

Anti-Discrimination Policy and Procedure

Responsible Officer	Head of People and Culture
Approved by	Board of Directors
Approved	21 February 2024
Commenced	21 February 2024
Review by	February 2027
Relevant Legislation and Policies	• <u>Age Discrimination Act 2004</u> • <u>Anti-Discrimination Act 1977 (NSW)</u> • <u>Australian Human Rights Commission Act 1986</u> • <u>Disability Discrimination Act 1992</u> • <u>Equal Opportunity Act 2010 (Vic)</u> • <u>Fair Work Act 2009</u> • <u>Racial Discrimination Act 1975</u> • <u>Sex Discrimination Act 1984</u> • <u>Smoke-free Environment Act 2000</u> • <u>Workplace Gender Equality Act 2012</u>
Responsible Organisational Unit	People and Culture

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1. Policy Statement

1.1 Authority

The Australian Institute of Music Limited (AIM), known as 'the Institute', is governed by the Board of Directors (BoD) with academic authority delegated to the Academic Board (AB). The BoD and AB share joint responsibility for ensuring that all general and academic policies and procedures follow 'best practice' principles for Higher Education and other sectors of educational delivery, in compliance with relevant Australian legislation and current regulatory requirements. AIM is committed to ensuring that its employees, contractors, students and visitors do not suffer any form of discrimination recognised by either Federal or State Anti-Discrimination statutes.

AIM has established policies dealing with Sexual Harassment, Staff and Student Conduct as detailed in the [Sexual Harassment Policy and Procedure](#), [Staff Code of Conduct](#) and [Student Code of Conduct](#). This Policy deals with other forms of discrimination.

1.2 Application

This policy and procedure applies to Quality Assured (QA) delivery of accredited AIM programs offered at the Sydney and Melbourne campuses. If applicable, this policy and procedure will also apply in future, wherever QA AIM programs are approved for delivery elsewhere in Australia or overseas.

1.3 Purpose

The purpose of this policy and procedure is to ensure there are clear and concise guidelines in place with regards to treating all staff and students with respect whatever their gender, age, sexual orientation, ethnicity, religion, politics or disability and seeks to ensure that there is no unlawful discrimination.

1.4 Scope

This policy and procedure applies to all staff, students, visitors and contractors.

1.5 Coverage

This policy and procedure applies to all AIM Foundation Program and higher education courses offered at the Sydney and Melbourne campuses.

1.6 Special Conditions or Exceptions

This policy and procedure does not deal with sexual harassment or staff and student conduct more generally. For information on sexual harassment see AIM's [Sexual Assault and Sexual Harassment Policy and Procedure](#), for staff and student conduct see the [Staff Code of Conduct](#) and [Student Code of Conduct](#).

2. Procedures

2.1 Implementation

Discrimination can manifest in many direct and indirect forms. AIM recognises the following attributes protected by law:

- Age
- Disability
- family responsibilities
- gender reassignment
- race
- religion or belief
- sex
- gender identify or intersex status

- sexual orientation
- marriage and civil partnership
- pregnancy, maternity and breastfeeding.

AIM seeks to avoid any discrimination that leads to a student(s) or member of staff being treated less favourably than another student or member of staff because of their background or other characteristics.

Discrimination includes (but is not limited to) the following:

- Activity which permeates or colours the Institute's working environment with discriminatory innuendo or jokes. Unacceptable behaviour includes poster displays, telling discriminatory jokes, or making racially derogatory remarks about a person. It can include sending emails, displaying or discussing material or making suggestively discriminatory comments.
- Behaviour which is personally directed. This category includes unwanted name calling, uninvited physical contact, suggestive or overly personal remarks about another person's appearance, beliefs and personal life or following or stalking a person or making inappropriate telephone calls to their home.
- Unreasonable rules or policies which have an unfair effect on people who share a particular attribute.
- Uninvited and unreasonable requests or demands from a person, especially if it involves the implication that refusal might adversely affect conditions or opportunity for promotions at work. This can include actual or threatened assaults.

Discrimination in the forms noted above is unlawful discrimination under both Federal and State Anti-discrimination Laws. Any employee, contractor, student or visitor has the right to bring complaints about discrimination to the Australian Human Rights Commission, Anti-Discrimination Board (NSW) or the Victorian Equal Opportunity and Human Rights Commission. The complaints can be dealt with by confidential conciliation and a judicial hearing if conciliation does not work.

2.2 Dealing with Discrimination

Before an employee/contractor/student/visitor approaches the above-named organisations to report alleged discrimination, the Institute would like the opportunity of dealing with the allegations in-house. On that basis, any employee/contractor/student/visitor or other affected person who makes a complaint of discrimination in good faith will be treated with consideration and their complaints will be taken seriously and investigated or otherwise dealt with sympathetically and fairly.

Complaints will be attended to promptly and confidentially in the manner set down in the Institute's *Student Code of Conduct* and *Staff Code of Conduct*.

2.2.1 Role of Managers/Supervisors

Managers and supervisors:

- Are responsible for monitoring the working environment to ensure that acceptable standards of conduct are observed at all times and to model appropriate behaviour and anti-discriminatory practice in all activities and interaction with students, other staff members, contractors, partners and stakeholders.
- Must promote the Institute's *Anti-Discrimination Policy and Procedure* within their work area.
- Must treat all complaints seriously and take immediate action to investigate and resolve the matter.
- Must refer the matter to People and Culture or a member of the Leadership Team if they do not feel that they are the best person to deal with the case.
- Must ensure they are familiar with the Institute's *Student Code of Conduct* and *Staff Code of Conduct*.

