

TITLE: STUDENT EQUAL OPPORTUNITY AND VALUING DIVERSITY POLICY
DOC ID: B/SV/D/7/017
PREPARED BY: Cathy Frazer
APPROVED FOR USE: Chief Executive Office and Chief Operating Officer

Page: 1 of 7
Edition: 1
Date: 15/12/2015

STUDENT EQUAL OPPORTUNITY AND VALUING DIVERSITY POLICY

Background and Context

Melbourne Polytechnic is committed to providing an environment that promotes natural justice, values diversity, offers equality of opportunity and is free from discrimination and harassment.

This Policy sets out the principles held by Melbourne Polytechnic to provide an environment that ensures all students and potential students have fair access to educational opportunities and where students are not treated differently, or discriminated against, because of his/her individual characteristics or protected attributes.

Melbourne Polytechnic requires Melbourne Polytechnic staff, contractors, board members and students to treat others with dignity, courtesy and respect and to act in a way that is consistent with the Victorian Human Rights Charter and the Equal Opportunity Act 2010.

Purpose and Scope

The purpose of this Policy is to:

- (i) create an educational environment at Melbourne Polytechnic free from discrimination, harassment, sexual harassment, bullying and victimisation; and
- (ii) ensure that Melbourne Polytechnic students are aware of their rights and responsibilities with respect to discrimination, harassment, sexual harassment, bullying and victimisation; and
- (iii) provide an effective procedure for dealing with complaints of bullying and victimisation by and of Melbourne Polytechnic students or complaints of discrimination, harassment, sexual harassment, bullying and victimisation made by Melbourne Polytechnic students impartially, promptly and confidentially; and
- (iv) encourage the reporting of behaviour which breaches this policy; and
- (v) ensure that Melbourne Polytechnic students do not suffer any victimisation or reprisals as a result of making a complaint; and
- (vi) promote appropriate standards of conduct and behaviour by Melbourne Polytechnic students.

This Policy applies to all current and prospective students of Melbourne Polytechnic in relation to his or her studies or prospective studies at Melbourne Polytechnic.

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Page: 2 of 7
Edition: 1
Date: 15/12/2015

Policy Principles

This policy aims to:

- (i) provide an environment that values diversity, promotes natural justice and offers equality of opportunity; and
- (ii) eliminate discrimination, harassment, sexual harassment, bullying and victimisation on the grounds of any attribute protected under the Equal Opportunity Act (Victoria) 2010; and
- (iii) ensure that students and potential students are treated fairly and respectfully by others in the Melbourne Polytechnic community.

DEFINITIONS

Bullying means repeated, unreasonable behaviour directed towards another person or group of people, that creates a risk to health and safety. Bullying takes many forms including unwanted physical contact; verbal abuse; spreading rumours; damage to an individual's property; constant innuendo; ridicule; sarcasm; offensive letters, phone calls, emails; or offensive comments posted on social media sites. Behaviour may constitute bullying even though there was no intention for this to occur.

Bullying can cause the loss of students from Melbourne Polytechnic, reduce productivity and morale, cause emotional stress and create legal risks. Bullying can constitute a criminal offence.

Bullying is not constructive criticism nor is it appropriate performance management or appropriate academic supervision, assessment or feedback.

Discrimination means direct or indirect discrimination in the on the basis of one or more of the following attributes:

- (i) age; or
- (ii) breastfeeding; or
- (iii) employment activity; or
- (iv) gender identity; or
- (v) impairment; or
- (vi) industrial activity; or
- (vii) lawful sexual activity; or
- (viii) marital status; or
- (ix) parental status or status as a carer; or
- (x) physical features; or

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Page: 3 of 7
Edition: 1
Date: 15/12/2015

- (xi) political belief or activity; or
- (xii) pregnancy; or
- (xiii) race; or
- (xiv) religious belief or activity; or
- (xv) sex; or
- (xvi) sexual orientation; or
- (xvii) personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes

Direct discrimination means treating, or proposing to treat, someone with a protected attribute under the Equal Opportunity Act (Victoria) 2010 (see discrimination definition) unfavourably because of that attribute.

