Access, Equity and Fair Treatment Policy
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### DOCUMENT REVISION

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**Purpose**

Captain Cook College has implemented this policy to define and explain the nature of access, equity and fair treatment to ensure it is practised within the College.

**Scope**

This policy applies to all stakeholders of the College including staff, students and visitors.

**Compliance Reference**

- Higher Education Support Act Section 2003 (HESA) – schedule 1A
- VET Guidelines
- Standards for Registered Training Organisations 2015
- 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 Equal Opportunity for Women in the Workplace Act 1999
- Commonwealth Age Discrimination Act 2004

**Guidelines**

This policy ensures that all employees, facilitators, trainer/assessors, students and visitors are treated equitably and are not subject to discrimination, victimisation, sexual harassment or vilification. All complaints of discrimination or harassment must be reported immediately to the Corporate Services Manager. Discrimination against or harassment of Campus employees, facilitators, trainer/assessors, students and visitors will not be tolerated under any circumstances, nor will victimisation of any person as a result of a complaint of harassment or discrimination being made. Any employee, facilitator, trainer/assessors, student or visitor found to be discriminating against, harassing or victimising any other person will be subject to serious disciplinary action which may include dismissal or refusal of further services offered by the College.

The College acknowledges the diversity of our learning and work environment and has procedures in place to ensure it promotes the fair and equitable treatment of students, prospective students and staff. The College makes decisions about students applying for and undertaking our courses based on merit.

**Equal Opportunity**

Captain Cook College will comply with Federal, State and Local Government bodies, laws and codes of conduct relating to employment service provisions and enrolment in training courses. The College will furnish such reports, records and other matters as requested in order to foster the program of equal opportunity for all persons regardless of race, creed, culture, religion, colour, sex, age, or disability.

It is the intent and desire of the College that equal employment opportunity will be provided in employment, promotions, wages, benefits, and all other terms and conditions of employment, including decisions on
redundancies, retrenchment and termination as well as the offer to provide services on behalf of Captain Cook College, enrolment in the College's training programs.

Captain Cook College is an equal opportunity employer and will recruit, interview, hire, classify, select for training, promotion, demotion, discipline, rates of pay or other compensation, transfer, termination, enrol in training courses and events, and offer membership in a fair and equitable manner.

It is the responsibility of management at the College, to practise fair employment and enrolment at all times. Any violations of the Access and Equity Policy must be reported immediately to the Corporate Services Manager.

The Corporate Services Manager, facilitators and consultants will be responsible for maintaining an environment, work or otherwise, that is free of racial or sexual overtones.

**Equal Opportunity Legislation**

Equal Opportunity legislation focuses on two main areas:

- Anti-discrimination legislation, which prohibits the denial of employment and training and its benefits, based on certain grounds. Sexual harassment is considered a form of discrimination
- Affirmative Action legislation which attempts to take action to eliminate discrimination by the relevant employer against women in relation to employment matters and take measures to promote equal opportunity for women in relation to employment matters;

**Discrimination**

Discrimination is any practice that makes distinction between individuals or groups so as to arbitrarily advantage one and disadvantage the other. Discrimination occurs when somebody is treated less favourably on the grounds of the following attributes:

<table>
<thead>
<tr>
<th>sex</th>
<th>impairment (physical or intellectual)</th>
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<td>imputed characteristics (stereotypes)</td>
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<td>marital status</td>
<td>trade union activity</td>
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<td>race</td>
<td>pregnancy or lactation</td>
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<td>age</td>
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Discrimination may involve:

- offensive jokes or comments about a person's racial or ethnic background, sex, sexual preference, age, disability or physical appearance
- display of pictures, cartoons or posters that may be offensive or derogatory
- expressing negative stereotypes for a particular group
- judging someone on their religious beliefs rather than their work performance
- using stereotypes or assumptions to guide decision making about someone's career
- undermining a person's authority or work performance because you dislike one of their personal characteristics
Sexual Harassment, Victimisation and Bullying

