

Access and Equity Policy

PURPOSE

The purpose of this policy is to outline Music SA's commitment and legal obligations in respect to the principles of access and equity.

SCOPE

This policy applies to all Music SA students, staff and other individuals associated with Music SA training, in all situations and activities associated with their roles. Such situations and activities may extend beyond onsite teaching and learning activities e.g. field trips, networking events, functions, seminars and volunteer activities.

POLICY STATEMENT

MusicSA is committed and legally obliged to ensure that all students, regardless of their disability or other attribute(s), have the opportunity to access and participate in vocational education and training on the same basis as other students, and in an environment which is free of discrimination, harassment and vilification.

Music SA is also committed and legally obliged to ensure that all staff and other individuals associated with Music SA, regardless of their disability or other attribute(s), have the opportunity to participate in employment and other work-related activities on the same basis as other staff/individuals, and in an environment which is free of discrimination, harassment and vilification.

Music SA will provide 'Reasonable Adjustments' to teaching, learning and assessment activities where practicable, to ensure that all students have equal opportunity to access, participate and be successful in their studies, regardless of their disability. This means:

- ensuring that teaching, learning and assessment activities are sufficiently flexible
- creating an Adjustment Plan (if requested) to document appropriate 'Reasonable Adjustments' for an individual learner
- providing additional support to learners where necessary; and
- where a learner cannot participate, offering a reasonable substitute within the context of the overall course.

Music SA will determine prior to student enrolment that adjustments are unreasonably practicable to provide. Music SA may determine that they cannot provide a place for a disabled student if it is not reasonably practicable to do so, or if enrolling the student in the course will jeopardise the integrity of the assessment process.

Music SA will provide 'Reasonable Adjustments' to work conditions and the work environment where practicable, to ensure that all staff and individuals associated with the RTO have equal opportunity to access and participate successfully in work activities, regardless of their disability.

Music SA will not tolerate discrimination, sexual or discriminatory harassment, or racial/religious vilification or victimisation.

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DEFINITIONS

Access means that individuals regardless of their attributes have equal access to vocational education and training opportunities offered by Music SA.

Attributes are actual or assumed personal characteristics on the basis of which discrimination is prohibited under Commonwealth and South Australian legislation. Attributes include:

- Age
- Disability (further defined below)
- Sex
- Gender identity
- Intersex status
- Sexual orientation
- Lawful sexual activity
- Pregnancy
- Marital status
- Parental status
- Carer status
- Breastfeeding
- Race
- Religious beliefs
- Political beliefs
- Industrial activity
- Employment activity
- Physical features; and
- Personal associations.

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DEFINITIONS CONT.

Disability refers to:

- a partial or total loss of a bodily or mental function (which can be permanent or temporary, visible or invisible)
- a total or partial loss of a part of the body
- the presence in the body of organisms causing, or capable of causing, disease or illness e.g. hepatitis or HIV/AIDS
- the malfunction, malformation or disfigurement of part of the body
- a mental or psychological disease or disorder
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions, or judgement, that results in disturbed behaviour.

Included is a disability (as defined above) that presently exists, previously existed but no longer exists, may exist in the future (including because of a genetic predisposition to that disability), is imputed to the person, and behaviour that is a symptom or manifestation of a disability.

Discrimination refers to the unfavourable treatment of an individual based on an actual or presumed attribute. Discrimination includes Direct and Indirect Discrimination.

Direct Discrimination occurs if a person treats, or proposes to treat, an individual unfavourably because of an attribute.

Indirect Discrimination occurs if there is an unreasonable requirement, condition or practice that purports to treat everyone the same, but actually disadvantages someone with an attribute.

Discriminatory Harassment is a form of discrimination and refers to a wide range of deliberate and unintentional behaviours which are unwelcome, and uninvited, and which are reasonably likely to humiliate, intimidate or offend.

Examples of potential discriminatory harassment include:

- spreading gossip about a person
- sexist or racist language, humour, images and emails
- intrusive personal questions
- displays of images which target attributes and cause offence; and
- negative comments, taunts, jokes or insults.

Other individual associated with Music SA training refers to persons (other than staff or students) who are legally bound by the policies and procedures of Music SA. This includes board members, volunteers, consultants and contractors.

Racial or Religious Vilification occurs where a person engages in conduct that incites hatred, serious contempt, revulsion or severe ridicule against another person or group of people, because of their race, religious beliefs or activities.

Reasonable Adjustment is the term used to describe the actions or changes that may be required to enable students and staff with a disability to participate in study/employment activities on the same basis as other students and staff.

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DEFINITIONS CONT.

Sexual Harassment is where a person engages in any unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated. It refers to a wide range of behaviours which may be written, printed, verbal, non-verbal or physical.

