



# Fair Treatment/ Equal Benefits Policy

RTO:3855: Level 9, 221 Queen St Melbourne 3000: ABN 81006819503 p.03 9654 2037 f. 03 9650 3192 www.heleneabicair.com.au

## 1. Purpose

To confirm the college's commitment to the fair treatment of, and equal benefits and opportunities opportunity for all students of the college.

To create an environment that values diversity and is free from discrimination, harassment and vilification and where allegations of breaches of this Policy are dealt with fairly and promptly.

## 2. Scope

This policy applies to all students and prospective students, staff and prospective staff, and other members of the college in situations or activities related to their roles at the college.

## 3. Definitions

**Discrimination:** Refers to unfair or less favourable treatment based on the following actual or assumed personal characteristics as defined under Commonwealth and State laws: sex, gender identity, marital status, pregnancy, breastfeeding, status as a parent or carer, sexual orientation, lawful sexual activity, race, disability, age, industrial activity, physical features, religious beliefs or activities, political beliefs or activities, criminal record, medical record or personal association with a person who has, or is assumed to have, one of these personal characteristics. This concept includes Direct and Indirect Discrimination.

**Direct Discrimination:** Occurs if a person is treated less favourably than another person would be treated in the same or similar circumstances, on the basis of an attribute as listed above.

**Indirect Discrimination:** Occurs if there is an unreasonable requirement, condition or practice that someone with an attribute cannot comply with and that a higher proportion of people without that attribute can comply with.

**Harassment:** Refers to a wide range of deliberate and unintentional behaviours in the teaching, learning, research or workplace environment which may humiliate, intimidate or offend and which are unwelcome and uninvited. It includes behaviour which may be written, verbal, non-verbal or physical (including transmission of inappropriate electronic communications and display of inappropriate material from the internet) and is of a sexual nature or is based on attributes listed under 'Discrimination' above. Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the college environment unpleasant and sometimes even hostile. If a person is being harassed, their ability to study and to work effectively is affected.

**Racial and Religious Vilification:** Occurs where a person engages in conduct that incites hatred, serious contempt, revulsion or severe ridicule against another person or group of people, because of their race or religious belief or activity.

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**Disability:** Refers to a total or partial loss of the person's bodily or mental functions; a total or partial loss of a part of the body; the presence in the body of organisms causing disease or illness; the presence in the body of organisms capable of causing disease or illness; the malfunction, malformation or disfigurement of a part of the person's body; a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour. It includes a disability that presently exists; previously existed but no longer exists; may exist in the future; is imputed to a person.

**Reasonable Adjustment:** Is the term used to describe actions or changes which may be required to enable staff and student participation on the same basis as other staff and students. Lack of provision of reasonable adjustment might constitute discrimination. Adjustments might be necessary where the interaction between the learning and working environment and certain student/staff personal characteristics or circumstances has a negative impact on staff/student participation or achievement. Such characteristics and circumstances include having a disability, carer responsibilities, cultural or religious obligations, being Indigenous, having English as a second language. There is no set definition of what is a 'reasonable' adjustment. Each situation needs to be considered in its own circumstances and on its own merits

**On the same basis:** In relation to 'reasonable adjustments', is where a person with a certain personal characteristic or circumstance has opportunities and choices that are comparable with those offered to other people. Being treated "on the same basis" may mean being treated differently, particularly where it is necessary to provide reasonable adjustments.

**Principles of inclusion:** Is where learning, working and physical environments are designed to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design, taking into consideration the variety of abilities, disabilities, racial/ethnic backgrounds, and other characteristics of the student and staff body.

**Staff member:** Is any person who is an employee of the college. This includes full-time, part-time, sessional or casual staff.

**Student:** Is any person enrolled as a student of the college. This includes full-time, part-time, block-mode or distance education students. For the purpose of this policy overseas students not residing in Australia are excluded, as they are subject to the relevant legislative processes of their country.

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## 4. Policy Statement

The college delivers VET programs, and in our role as a Registered Training Organisation accepts the statutory responsibility to deliver in a fair and equitable manner. The College ensures:

1. All staff and students are made aware of this position at orientation;
2. Incorporation of non-discriminatory employee and student selection processes that encourage access for all;
3. Access and equity statutes are incorporated into the development of new products, policies, practices, systems and procedures;
4. If required, appropriate counselling and training is provided to employees who are required to provide services to under-represented groups;
5. Company policies and procedures are in place which support the principle of access and equity;
6. An ongoing commitment is maintained to eliminate access and equity barriers identified within the organisation's processes, practices and business decisions;
7. Liaison with disability support groups is undertaken to ensure that special needs can be accommodated in areas beyond our field of expertise;
8. Provision of support with tutorial assistance for any participant who is encountering learning difficulties

## 5. Responsibility

Staff members, students and other members of the college are responsible for their own behaviour and may face disciplinary and/or legal action if they engage in, condone or collude with discriminatory, harassing or vilifying behaviour.

