

Date of approval:	17 November 2023	Approved by:	Academic Board
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Responsible Owner:	Director Student Experience	Version:	v1 2023
Functional Manager:	Director Student Experience – for student issues Director People & Culture – for staff issues		

Batchelor Institute celebrates diversity as a foundational principle of our practice; cultural, religious, sexual preferences, differently abled, gender, socio economic and racial differences, the many ways that one can be marked as different are the backbone of our community. No tolerance is given to any form of racial, cultural, sexist, ableist or religious targeting of any student or member of staff.

1. Outline

- 1.1 The Batchelor Institute of Indigenous Tertiary Education (the Institute) believes that all students and staff, and those seeking employment or admission to education and research programs, should be treated with dignity and equity, including those with any disability or from disadvantaged situations. They should not be subject to any form of discrimination and should be able to enjoy the same rights and benefits of work, education and training as are available to all.
- 1.2 The Institute will work within principles and practices that are appropriate for the Institute, respecting both Aboriginal and Torres Strait Islander cultural requirements and traditions, and the individual needs of students and staff. This includes in the development and delivery of curriculum and student support services and the design of job functions, employment and support for staff.
- 1.3 The Institute will provide a work environment and deliver education services and training which are, as far as practicable, without discrimination and stigmatisation. This will include eliminating stereotyped beliefs about the abilities and choices people with disabilities, or from disadvantaged groups, may make in regard to their employment, training, education and research. This policy also aims to provide a balanced framework for cooperative and productive workplace relations and practices.
- 1.4 The Institute recognises that fairness, equity and inclusion does not mean treating everyone in the same way, and that special measures are required to redress the past or current disadvantage experienced by some groups of staff and students.

2. Summary

The Institute will work to ensure diversity, equity, dignity and inclusion for students and staff and in compliance with the laws and guidance of the Northern Territory, Commonwealth and regulatory authorities. The environment that we aim to engender is one that is culturally safe, tolerant, and where discrimination, harassment, victimisation or intimidation, in whatever form, is absent. This will apply, but not exclusively to the following areas:

- Enrolment,
- Participation,
- Curriculum development,
- Student and Staff support services,
- Professional Development for staff
- Employment Opportunities and Practices, and
- Prevention of harassment, intimidation and victimisation.

3. Scope

This policy applies to all students and staff; and others (such as adjuncts, volunteers or contractors) while associated with the Institute.

4. Policy Statement

- 4.1 The Institute recognises diversity as strength and welcomes differences in Indigenous heritage and traditions, gender identity and expression, cultural background, nationality, age, ability and health status, religious faith and spirituality, sexual orientation and family status.
- 4.2 The Institute is committed to the principles of access, fairness, social justice, equity and inclusion, and is sensitive to the diverse needs of all staff and students. These principles will be integrated into the policies and practices of the Institute.
- 4.3 The Institute will ensure that students and staff are able to enjoy an environment that is inclusive, non-discriminatory and where their well-being and ability to reach their potential is a priority, including, but not exclusively, in the following areas:
 - 4.3.1 **Enrolment.** The Institute will make any decisions about admission and enrolment to their programs on the basis that all students are provided with comparable opportunities and choices, including the provision of any appropriate adaptations or reasonable adjustments..
 - 4.3.2 **Participation.** The Institute will make reasonable adjustments to ensure that students or staff are able to fully participate in employment, education and training opportunities.
 - 4.3.3 **Curriculum development.** The Institute will take reasonable steps to ensure that the courses and programs the Institute delivers are designed in such a way that all students are able to participate in learning experiences (including

assessments) on an equitable basis and without experiencing discrimination or stigmatisation.

- 4.3.4 **Student and staff support services.** The Institute will take reasonable steps to ensure that all students and staff are provided with appropriate personal, employment and educational support services.
- 4.3.5 **Professional Development for Staff.** The Institute will provide professional development opportunities to develop staff in the provision of services and for career development. The Institute recognises that professional development is an essential requirement of corporate and academic governance and will strive to encourage a culture of professional learning.
- 4.3.6 **Employment opportunities and practices.** The Institute will provide employment opportunities and HRM practices that are in accord with the principles of Merit, Equity, Diversity, Fairness, Transparency, Natural Justice, and that are seen to be sensible, in moderation and based on sound judgement and reasonableness.
- 4.3.7 **Prevention of harassment, intimidation and victimisation.** The Institute specifically prohibits any harassment, intimidation and/or victimisation of students or staff. To assist in meeting these aims the Institute will implement strategies and programs to prevent the occurrence of any harassment, intimidation and/or victimisation of students, staff or others associated with the Institute. The Institute acknowledges its responsibilities to students and staff under the *Work Health and Safety (National Uniform Legislation) Act 2011* and *the Independent Commissioner Against Corruption Act 2017*.
- 4.3.8 **Exceptions.** The Institute will provide reasonable adjustment to allow access to education/training programs and employment. However, the Institute reserves the right, after the review of the needs of students applying for admission/enrolment, those applying for employment, or those staff currently employed, to not provide services or an unreasonable amount of adjustment that would impose unjustifiable hardship upon the Institute, other staff or students, or the activities provided during the course of its operations. The Institute will comply with associated standards to the maximum extent, not involving unjustifiable hardship on the Institute.

5. Monitoring and Review

The Director Student Experience (for students) and Director of People and Culture (for staff) will monitor and review the effectiveness of this policy to ensure that stated outcomes are being achieved.

