



EQUITY AND ANTI-DISCRIMINATION POLICY

Background

Tabor College is an expression of the religious beliefs of its constituent community and is an exercise of its religious freedom. Foundational in these beliefs is a commitment to biblical principles of justice and equity. The College therefore seeks to ensure two things. These are firstly that its students and staff, as an expression of their beliefs, treat others fairly, justly and without discrimination. This is in accord with the precepts of the faith of which Tabor College NSW is an expression. Secondly it seeks to ensure that its students and staff are treated fairly and justly and without discrimination in accord with their right to exercise their faith freely and without undue interference.

In accord with its beliefs, then, the College seeks to provide education and training which assists students and graduates:

- To develop a living praxis in which just and non discriminatory principles are strongly embedded;
- To strive for an ethical and just society;
- To be involved in addressing injustice, inequity and discrimination; and
- To work for a more just and equitable environment for all.

Tabor College NSW is therefore committed to an ongoing process of compliance and innovation related to the development of policies aimed at exercising the rights and responsibilities which are the concern of both the Human Rights and Equal Opportunity Commission (www.hreoc.gov.au) and the NSW Anti-Discrimination Board (<http://www.lawlink.nsw.gov.au/adb.nsf/pages/index>). The policies and approaches of Tabor College NSW are designed to ensure it is responsive to the diverse needs of individual clients, including people who face barriers due to age, gender, cultural difference, disability, language, literacy and numeracy, unemployment, imprisonment or isolation and any other clients who are experiencing barriers in relation to access, participation and outcomes. The College is therefore committed to ensuring its practices comply with the requirements of these bodies in two ways.

Firstly it will seek to comply with both the spirit and letter of these guidelines and policies. Secondly it will seek to gain the full exercise for its members of the rights and privileges that are afforded it by the same guidelines and policies. In doing so, the College is committed to addressing issues related to equality of opportunity that might arise in areas such as:

- Disability.
- Human Rights.
- Racial Discrimination.
- Sex Discrimination.

It is also against the policy of the College for any member of its community to harass any other person on the basis of any of these issues. In this regard, harassment is any form of behaviour that:

- A person does not want
- Offends, humiliates or intimidates them
- Targets them because of sex, pregnancy, race, marital status, disability, age, carers' responsibilities, homosexuality or transgender.

Policy Objectives

In keeping with this rationale, the objectives of the policies that follow are to establish and maintain an operating environment that:

1. Recognises and respects the worth and dignity of every individual, and avoids discriminating against individuals or groups;
2. Provides a safe and congenial learning environment for students and staff;
3. Promotes understanding and application of Christian biblical ethical principles through its teaching programs;
4. Encourages students and staff to recognise the limitations of a monocultural worldview, and to develop a more comprehensive worldview on the basis of biblical principles;
5. Encourages the practice of sound ethical principles in college and community life;
6. Ensures that all students and staff are treated justly and without discrimination;
7. Educates the college community on the college's philosophy, policy and procedures in rela-

tion to matters of ethics, justice, equity and responsibility;

8.Ensures that the college's policies, practices and official documentation are in accord with biblical principles, and comply with the principles and legislation with which the college is required to comply;

9.Avoids the use of gender exclusive or sexist language in its publications and discourage the use of such language by students or staff;

10.Provides equal opportunities for men and women to participate in job opportunities offered by the college and on related committees;

11.Creates equal opportunities for both male and female students at all levels of study;

12.Seeks to offer employment and training/education opportunities that cater for individuals with disabilities, within the constraints imposed by being a non-funded private tertiary institution, offering a limited number of paid jobs and a limited range of courses;

13.Encourages full-time and part-time, on-campus, mixed mode and distance education students equally;

14.Provides opportunities for staff and students to express ideas, comments and concerns openly or in confidence, without risk of discrimination or reprisal.

Discrimination and Enrolment

Within the context of this anti-discrimination policy, Tabor College NSW reserves the right to make decisions on entry to its courses and modules based on whether an applicant meets the prerequisites described in its handbook and in the College's accredited curriculum documentation for its courses and modules.

Legislation and Compliance

The College operates under the auspices of a Registered Training Organisation under the Australian Quality Training Framework (AQTF) and also as a Higher Education Provider. In doing so, the College seeks at all times to comply with the 12 AQTF Standards for Registered Training Organisations, and any additional requirements of its registering body/bodies, which have been established to ensure that clients/students receive sound and appropriate training/education.

