



Fairness and Equal Opportunity Policy

1. Purpose

KOI is committed to achieving fairness and equal opportunity in education and employment. The policy applies to KOI students and staff and to others working at or visiting KOI locations (referred to collectively as the KOI community).

This policy provides the framework to guide good practice in equal opportunity, respect and inclusion and complies with the spirit and intent of federal and state legislation.

All members of the KOI community have a responsibility to contribute to the achievement of an equitable working and learning environment. As an education institution, KOI has a special duty of care for the wellbeing and safety of its students. The rights and responsibilities of students are spelled out further in the Student Code of Conduct. The rights and responsibilities of staff are described in HR policies.

2. Scope

This policy covers all Council of Directors, KOI staff, students, contractors, partners and visitors and all KOI events, functions, staff and student activities and locations that staff and students may use for KOI activities.

This policy does not form part of a staff's contract of employment; nor does it form part of any other workplace participant's contract for services.

3. Definitions

<i>Diversity</i>	Diversity is the term used to describe the differences and uniqueness of all people – it includes skills, knowledge, experiences and perspectives of individuals and groups.
<i>Equal Opportunity</i>	Equal opportunity refers to people having equal access to opportunities in work and study.
<i>Equity</i>	Equity refers to the principle of fairness and ensuring that staff and students and others working at KOI locations can achieve their full potential regardless of personal or social circumstances such as gender, ethnic origin, religion or family background.
<i>Unlawful behaviour</i>	Unlawful behaviour refers to unlawful discrimination, unlawful harassment, victimisation, vilification and unlawful adverse action (as defined below).
<i>Unlawful discrimination</i>	Unlawful discrimination occurs when a person, or a group of people, is treated less favourably than another person or group on the basis of characteristics as determined by Commonwealth and NSW state legislation*. Unlawful discrimination can be direct or indirect.
<i>Unlawful harassment</i>	Unlawful harassment occurs when a person is made to feel intimidated, insulted or humiliated on the basis of certain characteristics as determined by Federal and NSW state legislation*.
<i>Vilification</i>	Vilification refers to a public act that could incite others to hate, have serious contempt for, or severely ridicule a person or a group of people on the basis of certain characteristics as determined by legislation.
<i>Victimisation</i>	Victimisation refers to less favourable treatment of a person or persons for their participation in making, supporting or resolving a complaint of discrimination, harassment or vilification covered under the NSW Anti-Discrimination Act 1977, whether that participation was actual, intended or



presumed. This includes a person or persons who have agreed to be witnesses in relation to a complaint.

Adverse action

Adverse action includes but is not limited to discrimination on the basis on certain characteristics as defined under legislation.

Disability

Disability is any physical, sensory, neurological, intellectual, psychiatric or learning disability. Disability includes physical disfigurement, the presence in the body of disease-causing organisms and total or partial loss of part of the body or a bodily function. It also includes a temporary, permanent, current, past or future disability, and chronic health conditions which may not commonly be considered disabilities.

Inherent requirements

Inherent requirements are the essential requirements of a job or a course of study: the core duties or tasks that must be carried out in order to perform the job effectively or fulfil the core educational skills and learning required of a course or unit. Inherent requirements relate to results, or what must be accomplished, rather than how it is accomplished.

Special measures

Special measures are acts which KOI can take to enable substantive equality for individuals who belong to groups which have experienced past disadvantage, because of laws and rules, stereotypes and attitudes. Special measures aim to redress past disadvantage and improve employment outcomes and access to education for people from these groups. Anti-discrimination legislation enables KOI to implement special measures for specific groups.

Reasonable adjustments

Reasonable adjustments are administrative, environmental or procedural alterations in the learning situation which remove barriers for people with disabilities so that they can perform the inherent requirements of the course of study. This could mean adjustments to the mode of delivery of lectures or written material or the assessment process and timeframe. An adjustment is reasonable if it takes into account the requirements of the person and balances the interests of all parties affected.

