

# ACCESS AND EQUITY POLICY AND PROCEDURE

## PURPOSE

Eightfold Institute of Australia (hereafter known as Eightfold Institute or the Institute) is committed to offering equal opportunity to everyone to access and participate in learning in a quality education environment. This policy outlines that commitment to our students as we make every effort to ensure students are treated fairly, with respect, and without discrimination.

## SCOPE

Eightfold Institute is committed to providing quality training and assessment products and services in compliance with the Standards for Registered Training Organisations (RTOs) 2015.

Eightfold Institute promotes, encourages and values equity and diversity with regard to students. Eightfold Institute will ensure services offered are provided in a fair and equitable manner to all students, free from bias. Eightfold Institute is committed to providing flexible learning and assessment options, allowing students alternatives which recognise the diversity of their individual needs and circumstances aiding them in their learning goals.

Eightfold Institute will ensure:

- all training and assessment policies and procedures incorporate access and equity principles;
- all learners have equitable access to the benefits of training and assessment irrespective of their gender, age, race, religion, culture, linguistic background, marital status, geographic location, socio-economic background, disability, sexual preference, family responsibility or political conviction;
- all nominations and enrolments into training courses and programs will be conducted at all times in an ethical and responsible manner, ensuring fairness and compliance with Equal Opportunity legislation; and
- all learners/students have equitable access to training resources, facilities, equipment, support services, information, training and assessment personnel, materials, assessment opportunities, training opportunities.
- Eightfold Institute continually seeks to extend its scope of courses on offer and develop a range of quality training models (range of online and practical based learning - blended study mode) to constantly improve access to potential students.

## POLICY STATEMENT

### 1. ACCESS

- 1.1** Access generally refers to the ability to enter training. Improving access may include improving physical access to a training venue and ensuring that selection criteria and marketing activities encourage all potential students to undertake learning to improve their career prospects despite an individual's age, gender, nationality, disability and sexuality.

### 2. EQUITY

- 2.1 Equity is the term used to address issues relating to access to, participation in and achievement of Vocational Education and Training (VET) outcomes. Equity issues may range from providing a supportive learning environment to adjusting assessments to meet the needs of the individual student, including policies on fees and the development of inclusive training materials.
- 2.2 Equity is about treating students as individuals and recognising the differences. It is about ensuring that all people and all groups of people participate, have the opportunity to reach their potential, make choices and receive responsive and appropriate products and services

### 3. DISCRIMINATION

- 3.1 Discrimination occurs when a person is treated less favourably than others due to the person's circumstances, characteristics or beliefs.
- 3.2 Direct discrimination takes place when a person, organisation or group of persons is treated less fairly than others on the basis of stereotyped beliefs or views.
- 3.3 Indirect discrimination includes rules, practices or policies which appear to be non-discriminatory and equally applicable, but operate in such a way that certain groups of people are excluded without just cause.

### 4. WORKPLACE HARASSMENT

- 4.1 Harassment is any behavior which is unwelcome, offends, humiliates or intimidates a person and causes the work environment to become unpleasant. If a person is being harassed, then their ability to do their work is affected as they often become stressed and suffer health problems.
- 4.2 Harassment may result from behaviour which is not intended to offend or harm, such as jokes or unwanted attention however, this does not mean that it is lawful.

### 5. SEXUAL HARASSMENT

- 5.1 The most common form of harassment is sexual harassment. Examples of sexual harassment include, but are not limited to:
  - Unwanted touching
  - Sexual innuendo propositions
  - Nude pin-ups and posters
  - Obscene telephone calls
  - Wolf whistles

Sexual harassment can occur among peers or co-workers, and in subordinate-supervisor, supervisor-subordinate or staff-student, student-staff, student-student situations.