In particular, the College also recognises its responsibility to comply with the following:

- Commonwealth Affirmative Action (Equal Employment for Women) Act 1986 (as amended) [<http://www.austlii.edu.au/>]
- Commonwealth Disability Discrimination Act 1992 [<http://www.austlii.edu.au/>]
- Commonwealth Human Rights and Equal Opportunity Commission Act 1986 [<http://www.austlii.edu.au/>]
- Commonwealth Racial Discrimination Act 1975 [<http://www.austlii.edu.au/>]
- Commonwealth Racial Hatred Act 1995, including amendment of racial Discrimination Act 1975 [<http://www.austlii.edu.au/>]
- Commonwealth Sex Discrimination Act 1984 (as amended) [<http://www.austlii.edu.au/>]
- NSW Anti-Discrimination Act 1977 [<http://www.austlii.edu.au/>]
- NSW Occupational Health & Safety Act 2000 [<http://www.austlii.edu.au/>]

Disability

Disability discrimination happens when a person is treated unfairly or harassed because they have a disability, or someone thinks they have a disability. It is also against the law and the policy of Tabor College NSW to treat any person unfairly or harass them because you had a disability in the past, or because they will or may get one in the future. Disability includes physical, intellectual and psychiatric disabilities, learning and emotional disorders, and any organism capable of causing disease (for example, infectious diseases and HIV/AIDS).

The policy of Tabor College NSW is:

- That no person is to be directly discriminated against by being treated less favourably, because of his or her disability, than that person without that disability would be treated in the same or similar circumstances.
- Wherever feasible to ensure that people do not experience indirect discrimination as a result of being effectively excluded from college activities by unsuitable facilities and/or equipment.



The College is therefore committed to making reasonable adjustments wherever possible by changing rules or requirements, premises or equipment so that indirect discrimination does not occur.

- That no person is to be treated less favourably because he or she uses an assistive device, or is accompanied by an interpreter, reader, assistant or carer or by a guide dog, hearing dog or other animal trained to provide assistance.
- To follow as closely as possible the disability discrimination guidelines of the HREOC as published on their website at: http://www.hreoc.gov.au/disability_rights/index.html.

Human Rights

The Tabor NSW policy on human rights covers the following areas:

- Sexual orientation
- Religion
- Age
- Political opinion
- Trade union activity

Sexual Orientation

Whilst Tabor College NSW is a community of faith whose approach to sexuality is centred on traditional Biblically derived Christian precepts relating to sexual identity, chastity and the limitation of sexual activity to marriage, it is also committed to treating those whose views might contest this position with respect and grace. Noting the diverse, highly complex and contested nature of this issue, the College's policy is therefore twofold

- To avoid all forms of prejudice and/or discrimination that might deny natural justice or express disrespect toward any individual on the basis of their sexual identity.
- To select and endorse staff, volunteers, students and other members of its community strictly on the basis of their competency to function as exponents and proponents of the Biblically derived Christian precepts relating to sexual identity, chastity and the limitation of sexual activity to marriage that are at the foundation of its system of beliefs and values.

The College notes a tension that might be perceived to be between these two components and is committed to the ongoing development of a praxis that continually improves its application of these two principles. Within the context of this framework, it is therefore against the policy of Tabor College NSW for any person to be discriminated against on the basis of their sexual identity. This includes:


- Homosexual or Lesbian Discrimination: It is against the policies of Tabor College NSW for any person to be treated unfairly or harassed because they are gay or lesbian, or someone thinks they are gay or lesbian.
- Transgender Discrimination: It is against the policies of Tabor College NSW for any person to be treated unfairly or harassed because they are transgender, or others think they are transgender. A person is counted as transgender if they live or seek to live as a member of the opposite gender (sex) to their birth gender.
- Marital Status Discrimination: It is against the policies of Tabor College NSW for any person to be treated unfairly or harassed because of their particular marital status, for example, because they are single, or married, or living in a de facto relationship.
- Discrimination because of who a person is related to, or who they associate with: It is against the policies of Tabor College NSW for any person to be treated unfairly or harassed because of the sex, marital status, homosexuality/lesbianism, transgender (trans-sexuality) of one of their relatives, friends or work colleagues.

Religion

The Tabor College NSW policy on the human right to religious freedom addresses three areas. These are related to inclusion and tolerance, incitement and the right to manifest a religion or belief.

Inclusion

As a community of faith, it is the policy of Tabor College NSW to both claim its rights to freedom of practice and commit itself to respecting the religious convictions of others with an attitude of grace



and tolerance. Within this context, Tabor College NSW is committed to the view that every individual should have freedom:

- To hold a particular religion or belief
- Not to hold a particular religion or belief
- To manifest religion or belief in worship, observance, practice and teaching
- From coercion which would impair religion or belief
- From coercion which would impose religious belief or practice.
- From discrimination on the ground of religion or belief.

The College also endorses the right of parents and guardians to organise family life in accordance with their religion or beliefs.

