

ANTI-DISCRIMINATION POLICY

Approving Authority	Governing Board
Purpose	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
Responsible Officer	President and CEO
Next Scheduled Review	September 2028
Document Location	http://www.ozford.edu.au/higher-education/policies-and-procedures/
Associated Documents	Anti-Discrimination Procedure 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 policy 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 policy and related procedures 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 policy 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 is 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 is 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:

- requiring everyone to be available for all shifts might be unfair to a person with responsibilities to care for children or an elderly parent;
- 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;
- 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. POLICY

Prevention, Training and Awareness

- 4.1. The Institute is committed to ensuring all students and staff work and study in a safe environment that is free from discrimination of any type. All students and staff have a right to expect professional standard behaviour from others, and a corresponding responsibility to behave professionally towards others at all times.
- 4.2. The Institute has a **zero tolerance** of discrimination and prohibits all forms of discrimination.
- 4.3. The Institute acknowledges that education and awareness are important aspects of prevention and commits to actively informing and training students and staff in preventing, reporting and responding to discrimination.
- 4.4. The Institute will not publish or display an advertisement or other information that intends to discriminate.

- 4.5. The Institute will not request or require a person to supply information that could be used to discriminate, unless the information is reasonably required for a legitimate purpose that does not involve discrimination.
- 4.6. At all stages of the relationship with staff and contractors, recruitment and selection, orientation, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, retrenchment and termination, the Institute's staff will be treated on their merits and valued according to how well they perform their duties.
- 4.7. At all stages of the relationship with students, marketing, recruitment and selection, orientation, academic delivery and assessment, student support and accreditation, the Institute's students will be treated in a non-discriminatory manner and supported equally to enable success in their studies.
- 4.8. The Institute has a ***Student Code of Conduct Policy and Procedure and Staff Code of Conduct Policy and Procedure*** which requires all students and staff act in a manner that promotes a safe, positive, productive and harmonious learning environment, act ethically and responsibly, and be accountable for their actions and decisions.
- 4.9. All at the Institute have a responsibility to contribute to teaching and learning environments that are free from discrimination, and that encourages staff and students to develop attitudes and skills to ensure that everyone is equally valued, and all are treated with respect.
- 4.1. Heads of Department have a particular obligation to model appropriate behaviour; promote this policy; treat all complaints seriously and attend to them promptly; monitor the Institute's environments and seek expert help for complex or serious matters. Heads of Department must ensure:
- professional standards of behaviour apply at all times;
 - staff or students who wish to make enquiries or complaints are supported and assisted in a professional and fully informed manner;
 - all complaints are treated impartially, confidentially, seriously and sympathetically;
 - all parties are protected and given fair treatment throughout the process;
 - appropriate action is taken whenever bullying or harassment has been substantiated;
 - disciplinary action is taken when there is found to be misconduct.

Incident Report

- 4.10. All staff have the responsibility to comply with this policy; report incidents to their Heads of Department or Supervisors and not tolerate discriminatory or harassing behaviour.
- 4.11. All students are expected to contribute to the creation of a discrimination free and inclusive learning environment.
- 4.12. The Institute encourages everyone to seek advice and support when they feel they have been treated unfairly, or when they have experienced or witnessed concerning behaviour. The Institute has policies and procedures for the effective resolution of complaints, including how to make a report of concerning behaviour.

Response and Support

- 4.13. When discrimination is reported it will be seen as a serious matter and will be investigated in a timely manner. Allegations will be investigated in accordance with the procedures. Where necessary, a formal investigation will be undertaken, and disciplinary action may result.
- 4.14. If a case is referred to the Victoria Police or the Equal Opportunity Commission (EOC) or to the Australian Human Rights Commission (AHRC), then the Institute will not take any action that will compromise the police investigation or EOC/AHRC complaint resolution process. While accountability for prosecuting criminal acts rests with the local police where the offence occurred, the Institute can take internal action where there is a breach of its rules, by-laws, policies and procedures for activities and circumstances related to the Institute matters.
- 4.15. The Institute will provide confidential assistance to staff or students in the form of wellbeing support and professional counselling.
- 4.16. A failure to comply with the Institute's policies may result in action that includes disciplinary and other action up to and including potential termination of employment for employees or the cessation of engagements for contracted services.

Reporting and Monitoring

- 4.17. The Institute ensures that all incident data is kept confidentially, and incident data is reported to the Executive Management Team, the Academic Board and Governing Board every 6 months to monitor the prevalence of misconduct in connection with the Institute.
- 4.18. Confidentiality and information privacy will be upheld, in accordance to the legislative requirements and the Institute ***Privacy Policy and Procedure***.
- 4.19. Any suggested improvement required to enhance the campus safety will be discussed and implemented as appropriate.

5. QUALITY ASSURANCE

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

- 5.1 internally endorsed by the Executive Management Team on development or review, prior to approval by Governing Board, or the Academic Board or other delegated authority;
- 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 policy is welcomed by the listed responsible officer(s) of the Institute.

7. ACKNOWLEDGEMENTS

This policy was developed with reference to 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 \(utas.edu.au\)](#))
- Equity and Diversity – Governing Policy; USC 2018
- 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
1.0	June 2014	Initial issue	GB
2.0	May 2017	Internal review	GB
3.0	September 2018	Internal review	GB
3.1	December 2022	Scheduled review	GB
3.2	July 2023	Internal review	GB
3.3	September 2023	Internal review – minor formatting changes and add external referencing	EMT
3.4	September 2025	Internal Review – Organisational changes and minor edits	GB
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 (Cth) Victorian Legislation Equal Opportunity Act 2010 Racial and Religious Tolerance Act 2001 (VIC) Spent Convictions Act 2021		

Notes.

GB = Governing Board

EMT = Executive Management Team