

## ANTI-DISCRIMINATION PROCEDURE

<b>Approving Authority</b>	Executive Management Team
<b>Purpose</b>	To ensure the workplace provides a fair and supportive environment free from all forms of discrimination, discriminatory practice and beliefs, that promotes personal respect, values diversity, and provides physical and emotional safety
<b>Responsible Officer</b>	CEO and President
<b>Next Scheduled Review</b>	August 2028
<b>Document Location</b>	<a href="http://www.ozford.edu.au/higher-education/policies-and-procedures/">http://www.ozford.edu.au/higher-education/policies-and-procedures/</a>
<b>Associated Documents</b>	Anti-Discrimination Policy Anti-Bullying and Harassment Policy and Procedure Diversity and Equity Policy and Procedure Human Resources Policy and Procedures (Manual) Privacy Policy and Procedure Sexual Assault And Sexual Harassment Policy and Procedure Student Code of Conduct Policy and Procedure Staff Code of Conduct Policy and Procedure Social Media (Students) Policy and Procedures Social Media (Staff) Policy and Procedure Student Grievances and Appeals Policy and Procedure Student Support and Services Policy and Procedure Student Safety and Wellbeing Framework

### 1. PRINCIPLES

This procedure aims to ensure that Ozford Institute of Higher Education (the “Institute”) complies with *the Higher Education Standards Framework (Threshold Standards) 2021* (HES Framework) which requires the Institute to promote and foster safety in all Institute environments. Legally, the Institute has a positive duty to eliminate discrimination, sexual harassment and victimisation as far as possible. This means that, instead of simply reacting to complaints of discrimination or sexual harassment, the Institute is proactive about discrimination and take steps to prevent it from occurring.

The Institute is an equal opportunity workplace and learning environment for staff and students.

The Institute believes that all staff and students should be able to work and study in an environment free from discrimination, victimisation, sexual harassment, vilification and the seeking of unnecessary information on which discrimination might be based. The Institute considers such behaviours unacceptable and they will not be tolerated.

In Victoria under the *Equal Opportunity Act 2010*, the *Racial and Religious Tolerance Act 2001* and *Charter of Human Rights and Responsibilities Act*, discrimination, victimisation, sexual harassment, vilification and seeking unnecessary information on which discrimination might be based are illegal. Discrimination on the following grounds is against the law:

- age
- disability
- employment activity
- expunged homosexual conviction

- gender identity
- industrial activity
- lawful sexual activity
- marital status
- parent and carer status
- physical features
- political belief or activity
- pregnancy and breastfeeding
- profession, trade or occupation
- race
- religious belief or activity
- sex
- sex characteristics
- sexual orientation
- spent conviction
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

Other behaviour that is against the law includes:

- seeking unnecessary information on which discrimination might be based;
- victimisation because a person has made a complaint, agreed to be a witness or has had a complaint made against them;
- sexual harassment is prohibited under both state legislation and the federal legislation;
- vilification on the basis of a person's race, religion, gender identity or sexuality; or
- discrimination on the basis of criminal record, medical record or social origin.

This procedure will ensure that the Institute has:

- Appropriate training and information resources provided to student and staff in preventing, reporting and responding to discrimination.
- An effective approach in response to misconduct incidents as they occur;
- Appropriate support and counselling services available to those affected;
- Appropriate disclosure and reporting of any discrimination incidents.

## 2. SCOPE

This procedure applies to all Institute staff, voluntary position holders, students, volunteers, visitors and members of advisory and governing bodies, across the Institute, and at all times whilst engaged in Institute business or otherwise representing the Institute. The scope encompasses affiliates, contractors and consultants, appointed or engaged by the Institute, to perform functions and/or recognised for their contribution to the Institute.

It applies to all Institute-related interactions. It applies while on or off campus, at Institute-related functions (including social functions and celebrations), while on trips and attending conferences.

### 3. DEFINITIONS

#### ***Direct Discrimination***

Direct discrimination occurs when a person (or a group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more of the attributes listed above. Direct discrimination may involve:

- making offensive 'jokes' about another worker's racial or ethnic background, sex, sexuality, age or impairment;
- expressing negative stereotypes about particular groups or using stereotypes as a basis for decisions about work e.g. 'Women with young children shouldn't work.' or 'Older workers can't learn new skills';
- using selection processes based on irrelevant attributes such as age, race or impairment rather than on skills really needed for the job.

#### ***Indirect Discrimination***

Indirect discrimination occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute listed above. The fact that the disadvantage was not intended is not an excuse. For example:

1. requiring everyone to be available for all shifts might be unfair to a person with responsibilities to care for children or an elderly parent;
2. only hiring people who have never had a back injury or a workers compensation claim might rule out an employee whose health has returned and can do the job well;
3. not considering the provision of some reasonable adjustments would disadvantage a person with an impairment, who may be able to perform the essential parts of the job in a different way.