As part of the general community it is also the College's view that to ensure the enjoyment of religion and belief the individual must be free from discrimination on the ground of religion and belief in all areas of public life including employment, education, the provision of goods and services and accommodation. It is therefore the position of Tabor NSW that issues relating to religious belief or lifestyle can only be used as determinants of a person's eligibility to employment, involvement, inclusion or exclusion in or to any activity under the auspices of Tabor College NSW when they have a bearing on their competence as exponents and proponents of beliefs and practices that are in accordance with the doctrines, tenets or teachings of the Biblical Christianity which is the College's faith.

The policy of Tabor College NSW is therefore to prohibit direct and indirect discrimination on the ground of religion and belief in all areas which do not have a bearing on the beliefs and practices of the faith for the expression, promotion and development of which the College exists. This policy therefore emphasizes that:

- Any distinction, exclusion or preference in respect of any particular aspect of engagement with Tabor College NSW must be based on the inherent requirements of the relevant aspect of engagement.
- Preference in employment for a person arising from that person being an exponent and proponent of the beliefs of Tabor College NSW will not breach this policy as long as such preference is established as a genuine occupational qualification.
- A distinction, exclusion or preference in connection with engagement with any person that is related to doctrines, tenets, beliefs or teachings for which Tabor College NSW exists must be made in good faith, must not be arbitrary and must be consistently applied.

Incitement and Vilification

Incitement to hatred, vilification, insults, threats or abuse against a person on the basis of religion or belief impair that person's right to freedom of religion and belief. The community of Tabor College NSW not only claims its right not to be subject to such behaviour it deplors it. The College most strongly expresses the view that such behaviour is diametrically opposed to the doctrines and tenets of the faith of which it is an advocate. It is therefore the policy of Tabor NSW to prohibit and condemn all such behaviour within the full scope of its auspices.

The College notes, however, that apologetics, opinions and critiques of the doctrines and tenets of other religions and belief systems do not violate this policy when they are carried out reasonably and in good faith. This may involve various forms of expression, discourse, debate and dialogue and may include the performance of an artistic work, in preaching, professional, scientific or academic debate or making a fair and accurate report of a matter of interest.

Manifestation of Religion and Belief

Tabor College NSW strongly endorses the view that the freedom of religion and belief extends to the right to manifest one's religion or belief in worship, observance, practice and teaching. The College also holds that the right to manifest a belief is subject only to limitations provided by law which are necessary to protect the public safety, order, health, or morals or the fundamental rights and freedoms of others.

It is the policy of Tabor NSW therefore to endorse and participate in public and other acts that promote and enhance understanding of Biblical Christianity. Such acts may include public marches, concerts and other events related to outreach and evangelism. In this it is also the policy of Tabor NSW to ensure that such activities do not harass or intrude upon the privacy rights of any individual.



Age

Tabor College NSW is committed to complying with:

- The age related provisions of the Commonwealth Workplace Relations Act 1996
- The NSW Anti-Discrimination Act (1977)
- Wherever possible with the recommendations of the Commonwealth Human Rights and Equal

Opportunity Commission

Applying for a job

Tabor College NSW recognises that all people, except in the circumstances delineated below, have the right to apply for and be fairly considered for employment or engagement with Tabor College NSW as a paid member of staff, a volunteer, a student or in any other capacity no matter what age they, or any relatives (including children), or associates might be.

Consequently, all advertisements, jobs, apprenticeships and traineeships must be open to people of all ages. A person's age (or the age of any of their relatives, friends or work associates) must not be used as a reason to prevent them applying for or getting a job.

The main exceptions are that Tabor College NSW reserves the right to:

- Refuse to employ children under the age of 14 years and nine months (unless the child gets permission to leave school early). The College recognises that it is only possible to employ children as casuals if it holds a licence to do so.
- Advertise for and employ a "junior" and pay them at junior rates, provided they are under the age of 21.
- Advertise for and employ someone of a particular age where age is an essential and relevant part of the job - for example, for authenticity in a play; or where the job is to promote the welfare of, or provide education for, a particular age group and the most effective way of doing this is for someone of the same age group to do it.

During employment

Tabor College NSW acknowledges the right of all with whom it engages to be trained, promoted, to receive all other work benefits, and have to follow all other work rules fairly - no matter what age they or their relatives (including any children), or associates are. This is of course with the exception that "juniors" aged under 21 can receive different benefits or be made to follow different rules. The College also acknowledges the right of all not be harassed at work because of their or their relative's (including any children), or associate's age.

Dismissal

Tabor College NSW acknowledges the right of all not be dismissed, retired or made redundant because of their, or their relative's (including any children), or associate's age. People will only be dismissed if they are no longer able to do the job properly, or if the job no longer exists.