Harassment means any unwelcome and unreasonable conduct, whether it be verbal, physical, electronic or otherwise, towards another person because the other person has a particular attribute protected under the Equal Opportunity Act (Victoria) 2010 (see discrimination definition), in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Indirect discrimination means imposing, or proposing to impose, a requirement, condition or practice:

- (i) that has, or is likely to have, the effect of disadvantaging persons with a protected attribute under the Equal Opportunity Act (Victoria) 2010 (see discrimination definition)); and
- (ii) that is not reasonable.

Sexual Harassment means where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Victimisation means subjecting or threatening to subject a person to any detriment because he or she:

- (i) has made a complaint or initiated a procedure, or proposes to make a complaint or initiate a procedure, under this Policy and Procedure; or

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Page: 4 of 7
Edition: 1
Date: 15/12/2015

- (ii) has made, or proposes to make, a complaint or grievance under the Melbourne Polytechnic Student Complaints and Grievances Policy and Procedure in relation to a breach of this Policy and Procedure; or
- (iii) has brought, or proposes to bring, any proceedings with an external body in relation to a complaint of discrimination, harassment, sexual harassment, bullying or victimisation; or
- (iv) has furnished, or proposes to furnish, any information, or has produced, or proposes to produce, any documents to a person exercising or performing any power or function under or in relation to this Policy and Procedure; or
- (v) has attended, or proposes to attend, a conference or meeting or discussion in relation to a complaint of discrimination, harassment, sexual harassment, bullying or victimisation; or
- (vi) has been identified as a witness in relation to a complaint of discrimination, harassment, sexual harassment, bullying or victimisation; or
- (vii) has acted, or proposes to act, as a support person for a person who proposes to or who has made a complaint of discrimination, harassment, sexual harassment, bullying or victimisation.

Policy

1. Obligations of Melbourne Polytechnic

- 1.1 Under State and Federal equal opportunity legislation, Melbourne Polytechnic is obliged to ensure that it offers and provides educational services in accordance with that legislation, that is, free from unlawful discrimination, harassment, sexual harassment, bullying and victimisation.
- 1.2 Melbourne Polytechnic also has specific legal obligations under the [Disability Standards for Education 2005 \(Cth\)](#) to ensure that students with disabilities are treated with dignity and enjoy the benefits of education and training in a supportive environment which values and encourages participation by all students. Further information about these obligations and the rights of students with disabilities, is contained in the [Policy to Support Students with Disabilities](#).
- 1.3 Under the [Occupational Health and Safety Act 2004 \(Vic\)](#) , Melbourne Polytechnic is obliged to ensure that it provides educational services in a manner which is free from Bullying and Victimisation.
- 1.4 Any form of Bullying or Victimisation of or by students in relation to Melbourne Polytechnic activities will not be tolerated. Melbourne Polytechnic will take appropriate disciplinary action against any staff, contractors or students who engage in Bullying or Victimisation.

2. Enrolment

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Page: 5 of 7
Edition: 1
Date: 15/12/2015

2.1. Prospective students applying to study at Melbourne Polytechnic will not be discriminated against based on any attribute protected under the Equal Opportunity Act (Victoria) 2010. Admission to courses is subject to students meeting the entry requirements, which apply to all students.

3. Procedures For Dealing With Complaints

3.1. The procedures for dealing with complaints which breach this policy are the same as those set out in Melbourne Polytechnic's Student Complaints and Grievances Policy & Procedure ([B/SV/D/7/007](#))

4. Professional Development and Awareness Raising

4.1. Staff Induction and professional development programs will include components on equal opportunity and valuing diversity and on the obligations of education and training providers.

5. Exemption

5.1. Conduct will not constitute Discrimination under this Policy if an exemption set out in State or Federal equal opportunity legislation applies to particular conduct.

Responsibility and Accountability

All Melbourne Polytechnic Staff Members and Contractors are responsible for providing an inclusive educational environment by eliminating practices, structures and procedures which are a source of direct or indirect discrimination towards students based on any attribute protected under the Equal Opportunity Act (Victoria) 2010.