- 5.2 Verbal Harassment: Examples of verbal harassment include, but are not limited to:
  - Sexual comments, advances or propositions
  - Lewd jokes or innuendos
  - Racist comments or jokes
  - Spreading rumours

- Comments or jokes about a person's disability, pregnancy, sexuality, age or religion
- Repeated questions about one's personal life
- Belittling someone's work or contribution in a meeting
- Threats, insults or abuse
- Offensive obscene language
- Obscene telephone calls, unsolicited letters, faxes and emails

**5.3** Non-Verbal Harassment Examples of non-verbal harassment include, but are not limited to:

- Leering (e.g. staring at a woman's breasts)
- Putting offensive material on notice boards, computer screen savers and emails
- Wolf whistling
- Nude or pornographic posters
- Displaying sexist or racist cartoons or literature
- Demoting, failing to promote, or transferring someone because they refuse requests for sexual favours
- Following someone home from work
- Standing very close to someone or unnecessarily leaning over them
- Mimicking someone with a disability
- Practical jokes that are unwelcome
- Ignoring someone, or being cold and distant to them
- Crude hand or body gestures

**5.4** Physical Harassment: Examples of physical harassment include, but are not limited to:

- Unwelcome physical contact such as kissing, hugging, pinching, patting, touching, or brushing up against a person
- Indecent or sexual assault or attempted assault
- Hitting, pushing, shoving, spitting, or throwing objects at a person
- Unfastening a person's attire

## 6. POLICY PRINCIPLES

Eightfold Institute will not accept any form of discrimination and we will apply the following principles in support of access and equity:

**6.1** Access and Equity Principles

- 6.1.1. Eightfold Institute abides by access and equity principles.
- 6.1.2. Eightfold Institute will respect a student's right to privacy, confidentiality and be sensitive to student's needs.
- 6.1.3. Eightfold Institute provides equal opportunity for all learners and is responsive to the individual needs of students whose gender, pregnancy, race, marital status, sexuality, age, family/carer responsibilities, disability, transgender, political conviction, cultural or ethnic background, linguistic background, religious belief, geographic location, socio-economic background, employment/unemployment, imprisonment may present a barrier to access, participation and achievement of suitable outcomes.

- 6.1.4. At enrolment, student will be asked to identify personal needs or circumstances that may exist and for which they may require additional support (Refer Enrolment Policy).
- 6.1.5. Eightfold Institute will ensure that all staff, employees, and contractors have access to the information and support needed to prevent discrimination, sexual harassment, bullying and violence, victimisation, and vilification or to deal with it appropriately if it occurs.
- 6.1.6. Eightfold Institute seeks to create a learning environment where all students are respected and can develop their full potential.
- 6.1.7. All students are given fair and reasonable opportunity to attend and complete training.
- 6.1.8. All staff are given fair and reasonable opportunity to participate in relevant decision-making processes and the allocation of resources and services as required to fulfil their duties and responsibilities.
- 6.1.9. Deficiencies will be investigated to determine whether a breach or policy deficiency exists. Should a discrepancy be proven, the impact of that breach or deficiency will be identified along with how the policy should be amended to eliminate the breach or deficiency in the future.
- 6.1.10. All perceived deficiencies in the Access and Equity Policy are to be documented, assessed and reviewed by the CEO of Eightfold Institute
- 6.1.11. Eightfold Institute will demonstrate its commitment by:
  - Selecting students according to a fair and non-discriminatory process
  - Making its training relevant for a diverse student population
  - Providing suitable access to facilities and resources
  - Providing appropriate support services
  - Providing appropriate complaints procedures
  - Consulting with relevant industry groups
  - Raising staff, contractor and student awareness of equity issues.

## 7. EQUAL OPPORTUNITY

Eightfold Institute is an equal opportunity company and does not discriminate against or favour target groups in either recruiting or training, unless prescribed by funding contracts.

- 7.1 Target Groups are defined as:
  - Aboriginal and Torres Strait Islanders;
  - People with a disability;
  - People from non-English speaking backgrounds;
  - People in transition and other special groups (i.e. people re-entering the workforce, long term unemployed, sole parents, people with literacy problems, and those who have been institutionalised);
  - Women;
  - People from regionally isolated communities.
- 7.2 Special Needs/Considerations

- Students intending to enrol for training with Eightfold Institute are requested prior to enrolment to advise Eightfold Institute if they have any disability, physical or other impairment which may adversely affect their ability to successfully undertake training and assessment.
- Students are encouraged to discuss with Eightfold Institute any 'special needs' and/or 'reasonable adjustments' to the study environment which they consider are necessary or would assist them in the performance of their studies.
- Eightfold Institute, in collaboration with the students, will assess the potential for the student to successfully complete the training which may include flexible delivery options to optimise the ease and benefit of the students' learning. However, no compromise to the integrity of the assessment against competency will be allowed.
- Students with a disability are required to have the ability to fulfil the core requirements of the units of Competence to attain the relevant award. However, it is recognised that flexibility in arrangements may need to be implemented.

