

# Student Equal Opportunity, Discrimination and Harassment Policy

## Section 1 - Purpose

(1) The main purpose of this Policy is to create an inclusive education and training environment for all prospective and current students seeking to, or studying at Melbourne Polytechnic. The Institute is committed to providing a positive learning experience, celebrating diversity and ensuring equal opportunity for all students that is free from discrimination, harassment, sexual harassment, bullying and victimisation. Melbourne Polytechnic will:

- a. ensure that current and prospective students are informed about their rights and responsibilities with respect to discrimination, harassment, sexual harassment, bullying and victimisation;
- b. not tolerate any discrimination, harassment, sexual harassment, bullying or victimisation of students;
- c. encourage the reporting of inappropriate, unacceptable situations and behaviour through appropriate channels of reporting; and
- d. ensure that no current or prospective student suffers any reprisals or victimisation as a result of lodging a complaint.

(2) Melbourne Polytechnic has provided an effective and accessible procedure for dealing with concerns or complaints relating to any failure or breaches relating to this policy.

## Section 2 - Policy Statement

(3) 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, bullying and victimisation.

(4) This Policy aims to establish an inclusive training environment that ensures all current and prospective students enjoy all aspects of campus life. This includes fair and equitable access to all educational opportunities, being valued, respected and not treated differently, discriminated against, harassed, sexually harassed, bullied or victimised whilst studying at Melbourne Polytechnic.

(5) Melbourne Polytechnic expects all board members, executive, staff, contractors, and students to treat others with dignity, courtesy and respect and to act in a way that is consistent with the [Charter of Human Rights and Responsibilities Act 2006](#) (Vic) and the [Equal Opportunity Act 2010](#) (Vic).

## Section 3 - Principles

(6) This policy aims to:

- a. provide an environment that values diversity, promotes natural justice and offers equality of opportunity;
- b. eliminate discrimination, harassment, sexual harassment, bullying and victimisation on the grounds of any attribute protected under the [Equal Opportunity Act 2010](#) (Vic); and
- c. ensure that all current and prospective students are treated fairly and respectfully by all staff and students

within the Melbourne Polytechnic community.

## Section 4 - Scope

(7) This policy applies to all board members, executive, staff and students across Melbourne Polytechnic.

(8) This policy applies to any independent contractors, employees of any independent contractor, current and prospective students both on and offshore.

## Section 5 - Commitment, Responsibilities and Obligations of Melbourne Polytechnic

### Commitment

(9) Melbourne Polytechnic is committed to ensuring all staff and students embrace diversity and inclusion across all levels in the organisation. Staff and students will strive to become informed and knowledgeable about the wide diversity within the Melbourne Polytechnic community. This collective informed knowledge will contribute to the organisation providing an inclusive environment that fosters a positive place of learning, work and wellbeing. This policy sits under the [Staff and Student Diversity and Inclusion Policy](#) which encourages everyone to recognise their own diversity, individuality, ability and those of other individuals with whom they engage.

### Institute Responsibility

(10) The Institute is responsible for providing training, education and assistance for Melbourne Polytechnic staff to equip them to value as well as practice diversity and inclusion to ensure effective work and teaching practices with other staff and students. This includes providing information to ensure students are not discriminated against, harassed, sexually harassed, bullied or victimised whilst part of the Melbourne Polytechnic community.

(11) Melbourne Polytechnic will take appropriate disciplinary action against staff, contractors or student/s who engage in discrimination, harassment, sexual harassment, bullying or victimisation.

### Staff Responsibilities

(12) All Melbourne Polytechnic Staff Members and Contractors are responsible for ensuring they develop an understanding of the diverse communities, identities, cultures and abilities to model diverse and inclusive practices to work, teaching and learning. By understanding the collective perspectives, staff will contribute to ensuring our students are not discriminated, harassed, sexually harassed, bullied or victimised whilst part of our community. This will ensure our Institute is innovative and responsive across all levels of the organisation.

