

 <p>S P Jain School of Global Management</p> <p>DUBAI • MUMBAI • SINGAPORE • SYDNEY</p>	<b>Student Equity, Diversity and Fair Treatment Policy</b>
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## 1. Purpose

The purpose of the Student Equity and Diversity and Fair Treatment Policy is to articulate S P Jain School of Global Management's (S P Jain / the School) commitment to promote and support an environment which values and affirms equal opportunity, diversity and inclusivity in accordance with universal principles of equity, fairness and social justice, whilst ensuring that the School complies with its legal responsibilities in accordance with relevant legislation.

The School is committed to:

- a. maintaining practices which attract and support students from a diverse range of backgrounds including those who may have encountered disadvantages
- b. embedding practices in course design and support to ensure students from diverse backgrounds are enabled to succeed in their studies
- c. an approach for making reasonable adjustments to accommodate student disadvantage, and
- d. active consideration of the recruitment of Aboriginal and Torres Strait Island students.

## 2. Scope

This policy applies to all enrolled students in any course studying in any campus of S P Jain.

This Policy is not limited to the campus or the hours when classes are delivered. It extends to all functions and places that are related to teaching and learning. For example, lunchtime, campus events, conferences, religious celebrations and functions.

This Policy does not form part of the School's contract with students.

### **3. Policy Principles**

The School is actively committed to promoting the principles of equal opportunity and strives to support its students to achieve their full potential in a learning environment which is fair, inclusive, diverse and supports students' health and wellbeing.

The School will strive to enhance the representation of under-represented diversity groups in its student cohorts through supportive strategies and programs which recognise the needs of these individuals and provides proactive responses to enable students with personal responsibilities to integrate them with the demands of their studies.

The School is actively committed to the prevention of discrimination, bullying, harassment, victimisation and vilification in the study environment, and will take all reasonable steps and actions to ensure that students are treated fairly, and with dignity and respect, whilst studying at the School.

S P Jain adheres to the principles set out under the Commonwealth Disability Discrimination Act (1992) and the Disability Standards for Education (2005) and Higher Education Standards Framework (2021) to ensure a commitment to equity and diversity.

- a. In support of these commitments, the School will endeavour to:
  - i. foster a culture which values and responds to the rich diversity of its community
  - ii. provide an inclusive and flexible environment for students by identifying and removing any remaining systemic barriers to equitable access to learning activities so that all students have the opportunity to fully participate in School life
  - iii. ensure that students are aware of their rights and their responsibilities
  - iv. use non-discriminatory, inclusive language and practices
  - v. develop proactive plans and programs to increase access and promote success in learning for designated under-represented groups in order to overcome disadvantage
  - vi. ensure that all students have fair access to benefits and services in an equitable manner, including assistance to reasonably accommodate a person's disability
  - vii. educate the School community on the goals and philosophy of equal opportunity, equity and social justice including provision of training and professional development opportunities
  - viii. develop and promote processes that support the systematic implementation, monitoring, reporting and management of equal opportunity and eliminate unlawful direct and indirect discrimination and harassment, and workplace bullying
  - ix. provide effective mechanisms to resolve complaints of unlawful discrimination, bullying, harassment, vilification and victimisation

- x. create a culture of support for students affected directly and indirectly by domestic and family violence.

A full list of the grounds of discrimination which operate federally and, in the States, and/or Territories in which students undertake their studies with S P Jain and which may be relevant and are listed below.

Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)	Religious belief, affiliation, conviction or activity
Sex	Marital status, domestic status, relationship status
Pregnancy (including potential pregnancy)	Homosexuality, transsexuality, sexuality, sexual preference/orientation, lawful sexual activity, gender identity
Carers' responsibilities, family responsibilities, carer or parental status, being childless	Disability/impairment, including physical, mental and intellectual disability
Breastfeeding	Age (including compulsory retirement)
Physical features (VIC only)	Profession, trade, occupation or calling (ACT only)
Industrial/trade union membership, non-membership or activity	Political belief, opinion, affiliation, conviction or activity
Employer association membership, non-membership or activity	Irrelevant criminal record (NT and TAS only)
Employment activity (VIC only)	Irrelevant medical record (NT and TAS only)
HIV/AIDS	Defence service
Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)	Religious appearance or dress (in work or study) (SA only)
Gender history (WA only)	Association with a child (in customer service) (SA only)
Spent convictions (ACT only)	

All students should understand and apply the principles of equal opportunity, equity and social justice. The School will take reasonably practicable steps to ensure that the learning environment is safe, inclusive and free from discrimination, bullying and harassment.

The School will ensure students are provided with relevant information during orientation and within the Student Handbook.

**b. Equity and Diversity Groups**

Diversity involves recognising the value of individual differences in educational settings. Diversity in this context for the School includes age, cultural background, disability, ethnicity, family responsibilities, gender, language, religious belief and sexual orientation. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, socio-economic background, personality and marital status.