## 8. LANGUAGE, LITERACY AND NUMERACY

- 8.1** Each Training Package sets a minimum requirement in language, literacy and numeracy skills of learners, with which Eightfold Institute abide.
- 8.2** Eightfold Institute makes appropriate concessions for language, literacy and numeracy issues of students where these concessions do not compromise the requirements of the relevant Training Package and the integrity, equity and fairness of assessment.
- 8.3** Where a student is deemed, either prior to enrolment or throughout the training program, to possess a lower level of language, literacy or numeracy than is the minimum requirement for the requirements of the Training Package, Eightfold Institute will provide appropriate advice and support to the student regarding further learning options. At times, further language or literacy development or remedial assistance may be required to be completed prior to the continuation or completion of the student's course of study.

## 9. HARASSMENT

- 9.1** Harassment will not be tolerated at Eightfold Institute. If harassment occurs, the person responsible will be subject to disciplinary procedures. Disciplinary action will be taken against any staff or client involved in such behaviour. This may include termination of employment and removal of the client from the training course.
- 9.2** Serious cases of harassment may constitute a criminal offence.
- 9.3** Eightfold Institute will not tolerate behaviour which is considered to be sexual harassment and expects all staff, contractors and students to treat each other with dignity and respect.

## 10. BULLYING AND VIOLENCE

- 10.1** Eightfold will not tolerate bullying or violent behaviour and expects all staff, contractors and students to treat each other with dignity and respect.
- 10.2** Eightfold recognises bullying and violence demeans and infringes the rights of individuals and groups, damaging the work and learning environment.

## 11. VILIFICATION

- 11.1** Eightfold Institute will not tolerate behaviour which vilifies another person and expects all staff, contractors and students to treat each other with dignity and respect.

## 12.COMPLAINTS

- 12.1** Eightfold Institute encourages informal resolutions of discrimination, sexual harassment, bullying and violence, victimisation, and vilification grievances in the first instance, as close to the source as possible, with the option of conciliation or investigation of the complaint if necessary.
- 12.2** Complaints will be investigated in a confidential manner and action will be taken to ensure that the discrimination/harassment stops. Appropriate warning or disciplinary action will be taken where harassment is found to have occurred.
- 12.3** Those responsible for advising, conciliating or investigating a complaint must act fairly and impartially, they must act without bias and avoid any conflict of interest the respondent must be given a fair opportunity to know the case against him or her and to be given the opportunity to make a considered response.
- 12.4** All staff, students and contractors involved with the Eightfold Institute complaint procedures will be treated with respect and courtesy. Enquiries and complaints will be dealt with in a sensitive, equitable, fair, and confidential manner. All attempts will be made to deal with matters expeditiously while ensuring all parties are provided with sufficient time to prepare and or respond.
- 12.5** Eightfold Institute acknowledges that it is of paramount importance and in the best interests of all parties that confidentiality is maintained during these procedures.
- 12.6** Eightfold Institute encourages the reporting of behaviour that breaches equal opportunity policy but will not tolerate vexatious or frivolous complaints.

## 13.VICTIMISATION

- 13.1** In order for complaints to be brought forward, complainants must feel secure in the knowledge that the COMPANY NAME procedures will be followed without fear of reprisal.
- 13.2** Eightfold Institute will not victimise or treat any person unfairly for making a harassment complaint.
- 13.3** Eightfold Institute will not tolerate behaviour of victimisation of another person and expects all staff, contractors and students to treat each other with dignity and respect.
- 13.4** Any complaint of victimisation will be treated in the same manner as a complaint of discrimination, sexual harassment or vilification.

