

# Access and Equity, Fair Treatment and Equal Opportunity Policy



## Policy Preamble

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This policy describes how Australian College of Sport [ACS] ensures compliance with requirements for fair treatment of students and equal benefits and opportunities for students, in its scope of operations as a Registered Training Organisation (RTO).

ACS is proactive in supporting fair access to educational opportunities and ensuring that all students have the opportunity to achieve according to their own individual potential. ACS is committed to promoting, encouraging and valuing equity and diversity in regard to its staff (including its officers, employees and those who perform services by or on behalf of ACS) and students.

ACS offers programs and services which are relevant, accessible, fair and inclusive. This policy aims to achieve educational and vocational outcomes for all enrolled students, and to redress past disadvantage and improve the position of particular groups in society. These groups include but are not limited to:

- Women
- Aboriginal and Torres Strait Islanders
- People of non-English speaking backgrounds
- People with disabilities
- The long term unemployed
- The rurally isolated

ACS will, at all times:

- Provide an environment of support and care for students
- Encourage cultural understanding and sensitivity
- Encourage early identification and intervention to support students
- Seek to ensure that practices are non-discriminatory and pay due consideration to the needs of all groups
- Evaluate all educational processes to ensure that they are inclusive and value students from a diverse background
- Ensure all policies and procedures are non-discriminatory
- Provide students with information about access and equity issues and the complaints resolution process.

ACS requests that students declare if they are in need of specific assistance with regard to language, literacy and numeracy so that specific learning support may be provided. Alternative learning and assessment strategies and methods are employed by ACS staff to assist students with special needs.

These are determined by ACS's Executive Training Committee and then actioned on a case by case basis.

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## Relevant Legislation

ACS acknowledges its legal obligation under Federal and State legislation to ensure that all working and teaching practices are fair, equitable and non-discriminatory. The following Acts make discrimination and harassment in the provision of education, employment and the provision of goods and services unlawful.

- *The Equal Opportunity Act 1984 (SA)*,
- *Racial Discrimination Act 1975*,
- *Sex Discrimination Act 1984*,
- *Disability Discrimination Act 1992*
- *Public Sector Management Act 1995*
- *Occupational Health, Safety and Welfare Act 1986*

All staff (including its officers, employees and those who perform services by or on behalf of ACS) of ACS have been trained and are fully cognisant of State and Federal legislative requirements and abide by such. All staff (including its officers, employees and those who perform services by or on behalf of ACS) understands their obligation to not discriminate against individuals on the basis of sex, marital status, pregnancy, age, race, ethnicity, disability or sexuality, and to maintain an environment free from harassment.

This policy applies to all persons enrolled or seeking enrolment with ACS, as well as ACS officers, employees and those who perform services by or on behalf of ACS.

## Policy Definitions

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### Access

Access generally refers to the ability to enter training. Improving access might include improving physical access to a training venue, ensuring that selection criteria does not discriminate against students and adapting marketing activities to encourage that all student applicants are aware of these principles of access.

### Equity

Equity refers to the ability to achieve results in training and to receive training in an inclusive environment with inclusive materials. Equity refers to issues relating to access to VET, participation in VET, and achievement of outcomes in VET. Equity issues range from providing a supportive learning environment, to adjusting assessments to meet individual circumstances and development of inclusive training materials.

ACS policy especially notes that equity is about ensuring that all students have the opportunity to reach their potential, make choices and receive responsive and appropriate products and services.

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## Fair Treatment

Fairness must be considered in the context of all the relevant circumstances. There will be situations in which the fair treatment of students may result in students in varying circumstances being treated differently, particularly with regard to VET FEE-HELP.

## Policy Statements

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ACS will ensure that all students are able to enjoy a study environment where they have equal opportunities to benefit from education and where discrimination and harassment are not tolerated. All students will be treated fairly.