Equity relates to fair treatment. The School's objective is to ensure that people from all groups in society have the opportunity to participate successfully in post-secondary education. Target groups include, but are not limited to, Aboriginal and Torres Strait Islander peoples, people with disabilities, women in areas where they are currently under-represented, people of diverse sexual orientation, sex or gender identity (e.g. LGBTI), and people from culturally and linguistically diverse backgrounds.

The School is committed to providing policies and procedures which facilitate social inclusion by recognising and addressing the character and needs of the people in the regions in which it operates.

**c. Gender equality**

The School aims to fulfil its obligations under the Gender Equality Act 2012 (Cth) (the Act) by making all reasonable efforts to eliminate discrimination and promote gender equality.

**d. Equal Opportunity, Harassment and Discrimination**

Equal opportunity is about ensuring that everyone has equal access to, and opportunity to take part in, areas of public life such as education.

The School is committed to taking all reasonable steps to prevent and eradicate unlawful discrimination, bullying and harassment against individuals in the learning environment.

**e. Health and Wellbeing**

The School aims to create a learning and teaching culture and environment that values, supports and promotes programs and strategies that improve the physical and mental health and wellbeing of its students as detailed in the Health and Wellbeing Policy.

**f. Domestic and Family Violence**

The School aims to create a learning environment that allows students to safely seek support to address issues arising from direct and indirect domestic and family violence.

The School recognises that some students may face situations of domestic and family violence that may have an impact on their attendance and ability to learn.

#### **4. Rights and Responsibilities**

All students should:

- i. understand and comply with this Policy;
- ii. ensure they do not engage in any unlawful conduct towards fellow students or others with whom they come into contact while studying
- iii. ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- iv. follow the complaints procedure if they experience any unlawful conduct
- v. report any unlawful conduct they see occurring to others in accordance with the complaint's procedure, and
- vi. maintain confidentiality if they are involved in the complaint's procedure.

#### **5. Breach of this Policy**

- a. All students are required to comply with this Policy at all times. If the Policy is breached a student may be subject to disciplinary action. In serious cases this may include suspension or exclusion from study.
- b. If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else into trouble or makes a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

#### **6. Procedures**

The following procedures reflect the scope of S P Jain's services and procedures which encompass the principles set out in this Policy:

**Student recruitment and admission** processes are bias-free and non-discriminatory. Admission to courses and programs is based on the applicant achieving transparent and published entry criteria and the availability of places.

**Special Admission** – in certain instances, applicants who do not meet the admission criteria may be considered for admission based on extenuating circumstances. These applications will be considered on a case by case basis.

**Alternative Entry Schemes** – admission criteria and processes will consider equity and diversity considerations through the provision of alternative entry admission schemes with specific reference to Part A Section 2.2 of the Higher Education Standards Framework (Threshold Standards) 2021.

S P Jain may approve admissions schemes for purposes such as:

- a. encouraging and assisting indigenous Australian students to enroll into studies or
- b. providing access to the educationally or socially disadvantaged, or
- c. addressing the under-representation of designated groups.

**Reasonable Adjustment** – students are eligible for reasonable adjustments if they have a disability (aligned to the [Disability Standards](#)) as set out by the Department of Education and Training, or other relevant certified medical conditions. In these circumstances, the School will make reasonable adjustments to ensure that students are able to participate in learning, teaching and assessment on an equivalent basis to other students.

This could include investigation, development and approval of alternative exam conditions, the use of adaptive technology or other tailored support through an individualised Access Plan as approved by the School’s Registrar in consultation with the Vice President – Administration, student and other relevant stakeholders.

In addition, S P Jain will monitor students’ academic progress and provide appropriate learning support to students admitted under any scheme which is based on equity and diversity.

**Right to appeal** – students have the right to appeal an assessment or recognition decision. Grievances and appeals will be addressed in accordance with the Student Grievance and Mediation Policy and Procedure.

**Access to information** – S P Jain will ensure that all of its students have access to the information and support needed to prevent and, should it occur, deal with discrimination, bullying, victimisation, and vilification. These procedures are set out in this Policy and the Student Sexual Assault and Sexual Harassment Policy.

## **7. Complaint handling procedure**

- a. If a student feels that they have been subject to any form of unlawful conduct contrary to this Policy, they should not ignore it but should register their grievance as detailed in the Student Grievance and Mediation Policy and Procedure.
- b. For any instances of Sexual Harassment or Sexual Assault the Procedure for handling Sexual Harassment complaints as detailed in the Student Sexual Harassment or Sexual Assault Policy should be followed.

## **8. Questions**

- a. If a student is unsure about any matter covered by this Policy, they should seek the assistance of the Heads of Campuses.