## 14.RESPONSIBILITIES

- 14.1** Eightfold Institute has a legal and moral obligation to provide equal opportunity in an environment free from discrimination for staff, contractors and students to ensure that discrimination/harassment does not occur in the workplace.

Eightfold Institute will:

- Maintain policies and procedures for equal opportunities for all staff, contractors and students;
- Disseminate policies and procedures to staff, contractors and students;
- Examine all policies and practices, as they affect staff, contractors and students to ensure the elimination of discrimination and harassment;

- Ensure that there is no discrimination against any individual client or group of students or staff, in access to facilities, products and services;
- Educate staff and contractors on the general goals and philosophy of equal opportunity together with the rationale for policies and practices which are adopted;
- Eliminate sexist and other discriminator language from all publications and discourage the use of such language in all printed material and in the speech of its staff, contractors and students;
- Establish and maintain mechanisms to deal with complaints.

#### 14.2 CEO's Responsibilities

- Eightfold Institute CEO and Managers are responsible for client equity.
- The CEO will not condone nor engage in discriminatory/harassing behaviour.
- The CEO is responsible for ensuring that all staff are aware of this policy and that complaints will be dealt with in accordance with the terms of the Complaints and Appeals Policy.
- The CEO and Manager(s) are to ensure staff act according to this policy and all students are made aware of their rights and responsibilities pursuant to this policy.
- The CEO will maintain the confidentiality of all complaints. If the CEO feels that they are not the appropriate person to deal with the complaint, they will refer the matter to either a member of the management team or an external independent party for review and/or action.

#### 14.3 Staff, Contractors and Students Responsibilities

Eightfold Institute staff, contractors and students have the responsibility to:

- Act to prevent harassment, discrimination and victimisation against others;
- Respect differences among other staff, students and contractors, such as cultural and social diversity;
- Treat people fairly, without discrimination, harassment or victimization;
- Respect the rights of others;
- Respect people's rights to privacy and confidentiality;
- Refuse to join in with these behaviours;
- Supporting the person in saying no to these behaviours;
- Acting as a witness if the person being harassed decides to lodge a complaint;
- Observe site rules or behaviour guidelines set by Eightfold Institute Trainers/Assessors;
- Behave in a manner that does not interfere with the learning of others; and
- Conduct themselves in a responsible manner while in training;
- Ensure the rights of all students to have their say, balanced with the responsibility to listen to others and allow others to have their say.

If an Eightfold Institute staff, contractor or client feels harassed, bullied or otherwise a victim of unwelcome behaviour, the staff, contractor or client is encouraged to inform the person where the behaviour is unwanted, unacceptable and/or offensive. If the staff, contractor or client feels unable to approach the person, or if the behaviour continues following their request that the behaviour cease, the CEO Eightfold Institute should be contacted.

## Procedure

Eightfold Institute will ensure that the learning environment is free from harassment, discrimination and victimisation. In keeping with this commitment, Eightfold Institute has a positive duty to ensure:

- That staff, students and clients are made aware of access and equity as part of the induction process;
- Adherence to privacy and confidentiality requirements;
- The development of products, policies, systems and procedures are informed by access and equity principles;
- Academic policies and procedures are in place which support the principles of access and equity;
- Continual improvement and renew of policies and procedures to meet legislative changes and student feedback;
- Promotion of programs in a manner that includes and reflects the diverse client base and ensures that all prospective students are well informed on the options available to meet their individual needs; shall incorporate cultural diversity issues in any training program it provides;
- The collection of data on customer satisfaction with service quality;
- That it consults with students and staff to ensure that a wide range of views are available for consideration in planning and decision making;

### 15.ADMISSION AND ENROLMENT PROCEDURES:

To ensure that the recruitment and admission process is bias-free and not discriminatory, Eightfold Institute

- Uses the same recruitment and admission process for all applicants;
- Bases admission to courses solely on availability of places and the applicant satisfying qualification/course entry requirements (where applicable);
- Provides applicants with adequate information and support to enable them to select the most suitable programs for their needs; and
- Ensures that their staffs are not offering incentives to individuals to induce them to undertake government subsidised training.

