

Anti-Discrimination Policy

1. Background

Gateway Business College (GBC) fosters and promotes a diverse and inclusive educational environment, free from discrimination, where everyone is treated with respect. GBC does not tolerate discrimination of any kind.

In Australia, it is unlawful to discriminate on the basis of age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment. GBC acts in accordance with Australian federal anti-discrimination laws and the following legislation:

- [Age Discrimination Act 2004](#)
- [Disability Discrimination Act 1992](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)

GBC acts in accordance with state anti-discrimination laws and the Anti-Discrimination Act 1977 (NSW). The following types of discrimination and harassment are against the law in NSW:

- Age discrimination
- Carer's responsibilities discrimination
- Disability discrimination
- Homosexual discrimination
- Marital or domestic status discrimination
- Race discrimination
- Sex discrimination
- Transgender discrimination
- Discrimination because of who you are related to, or associate with
- Harassment
- Sexual harassment

Vilification and victimisation are also against the law.

GBC implements processes and procedures to prevent and mitigate discrimination, and appropriate measures to address any instances of discrimination that may occur.

2. Purpose

This policy outlines an organisational framework for the prevention and mitigation of discrimination at GBC. It establishes processes for preventing instances of discrimination and addressing them should they occur.

3. Scope

This policy applies to GBC staff, current and prospective students, education agents, related third parties, and external Board and Committee members.

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4. Definitions

Corporate Governance Board: The formally constituted governing body accountable for the governance of GBC as a higher education operation.

Course Coordinator: A senior academic staff member responsible for the management, coordination and delivery of a course at GBC. A Course Coordinator is expected to hold a PhD, and is responsible for supervising academic staff teaching within a course of study, developing course design and content, reviewing course design and content, teaching into a course of study, remaining research active and contributing to the improvement of academic standards.

Discrimination: Behaviour that may disadvantage one individual or group, or advance another individual or group, due to factors including race or ethnicity, sexual orientation, gender, religious orientation, or other social category.

Diversity: The similarities and differences among individuals and groups of people.

5. Principles

GBC seeks to establish a discrimination free culture, where all students and staff are treated with respect.

GBC staff, students, education agents, related third parties and external Board and Committee members are expected to comply with this policy, Australian laws and regulations regarding discrimination. Acts of discrimination that breach this policy are classified as misconduct and subject to disciplinary measures.

GBC recognises its legal obligations under the following Australian legislation and regulatory frameworks:

- *Higher Education Standards Framework (HESF) 2021*
- Racial Discrimination Act 1975 (Commonwealth [Cth])
- Sex Discrimination Act 1984 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Workplace Gender Equality Act 2012 (Cth)
- Age Discrimination Act 2004 (Cth)
- Anti-Discrimination Act 1977 (NSW)

GBC provides an inclusive, anti-discriminatory environment, with a focus on students from groups who are under-represented in the higher education student population, and to students who are at a higher risk of facing discrimination or harassment. This may include students who:

- have a disability or long-term illness
- have been unduly affected by socio-economic circumstances
- completed secondary school in a regional or isolated area
- identify as women
- identify as part of the LGBTI+ community
- identify as ethnicities and nationalities that are under-represented in the GBC student cohort

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- identify as Aboriginal or Torres Strait Islander.

6. Procedures

6.1 Responsibilities and delegations

The GBC Corporate Governance Board is accountable for ensuring that processes are in place to prevent discrimination and address any instances that occur. Day-to-day responsibility for the monitoring and implementation of this policy is delegated by the Corporate Governance Board to senior staff, in particular the Dean.

The Dean is responsible for ensuring that:

- All policies and procedures align with Australian laws and regulations as well as the GBC constitution.
- All students are aware of the student services and complaints processes that are available to them prior to commencing their studies (refer to the *Information to Students Policy* and *Student Complaints and Appeals Policy*).
- Student services can cater to the diversity of the current cohort
- Under-represented groups are actively encouraged to participate in GBC activities and processes.
- Aboriginal and Torres Strait Islander people are afforded specific consideration in relation to student recruitment, admission, participation, and completion.
- Appropriate action is taken in response to instances of discrimination.

All GBC staff and students are responsible for ensuring that GBC maintains a discrimination free culture, and for reporting instances of discrimination they may experience or witness.

6.2 Reporting discrimination

GBC employees and students are encouraged to report instances of discrimination they experience or witness at GBC.

Current students should report instances of discrimination they experience or witness to the Course Coordinator and seek support as required from the Student Support Officer. The report should be made in writing.