Sexual harassment is defined as any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated. Sexual harassment as defined under the Commonwealth Sex Discrimination Act 1984 occurs when:

- a person makes an unwelcome or uninvited sexual advance, or an unwelcome or uninvited request for sexual favours, to the person harassed, or
- engages in other unwelcome or uninvited conduct of a sexual nature in relation to the person harassed; and
- the person harassed is offended, humiliated or intimidated

Examples of sexual harassment include:

- unwelcome or uninvited physical touching
- sexual or suggestive comments, jokes or innuendoes
- unwelcome or uninvited request for sex
- intrusive questions about a person's private life
- the display of sexually explicit material (eg posters, pictures)
- unwanted invitations
- staring or leering
- sex based insults or taunts
- offensive communications, including telephone calls, letters, faxes and email

Sexual harassment may be a single incident or repetitive behaviour. For example, an unwanted invitation or compliment may not constitute harassment if it is not repeated. However, some actions or remarks are so offensive that they constitute sexual harassment in themselves such as unwelcome or uninvited physical contact.

Staff Response to potential breaches of policy

Captain Cook College employees, facilitators, consultants, delegates and visitors may not ignore sexual harassment or discrimination. Silence or failure to respond promptly is not acceptable.

Confidentiality is essential for appropriate and impartial resolution of a complaint and to minimise adverse effects on the victim. Accordingly, employees, facilitators and consultants should respect the confidentiality of the parties involved and not publicly make or repeat allegations, or defame the alleged offender.

If an employee, facilitator, consultant, delegate or visitor believes that he or she is being subjected to sexual harassment, the individual must personally and immediately notify the Corporate Services Manager.

An investigation will be undertaken and appropriate sanctions and corrective measures will be instituted if the allegations warrant such action. Persons who commit acts of intimidation and harassment will be required to immediately discontinue such conduct and will be disciplined according to the severity of the case. Appropriate discipline may include actions up to and including termination of employment or refusal of further services offered by the College.
Fair Treatment

Captain Cook College ensures all students are treated fairly by:

- Ensuring the establishment of non-discriminatory student procedures that encourage fair access for members of underrepresented groups.
- Considering the relevant circumstances of the individual and applying an individual approach to the circumstance.
- Ensuring decisions regarding students’ entry to, progression through and completion of courses are made on a case-by-case basis. The College does not exclude eligible applicants or appellants from having their application or appeal considered.
- Where The College enters into an agreement with an employer or industry body to provide a particular course or training program, the selection of students may be restricted that employer or body’s employees.

Student Selection

Student selection shall be principally based upon merit and fairness consistent with specified published and transparent entry requirements as detailed in course accreditation or training package documentation. This does not preclude The College from recognising 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.

Restricted Access Arrangement

When making decisions about the selection of students, The College may take into account students that are enrolled under a restricted access arrangement. A restricted access arrangement is an agreement entered into between the college and an employer or industry body for the provision of a course or places in a course in which enrolment is limited or restricted to employees of the employer or industry body.

Wheelchair Access

Captain Cook College has wheelchair accessibility to the Chermside and Queen Street Campuses.

Responsibility

The Corporate Services Manager is the responsible officer in relation to Equal Employment Opportunity, Discrimination, Sexual Harassment or Vilification. The role of the Corporate Services Manager is to provide guidance, monitor compliance and counsel employees as appropriate. The Campus Manager is responsible for compliance on their own Campuses and can seek advice and assistance from the Director.
The Corporate Services Manager has the overall responsibility of implementing the organisation’s Access Equity and Fair Treatment Policy.

The College’s management, employees, facilitators, trainer/assessors, students and visitors to Captain Cook College Head Office or any other Captain Cook College Campus have a responsibility to follow this policy.

**Complaints**

Should any stakeholder of the organisation believe that their rights under this policy have been breached please refer to the Complaints Procedure for further action.

**Publication Plan**

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