### 16.COURSE DESIGN

To ensure that all training and assessment materials developed by Eightfold Institute are inclusive of a range of student needs, the Institute:

- Considers issues relating to access and equity when specifying course entry requirements;
- Offers flexible course design to provide multiple entry and exit points or pathways through the course, including credit transfer and recognition of prior learning, if appropriate;
- Takes into account the requirements of students with a disability;
- Provides inclusive and non-discriminatory learning materials;
- Ensure satisfactory language, literacy and numeracy requirements are consistent with the level of the qualification/course through it Interview and Pre-Training Review.

## 17. ASSESSMENT

Eightfold Institute provides assessment process that is fair, valid, reliable and flexible through:

- Recognition of previous acquired skills and knowledge;
- Adequate information on course and unit/module assessment;
- Adapting assessment to meet student needs, and giving the student the right to appeal an assessment or recognition decision;
- Giving all students an equal opportunity to demonstrate competence.

## 18. SUPPORT FOR THOSE WITH SPECIAL NEEDS

Reasonable adjustment is provided to those with a disability or special needs according to individual circumstances. This means providing the appropriate services and/or facilities for student learning and assessment. Special consideration may be granted if, through compelling and compassionate circumstances (e.g. illness, bereavement or personal trauma), a student is prevented from completing an assessment or sitting a test or believes that their performance in an assessment event has been affected by the incident.

## 19. COMPLAINTS AND APPEALS

Individuals who believe that they have been treated unfairly are encouraged to use the Institute's students Complaints and Appeals procedure, which is available on the Institute's website. Complaints and appeals are addressed in a fair and equitable manner in accordance with stated procedures.

## 20. RESPONSE TO BREACHES OF POLICY

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

If a member of Eightfold Institute believes that he or she is being subjected to a breach of this policy, the individual must personally and immediately notify the Senior Member of the Institute, which may either be the Chief Executive Officer, Chief Compliance Officer or the authorised nominee.

An investigation in a confidential manner will be instigated to determine whether a breach or policy discrepancy exists, and if so the impact of that breach or deficiency and how the policy should be amended to eliminate the breach or deficiency. If appropriate, actions and corrective measures will be implemented. Persons who commit acts of intimidation and harassment will be required to immediately discontinue such conduct and will be counselled or/and disciplined.

Eightfold Institute will not victimise or treat any person unfairly for making a complaint.

## 21. LEGISLATION

This policy reflects our commitment to the following legislation:

- a) National Vocational Education and Training Regulator Act 2011 (NVR Act) – Commonwealth
- b) Vocational Education and Training Accreditation Act 1990 (New South Wales)
- c) Education and the Education and Training Reform Act 2006 (Victoria)
- d) Vocational Education and Training Act 1996 (Western Australia)

- e) Vocational Education, Training and Employment Act 2000 (Queensland)
- f) Training and Skills Development Act 2008 (South Australia)
- g) Training and Workforce Development Act 2013 (Tasmania)
- h) Age Discrimination Act 2004 (Commonwealth)
- i) Disability Discrimination Act 2009 (Commonwealth)
- j) Racial Discrimination Act 1975 (Commonwealth)
- k) Sex Discrimination Act 1984 (Commonwealth)
- l) Discrimination Act 1991 (Australian Capital Territory)
- m) Disability Services Act 1991 (Australian Capital Territory)
- n) Anti-Discrimination Act 1977 (New South Wales)
- o) Anti-Discrimination Act (Northern Territory)
- p) Anti-Discrimination Act 1991 (Queensland)
- q) Equal Opportunity Act 1994 (South Australia)
- r) Sex Discrimination Act 1994 (Tasmania)
- s) Anti-Discrimination Act 1998 (Tasmania)
- t) Equal Opportunity Act 2010 (Victoria)
- u) Disability Act 2006 (Victoria)
- v) Equal Opportunity Act 1984 (Western Australia)

## 22. RECORDS MANAGEMENT

All documentation from regarding complaints concerning Access and Equity matters are maintained in accordance with Records Management Policy. (See Records Management Policy)

## 23. MONITORING AND IMPROVEMENT

All Access and Equity practices are monitored by the CEO Eightfold Institute and areas for improvement identified and acted upon. (See Continuous Improvement Policy)