



**Marjorie Milner College**  
 Excellence in Education Since 1946

**Head Office: 401 Canterbury Road, Surrey Hills, 3127.**

Ph. 03 98807257 Fax. 03 98807267

w: [www.marjoriemilner.edu.au](http://www.marjoriemilner.edu.au)

e: [info@marjoriemilner.edu.au](mailto:info@marjoriemilner.edu.au)

[ABN: 99083570772 ACN: 083570772]

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## Policy Overview

Marjorie Milner College (MMC) has adopted this policy to reflect its commitment to equal opportunity and freedom from all forms of discrimination in education and employment.

MMC is committed to ensuring equal opportunity for students and staff and believes that this substantially contributes to the achievement of MMC's goal of creating and sustaining a respected

college at the forefront of industry training. Equal Opportunity is a key component of attaining high ethical standards and ensuring excellence in all activities.

MMC is committed to creating an environment where all staff and students are treated with dignity and respect, and where diversity is valued. This policy supports MMC's objective of preventing discrimination on the grounds of age, impairment, industrial activity, lawful sexual activity, marital status, physical features, political belief or activity, pregnancy, race religious belief or activity, sex including transsexuality or transvestism, status as parent or carer, or personal association with a person who is identified by reference to any of the above attributes.

MMC also has an objective of preventing offensive behaviour that is based on racial hatred and this policy provides support for the achievement of this objective and for the appropriate management of complaints. Sexual harassment is dealt with in the sexual harassment policy.

The promotion of equal opportunity and the prevention of unlawful discrimination are key management responsibilities that enhance the ability of students to reach their full potential in a safe, quality and focussed learning environment. It contributes to the achievement of the quality management principles that are essential to the achievement of the teaching and learning strategy, and for work groups it contributes to productivity and high quality outcomes.

Disciplinary action may be taken against employees and students who breach this policy. Further to this, MMC will do everything possible to ensure that people coming forward with complaints are not victimised and that complaints remain confidential. MMC will ensure that all people involved in a complaint, including the person making the complaint, the person being complained about and any witnesses providing assistance, are treated fairly. Persons coming forward with a complaint are encouraged to complete an equal opportunity form (Appendix 1.14).

People seeking assistance in resolving incidents of unlawful discrimination have a number of options. MMC will ensure that people receive the information that is needed to make a decision about what option or options are pursued and recognises that the choice of options rests with the complainant. At all times, MMC's aim in providing assistance to members of its community is to ensure that the offensive behaviour ceases.

MMC will not tolerate unlawful discrimination or offensive behaviour based on the above grounds under any circumstances. This policy articulates the principles and strategies which MMC will adopt to deal with such acts as well as to promote equality of opportunity and the recognition of the important contribution made to the MMC community by diversity.

## Legislative Rationale

This policy addresses the requirements specified under Standard 7, Clause 7.3 of the *Standards for Registered Training Organisations (RTOs) 2015* and Clause 3.2 of the *2014-16 VET Funding Contract*.

Race discrimination is prohibited by the *Federal Racial Discrimination Act 1975* and by the *Victorian Equal Opportunity Act 1995*.

Staff and students who racially discriminate or behave offensively on the basis of racial vilification may be personally subject to legal action under these acts and may expose MMC to liability as well.

## Definitions

**Complainant** refers to a person who makes a complaint of unlawful discrimination.

**Intake Officer** refers to the person with Marjorie Milner College, the principal or senior teacher, who receives the complaint and assesses whether it should be accepted as a complaint of unlawful discrimination.

**Investigator** refers to a person or persons who has not previously been involved in the assessment or management of the complaint whose task is to gather evidence, draw conclusions and come to a finding about the complaint which can form the basis of recommendations to the Principal for resolution of the complaint.

**Natural justice** is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint. It is also referred to as procedural fairness. The requirements of natural justice are:

- Fully informing a person of any allegation(s) made against them;
- Giving them the opportunity to state their case, provide an explanation or put forward a defence;
- Ensuring that proper investigation of the allegations occurs, that all parties are heard and relevant submissions are considered; and
- Ensuring that the decision-maker act fairly and without bias.

**Respondent** refers to a person against whom a complaint of unlawful discrimination has been made.

**Support Person** refers to a person who assists either party with the process of complaint resolution without receiving any payment for this assistance. A support person could include a friend, a family member, an officer of the student union, such as a student rights officer or an officer of a trade union. The support person must act within the processes set down for the meeting.

**Victimisation** refers to subjecting a person to detriment or threat of detriment because they have made or propose to make a complaint of unlawful discrimination either to MMC, the Equal Opportunity Commission or the Human Rights and Equal Opportunity Commission.

