

## ACCESS AND EQUITY POLICY

### PURPOSE

The purpose of this policy is to detail the Whitehouse Institute commitment to ensuring that the structures and practices of the Institute uphold the principles of access and equity.

The Institute recognises that it has various responsibilities under relevant state and Commonwealth legislation; the Institute's commitment to access and equity is motivated as much by its own ethical standards as it is by its legal duty.

The Whitehouse Institute values the richness and diversity of its student population, and is committed to meeting its disparate needs. Consequently, Institute policies are progressively reviewed to ensure that they are student-centred, reflect the ethics and values of the campus, embed equity principles and are compliant with the relevant legislation.

Part A of this policy lists the relevant legislation.

Part B of this policy summarises the Institute's obligations under that legislation

Part C of this policy provides details of specific links to the relevant legislation, including definitions and scope of terms.

### POLICY

#### PART A – Relevant legislation

- a) Anti-discrimination Act 1977
- b) Disability Discrimination Act 1992.
- c) ESOS Act 2000 (amended 2005)
- d) Racial Discrimination Act 1975
- e) Sex Discrimination Act 1984

#### PART B - Obligations

- a) Anti-discrimination Act 1977

*Long title: An Act to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons.*

Under this Act:

#### Employment and staff participation:

It is unlawful for Whitehouse Institute of Design to discriminate against a person on the grounds of

- Race
- Sex
- Transgender
- Marital status

- Disability
- Homosexuality
- Status as a carer
- Compulsory retirement
- Age
- HIV/AIDs status

in the arrangements it makes for the purpose of determining who should be offered employment in determining who should be offered employment, or in the terms on which the employer offers employment, and in the terms or conditions of employment which the employer affords the employee, by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment, or by dismissing the employee or subjecting the employee to any other detriment (except for provisions as allowed in the Act).

#### Enrolment and student participation:

It is unlawful for the Whitehouse Institute of Design to discriminate against a person on the grounds of:

- Race
- Sex
- Transgender
- Marital status
- Disability
- Homosexuality
- Status as a carer
- Age
- HIV/AIDs status

by refusing or failing to accept the person's application for admission as a student, or in the terms on which it is prepared to admit the person as a student and by denying the student access, or limiting the student's access, to any benefit provided by the Institute, or by expelling the student or subjecting the student to any other detriment (except for provisions as allowed in the Act).

#### Racial vilification

It is unlawful for the Whitehouse Institute of Design to tolerate any expression of racial vilification where a person or a group of people incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.

#### Sexual harassment

It is unlawful for the Whitehouse Institute of Design to tolerate any form of sexual harassment. Sexual harassment is where a person sexually harasses another person by making an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or a person engages in 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.

b) Disability Discrimination Act 1992

Under this Act:

Enrolments and student participation

It is unlawful for the Whitehouse Institute of Design to discriminate against a person on the ground of the person's disability or a disability of any of the other person's associates by refusing or failing to accept the person's application for admission as a student, or in the terms or conditions on which it is prepared to admit the person as a student.

It is unlawful for the Whitehouse Institute of Design to discriminate against a person on the ground of the person's disability or a disability of any of the other person's associates by denying student access, or limiting student's access to any benefit provided by Whitehouse, or by expelling the student, or subjecting the student to any other detriment.

It is unlawful for the Whitehouse Institute of Design to discriminate against a person on the ground of the person's disability or a disability of any of the other person's associates by developing curricula or training courses having a content that will either exclude the person from participation, or subject the person to any other detriment; or by accrediting curricula or training courses having such a content.

It is not unlawful for the Whitehouse Institute of Design to discriminate against a person or student on the ground of the disability if avoidance of that discrimination would impose unjustifiable hardship on the Institute.

c) Education Services for Overseas Students (ESOS) Act 2000 *as amended in 2005*

The Department of Education, Science and Training (DEST) regulates the education and training sector's involvement with overseas students studying in Australia on student visas. It does this through the Education Services for Overseas Students Act and associated legislation that protects the interests of these students by providing tuition and financial assurance.

The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* commenced on 4 June 2001. As a provider on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), the Institute is required to comply with the Code's requirements.

The Code defines and details provider's responsibilities in the following areas to maintain their registration on CRICOS:

- Full-time courses
- Course duration

- Arrangements with other providers
- Associations of providers
- Australian residency
- Registered provider history
- Inspection of premises
- Period of registration
- Maximum number of students.

Further, the Code places these obligations on a registered provider:

- Notifying of changes to registered provider's details
- Having sufficient educational resources and facilities to deliver accredited courses as advertised
- Honestly representing course in marketing and advertising
- Recruiting students ethically
- Making arrangement for RPL that do not interfere with a student's obligations to study full time
- Accurate and up to date maintenance of student's personal and academic records, including contact details
- Written agreements for refunds (in the case of student default and in the case of provider default)
- Provision of adequate support services
- The nature of the relationship with education agents
- Student's access to staff, and
- Use of a student's personal information.

d) Racial Discrimination Act 1975

*Long title: An Act relating to the Elimination of Racial and other Discrimination*

The Whitehouse Institute of Design *does not* tolerate a person, or group of people, to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

e) Sex Discrimination Act 1984

The Whitehouse Institute of Design is required to conduct its business in accordance with the following objects of the Act:

- To give effect to certain provisions of the *Convention on the Elimination of All Forms of Discrimination Against Women*; and
- To eliminate, so far as is possible, discrimination against persons on the ground of sex, marital status, pregnancy or potential pregnancy in the areas of work, accommodation, education, the provision of goods, facilities and services; and

- iii) To eliminate, so far as possible, discrimination involving dismissal of employees on the ground of family responsibilities; and
- iv) To eliminate, so far as is possible, discrimination involving sexual harassment in the workplace, in educational institutions and in other areas of public activity; and
- v) To promote recognition and acceptance within the community of the principle of the equality of men and women.

## PART C - Definitions

Please refer to the Australasian Legal Information Institute (AustLII) website for full text copies of the above legislation, including definitions.

AustLII is a joint facility of the UTS and UNSW Faculties of Law; it provides free internet access to Australasian legal materials, upholding its broad public policy agenda to improve access to justice through better access to information.

Specific site addresses for each of the above pieces of legislation are as follows:

Anti Discrimination Act 1977

[http://www.austlii.edu.au/au/legis/nsw/consol\\_act/aa1977204](http://www.austlii.edu.au/au/legis/nsw/consol_act/aa1977204)

Disability Discrimination Act 1992

[http://www.austlii.edu.au/au/legis/cth/consol\\_act/dda1992264](http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264)

Education Services for Overseas Students Act 2000 (as amended in 2005)

[http://www.bar.austlii.edu.au/au/legis/cth/consol\\_act/esfosa2000442](http://www.bar.austlii.edu.au/au/legis/cth/consol_act/esfosa2000442)

Racial Discrimination Act 1975

[http://www.austlii.edu.au/au/legis/cth/consol\\_act/rda1975202](http://www.austlii.edu.au/au/legis/cth/consol_act/rda1975202)

Sex Discrimination Act 1984

[http://www.austlii.edu.au/au/legis/cth/consol\\_act/sda1984209](http://www.austlii.edu.au/au/legis/cth/consol_act/sda1984209)

This policy was approved by the Board of Governors on 27 February 2007 and is set out in the Student Handbook, Staff Handbook, Policy and Procedures manual and published on the Whitehouse Institute website [www.whitehouse-design.edu.au](http://www.whitehouse-design.edu.au)