

Policy Name	ACCESS AND EQUITY POLICY - STUDENTS
Policy Number	G001_PO (Governance)
Purpose	This policy outlines the commitment by Whitehouse Institute of Design, Australia (Whitehouse) to ensure that the structures and practices of the Institute uphold the principles of access and equity.
Scope	This policy applies to all students of Whitehouse across all Campuses.
Policy Statement	<p>Whitehouse as a higher education provider, values fairness and ensures that:</p> <ul style="list-style-type: none"> • Its services and information in relation to higher education and learning and teaching are developed and delivered on a fair basis to those who are eligible to receive them; and that • Students enrolled in Whitehouse programs participate and benefit to the same level of fairness. <p>This policy and its procedures <i>for students</i> provide a framework and a process to ensure that Whitehouse's practices are non-discriminatory, reflect the ethics and values of Whitehouse, and comply with the equity principles of relevant legislation.</p> <p>This policy identifies the relevant legislation and a summary of Whitehouse's obligations as it relates to each one. Whitehouse is aware that anti-discrimination laws operate at a Federal and State level and that the Australian Human Rights Commission has statutory responsibilities under Federal legislation. Whitehouse also recognises that Commonwealth laws and the State Territory laws generally cover the same grounds and areas of discrimination. There are some 'gaps' in the protection that is offered between different States and Territories and at a Commonwealth level. In addition, there are circumstances where only the Commonwealth law would apply or where only the State law would apply.</p> <p>Whitehouse complies with Commonwealth and State legislation including and not limited to that which pertains to different forms of discrimination, human rights, equal opportunity and privacy.</p> <p>Obligations of Whitehouse:</p> <ol style="list-style-type: none"> 1. Australian Higher Education Support Act 2013 (Supported by Higher Education Provider Guidelines) Subdivision 19-D—The fairness requirements: A higher education provider must treat fairly: <ol style="list-style-type: none"> a) all of its students; and b) all of the persons seeking to enroll with the provider. <p>Whitehouse will comply with this Act and the regulations which relate to Non-University Higher Education Providers.</p> 2. Higher Education Standards Framework (Threshold Standards) 2015 (HESF) Whitehouse will comply with relevant legislation included in this policy and follow the HESF guidelines and provide students with fair access to: <ol style="list-style-type: none"> a) Student participation and attainment b) Learning environment c) Teaching d) Research and Research Training e) Institutional Quality Assurance f) Governance and Accountability g) Representation, Information and Information Management

3. **NSW Anti-Discrimination Act 1977** (as amended 2007)

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

In relation to enrolment and student participation it is unlawful for Whitehouse to discriminate against a person on the grounds of:

- race
- sex
- transgender
- marital status
- disability
- sexuality
- status as a carer
- age
- HIV/AIDs status;

by refusing or failing to accept the person's application for admission; or by denying or limiting the student's access to any **benefit from Whitehouse** educational programs and/or learning environment; or by expelling the student or subjecting the student to any other detriment (except for provisions as allowed for in the Act).

Also, refer to ***Whitehouse Bullying Harassment and Discrimination Policy and Procedure***.

4. **Victorian Equal Opportunity Act 1995** (as amended 28 April 2010)

Under this Act it is unlawful for Whitehouse to discriminate against any of the following:

- age
- breastfeeding
- gender identity
- impairment
- industrial activity
- employment activity
- lawful sexual activity
- marital status
- parental status or status as a carer
- physical features
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sex
- sexual orientation
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

It is unlawful for Whitehouse to discriminate against a person on the basis:

- that the person has or at any time had any of the attributes outlined above, whether he or she had it at the time of the discrimination
- of a characteristic that a person with an attribute, as outline above, generally has
- of a characteristic that is generally imputed to a person with an attribute, as outlined above
- that a person is presumed to have an attribute, as outlined above, or to have had it at any time.

5. Age Discrimination Act 2004 (as amended 2010)

An Act relating to discrimination on the ground of age.

Under this Act it is unlawful for Whitehouse to discriminate against someone on the ground of age in respect of the following (except for provisions as allowed for in the Act):

- employment and related matters
- education
- access to premises
- provision of goods, services and facilities
- provision of accommodation
- disposal of land
- administration of Commonwealth laws and programs
- requests for information on which age discrimination might be based.

6. Disability

6.1 Disability Discrimination Act 1992 (DDA) (as amended 2009)

An Act relating to discrimination on the ground of disability. Section 22 details the specific requirements for educational providers.

It is unlawful for Whitehouse 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 content that will either exclude the person from participation or subject the person to any other detriment; or
- accrediting curricula or training courses and learning materials that have such content
- refusing or failing to accept the person's application for admission, or in the terms or conditions on which it is prepared to admit the person as a student
- denying or limiting student's access to any benefit provided by Whitehouse while they are studying, or by expelling them
- denying the student support services or subjecting them to any other detriment.

Whitehouse complies with the requirements of the act, with the exception where:

- the requirements impose unjustifiable hardship on the Institute <https://www.humanrights.gov.au/quick-guide/12105>
- the student cannot meet the course completion requirements, even with reasonable adjustments.

6.2 National Disability Insurance Scheme (NDIS)

- The NDIS operates under the key principle that individuals with a disability have an equal right of access to services.
- The NDIS does not replace the obligations of mainstream services, including educational services or reasonable adjustment, so Whitehouse is obligated to support students with disabilities, as specified in relevant legislation.