### Student Responsibilities

(13) All Melbourne Polytechnic Students must take personal responsibility for their behaviour while engaging in activities at Melbourne Polytechnic and must be sensitive to the diversity within the Institute.

(14) Melbourne Polytechnic will not tolerate any instances of discrimination, harassment, sexual harassment, bullying or victimisation of any student whilst part of our community. Students will be encouraged to model inclusive practices as guided by their teachers and other staff within their department or School.

### Obligations of Melbourne Polytechnic

(15) This policy is developed to ensure that the provision of educational services is free from unlawful discrimination,

harassment, sexual harassment bullying and victimisation. This policy will encourage all students to be mindful and respectful of all individuals they engage with whilst participating in all aspects of campus life. It encourages all students to recognise their own diversity, individuality and those of other individuals with whom they engage. The policy provides an opportunity for better student engagement and outcomes as well as a healthier learning environment for all. It is also developed in the context of our obligations under a range of Commonwealth and State legislation and policies.

(16) Melbourne Polytechnic also has specific legal obligations under the [Disability Discrimination Act 1992](#) (Cth) and 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 [Supporting Students with Disabilities Policy](#).

(17) Under the [Occupation Health and Safety Act 2004](#) (Vic), Melbourne Polytechnic is obliged to ensure that it provides educational services in a manner which is free from harassment, bullying and victimisation. Any form of bullying or victimisation of or by students in relation to Melbourne Polytechnic activities will not be tolerated.

(18) Melbourne Polytechnic will not tolerate any instances of discrimination, harassment, sexual harassment, bullying or victimisation of any student whilst part of our community. Melbourne Polytechnic will take appropriate disciplinary action against staff, contractors or student/s who engage in discrimination, harassment, sexual harassment, bullying or victimisation.

## Section 6 - Procedures

### Enrolment

(19) Prospective students who apply to study at Melbourne Polytechnic will not be discriminated against based on any attribute and are protected under the [Equal Opportunity Act 2010](#) (Vic) as well as federal equal opportunity legislation. As for all students, course admission is subject to prospective students meeting the course entry requirements.

### Procedures For Dealing With Complaints

(20) The procedures for dealing with complaints which breach this policy are set out in Melbourne Polytechnic's [Student Complaints and Appeals Policy](#) and [Student Complaints and Appeals Procedure](#).

### Professional Development and Awareness Raising

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

### Exemption

(22) There may be instances where perceived discrimination is exempt on specified grounds as set out in relevant state or federal equal opportunity legislation. In such instances, conduct will not constitute discrimination under this policy if a legislated exemption applies to particular conduct.

## Section 7 - External Agencies offering Information to Students

(23) Melbourne Polytechnic endeavours to provide a robust environment where students concerns are attended to and

addressed internally, however despite our best efforts, this may not always be possible. If a student is not satisfied with the outcome of the internal complaints and grievance process, the student has the option of seeking additional support and assistance from an external agency including but not limited to those listed below:

Issue	External Agency	Contact Details
Complaints about bullying, harassment or discrimination	<a href="#">Victorian Equal Opportunity and Human Rights Commission</a> Level 3, 204 Lygon Street, Carlton 3053.	E: <a href="mailto:complaints@veohrc.vic.gov.au">complaints@veohrc.vic.gov.au</a> P: 1300 292 153 or via online chat W: <a href="http://www.humanrightscommission.vic.gov.au/">www.humanrightscommission.vic.gov.au/</a>
	<a href="#">Australian Human Rights Commission</a> , HREOC (Federal) GPO Box 5218, Sydney 2001	E: <a href="mailto:complaints@humanrights.gov.au">complaints@humanrights.gov.au</a> P: 1300 656 419 or via online complaints form W: <a href="http://www.humanrights.gov.au/">www.humanrights.gov.au/</a>
Complaints about internal policies and procedures	Victorian Ombudsman Level 1 North Tower 459 Collins Street Melbourne 3000	E: P: 03 9613 8222 or 1800 806 314 (regional only) W: <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
Complaints about bullying Please note: Bullying can fall within the scope of various Victorian and Federal laws, depending on the facts involved. WorkSafe Victoria has responsibility for breaches of the Occupational Health and Safety Act 2004 (Vic).	<a href="#">WorkSafe Victoria's Advisory Service</a> GPO Box 4306, Melbourne, 3001	E: <a href="mailto:info@worksafe.vic.gov.au">info@worksafe.vic.gov.au</a> P: 1800 136 089 W: <a href="http://www.worksafe.vic.gov.au/contact/advisory">www.worksafe.vic.gov.au/contact/advisory</a>