2.2.1 Role of Staff

All members of staff:

- Have responsibility for complying with the Institute's *Staff Code of Conduct*.

- Should offer support to anyone who is facing discrimination and let them know where they can get help and advice (they should not, however, seek to deal with the perpetrator of discriminatory action but should advise resolution of the matter through the Institute's *Staff Code of Conduct* and *Student Code of Conduct*).
- Should maintain complete confidentiality if they provide, or are provided with, information during any investigation of a complaint relating to discrimination.

2.2.2 Role of Students

All AIM students:

- Have responsibility for complying with the Institute's *Anti-Discrimination Policy and Procedure*
- Should familiarise themselves with the policy and how to seek support
- Should maintain complete confidentiality if they provide, or are provided with, information during any investigation of a complaint relating to discrimination.

2.3 External Resolution

If an employee/contractor/student/visitor remains dissatisfied with the outcome of the internal investigation of any allegation of discrimination under the Institute's *Staff Code of Conduct* or *Student Grievances and Complaints Policy and Procedure* they may, following the conclusion of internal processes, approach the Australian Human Rights Commission, Anti-Discrimination Board (NSW) or the Victorian Equal Opportunity and Human Rights Commission to report alleged discrimination.

2.4 Links to Federal and State Laws and Obligations

In adopting this policy, the Institute is fulfilling its federal law obligations under the following Acts:

- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Human Rights and Equal Opportunity Commission Act 1986
- Affirmative Action (Equal Opportunity for Women) Act 1986

And state law obligations under the:

- Anti-Discrimination Act 1977 (NSW)
- Equal Opportunity Act 2000 (VIC)

3. Accountabilities

3.1 Responsible Officer

- Head of People and Culture (HPC):** has overall responsibility for this policy and procedure and is responsible for monitoring and facilitating the implementation and regular review of this policy.

3.2 Contact Officer

- Leadership Group (LG)/HPC:** responsible for the training of all staff in the application of this policy.

4. Supporting Information

4.1 Supporting Documents

- *Student Grievances and Complaints Policy and Procedure*
- *Sexual Harassment Policy and Procedure*
- *Staff Code of Conduct*
- *Student Code of Conduct*

4.2 Related Documents

- [Staff Code of Conduct](#)
- [Staff Workplace Bullying Policy and Procedure](#)
- [Student Code of Conduct](#)

4.3 Superseded Documents

Nil.

5. Definitions and Acronyms

TERM/ACRONYM	DEFINITION
AIM referred to as the 'Institute'	The Australian Institute of Music Limited ABN: 89 003 261 112; PRV: 12050; CRICOS 00665C
Academic	Learning, teaching, assessment and research related matters including (but not limited to) eligibility for entry to a program of study, course design and delivery, student participation and attainment, attrition, retention, progression, completion, grade distribution, curriculum content and awards in a course of study.
Discrimination:	The various Federal and State Anti-Discrimination Acts set out the specific grounds of discrimination and the situations in which it is unlawful to discriminate on those grounds. Discrimination occurs when a person is treated less favourably in situations on the grounds set out in Federal and State legislation. The following list indicates the range of grounds, which may be found in the legislations: • age • colour • criminal record • family responsibilities • HIV/AIDS • immigration • intellectual impairment • marital status • medical record • mental, intellectual or psychiatric disability • national or ethnic origin • parenthood • physical impairment • political beliefs/activities • pregnancy (including potential pregnancy) • race • religion • retirement age • sex (including sexual harassment) • sexuality e.g. heterosexuality/homosexuality • trade union or employer association activity • transgender status
Domestic student	A student who is an Australian citizen, a New Zealand citizen, or a holder of an Australian permanent visa (holders of all categories of permanent resident visas including Humanitarian Visas).
Duty of Care	In dealing with grievance/complaint, the Institute will take formal action to protect and safeguard individuals.
International student	A student who is not a domestic student, and who may hold a student visa and is protected by the ESOS legislative framework.

Prospective Student	Any person seeking to enrol in the Institute.
Senior Academic	• Chief Academic Officer • Head of Learning & Teaching • Associate Heads of Learning & Teaching
Staff	Any person currently employed by the Institute.
Student	Any personal currently enrolled by the Institute.

6. Revision History

Version	Date Approved	Approved by	Review History	New Review Date
1.0	01 May 2018	CEO - interim approval	New Policy	May 2018
1.1	21 June 2018	Board of Directors	Include: • 'visitor' under 'Scope' • Flowchart	May 2019
1.2	26 September 2019	Board of Directors	Include: • Additional responsibilities • Updated flowchart • Updated role titles and department and policy names	August 2020
1.3	25 February 2021	Board of Directors	• Updated to new format • Review on expiry • Change of 'Human Resources' to 'People and Culture' • Change to Senior Academic titles	February 2024
2.0	21 February 2024	Board of Directors	Review on expiry: • Updated institutional and legislative compliance	February 2027
2.1	N/A	N/A	Updated to new template	February 2027

7. Flowchart – Showing Process and Decision Points