## Tuition Assurance Scheme

In accordance with compliance requirements, Marjorie Milner College annually renews its membership with TAFE Directors Australia and subsequently with their Tuition Assurance Scheme. This scheme protects students in the event that Marjorie Milner College ceases to provide a VET course of study in which a student is enrolled.

For the purposes of VET FEE-HELP, all courses offered by Marjorie Milner College are covered by TAFE Directors Australia as part of Marjorie Milner College's membership of the Scheme.

This information is provided to students in the pre-enrolment handbook. This handbook is available to students on the MMC website, via email or in hardcopy format at the Surrey Hills Campus.

In the event that Marjorie Milner College ceases to provide a VET course of study in which a student is enrolled the student is entitled to a choice of:

- a) an offer of a place in a similar VET course of study with a Second Provider without any requirement to pay the Second Provider any VET tuition fee for any replacement VET units (this is known as the "**VET Course Assurance Option**"). The Second Provider may have different VET tuition fees to those at MMC for those units the student had not yet started studying. A student is not obliged to enrol in the VET course of study offered, however if enrolling with another VET provider, they have no obligation to honour credit transfer to VET unit/s of study completed or to offer replacement VET unit/s free of charge.

**OR**

- b) a refund of his or her up-front VET payments for any VET unit of study that the student commences but does not complete because Marjorie Milner College ceases to provide the VET course of study of which the VET unit forms part (this is known as the “**VET Tuition Fee Repayment Option**”)

Contact information for TAFE Directors Australia is available under the Insurances and Registrations Policy (3.3).

## Course Cessation Procedure

In the event that Marjorie Milner College ceases to deliver a course it is the responsibility of the Student Services Manager to notify TAFE Directors Australia (TDA) of the course and the number of students that will be affected.

In addition, the Student Services Manager will send a student enrolled in the VET course of study a written VET Tuition Assurance Offer advising the student of the options available under the VET tuition assurance requirements. The Offer will include directions that the student must follow in order to notify TAFE Directors Australia (TDA) of the choice they have made for each affected VET unit. TDA will provide this Offer within twenty *Business Days* after it knows, or should know, by reasonable enquiries that Marjorie Milner College has ceased to provide the VET course of study.

For students yet to commence, a minimum of seven days’ notice will be given with the option to defer to a later intake or a full refund will be made.

## Disability

Student disabilities are identified at enrolment and flagged to the Student Services Manager. Where necessary, trainers are made aware of the disability and necessary actions that they need to take or make in the classrooms to accommodate the student.

For students in wheelchairs there is access at the side of the building and downstairs classes available for use. There is sufficient aisle space for comfortable movement and work tables at adjustable heights.

Teaching staff are fully qualified and therefore trained to assist students in need. MMC will also assist in work placements.

## Cultural Diversity and Anti-Racism

MMC recognises the diversity of Australia’s indigenous, settler and immigration heritages and affirms that the cultural diversity within the MMC College, as part of the Australian community, is a rich resource into teaching, and community activities.

MMC is committed to:

- An environment where all staff and students are treated with dignity and respect and where diversity is valued.
- An environment that is non-discriminatory and free of offensive behaviour based on racial vilification.
- A social environment where intercultural contact is facilitated.
- An intellectual environment which is free from bigotry, ethnocentrism, prejudice and racism.

MMC aims to:

- Ensure that the College curriculum is broad in its cultural scope and includes international and cross-cultural content and perspectives. It also aims to ensure that the overall curriculum design is flexible enough to accommodate different cultural orientations to making knowledge.
- Recognise and encourage multiple teaching styles and multiple learning styles. Teaching and learning at MMC will seek to extend every student's repertoire of learning styles; to create an environment of cross-cultural and intercultural learning; and to facilitate collaborative learning environment in which cultural interchange benefits all students and the College.
- Provide support structures and services that produce an environment of caring, security and belonging; and that facilitate equitable access to the learning, intellectual and community resources of the College
- Create a work and study environment which is free from race discrimination and racial vilification and where all members of the MMC community are treated with dignity, courtesy, respect and equity.
- Integrate training of cultural diversity, race discrimination and racial vilification into all community development activities including all levels of training, induction, training for supervisors and management training programs;
- Integrate information and training on cultural diversity, race discrimination and racial vilification into key student activities during orientation, enrolment and at other times of the academic year.
- Ensure all members of the MMC community understand this policy and have access to the information and support needed to prevent race discrimination and vilification or to deal with it appropriately if it occurs.

Marjorie Milner College (MMC) brings together a world-wide community of students and teachers from an enormous variety of cultural, racial, linguistic and religious backgrounds.