* Characteristics for which Commonwealth and NSW state legislation prohibit discrimination and harassment include:

- age
- breastfeeding
- physical or mental disability
- family or carer's responsibilities
- marital or relationship status
- political conviction
- pregnancy or potential pregnancy
- race, colour, descent, nationality, ethnic, ethno-religious or national origin
- religion
- sex
- sexual orientation or preference
- transgender status
- actual or imputed characteristics of any of the attributes listed above
- association with a person identified by reference to any of the attributes listed above.

4. Policy statement

KOI is committed to ensuring the integration of the principles of fairness and equal opportunity for all staff and students and others working at KOI locations in its policies, procedures, decisions and operations, based on the following statement:



- all members of the KOI community have the right to be treated fairly and equitably;
- that Directors are appointed to Council through a transparent selection process that considers pre-determined skill and experience requirements, as amended from time to time;
- there is equitable access to education for students and equitable access to conditions and benefits of employment for all staff;
- staff are selected for positions on merit and there is equitable access to employment and workplace participation for people who are under-represented in our workforce;
- all members of the KOI community are entitled to a work and study environment free from unlawful discrimination, harassment, vilification, bullying or other adverse and inappropriate behaviours;
- diversity is respected and appreciated as contributing to the richness of the teaching and learning environment;
- an inclusive and flexible environment, including the implementation of special measures when required, provides the best outcomes for the varied needs of the staff, students and the diverse KOI community;
- staff and students have the right to raise complaints in good faith under KOI's complaints procedure without fear of retaliation or victimisation;
- encouraging the attraction and retention of a diverse workforce.

5. Fairness and Equal opportunity

5.1 Fairness and Equal opportunity commitment

Equal employment legislation applies to all aspects of employment including; recruitment, promotion, employee benefits, conditions of employment, remuneration, transfer, discipline, training, work environment, supervision, redundancy and dismissal.

KOI is committed to promoting and enabling fairness in all its operations and administrative decision-making to protect Council of Directors, KOI staff and students against unfair treatment and discrimination, in compliance with the Federal and State legislations (Section 9 of this policy).

It is against the law to treat a person less favourably because of a personal attribute protected under Federal and State equal opportunity and anti-discrimination laws.

To redress the past disadvantages of particular groups, special measures may be needed to improve employment and educational opportunities for people from these groups. These groups include women, Aboriginal and Torres Strait Islander people, people with a disability and people from culturally and linguistically diverse backgrounds;

KOI will promote equal opportunity by:

- emphasising fairness in its policies and procedures and their operation;
- taking all reasonable steps to ensure that the working and learning environment is free from unlawful discrimination, harassment, vilification, victimisation, bullying or other adverse and inappropriate behaviours;
- implementing inclusive policies, practices and programs in all its activities and services to take account of the needs of its diverse community;
- developing and implementing programs and special measures to improve access, participation, retention and success of students from under-represented equity target groups;
- monitoring and reporting on its equal employment and diversity performance against identified priorities and legislative requirements;
- implementing training and awareness raising strategies to ensure that all staff and students know their rights and responsibilities;
- providing an effective procedure for complaints based on the principles of natural justice.

To support access by people with special needs, KOI will apply the most recent version of the Web Content Accessibility Guidelines (<https://www.w3.org/WAI/standards-guidelines/wcag/>).



5.2 Aboriginal and Torres Strait Islander peoples

Specific consideration is given to the recruitment, admission, participation and degree completion of Aboriginal and Torres Strait Islander peoples.

- KOI recognises alternative entry pathways for Aboriginal and Torres Straits Islander peoples and will endeavour to provide scholarships to support Aboriginal and Torres Strait Islander peoples who enrol at KOI
- KOI is investigating ways of providing additional orientation and support to Aboriginal and Torres Strait Islander students in partnership with an appropriate organisation
- KOI is investigating registration with the Department of Human Services as an approved higher education provider to offer AUSTUDY and ABSTUDY.

Support and advice for Aboriginal and Torres Strait Islander students are available through the Counselling and Retention staff.

5.3 People with a disability

KOI will ensure that the academic integrity of its courses is maintained at the highest standards and that students with disabilities are provided with appropriate and reasonable adjustments to enable access and participation to all educational classes and written material on the same basis as other students.