For the definition of sexual harassment please refer to the ***Sexual Assault and Sexual Harassment Policy and Procedure***.

### 4. PROCEDURE

#### **Prevention, Training and Awareness**

- 4.1. The Institute will take all reasonable steps to prevent or minimise unlawful discrimination, bullying, harassment, victimisation and vilification against staff or students in the workplace and learning environment. All staff are expected, when carrying out their duties, to show respect towards all persons.
- 4.2. All staff are entitled to:
  - recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
  - work free from discrimination, bullying and sexual harassment
  - the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
  - reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

- 4.3. Anti-discrimination and harassment information will be included in the Institute's policies, procedures, code of conduct, frameworks.
- 4.4. Anti-discrimination and harassment information will be included in student orientation, staff induction, training, briefings and communications.
- 4.5. The Institute conducts regular awareness training.
- 4.6. Information will be made publicly available on the Institute website and Moodle.
- 4.7. All staff must:
  - follow the standards of behaviour outlined in this policy
  - offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
  - avoid gossip and respect the confidentiality of complaint resolution procedures
  - treat everyone with dignity, courtesy and respect.
- 4.8. Heads of Department and supervisors must:
  - model appropriate standards of behaviour
  - take steps to educate and make staff aware of their obligations under this policy and the law
  - take reasonably practicable steps to ensure that the workplace or learning environment both on-campus and online, is free from Discrimination, Bullying and Harassment;
  - provide training or advice to staff to eliminate discrimination, bullying and harassment and develop cross-cultural awareness and sensitivity among professional and academic staff and students;
  - encourage due recognition to the history and experiences of the Aboriginal and Torres Strait Islander Peoples of Australia and other ethnic groups;
  - intervene quickly and appropriately when they become aware of inappropriate behaviour
  - act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
  - inform staff or students who experience discrimination, bullying and harassment of their rights and provide them with the appropriate policy and procedures to resolve their concerns;
  - refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
  - ensure that staff or students who make a complaint are not victimised for doing so and respect their privacy and confidentiality at all times
  - ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
  - consider requests for flexible work arrangements.
  - maintain a confidential database of complaints.
- 4.9. Staff (including Heads of Department) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.
- 4.10. All recruitment and job selection decisions will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

- 4.11. It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

## Reporting Incidents and support

- 4.12. The starting point to resolving a complaint is to talk with an Institute staff member. For staff this can be their supervisor and for students, the Student Services Team can offer support. The complainant will be encouraged to advise their concerns, explain what has happened and how it has affected them.
- 4.13. The Institute strongly encourages any student or staff member who believes they have been discriminated against, bullied, sexually harassed or victimised to take action.
- 4.14. Staff and students should not ignore discrimination, sexual harassment, vilification, or requests for unnecessary information, thinking it will go away - often it just gets worse. Choose the action you feel most comfortable with. You can follow more than one action at the same time.
- 4.15. If a complainant feels confident and wants to deal with the situation themselves, the complainant will be encouraged to use self-help techniques. However, it is not necessary that the complainant tries to resolve a complaint this way.
- 4.16. This option involves the complainant approaching the person responsible for the discriminatory or sexually harassing behaviour. The person should be advised what the complainant is unhappy about, why the complainant is unhappy about it, and what the complainant would like to happen. Having a support person is encouraged as it can be helpful to this process. The Institute's Student Services Team can assist with this.
- 4.17. If a staff member or student who believes that she/he is being discriminated and is unable to resolve the matter herself/himself or is of the belief that it is unsafe to do so, he or she may approach the Head of Student Services or the Academic Dean in the first instance, and then students may follow the Institute ***Student Grievances and Appeals Policy and Procedure*** and staff may follow the ***Human Resources Policy and Procedure Manual Grievance process***.
- 4.18. The Institute provides confidential assistance to students in the form of wellbeing support and professional counselling and encourages all students to seek help.
- 4.19. To obtain more information before deciding on what to do, the student or staff member can contact the following person in the Institute for additional support:

<b>Name</b>	Ms. Rong LIU
<b>Position</b>	President and CEO
<b>Location</b>	333 Queen Street, Melbourne, VIC.
<b>Telephone</b>	03 8663 7198
<b>Email</b>	rongliu@ozford.edu.au

- 4.20. Alternatively, the student or staff member can contact the Victorian Equal Opportunity and Human Rights Commission for information about your rights and responsibilities at the following link:  
[Get help | Victorian Equal Opportunity and Human Rights Commission](#)

- 4.21. The Institute has an obligation to treat all complaints of discrimination, victimisation, sexual harassment, vilification or seeking unnecessary information seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.
- 4.22. The Institute may take immediate action (e.g. removing offensive materials/communications).
- 4.23. The Institute may provide a range of options. One approach is to centre on the resolution of the issue, without deciding fault. The person may be spoken to about the incident, to see if the situation can be resolved simply.