As an institution of learning, thinking and intellectual innovation, MMC stands at the intellectual forefront of change. Cultural diversity is central to the enormous technological, social and economic changes of our time.

Intercultural contact is increasing through: developments in transport; rapid innovation in information and communications technologies; the rise of the global economy; permanent and temporary population movements including migration, tourism, and travel for business and study; the development of international, social, economic, arts, business and academic organisations; the influence of global media networks; and the growing importance of differences in the most productive of local and global organisational or business cultures.

All these forces of change mean that cultural diversity intimately touches all of our lives. It is the reality of our streets and towns, our schools and universities, in our workplaces, and on the sporting field.

Translated into policy, the inexorable facts of cultural diversity lead us to acceptance, not mere tolerance. Cultural diversity is to be recognised and honoured, not to be feared. It is to be seen as an asset, not a hindrance.

Marjorie Milner College aims to be a global and multicultural College to endorse these assets. The values and competencies of the global and the multicultural are the basis for the development of real world

skills, professional ethics, community cohesion and a capacity for continuous learning and creative engagement with change.

Within each of us is a cultural being, the product of human interaction and human giving. We are bearers of living cultural traditions, with language, practices and norms that are never fixed. Culture reflects both the similarities that join us as human beings and the differences that characterise our upbringing – differences in ethnic background, language, class, gender, socioeconomic status, country of origin, regional differences, religious beliefs, sexual orientation and age. Just as culture is not static, so creativity and cultural dynamism emerge from our engagement with diversity.

MMC is committed to valuing cultural diversity and promoting intercultural interaction within Australia and in an increasingly globalised international environment. MMC believes that the cultural diversity of the college community substantially contributes to the achievement of its goal. MMC encourages its graduates to be cross-culturally attuned and skilled in bridging and negotiating cultural differences that threaten to divide. MMC teaches its graduates to sift the positives and negatives of every cultural heritage and to bring wisdom, understanding and harmony to the daily encounters of culture. MMC needs to be a great multicultural College.

All members of the MMC community are encouraged to know and develop their own cultural identity, infusing it with cross-cultural understanding, MMC recognises that the Australian identity is evolving, and that it incorporates the indigenous, the multicultural and the global. There are many ways of being and Australian committed to the social and economic well-being of the nation. So too, there are many different ways of being a member of the MMC community, committed in many varied ways and with so much varied expertise in building on its past and creating its future.

## Responsibilities of management, staff and students

MMC has a legal responsibility to prevent race discrimination or racial vilification; otherwise it can be held liable for the behaviour of its employees and in some instances, its students. In addition to this legal responsibility MMC considers that all forms of race discrimination or racial vilification are incompatible with its view that all people should be treated equally with respect, dignity and courtesy.

All staff have a responsibility to:

- Model appropriate behaviour themselves and promote a climate of mutual respect.
- Monitor the working and studying environment to ensure that acceptable standards of conduct are observed at all times and to take action if they observe unacceptable conduct.
- Intervene when they observe inappropriate behaviour between students, even in the absence of a complaint.
- If they are administration staff and they observe inappropriate behaviour between students, raise the behaviour with appropriate teaching staff.
- Promote this policy within their sphere of influence and to ensure that all persons have an understanding of the policy and its requirements.

All staff and students have a responsibility to:

- Model appropriate behaviour;
- Comply with this policy;

- Support the creation of work and learning environments that are based on mutual respect and that are safe; and
- Maintain complete confidentiality concerning any complaint or investigation.

## Racial Discrimination

Direct racial discrimination occurs when a person is disadvantaged or treated less favourably than someone else because of their race, colour, descent or national or ethnic origin. Direct discrimination can occur regardless of the discriminator's motive and whether or not he or she is aware of the discrimination or considers the treatment less favourable.

Indirect discrimination occurs when a practice or policy appears to be fair because it treats everyone in the same way, but in effect it disadvantages a higher proportion of people from one racial or ethnic group and is not reasonable in the circumstances. An example of this would be unreasonably enforcing a rule about clothing or uniforms, which disproportionately disadvantage people from a particular racial or ethnic group by contravening the religious or cultural beliefs about appropriate clothing.

## Racial Vilification

An act of racial vilification is a public act which is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate and which is done because of the race, colour or national or ethnic origin of the person.

Examples of racial vilification include, but not limited to, jokes about cultural practices, dress or ethnic stereotypes which are insulting and offensive, as are racist graffiti, poster or other material displayed or distributed in the workplace or educational institution.