6. Acronyms & Terms

Acronym/Term	Definition/Description
Disability	<p>Relates to a loss or reduction of functional ability caused by a physical, sensory, or neurological condition, has a reduced ability to access the normal educational or other services of the Institute. A disability may be temporary, permanent or chronic in nature.</p> <p>Disability, in relation to a person, means:</p> <ul style="list-style-type: none"> (a) total or partial loss of the person’s bodily or mental functions; or (b) total or partial loss of a part of the body; or (c) the presence in the body of organisms causing disease or illness; or (d) the presence in the body of organisms capable of causing disease or illness; or (e) the malfunction, malformation or disfigurement of a part of the person’s body; or (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or (g) a disorder, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour. <p>and includes a disability that:</p> <ul style="list-style-type: none"> (h) presently exists; or (i) previously existed but no longer exists; or (j) may exist in the future (including because of a genetic predisposition to that disability); or (k) is imputed to a person. <p>(s4 <i>Disability Discrimination Act 1992</i>)</p>
Discrimination	<p>Discrimination includes:</p> <ol style="list-style-type: none"> 1.(a) any distinction, restriction, exclusion or preference made on the basis of an attribute (as per Pt 4 of the <i>Anti-Discrimination Act 1992</i> (NT) that has the effect of nullifying or impairing equality of opportunity; and (b) harassment on the basis of an attribute. <ol style="list-style-type: none"> 2. Discrimination takes place if a person treats or proposes to treat another person who has or had, or is believed to have or had: <ul style="list-style-type: none"> (a) an attribute; or (b) a characteristic imputed to appertain to an attribute; or (c) a characteristic imputed to appertain generally to persons with an attribute, <ul style="list-style-type: none"> less favourably than a person who has not, or is believed not to have, such an attribute.
Diversity and Equity	<p>Refers broadly to the creation of equivalent opportunities for access and success for disadvantaged or under-represented population groups.</p>

Acronym/Term	Definition/Description
Harassment	<p>Generally means illegal behaviour towards a person that causes mental or emotional suffering, and can include repeated unwanted contacts without a reasonable purpose, insults, threats, touching, offensive language, unreasonable behaviour</p> <p>In relation to cl8.1 <i>Disability Standards for Education 2005</i>; Harassment means</p> <p>(a) in relation to a person with a disability, includes an action taken in relation to the person's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person; and</p> <p>(b) in relation to a person who has an associate with a disability, includes an action taken in relation to the associate's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person or the associate.</p>
Intimidation	An intentional or repeated behaviour that would cause a person to feel anxiety, fear or injury.
Reasonable Adjustment (student)	In relation to a student, or potential student, a reasonable adjustment is intended to assist the student with a disability to participate in education and training on the same basis as students without a disability. An adjustment is considered reasonable if it achieves this purpose while taking into account the student's learning needs and balancing the interests of all parties affected, including those of the student with the disability, the Institute, staff and other students. Adjustments may be considered to be unreasonable if it results in unjustifiable hardship.
Reasonable Adjustment (staff)	<p>The <i>Disability Discrimination Act 1992</i> requires employers to make reasonable adjustments so a person with a disability can perform the inherent requirements of the job unless this would cause 'unjustifiable hardship'. In addition, the <i>Fair Work Act 2009</i> provides a requirement for certain classes of employee to be afforded the ability to request flexible work arrangements.</p> <p>Reasonable adjustments can involve a change to a work process, practice, procedure or environment that enables an employee with disability to perform their job in a way that minimises the impact of their disability. Reasonable adjustment for an employee or applicant requires balancing the interests of all parties affected.</p>
Unjustifiable Hardship	The reason for not providing reasonable adjustment in relation to access to, or continuation of, education/training programs or employment. This may include the nature of any benefit or detriment, effect on programs or operations of the organisation, effect on other staff or students, cost or practicality of making suitable adjustments. Refer s11 <i>Disability Discrimination Act 1992</i> .
Victimisation	Any situation where a person is/ or feels they are threatened or unfairly treated on the basis that they intend to, or have, put forward concerns or complaints with regard to a person(s) or matter.

7. Supporting Documents

- *Academic Rules,*
- *Assessment Rules,*
- Batchelor Institute of Indigenous Tertiary Education Union Enterprise Agreement,
- Disability Support Management Plan,
- Grievances and Appeals Policy,
- Harassment Policy,
- Human Resources Policy,
- Recruitment and Selection Policy,
- Recruitment and Selection Procedure,
- Staff Code of Conduct,
- Student Code of Conduct, and
- VET Student Guide.

8. Related documents

- *Anti-Discrimination Act 1992 (NT),*
- Australia's Disability Strategy 2021–2031
- *Carers Recognition Act 2006 (NT),*
- *Disability Discrimination Act 1993 (Cth),*
- *Disability Services Act 1993 (NT),*
- *Disability Standards for Education 2005 (Cth),*
- *Fair Work Act 2009,*
- *Higher Education Support Act 2003,*
- *Higher Education Standards Framework (Threshold Standards) 2021,*
- *Independent Commissioner Against Corruption Act 2017*
- *Standards for Registered Training Organisations (RTOs) 2015,*
- Users' guide to the *Standards for Registered Training Organisations (RTOs) 2015,*
- Tertiary Education Quality and Standards Agency - Guidance Note: Diversity and Equity, and
- *Work Health and Safety (National Uniform Legislation) Act 2011 (NT).*

9. Modification history

<i>Date</i>	<i>Version</i>	<i>Sections modified</i>	<i>Authority</i>	<i>Details</i>
2023	v1 2023	New Policy	Academic Board	New Policy. Replaces Students With a Disability Policy, and Fair Treatment Equal Benefits and Opportunity Policy

10. Feedback

If you have any comments or feedback about this Policy, please contact the Director Student Experience for student matters and the Director People and Culture for staff issues.