KOI acknowledges that information that is provided about a person's disability or health status is personal and private and will respect the confidentiality of all such information in accordance with the Privacy Policy.

In order to assist in the planning, provision of services and timing of implementation of adjustments, prospective or current students and staff with disabilities are encouraged to identify any alternative requirements as soon as practicable. Students are not required to disclose their disability unless the disability or chronic health condition is likely to affect the student's capacity to meet the inherent requirements of the course. However, failure to declare specific requirements at the earliest opportunity may lead to a disruption of a student's study program, or a delay in service provision.

Support and advice for students with a disability are available through the Counselling and Retention staff.

5.4 People from non-English speaking backgrounds

KOI provides additional English language support through the Learning Skills Centre.

Support and advice for students needing assistance is available through the Counselling and Retention staff.

6 Victimization and vilification

Victimization and vilification are both unlawful, unacceptable and not tolerated by KOI. Types of behaviour that might constitute victimisation would be dismissing a staff member who has made a complaint of sexual harassment in good faith. Types of behaviour that might constitute vilification include instances where a staff member verbally and publicly abuses another staff member based on their sexual orientation.

7 Roles and Responsibilities

The CEO and President is responsible for the implementation of fairness and equal opportunity within KOI.

KOI will conduct training for its staff and students to ensure that staff and students are aware of their rights and responsibilities in relation to equal opportunity and diversity. KOI will ensure that all staff and others working at KOI locations understand the application of KOI policies in their work and their responsibilities for promoting fairness and respect.



8 Reporting

Participation, progress and course completion by identified student subgroups are monitored and the findings are used to inform admission policies and improvement of teaching, learning and support strategies for those subgroups. The student subgroups identified by KOI for this purpose are:

- Aboriginal and Torres Strait Islander people
- People with a disability
- People from non-English speaking backgrounds.

The Trimester Report includes relevant student statistics and is considered by the Academic Board and its committees.

An annual report on equal opportunity is provided to the Council covering student and staff outcomes, the operation of this policy, information and training in relation to the policy and sector comparisons.

9 Related Legislation

The following legislation is related to this policy

- Commonwealth Legislation
 - Higher Education Standards Framework (Threshold Standards) 2015
 - Higher Education Support Act (HESA) 2003, specifically Subdivision 19-C, Sections 19-30 and 19-35
 - Australian Human Rights Commission Act 1986
 - Racial Discrimination Act 1975
 - Sex Discrimination Act 1984
 - Human Rights and Equal Opportunity Commission Act 1986
 - Equal Employment Opportunity (Commonwealth Authorities) Act 1987
 - Disability Discrimination Act 1992
 - Workplace Gender Equality Act 2012
 - Age Discrimination Act 2004
 - Disability Standards for Education 2005
 - Fair Work Act 2009
- NSW Legislation
 - Anti-Discrimination Act (NSW) 1977

10 Complaints

Any complaints about breaches of the Policy will be dealt with in accordance with KOI's Complaints and Appeals Policy (students) and Staff Complaints Policy.

Complaints may also be made externally to the Overseas Student Ombudsman, the Australian Human Rights Commission and to the NSW Anti-Discrimination Board or to the Federal Fair Work Ombudsman.

11 Related policies

The policy needs to be read in conjunction with the following policies:

- Staff Code of Conduct
- Student Code of Conduct
- Complaints and Appeals Policy (students)
- Staff Complaints Policy
- Admissions and Enrolment Policy



- Assessment and Assessment Appeals Policy
- Prevention and Resolution of Bullying, Discrimination and Harassment Policy
- Prevention and Resolution of Sexual Assault and Sexual Harassment Policy
- Recruitment and Selection Policy
- Professional Development Policy
- Privacy Policy

12 Variations

KOI reserves the right to vary, replace or terminate the policy from time to time.

Document Control

Policy title	Fairness and Equal Opportunity Policy
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Changes in this version	Updates to ensure consistency with other HR policies

KOI amends its policies periodically and printed copies of this document, either in part or whole, are considered as uncontrolled and should not be relied upon as the most current document. It is the responsibility of individuals printing the document to always refer to the KOI website for the current version.

***** END OF POLICY *****