## Victimisation

This happens if a person is subjected to less favourable treatment because it is known or suspected that he or she:

- Has made or proposes to make a complaint against any person under the *Racial Discrimination Act* or *Equal Opportunity Act*;
- Has furnished any information or documents for that purpose; Or
- Has attended a conference in relation to a complaint.

This also applies to a person who is associated with another person who has made a complaint.

## Sexual Harassment

Marjorie Milner College (MMC) has adopted this policy to reflect its commitment to freedom from sexual harassment and from all forms of discriminations in education and employment. MMC is committed to ensuring freedom from sexual harassment for students and staff and believes that this substantially contributes to the achievement of the MMC's goal of creating and sustaining a respected college at the forefront of industry training. Sexual harassment will not be tolerated and procedures of prevention have a key component of attaining high ethical standards and ensuring excellence in all activities.

MMC is committed to creating an environment where all staff and students are treated with dignity and respect and where diversity is valued. This policy supports MMC's objective of preventing sexual

harassment regardless of age impairment, industrial activity, lawful sexual activity, marital status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, including transsexuality or transvestism, status as a parent or carer, or personal association with a person who is identified by reference to any of the above attributes. MMC also has an objective of preventing sexual harassment that is based on racial hatred and this policy provides support for the achievement of this objective and for the appropriate management of complaints.

The awareness of sexual harassment and the prevention of unlawful sexual acts are key management responsibilities that enhance the ability of students to reach their full potential in a safe, quality focussed learning environment.

It contributes to the achievement of the quality management principles that are essential to the achievement of the teaching and learning strategy, and for work groups it contributes to productivity and high quality outcomes.

Disciplinary action may be taken against employees and students who breach this policy.

Further, MMC will do everything possible to ensure that people coming forward with complaints are not victimised and that complaints remain confidential. MMC will ensure that all people involved in a complaint, including the person making the complaint, the person being complained about and any witnesses providing assistance, are treated fairly. Persons coming forward with a complaint are encouraged to complete a sexual harassment form (Appendix 1.15).

People seeking assistance in resolving incidents of unlawful sexual harassment have a number of options. MMC will ensure that people receive the information that is needed to make a decision about what option or options are pursued and recognise that the choice of options rests with the complainant. At all times MMC's aim in providing assistance to members of its community is to ensure that the offensive behaviour ceases.

MMC will not tolerate unlawful discrimination or offensive behaviour bases on the above grounds under any circumstances.

## Responsibilities of management, staff and students

MMC has a legal responsibility to prevent unlawful discrimination; otherwise it can be held liable for the behaviour of its employees and in some instances, its students. In addition to this legal responsibility, MMC considers that all forms of unlawful discrimination are incompatible with its view that all people should be treated equally with respect, dignity and courtesy.

All staff and students have a responsibility to:

- Comply with this policy; and
- Maintain complete confidentiality concerning any complaint or investigation.

All staff has an additional responsibility to model appropriate behaviour and promote a climate of mutual respect. All administration staff and teachers have the following additional responsibilities:

- Monitor the working and studying environment to ensure that acceptable standard of conduct are observed at all times and to take action if they observe unacceptable conduct;
- Promote this policy within their sphere of influence and to ensure that all persons have an understanding of the policy and its requirements;

- Ensure that students and staff are aware of MMC's commitment to assist them should they experience unlawful discrimination in their workplace; and
- Ensure that students and staff are provided with adequate information about the policies and practices in existence at their worksite.

Employers are accountable for the conduct of staff and students under their management. It is integral to an employer's responsibilities that he or she should identify, prevent and redress potential problems within the workplace or in the study environment before these become the subject of complaints. Therefore, any employer, administration staff or teaching staff who observes inappropriate behaviour has a duty to raise it with the person so behaving and to take further action if the behaviour does not cease. This duty exists even in the absence of a complaint.

## Complaints

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Anyone who believes that they are experiencing unlawful discrimination has a range of options and the key points about MMC's approach follow. Further information about the complaints procedure can be found in the complaints and appeals policy (2.4).

### Initial Advice and Information

Information and confidential advice is available for the following people:

- College Principal
- Senior teacher/Head of Department
- Equal Opportunity Commission.

All will assist in the consideration of complainants available options.

Where appropriate, complainants will be informed of their right to inform the police or be advised to seek medical advice.

### Making a complaint

Marjorie Milner College takes all complaints very seriously and hopes that students will not abuse the complaints system for trivial matters that are best resolved informally.