Supervisors, Managers, instructors of the college are responsible for the prevention of discriminatory, harassing and vilifying behaviour in the areas or activities for which they are responsible. This responsibility includes publicising the terms of this Policy to their staff and students and taking appropriate action in the event of a concerns being raised about breaches of this Policy.

Managers with responsibility for engaging other individuals or groups (such as contractors, partner providers) who will have interactions with college staff, students or other members of the college community, are responsible for putting in place measure to have those individuals or groups comply with the expectations of this Policy where appropriate to their activities.

Supervisors, Managers, instructors, and any staff responsible for the design of activities, facilities and services, are responsible for ensuring the provision of reasonable adjustments to the learning and working environment as required, and for applying the principles of inclusion wherever possible.

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## 6.Fair Treatment

The college treats all of its students fairly. This applies to those who are, or would be, entitled to VET FEE-HELP assistance and all of the persons who seek to enrol with the provider in a VET unit of study, and who are, or would be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act. This requirement is a basic underlying principle of the Higher Education Support Act, HESA.

Specifically the fairness requirements include:

- fair treatment [HESA Schedule 1A clause 18]
- equal benefits and opportunities [HESA Schedule 1A clause 18]
- student grievance procedures [HESA Schedule 1A clause 19]
- student review procedures [HESA Schedule 1A clause 19]
- requirements to appoint review officers [HESA Schedule 1A clause 21-22]
- personal information procedures [HESA Schedule 1A clause 23]
- VET tuition assurance [HESA Schedule 1A clause 20]

The application of fair treatment does not require that all students are treated the same. Fairness must be considered in the context of all the relevant circumstances.

### Equal Benefits and Opportunities

The college has open, fair and transparent procedures that, in the college's reasonable view, are based on merit for making decisions about students undertaking, and persons applying for, courses. This includes:

a) The selection, from among the persons who are, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act and who seek to enrol with the provider in a VET unit of study that meets the requirements under subclause 45(1) of Schedule 1A of the Act, of persons to enrol; and

b) The treatment of students who are, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act undertaking a VET course of study.

### Application of merit

The application of merit in decision-making processes involves the college considering each application on a case by case basis and not applying inflexibly policies that preclude eligible applicants from having their application considered.

### No income test

The college as a provider will not apply an income test when making decisions about which students are eligible for VET FEE-HELP assistance.

### Educational disadvantage

When making decisions about the selection of students, the college is able to take educational disadvantages that a particular student has experienced into account. This should involve consideration of the actual disadvantages that a particular student has experienced. The college does not use 'proxy indicators' of educational disadvantage.

### Admission

The College upholds the principle that all applicants seeking to enrol are treated fairly and equitably. The College has open, fair and transparent procedures that are based on clearly defined entry criteria for making decisions about the selection of students.

Students will be selected on merit based on the published criteria in the VET course of study they are applying for. The opportunities and benefits of Commonwealth assistance will be made equally

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available to all eligible students. The College adopts a flexible approach to providing entry for students into its courses. Students from disadvantaged backgrounds; those returning to formal study and others who may not have completed formal requirements will be encouraged to apply.

### Criteria for Entry

The College co-ordinator will interview applicants prior to admission using the following selection criteria:

- School results (where applicable) and evidence of further study since leaving school;
- Recognition of prior learning, where exemptions requested; and
- References, reasons for applying and Life Goals.

### Special Admission

College recognises that preparation for study is not restricted to formal educational attainment and that valuable intellectual and skills development can be gained through wide ranging experiences. The College will review applications on a case by case basis from applicants who do not have formal qualifications for entry but who seek admission to courses on the basis of their educational and skills development through experience and informal study. Such applicants may be admitted on the basis of having satisfied specific criteria demonstrated through the submission of an RPL (Recognition of Prior Learning) application, work experience, informal study, and any other supporting documentation they provide in their application.

### Legislative Context

- Commonwealth [Racial Discrimination Act 1975](#)
- Commonwealth [Sex Discrimination Act 1984](#)
- Commonwealth [Human Rights Commission Act 1986](#)
- Commonwealth [Disability Discrimination Act 1992](#)
- Commonwealth [Disability Standards for Education 2005](#)
- Commonwealth [Racial Hatred Act 1995](#)
- Commonwealth [Equal Opportunity for Women in the Workplace Act 1999](#)
- Commonwealth [Age Discrimination Act 2004](#)
- Victorian [Equal Opportunity Act 1995](#)
- Victorian [Racial and Religious Tolerance Act 2001](#)
- Victorian [Charter of Human Rights and Responsibilities Act 2006](#)

- Higher Education Support Act 2003 (HESA)
- VET Provider Handbook
- VET FEE-HELP Guidelines
- VET Administration Guidelines
- VET Provider Guidelines, issued by the Department of Education, Employment and Workplace Relations (DEEWR)
- Higher Education Provider Guidelines, Amendment No. 3 (Registered on 29 October 2007)
- FEE-HELP Guidelines

The college will publish this policy in the student's handbook and website [www.heleneabicair.com.au]

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