also highlighted that harassment is not legitimate comment or advice (including negative comment or feedback) from others, such as genuine assessment feedback.

Trainers & Assessors at SEDA are responsible for undertaking assessment of students' work and making a judgement about their attained knowledge, skills and competency in a particular Unit of Competency or Area of Study. They are also expected to provide academic guidance and advice to students to complement their assessment and may have to instruct them about academic policy, processes and timeline provisions. In itself, the act – including repeated acts – of correcting students or

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pointing out inadequacies of performance does not constitute harassment or bullying in an educational environment.

Similarly, invoking unsatisfactory performance procedures or misconduct procedures, or applying student progress procedures, academic integrity procedures or assessment due dates do not in themselves constitute harassment or bullying of students.

## 10. Resources

SEDA integrates equal opportunities and fair treatment principles for students throughout its operations. In affirmation of this integration SEDA has policies, procedures and programs such as:

**‘Getting Ready’ Induction Module** – educates students on the policies and procedures that discuss equal opportunity and fair treatment.

**SEDA Scholarship Programs** to provide opportunities with specific regards to gender equality and equity with Women in Sport, All Abilities, Multicultural, Low Socioeconomic, CALD (Culturally and Linguistically Diverse), First Nations/Indigenous.

**National Indigenous Strategy** that includes our Senior Secondary and Diploma Programs. The key pillars of SEDA’s National indigenous Strategy include Equity and Access Scholarships, State and National Leadership Program, Cultural Identity, Pathway Support and Strategic Partnership with First Nation’s organisations and employers.

**Social Objectives Statement (Skills First Training Providers)** – outlines SEDA’s commitment to delivering social outcomes that benefit all students. These relate to fair and inclusive employment and diversity inclusive of gender equality and equity and First Nations peoples.

**A Diversity and Inclusion Training Module** – for all staff on Induction

**Admissions Policy** – that explain the commitment and process of ensuring that admission of students is fair, transparent and ethical.

**Complaints and Appeals Policy**– that set out the considerations and processes that must be taken into account when managing VET complaints and appeals to ensure that the concern raised by an international student are addressed using the appropriate channels in order to facilitate an equitable, confidential and a prompt resolution.

**Disability and Special Needs Policy** – which sets out SEDA’s commitment to provide an accessible and inclusive study environment to all students with a disability or special need.

**Reasonable Adjustment Policy** – in which SEDA will take all reasonable steps to ensure a student with a disability or special need is able to seek admission to or apply for enrolment; is able to participate in the courses provided; is able to use the facilities and services of SEDA; and where required able to participate in assessment tasks.

**Special Circumstances Policy** – which provides broad framework, set of principles and minimum the requirements for circumstances under which a student may seek remission of debt or refund of fees under special considerations or other circumstances where the application of SEDA’s policies requires consideration of special circumstances.

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**Student Privacy Policy** – describes the importance of privacy and security of personal details of students and the practices required to handle the information.

**Student Code of Conduct** – outlines SEDA’s values and encourages active engagement between SEDA and the VET student body within the contexts of professional practice, teaching and learning, and the life of the SEDA community. It outlines student expectations as being an individual and student responsibilities

**A Student Assistance Program (SAP)** with specific LGBTIQ and Indigenous resources and support mechanisms such as counselling, support groups etc.

**Student Events:** Celebration and acknowledgment of gender equality through events such as International Women’s Day, National Carers Week, International Day Against Homophobia, Biphobia and Transphobia (IDAHOT), Wear It Purple Day, National Reconciliation Week, Harmony Day, NAIDOC week etc.

## 11. Responsibilities

### SEDA

It is the SEDA’s responsibility to ensure that unlawful discrimination and harassment does not occur. If it does occur, the allegation will be investigated in a sympathetic, fair, confidential and in a timely manner according to the **Complaints and Appeals Policy** and associated procedures.

If a student informs SEDA of allegations of harassment or discrimination that involves persons who are not staff members or students of SEDA, SEDA will consider on the appropriateness of SEDA’s intervening or assisting. The decision to intervene or assist will be made by the General Manager, Training Operations (possibly in consultation with other senior staff such as the National Manager, Student Support, Quality and Compliance Manager or Program Manager).

SEDA will take all reasonable steps ensure itself that it does not engage in discriminatory or harassing behaviour towards students including not vilifying or victimising a student who has voiced a discrimination or harassment complaint.

All SEDA staff (operational or academic) are responsible for implementation of this policy.