The People and Culture Department is responsible for providing training, education and assistance for Melbourne Polytechnic staff to equip them to value diversity and work effectively with students with any attribute protected under the Equal Opportunity Act (Victoria) 2010.

All Melbourne Polytechnic Students must take personal responsibility for their behaviour while engaging in activities related to Melbourne Polytechnic and must not other subject students Melbourne Polytechnic staff, Melbourne Polytechnic contractors or members of the Melbourne Polytechnic Board to discrimination, harassment, sexual harassment, bullying and victimisation. Students are strongly encouraged to report any form of Bullying or Victimisation to Melbourne Polytechnic staff. Students who engage in such behaviour may be subject to discipline under the Student Discipline Rule. ([NMIT/GOV/D/7/201](#))

EXTERNAL AGENCIES OFFERING INFORMATION TO STUDENTS

Melbourne Polytechnic aims to provide an environment where students concerns are addressed internally. However, it recognises that depending on the circumstances, students may choose to make a complaint of unlawful discrimination, harassment, sexual harassment, bullying or victimisation with an external organisation.

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Page: 6 of 7

Edition: 1

Date: 15/12/2015

Issue	External agency	Telephone
Complaints about harassment or discrimination.	<p>Victorian Equal Opportunity and Human Rights Commission</p> <p>Level 3, 204 Lygon Street, Carlton 3053.</p> <p>www.humanrightscommission.vic.gov.au/complaints@veohrc.vic.gov.au</p> <p>Human Rights and Equal Opportunity Commission, HREOC (Federal)</p> <p>GPO Box 5218, Sydney 2001</p> <p>www.humanrights.gov.au/newcomplaints@humanrights.gov.au</p>	<p>1300 292 153</p> <p>1300 656 419</p>
Complaints about internal policies or procedures	<p>Victorian Ombudsman</p> <p>Level 1 North Tower 459 Collins Street Melbourne 3000</p> <p>www.ombudsman.vic.gov.au/Complaints/Got-a-Complaint</p>	1800 806 314
<p>Complaints about bullying.</p> <p><i>Please note: Bullying can fall within the scope of various Victorian and Federal laws, depending on the facts involved.</i></p> <p><i>WorkSafe Victoria has responsibility for breaches of the Occupational Health and Safety Act 2004 (Vic).</i></p>	<p>WorkSafe Victoria's Advisory Service</p> <p>GPO Box 4306, Melbourne, 3001</p> <p>www.worksafe.vic.gov.au</p> <p>info@worksafe.vic.gov.au</p>	1800 136 089

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Page: 7 of 7
Edition: 1
Date: 15/12/2015

Legislative Context

- [Age Discrimination Act 2004 \(Cth\)](#)
- [Australian Human Rights Commission Act 1986 \(Cth\)](#)
- [Carers Recognition Act 2012 \(Vic\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Disability Discrimination Act 1992 \(Cth\)](#)
- [Disability Standards for Education 2005 \(Cth\)](#)
- [Equal Opportunity Act 2010 \(Vic\)](#)
- [Occupational Health and Safety Act 2004 \(Vic\)](#)
- [Racial Discrimination Act 1975 \(Cth\)](#)
- [Racial and Religious Tolerance Act 2001 \(Vic\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)
- [Victorian Human Rights Charter](#)

Related Documents

- [Code of Conduct for Victorian Public Sector Employees](#)
- Policy to Support Students with Disabilities ([B/SV/D/7/006](#))
- Student Complaints and Grievances Policy & Procedure ([B/SV/D/7/007](#))
- Student Discipline Rule. ([NMIT/GOV/D/7/201](#))

REVOCATION OF FORMER POLICY

This Policy was approved at the Melbourne Polytechnic Board meeting held on 17 December 2015. In making this Policy, the following were revoked in their entirety:

- Policy and Procedure on Equal Opportunity for Students.
- Policy and Procedure for the Prevention of Sexual Harassment of Students.