Some matters are not resolved so easily, especially if the person being complained about denies or disputes the allegations, or the issues are complex. A manager (or another manager if appropriate) may handle your complaint or refer it to specialist human resource staff or engage an independent external agency. This option will involve an investigation, collecting evidence and witness statements, and making findings and recommendations which will be implemented by the Institute.

- 4.24. Once all the information is gathered, the President and CEO, acting as the internal investigator will determine whether, 'on the balance of probabilities', the complaint can be substantiated. If the complaint is substantiated, appropriate discipline needs to be applied.
- 4.25. Irrespective of the findings of an internal investigation, the decision will be communicated to the relevant parties, together with an appropriate explanation.
- 4.26. Substantiated bullying or harassment of staff or students by students may result in withdrawal or termination of services, or facilities.

## **External complaints bodies**

- 4.27. The Victorian Equal Opportunity and Human Rights Commission offers information and a dispute resolution service that is free and confidential. The Victorian Equal Opportunity and Human Rights Commission assists people to resolve complaints of discrimination, sexual harassment, racial and religious vilification, and victimisation. The Victorian Equal Opportunity and Human Rights Commission's contact details are as follows:

**Website:** <https://www.humanrights.vic.gov.au/>

- 4.28. The Australian Human Rights Commission investigates and conciliates complaints about discrimination and breaches of human rights. Complaints are made online using the form or via email. The Australian Human Rights Commission's contact details are accessible on the website:

<https://humanrights.gov.au>

## **Reporting and monitoring of incidents**

- 4.29. The Institute keeps all records of all incidents involving students in the student management system and any incidents involving staff in staff files.

- 4.30. All incidents will be reported to the Audit and Risk Committee and the Governing Board. The Audit and Risk Committee and the Governing Board will have a standing agenda item for each meeting to confirm whether or not there have been any incidents.
- 4.31. The data about any potential or actual incidents or concerns will be collated and a report will be prepared and presented to the Governing Board at a minimum, every 6 months. Confidentiality and information privacy will be upheld, in accordance to the legislative requirements and the Institute Privacy Policy.
- 4.32. Any improvements required to enhance the campus safety will be discussed and implemented as appropriate.

## 5. QUALITY ASSURANCE

To ensure that this procedure is fit for purpose and meets the requirements of the TEQSA Compliance Frameworks the procedure will be:

- 5.1 internally approved by the Executive Management Team on development or review;
- 5.2 externally reviewed as part of any independent review of the TEQSA Compliance Frameworks approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier); and
- 5.4 referenced to the applicable TEQSA Compliance Frameworks requirement(s) and/or other legislation/regulation.

## 6. FEEDBACK

Feedback or comments on this procedure is welcomed by the listed responsible officer(s) of the Institute.

## 7. ACKNOWLEDGEMENT

This procedure was developed based on the following:

- Monash University, Equity, Diversity and Anti-discrimination Policy, 2023 ([Equity, Diversity and Anti-discrimination Policy \(monash.edu\)](#))
- Australian Institute of Higher Education, Diversity and Equity Policy; 2020 ([ACAHE20-Diversity-and-Equity-Policy-2020.1.pdf \(aih.edu.au\)](#))
- University of Melbourne, Diversity and inclusion strategy and policy, 2021 ([Diversity and inclusion strategy and policy \(unimelb.edu.au\)](#))
- University of Tasmania, Behaviour Policy, 2021 ([Policies - Governance Instruments Framework | University of Tasmania \(utas.edu.au\)](#))
- Australian Human Rights Commission, Information and resources ([Employers \(humanrights.gov.au\)](#))
- Fair Work Commission, Information and Resources ([Issues we help with | Fair Work Commission \(fwc.gov.au\)](#))
- Victorian Equal Opportunity and Human Rights Commission, Information and resources (<https://www.humanrights.vic.gov.au/for-organisations/>)

- the Ozford College of Business policy of the same name and purpose.

## 8. VERSION CONTROL

Version	Date approved	Description	Approved by
3.0	September 2018	Initial issue	EMT
3.1	December 2022	Scheduled review	EMT
3.2	June 2023	Internal review	EMT
3.3	September 2023	Internal review – minor formatting changes and add external referencing	EMT
3.4	August 2025	Internal Review – Organisational changes and minor edits	EMT
Related legislation/ regulation/standard	Tertiary Education Quality and Standards Act 2011 Higher Education Standards Framework (Threshold Standards) 2021 Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Disability Discrimination Act 1992 (Cth) Disability Standards for Education 2005 (Cth) Australian Human Rights Commission Act 1986 (Cth) Workplace Gender Equality Act 2012 (Cth) Age Discrimination Act 2004 (Cth) Fair Work Act 2009 (Clth) Victorian Legislation Equal Opportunity Act 2010 Racial and Religious Tolerance Act 2001 (VIC) Spent Convictions Act 2021		

Note. EMT = Executive Management Team.