Current and prospective students who believe they have been discriminated against by GBC, education agents contracted by GBC or related third parties should lodge a complaint as per the guidelines contained in the *Student Complaints and Appeals Policy*.

GBC employees should report instances of discrimination they experience or witness involving other staff members or GBC to Human Resources. The report should be made in writing.

GBC employees should report instances of discrimination they experience or witness from or amongst students to the Dean. The report should be made in writing.

6.3 Responding to reports of discrimination

GBC takes all reports of discrimination seriously and disciplinary measures apply.

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Staff to staff discrimination

Human Resources is responsible for responding to instances of staff to staff discrimination. Human Resources will investigate all evidence of the alleged discrimination.

Student to student discrimination

The Course Coordinator is responsible for responding to instances of student to student discrimination. The Course Coordinator will investigate all evidence of the alleged discrimination.

Student to staff and staff to student discrimination

The Dean is responsible for responding to instances of student to staff discrimination, and staff to student discrimination. The Dean will investigate all evidence of the discrimination.

In the case the allegation is found to substantiate discrimination, the alleged perpetrator (staff member or student) must receive a written notification of the allegation. The notification will invite the staff member or student to attend a meeting with Human Resources, the Course Coordinator or Dean, as appropriate. They must be given at least ten days' notice of the meeting date, location, and time.

An explanation and evidence that supports the allegation of discrimination must be provided to the staff member or student at the meeting. The staff member or student will be given an opportunity to respond to the discrimination allegation at the meeting.

Meetings will be fair, impartial, and conducted with proper safeguards for the privacy and safety of both the person who experienced discrimination and the alleged perpetrator.

After the meeting, Human Resources, the Course Coordinator or Dean, as appropriate, will make a decision based on the evidence provided and the outcome of the meeting.

The staff member or student who has been identified as engaging in discrimination will be advised of the decision in writing, and disciplinary measures that apply.

The staff member or student who experienced discrimination will be advised of the outcome of the meeting in writing.

6.4 Disciplinary measures

For staff

GBC may employ the following disciplinary measures for staff:

- A warning
- Compulsory attendance at discrimination prevention education sessions
- Demotion
- Termination of contract of employment.

For students

GBC may employ the following disciplinary measures for students:

- A warning
- Compulsory attendance at discrimination prevention education sessions
- Suspension
- Termination of enrolment.

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6.5 Appeals

In the event the staff member or student accused of discrimination wishes to appeal the outcome of the investigation, GBC will make all reasonable attempts to resolve the issue in a way that is satisfactory to all parties internally, in the first instance.

Students can appeal as per the *Student Complaints and Appeals Policy*. If a student remains unsatisfied with the outcome of a decision, they can request an external resolution process under the *External Grievance Resolution Policy*.

If a GBC employee perceives they are being victimised for reporting discrimination, they should inform their supervisor and/or Human Resources.

If a GBC student perceives they are being victimised for reporting discrimination, they should inform the Course Coordinator or Dean.

Failure to comply with the obligations contained within this policy may cause GBC or members of senior management to be vicariously liable for instances of discrimination that occur.

GBC staff, students, education agents, related third parties and external Board and Committee members who are found to be involved in discrimination will be liable under law for their behaviour.

6.6 Monitoring and review

The legislation, processes and procedures contained in this policy will undergo periodic review and external referencing by the Dean and the Audit and Risk Committee (as required).

The Dean will report instances of discrimination and outcomes to the CEO, who is responsible for reporting instances of discrimination and outcomes to the Corporate Governance Board

7. Records

Records associated with this policy will be maintained according to the Records Management Policy.

8. Related legislation

- Tertiary Education Quality and Standards Agency (TEQSA) Act 2011
- TEQSA Higher Education Standards Framework (Threshold Standards) 2021
- Australian Qualifications Framework (AQF).
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code 2018)
- The Age Discrimination Act 2004
- The Disability Discrimination Act 1992
- The Racial Discrimination Act 1975

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- The Sex Discrimination Act 1984
- The Anti-Discrimination Act 1977 (NSW)
- The Disability Standards for Education 2005 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Workplace Gender Equality Act 2012 (Cth)

9. Review

This policy will be reviewed by the Corporate Governance Board every three years, or more frequently should the Board deem it necessary.

Version Control

Document History			
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Related Documents	Academic Integrity Policy Compliance Framework Policy Intellectual Property Policy Research Ethics and Integrity Policy Staff Academic Misconduct Policy Student Academic Misconduct Policy Teaching and Learning Policy		
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