### Staff

It is part of the role and a legal obligation of academic and operational staff to take reasonable steps to ensure that the environment at SEDA is free from discrimination and harassment of students. All staff at SEDA have a responsibility to take appropriate action if

concerns about discrimination and harassment are brought to their attention by a student or personally witnessed.

Staff must ensure they do not engage in discriminatory or harassing behaviour towards students themselves including ensuring that a student is not vilified or victimised unfairly by a staff member or by other students for making a discrimination or harassment complaint.

Any staff member found to be engaging in such behaviour may be subject to consequential disciplinary action both by SEDA and through legal avenues.

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## Students

SEDA requires all VET students to behave responsibly by complying with this policy and related policies, and to report unacceptable behaviour to staff.

All students must ensure they do not engage in discriminatory or harassing behaviour towards other students or staff members and may be subject to consequential disciplinary action both by SEDA and through legal avenues.

### *Consequences of Discrimination or Harassment*

## SEDA

Consequences of discrimination and harassment for SEDA may include:

- poor public image
- excessive absenteeism
- increased attrition rates
- poor retention rates
- litigation and compensation
- breakdown in communications

## Student

Consequences of discrimination and harassment for the student may include:

- low morale
- low productivity
- poor academic results
- excessive absenteeism
- withdrawal from studies
- stress related illnesses
- loss of confidence, reduced self-esteem, depression, and suicide
- social isolation

SEDA will appropriately discipline any person (student or staff) if it is proven through the complaint process that their behaviour was inappropriate, and they have discriminated or harassed another person within SEDA.

## 12. Procedure for Reporting and Acting on Allegations of Discrimination or Harassment

If harassment or discrimination occurs, the student is encouraged to act according to the processes set out in the **Complaints and Appeals Policy** and associated procedures.

SEDA will ensure that:

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- The above policy and procedure advise students of available support, such as the Student Assistance Program (SAP) if required when making a complaint.
- The student is not vilified or victimised for making a complaint.
- The complaint or grievance process will be dealt with in a professional and sensitive manner and will adhere to the principles of privacy and confidentiality.
- Support is offered to the student if required, and the student is able to have a third party of their choosing present at all meetings.
- The matter is referred to SEDA’s legal representatives if required at which time students will be advised that legal representation may be required if they have not already sought this.

The student is to ensure that they maintain confidentiality of information when making a complaint.

If the student is dissatisfied with the internal process, they may refer the matter to a relevant external body (depending on the situation) such as:

- Administration Appeals Tribunal (AAT) Refer to **Complaints and Appeals Policy**

If the complaint or grievance is substantiated that a student has behaved in a discriminative or harassing manner to another student, SEDA can initiate the **Student Misconduct Policy** or Deferring, Suspending or Cancelling Enrolment to deal with the outcome of this matter.

The consequential actions of such behaviour can include, but are not limited to:

- requested apology to those involved
- a formal warning on student perpetrator’s file
- perpetrating student to attend Student Assistance Program counselling
- probationary enrolment for a period up to 12 months, subject to the perpetrator student’s ongoing good behaviour
- suspend the perpetrating student from SEDA for a specified period of time, not exceeding 12 months
- cancel credit or enrolment for any subject/unit of study of the perpetrating student
- exclude the perpetrating student from SEDA permanently

If the complaint is substantiated that a staff member has behaved in discriminative or harassing manner to a student, SEDA can initiate action under the **Bullying and harassment Policy (Staff)** which can include:

- Performance Monitoring (which could include enforced peer review of teaching)
- Formal Warning on perpetrator’s staff file
- dismissal and / or termination of contract of the perpetrating staff member

### 13. Definitions

**Complaint** – A statement that a situation is unsatisfactory

**Staff** – refers to anyone employed and being paid by SEDA either on an ongoing basis or as a casual contractor.

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**Student** – is an individual person who is formally enrolled to study at SEDA. The individual person is that who appears on SEDA’s documents such as enrolment, admission and payment documents, and who is assigned an individual student ID. Student may also refers to a prospective, current or former student of SEDA.

**Victimisation** – means punishing or threatening to punish some-one because they have made a complaint

**Vilification** - is behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of a person because they made a grievance or complaint

Version Number	Date Approved	Effective Date	Owner	Summary of Change(s)
1.0	1/01/2014	1/01/2014	GM	Student Handbook
2.0	30/11/2023	1/01/2023	NMPOSS	Removal from Student Handbook to develop standalone Policy which included separate staff and student Complaints and Appeals Policy.
3.0	12/10/23		NMSS	Updated to include resources and Social Impact Statement 2024 (Skills First)

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