Specifically the fairness requirements include:

- Fair treatment (*HESA Schedule 1A c118*)
- Equal benefits and opportunities (*HESA Schedule 1A c118*)
- Student grievance procedures (*HESA Schedule 1A c119*)
- Student review procedures (*HESA Schedule 1A c119*)
- Requirements to appoint review officers (*HESA Schedule 1A c121-22*)
- Personal information procedures (*HESA Schedule 1A c123*)
- Tuition assurance – VET and HE (*HESA Schedule 1A c120*)

ACS expects all students and staff to:

1. Encourage people affected by unfair treatment to talk directly to the person engaging in unfair treatment to explain to him/her how it impacts on them and to ask that they stop.
2. In cases where it is impracticable or ineffective to resolve issues of unfair treatment in the manner described above, ACS provides appeals/review procedures to support this policy. See *Student Grievance Policy and Procedure - Academic Matters; Student Grievance Policy and Procedure - Non Academic Matter; Admissions, Application and Selection Procedure; Withdrawal and Refund Policy*.
3. Ensure that complaints are treated promptly, confidentially and according to the principles of procedural fairness.

While the general principle of acting with courtesy, fairness and equity applies at all times, ACS staff and students are specifically prohibited from engaging in the behaviours listed below whilst on ACS premises (including hired facilities for use of education) or engaged in ACS activities.

1. Harassment, bullying and vilification
2. Racial vilification and racist behaviour
3. Sexual harassment
4. Discrimination on grounds of age, sex, marital status, pregnancy, sexuality or race
5. Discrimination on the grounds of disability or medical condition

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6. Discrimination on grounds of religion, political opinion, criminal record or trade union activity
7. Discrimination on ground of family responsibilities
8. Victimisation

All complaints on these grounds are to be lodged in accordance with the *Student Grievance and Review Policy and Procedure (Non Academic matters) policy*.

## VET FEE-HELP Requirements

In addition to all other stipulations regarding fair treatment, equal benefits and opportunities for all students, ACS will consider each application for VET FEE-HELP assistance on a case by case basis and not apply inflexible processes which may preclude eligible applicants from having their application considered.

### *Fair Treatment*

At all times ACS must treat fairly

- all students who are, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Higher Education Support Act 2003 (the *Act*); and
- all persons seeking to enrol with ACS in a VET unit of study that meets the course requirements under subclause 45(1) of Schedule 1A of the *Act* and who are, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the *Act*.

### *Equal Benefits and Opportunities*

ACS has open, fair and transparent procedures that are based on merit for making decisions about students undertaking, and persons applying for, courses. Refer ACS's *Admissions Application and Selection Policy* which notes that these decisions are about:

- The selection from among ACS students who are, or would be, entitled to VET FEE-HELP assistance
- Treatment of students who are, or would be, entitled to VET FEE-HELP assistance, undertaking a ACS course of study.

ACS must comply with the VET FEE-HELP requirements (3.5) when:

- determining VET tuition fees (tuition fees) (*HESA Schedule 1A cl27*)
- schedules of tuition fees (*HESA Schedule 1A cl28*)
- fees related to units, courses or matters for which fees may be charged (*HESA Schedule 1A cl27a*)

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## ***No Income test***

ACS will not apply an income test when making decisions about which students are eligible for FEE-HELP assistance.

## ***Educational Disadvantage***

ACS is able to take educational disadvantages that a particular student has experienced into account. This will involve consideration of the particular student's specific circumstances before making a decision about whether the student has actually suffered educational disadvantage.

## **Related Policies**

The associated procedures for this policy include:

- Student Grievance Policy and Procedure - Academic Matters
- Student Grievance Policy and Procedure - Non Academic Matters
- Admissions, Application and Selection Procedure
- Withdrawal and Refund Policy

## **Related Standards and References**

- *Higher Education Support Act 2003 (HESA)*
- VET Guidelines
- VET Administrative Information for Providers (issued by the Department of Education)
- Standards for NVR Registered Training Organisations 2015