## Section 8 - Definitions

(24) Bullying: means repeated and 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 of 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.

(25) 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.

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

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

- a. age; or
- b. breastfeeding; or
- c. employment activity; or
- d. gender identity; or
- e. impairment; or
- f. industrial activity; or
- g. lawful sexual activity; or
- h. marital status; or
- i. parental status or status as a carer; or
- j. physical features; or

- k. political belief or activity; or
- l. pregnancy; or
- m. race; or
- n. religious belief or activity; or
- o. sex; or
- p. sexual orientation; or
- q. personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

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

(29) 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 2010](#) (Vic) (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.

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

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

(31) 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.

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

- a. has made a complaint or initiated a procedure, or proposes to make a complaint or initiate a procedure, under this Policy and Procedure;
- b. has made, or proposes to make, a complaint or grievance under the Melbourne Polytechnic [Student Complaints and Appeals Policy](#) and [Student Complaints and Appeals Procedure](#) in relation to a breach of this Policy and Procedure;
- c. 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;
- d. 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;
- e. 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;
- f. has been identified as a witness in relation to a complaint of discrimination, harassment, sexual harassment, bullying or victimisation; or
- g. 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.

## Section 9 - Responsibility and Accountability

Task	Responsibility	Notes
Provide training, education and information for staff to develop an understanding of diversity and inclusion, valuing equal opportunity and minimising instances of discrimination, harassment, sexual harassment, bullying and victimisation.	People and Culture Department and Student Services Division	
Engage in, participate in and demonstrate diversity and inclusion practice and promote equal opportunity at work, teaching and learning. This will eliminate practices of discrimination, harassment, sexual harassment, bullying and victimisation.	All staff and contractors	
Take personal responsibility for their behaviour whilst engaging in Institute life and be aware that the Institute will not tolerate any instances of discrimination, harassment, sexual harassment bullying and victimisation.	All prospective and current students	

## Section 10 - Supporting Documents and Templates

### (33) Melbourne Polytechnic Documents

- a. [Code of Conduct Policy](#)
- b. [Equal Opportunity, Discrimination and Harassment Policy](#)
- c. [Staff and Student Diversity and Inclusion Policy](#)
- d. [Student Complaints and Appeals Policy](#)
- e. [Student Complaints and Appeals Procedure](#)
- f. [Supporting Students with Disabilities Policy](#)

### (34) Relevant Legislation

- [Age Discrimination Act 2004](#) (Cth)
- [Australian Human Rights Commission Act 1986](#) (Cth)
- [Carer Recognition Act 2010](#) (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)
- [Fair Work Act 2009](#) (Cth)
- [Occupation Health and Safety Act 2004](#) (Vic)
- [Public Administration Act 2004](#) (Vic)
- [Racial and Religious Tolerance Act 2001](#) (Vic)
- [Racial Discrimination Act 1975](#) (Cth)
- [Sex Discrimination Act 1984](#) (Cth)
- [Code of Conduct for Victorian Public Sector Employees](#)
- [Workplace Gender Equality Act 2012](#) (Cth)

## Status and Details

<b>Status</b>	Current
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<b>Policy Owner</b>	Cathy Frazer Executive Director People and Student Success
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