Compulsory Retirement

Compulsory retirement is against the policies of Tabor NSW. The College will therefore not:

- Retire a person because of their age
- Threatens to retire a person because of their age
- Do anything that is intended to make a person retire because of their age. For example the college will not:
 - Offer essential training to younger employees and not older ones to try to force the older employees to leave;
 - Give an older worker demeaning, fewer, or lesser status tasks to try to make them leave;
 - Use performance or medical assessments as a backdoor way of retiring older employees. It could, for example, be against the law to make them pass tests or assessments that younger employees don't have to pass. These types of tests or assessments should be conducted fairly whatever the age of the person involved. They should relate to their ability to perform the tasks of your particular job. If such a person has a disability Tabor College NSW will as far as is possible services or facilities so they can do their job;
 - Use fixed term contracts as a backdoor way of retiring older employees. For example, it could be against the law to employ older workers on fixed term contracts when younger workers are not employed for fixed terms; or

- Withdraw benefits or stop accrual of benefits (for example, increments or bonuses).

Political Opinion

It is the policy of Tabor College NSW in general to respect without interference the political opinion all of its adherents. It does however, reserve the right to challenge political views and/or activities which:

- Put at risk the public safety, order, health, or morals or the fundamental rights and freedoms of others.
- Incite hatred or vilify.
- Prevent the free exercise of the reasonable beliefs and practices for which Tabor College NSW exists.

Trade Union Activity

Tabor College NSW recognises the basic human rights of freedom of association and freedom to form and join trade unions. It is therefore contrary to College policies to discriminate on the ground of trade union activity or the related grounds of political belief or industrial activity except where misguided attempts to exercise such rights:

- Put at risk the public safety, order, health, or morals or the fundamental rights and freedoms of others.
- Incite hatred or vilify.
- Prevent the free exercise of the reasonable beliefs and practices for which Tabor College NSW exists.

Racial Discrimination

Racial Discrimination is when a person is treated unfairly or harassed because of their race, colour, ethnic background, ethno-religious background, descent or nationality.

Racial Discrimination and Harassment Forbidden

Racial discrimination and/or harassment is both against the policy of Tabor NSW and the law. It is therefore forbidden to treat any person unfairly, with less respect or to harass them, because of:

- Their race, colour, nationality, descent, ethnic or ethno-religious background, or
- Because of the race, colour, nationality, descent, ethnic or ethno-religious background of any of their relatives, friends or work colleagues.

Any such behaviour not only breaches policy and the law but is in flagrant opposition to the central tenets of the Christian view that all human beings are created in the image and likeness of God.

Engagement

It is a breach of this policy if any form of disrespect or discrimination is exercised when any potential member of the staff or student body is applying to engage with the College, is at the College, or when they might be leaving the College

Dress

It is also the policy of Tabor NSW to permit any member or visitor to meet any ethno-religious dress needs - unless doing so is unreasonable or unsafe in a particular situation.

Language

It is also the policy of the College to encourage its members and visitors to speak in their own languages at college unless speaking in that language stops the work or study being done properly. It is also the policy of the College to permit members and visitors to speak English at whatever fluency they have and/or with an accent - unless this type of English/accent is unreasonable for a particular situation.

Racial Vilification

It is also against Tabor College NSW policy and the law to do anything publicly that could encourage racial hatred, racial contempt, or racial ridicule against any racial group. This type of behaviour is called "racial vilification".

The following types of behaviour could be "racial vilification" and in breach of both the law and Tabor College NSW Policy:





- Racist graffiti
- Racist speeches or statements made in public
- Racist abuse that happens in public
- Racist statements or remarks in a newspaper or journal, in other publications, or on the radio or television
- People wearing racist symbols (such as badges), or clothing with racist slogans, in public
- Racist gestures made in public
- Racist posters in a public place.

Sex Discrimination

It is against the policies of Tabor College NSW for any person to be treated unfairly or harassed either because they are a woman or a man. Discrimination against a woman because she is pregnant can also be sex discrimination. All forms of sexual harassment are also against the policies of the College.

Sex discrimination is:

- Where a person is harassed or treated unfairly because of their sex - that is, because they are a woman, or because they are a man, or
- Where a person is sexually harassed - this includes such things as unwanted sexual comments or abuse, unwanted sexual suggestions, offensive gestures and unwanted sexual contact, or
- Where a woman is treated unfairly or harassed because she is pregnant, or
- Where a rule or policy, which applies to everyone, in fact disadvantages one sex more than the opposite sex and it is not reasonable.
- Where a person is treated unfairly or harassed because of the sex of one of their relatives, friends or associates.