The choice of resolution rests with the complainant and includes:

- Choosing to resolve the matter personally, with or without assistance and support;
- Choosing an informal resolution process;
- Choosing a formal resolution process;
- Choosing to have the matter resolved by an external body such as the Equal Opportunity Commission or the Human Rights and Equal Opportunity Commission; or
- Taking no further action

## Information resolution process

This is concerned with reaching an outcome which is acceptable to both parties and which allows the parties to continue in a productive working relationship. With an informal resolution process MMC does not investigate the complaint and does not form any view about its merits. The officer's role is to facilitate an agreement between the parties with the key being a mutually acceptable outcome.

## Formal resolution process

The formal complaint process involves the complainant lodging a formal complaint (Appendix 1.12) or where MMC otherwise becomes aware of circumstances which might be in breach of this policy. An investigation will be undertaken into those matters. The aim of an investigation is to gather evidence and to make findings that can be the basis of recommendations of the MMC principal for resolving the complaint.

The investigation will:

- Be conducted by an officer independent of the informal resolution process or intake officers and all previous attempts at resolution;
- Apply the principles of natural justice;
- Result in a finding as to whether discrimination occurred; and
- Result in a report being made to the MMC Principal which outlines the investigation, the evidence, the conclusions of the investigation and the recommendations for resolution.

The investigation report will be provided to the parties before presentation to the MMC Principal and parties will have the right to make a written submission to the MMC principal about the report. Parties must indicate their intention to make such a submission within seven days of the MMC Principal's receipt of the report and to provide their submission within the timeframe negotiated with the Principal.

## Support Persons

Parties are permitted to have a support person present at any interviews or meetings. The role of the support person is to assist the party and to act within the bounds of the processes established for the meeting or interview. A support person could include a friend, a family member, or an officer of a trade union. The support person should not be in receipt of specific payment for acting as a support person. In addition to support persons, parties may have an interpreter or other person with specialist skills, or their necessary equipment present at all meetings. Industrial officers and student rights officers may act as support person with the provisos as stated.

## Time Limits

Complaints should be made as soon as possible and generally within 12 months after the incident has occurred. If the incidents occurred more than twelve months earlier the matter will be referred to the principal, Gregory Milner. This applies whether the complainant is staff or student. The principal will assess the complaint and decide whether to process the matter through MMC's internal procedures.

## Possible Outcomes

Outcomes can include (but are not restricted to) any, or a combination of any of the following:

- Counselling of the respondent;

- Official warning noted on the respondent's personal file;
- Formal apology by the respondent;
- Reimbursement of any costs associated with the discrimination, including, for example for staff, restoration of sick leave or other leave credits, where the leave was taken as a result of the discrimination, or for students, refunding of fees paid;
- Amended assessment including special consideration in further assessments or in respect of course work;
- Any mutually acceptable resolution arising out of the informal resolution process;
- Disciplinary action against the respondent;
- Disciplinary action against the complainant, if after investigation, a complaint is found to be vexatious or malicious; and
- Complaint not upheld

## Rights and Responsibilities of Complainants

Complainants have the right to:

- Have their complaint treated seriously, impartially, sensitively, promptly and confidentially;
- Determine the way in which their complaint is handled (whether by handling it themselves with advice and support, by informal resolution or by the use of formal procedures);
- Be fully informed of their options under this policy;
- Be protected against victimisation and reprisals;
- Have a support person, who complies with the processes established, present at any interviews or meetings;
- Withdraw the complaint without prejudice, except where the complaint is found to be malicious or vexatious;
- Have reasons for decisions or recommendations fully explained to them; and refer the complaint to the Equal Opportunity Commission. If a complainant refers a complaint to the Equal Opportunity Commission it will be taken as an indication from the complainant that he or she does not want MMC to continue to try to resolve the matter internally.

Complainants' responsibilities are to:

- Raise concerns about inappropriate behaviour at the earliest possible time because this will maximise the likelihood of effective resolution;
- Comply with the requirements of MMC's procedures;
- Act in good faith;
- Maintain confidentiality; and
- Abide by MMC's decisions in respect of the internal resolution of the complaint. This does not preclude a complainant from lodging a complaint with the Equal Opportunity Commission or the Human Rights and Equal Opportunity Commission.

## Rights and Responsibilities of Respondents

Respondents have the right to:

- Be fully informed of the complete nature and extent of allegations made against them;
- Be accorded natural justice;
- Have the complaint handled sensitively, impartially, promptly and confidentially;
- Have a support person, who complies with the processes established, present at any interviews or meetings; and
- Have reasons for decisions or recommendations fully explained to them.

Respondents' responsibilities are to:

- Comply with the requirements of MMC's procedures;
- Act in good faith;
- Maintain confidentiality;
- Abide by MMC's decisions in respect of the internal resolution of the complaint. Failure to so comply may render the respondent liable to disciplinary proceedings.