7. ESOS Act 2000 (as amended 2008)

An Act to regulate education services for overseas students and for related purposes.

The provision of education services to overseas students, studying in Australia on student visas is regulated through both Commonwealth and State law. It is administered through a cooperative regulatory model between the Australian Government and State and Territory Governments.

There are four pieces of law which make up the ESOS legislative framework:

- education Services for Overseas Students (ESOS) Act 2000 as amended in 2005
- education Services for Overseas Students (ESOS)Regulations 2001
- the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code) 2007 and
- education Services for Overseas Students (Registration Charges) Act 1997.

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 and meet minimum standards.

The National Code defines and details providers' responsibilities in the following areas to maintain their registration on CRICOS. Provision of the following information is required:

- details of the provider, including legal entity name, ABN, trading name etc
- course duration
- work-based training
- mode and place of study
- arrangement with other providers
- inspection of premises
- maximum number of students.

The standards for registered providers set out the obligations on registered providers in delivering education and training to overseas students. The 15 Standards detail the specific requirements registered providers must meet to comply with their obligations: These include provision of information on marketing:

- student engagement before enrolment
- formalisation of enrolment
- education agents
- younger students
- student support services
- transfer between providers
- complaints and appeals
- completion within expected duration

	<ul style="list-style-type: none"> • monitoring course progress • monitoring attendance • course credit • deferring, suspending or cancelling student enrolment • staff capability, education resources and premises • changes to registered providers' ownership or management.
<p>Relevant Legislation</p>	<ul style="list-style-type: none"> • Standards for Registered Training Organisations (RTOs) 2015 (Standards 1, 4 ,5 and 8) • TEQSA Threshold Standards (2015): https://www.teqsa.gov.au/ (Standards 2.2.1 Diversity and Equity; 2.3.3 Wellbeing and Safety; 3.3.3 and 3.3.4 Learning Materials and Educational Support) • Education Services for Overseas Students Act 2000 (ESOS) • Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act 2011): https://www.legislation.gov.au/Details/C2017C00271 <p>Commonwealth Anti-Discrimination Legislation</p> <ul style="list-style-type: none"> • Australian Human Rights Commission Act 1986 • Age Discrimination Act 2004 • Disability Discrimination Act 1992 https://www.education.gov.au/disability-standards-education-2005 • Racial Discrimination Act 1975 • Sex Discrimination Act 1984 • Privacy Act (Cwlth) 1988 • National Disability Insurance Scheme Act 2013(Cth): https://www.ndis.gov.au/ <p>State Anti-Discrimination Legislation</p> <ul style="list-style-type: none"> • Privacy and Personal Information Protection Act 1998 (NSW) • State Records Act 1998 (NSW) • Crimes Act 1900 (NSW) • NSW Anti-Discrimination Act 1977 • The Equal Opportunity Act 2010, (Victoria) • Racial and Religious Tolerance Act 2001 (Victoria) • Information Privacy Act 2000 (Victoria)
<p>Key Related Documents</p>	<p>Selection and Admission Policy and Procedure</p> <p>Assessment Policy and Procedure</p> <p>Academic Credit / Recognition of Prior Learning Policy and Procedure</p> <p>Progression and Exclusion Policy and Procedure</p> <p>Course Development and Continuous Improvement Policy and Procedure</p> <p>Code of Conduct (Students)</p> <p>Critical Incidence Policy and Procedure</p> <p>Student Grievances and Complaints Resolution Non-Academic Policy and Procedure</p>

	<p>Privacy Policy and Procedure</p> <p>Student Support Services Policy and Procedure</p> <p>Bullying, Harassment and Discrimination Policy and Procedure</p> <p>Facilities and Equipment Policy and Procedure</p> <p>Student Handbook</p> <ul style="list-style-type: none"> • Australian Disability Clearinghouse on Education and Training: https://www.adcet.edu.au/ • Building Confidence in Enrolling Learners with Disability https://www.acpet.edu.au/uploads/files/NDCO%20Booklet%20%20copy.pdf
Responsible Officer	Executive Director
Approval Authority/ Authorities	Board of Governors
Date Approved	02/12/2019
Date of Commencement	03/12/2019
Date for Review	02/12/2022
Documents superseded by this Procedure	Access and Equity Policy and Procedure Dec 2012 Admission Policy and Procedure (06/02/2013)
Amendment History	<p>08/2019</p> <p>Removed material related to 'staff' for a separate policy</p> <p>Updated Policy statement related to Disability and the NDIS</p> <p>Checked and updated URL links and Key Related Documents</p> <p>05/2018</p> <p>Re-branding – Header & Footer only</p> <p>12/2016</p> <p>Policy and Procedures separated. Updated formatting and minor amendments</p> <p>Changed formatting</p> <p>Updated hyperlinks</p> <p>12/2016</p> <p>Document</p> <p>Minor adjustments and inclusions to policy wording 09/2015</p>

Signed and dated for Whitehouse Pty Ltd		<u>L. E. TAYLOR</u>	<u>15/12/19</u>
	Signature	Name	Date

INFORMATION FOR PUBLISHING ON POLICY REGISTER	
Category	Governance
Stakeholders	Academic Board Executive Management Academic Staff Administration Staff Applicants to Programs Students