Unreasonably Practicable is the term used to describe a situation where enrolling a student would cause unjustifiable hardship in terms of cost, safety to others, time, trouble, and physical difficulty in making the adjustments.

REFERENCES

- MSAT-POLP-LSP:1 Complaints Policy and Procedure
- MSAT-POLP-LSP:5 Music SA Learner Induction Course
- MSAT-POLP-STC:1 Training Staff Code of Conduct
- Disability Discrimination Act 1992 (Commonwealth)
- Disability Standards for Education 2005 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Australian Human Rights Commission Act 1986 (Commonwealth)
- Racial Hatred Act 1995 (Commonwealth)
- Age Discrimination Act 2004 (Commonwealth)
- Fair Work Act 2009 (Commonwealth)
- Equal Opportunity Act 1984 (SA)

DOCUMENTS

- MSAT-D-LSP:1 Complaint Form
- MSAT-D-LSP:5 Adjustment Plan

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RESPONSIBILITIES

The **Music SA Board** is responsible for:

- approving this policy and all subsequent revisions
- ensuring that all Board members understand their roles and responsibilities in relation to this policy; and
- resolving any complaints relating to access and equity issues in accordance with the Complaints Policy and Procedure.

The **Music SA General Manager (GM)** is responsible for:

- monitoring changes to access and equity related legislation and reviewing this policy in relation to these changes
- presenting any revised versions of this policy to the Music SA Board for approval
- ensuring that all Training staff and other individuals associated with Music SA Training understand their legal and ethical responsibilities in respect to this policy
- taking disciplinary action in accordance with the Training Staff Code of Conduct where there are breaches to this policy
- ensuring that 'Reasonable Adjustments' are made where practicable, to ensure that individuals with a disability have an opportunity to access and participate in employment and work activities
- working collaboratively with the Music SA BM to ensure that where practicable, resources can be made available to resource 'Reasonable Adjustments' where required
- making submissions to the Music SA Board for additional resources to fund 'Reasonable Adjustments' which have not been budgeted for
- working collaboratively with the Music SA BM to determine if the adjustments are unreasonably practicable to implement, and;
- dealing with any complaints relating to breaches of this policy in accordance with the Music SA Complaints Policy and Procedure.

The **Music SA Business Manager (BM)** is responsible for:

- including a provision in the annual Music SA Training budget for 'Reasonable Adjustments'; and
- informing the Music SA GM if additional resources are required to meet Music SA's legal obligations in respect to 'Reasonable Adjustments'.

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RESPONSIBILITIES CONT.

The **Music SA Head of Training (HT)** is responsible for:

- ensuring that student recruitment and enrolment processes are not discriminatory
- ensuring that training course marketing materials and website make Music SA's commitment to access and equity clear to all prospective students
- ensuring that teaching and learning activities are designed with the flexibility to enable all students, regardless of their disability or attribute(s), to develop the same skills and knowledge as other students without a disability or attribute(s)
- ensuring that assessment activities are designed with the flexibility to enable all students, regardless of their disability or attribute(s), to demonstrate their competence on the same basis as other students without a disability or attribute(s)
- working collaboratively with Trainers/Assessors and the Music SA BM to identify, resource and implement 'Reasonable Adjustments' to teaching, learning and assessment activities, where practicable to do so
- ensuring an Adjustment Plan is created for individual learners (if requested) to document appropriate 'Reasonable Adjustments'
- ensure that students with a disability or other attribute(s) have equitable access to educational and personal support services
- taking disciplinary action in accordance with the Music SA Learner Induction Course where there are breaches to this policy; and
- ensuring that staff recruitment processes and other processes designed to engage individuals associated with Music SA training are not discriminatory.

All **Music SA Trainers and Assessors** are responsible for:

- discussing this policy with students during pre-enrolment interviews and induction sessions (as required in the Pre-Enrolment and Music SA Induction Course Sign-Off)
- ensuring that all students are aware of the potential consequences of breaches to this policy
- working collaboratively with the Music SA HT to identify, resource and implement 'Reasonable Adjustments' to teaching, learning and assessment activities, where practicable to do so
- ensuring that individuals associated with Music SA training that are engaged in teaching, learning and assessment activities, understand their legal and ethical responsibilities in respect to this policy
- bringing any breaches to this policy to the attention of the Music SA HT; and
- ensuring that their own behaviours do not constitute breaches to this policy.

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STATUS AND DETAILS

Reference Code:	MSAT-POLP-LSP:3-V1.2
Version No:	V1.2
Status:	Current
Commencement Date:	21/10/2020
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Authorising Authority:	Music SA Board
Authorisation Date:	21/10/2020
Accountable Officer:	Music SA General Manager