## 9. Related legislation, laws and guidelines related to access and equity:

- a. Age Discrimination Act 2004
- b. Anti-Discrimination Act 1991
- c. Australian Human Rights Commission Act 1986
- d. Disability Discrimination Act 1992
- e. Disability Standards for Education (2005)
- f. Equal Opportunities (Commonwealth Authorities) Act 1987
- g. Fair Work Act 2009
- h. Higher Education Standards Framework (2021)
- i. Human Rights and Equal Opportunity Commission Act 1986
- j. Racial Discrimination Act 1975
- k. Racial Hatred Act 1995
- l. Sex Discrimination Act 1984
- m. World Health Organisation Healthy Workplaces

## 10. Definitions

- a. **Bullying** occurs where an individual or group of individuals repeatedly behaves unreasonably towards a person or group of persons and that behaviour creates a risk to health and safety
- b. **Discrimination** occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities.
- c. **Domestic and Family Violence** behaviour includes, but is not limited to, physical or sexual violence, emotional or psychological abuse, financial abuse or any behaviour that is threatening or coercive or in any other way controls or dominates an individual which causes safety or well-being concerns for that individual.
- d. **Harassment** occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. Harassment may include behaviour, comments or images which a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

**e. Sexual Harassment**

- i. Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.
- ii. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile learning environment for others can also be unlawful.
- iii. More detailed and pertinent information on Sexual Harassment is available in the Student Sexual Harassment and Sexual Assault Policy.

**f. Sexual Assault**

- i. Sexual assault can include but, is not limited to sexual act, sexual touching, sexual assault and aggravated sexual assault.
- ii. More detailed and pertinent information on Sexual Assault is available in the Staff Sexual Harassment and Sexual Assault Policy.

**g. Victimisation** includes any unfavourable treatment, or threats of unfavourable treatment against a person as a result of their actual or intended involvement in a complaint under the Anti-Discrimination Act 1991 or under any of these procedures. The involvement might include making a complaint, supplying information and producing documents to someone making a complaint or appearing as a witness in a proceeding under the Act. Unfavourable treatment may include adverse changes to their work environment, denial of access to resources, work opportunities or training, ignoring the person or lower assessment of their work. Victimisation is an offence under the Anti-Discrimination Act 1991.

**h. Vilification** is the public incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race, religion, sexuality or gender identify of a person or members of a group. It can take several forms including hate-speech, graffiti, websites and the distribution of propaganda or other forms of offensive literature. Vilification includes threatening physical harm to a person or their property or inciting others to threaten physical harm to a person or to their property. Vilification is an offence against the Anti-Discrimination Act 1991.

**i. Workplace Bullying and Harassment**, under the Fair Work Act 2009, occurs where an individual or group of individuals repeatedly behaves unreasonably towards an employee or group of employees at work, and that behaviour creates a risk to health and safety. Within this definition:

- i. repeated behaviour refers to the persistent nature of the behaviour and can range in behaviours over time.
- ii. unreasonable behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable. This may include but is not limited to behaviour that is victimising, humiliating, intimidating or threatening.

- iii. a risk to health and safety means the possibility of danger to health and safety, and is not confined to actual danger to health and safety.

**j. Disability** in relation to a person is defined by the Disability Discrimination Act 1992 as:

- i. total or partial loss of the person's bodily or mental functions
- ii. total or partial loss of a part of the body
- iii. the presence in the body of organisms causing disease or illness
- iv. the presence in the body of organisms capable of causing disease or illness
- v. the malfunction, malformation or disfigurement of a part of a person's body
- vi. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- vii. a disorder, illness or disease that affects a person's thought processes, perceptions of reality, emotions or judgement or that results in disturbed behaviour

The definition refers to a disability that presently exists, previously existed but no longer exists, or may exist in the future. A disability is defined by the Disability Discrimination Act 1992 to include:

- physical
- intellectual
- psychiatric
- sensory
- neurological
- learning disabilities
- physical disfigurement
- the presence in the body of disease-causing organisms.

The Act covers a disability which people have now, have had in the past, may have in the future, or are believed to have.

**k. Disability Discrimination** – the Disability Discrimination Act 1992 makes it unlawful to discriminate against a person because of their disability. This includes people who are relatives, friends, and carers of people with a disability.

- i. Direct disability discrimination occurs when a person with a disability is treated less favourably than a person without a disability would be treated in the same or similar circumstances.
- ii. Indirect disability discrimination occurs when there is a requirement, condition or practice that is the same for everyone but has an unfair effect on a particular group of people.

### **Related Policies and Procedures**

- a. Health and Wellbeing Policy
- b. Postgraduate Admission and Selection Policy
- c. Student Code of Conduct Policy
- d. Student Grievance and Meditation Policy and Procedure

- e. Student Handbook
- f. Student Sexual Assault and Sexual Harassment Policy
- g. Undergraduate Admission and Selection Policy