



## ETEA ACCESS AND EQUITY POLICY AND PROCEDURE

### RESPONSIBLE for:

**Ensuring Compliance:** Chief Executive Officer

**Directly Responsible:** All Senior Management

**Adhering to Policy:** All Education Training & Employment Australia Personnel

### GOVERNING STANDARDS

The Directors of Education Training & Employment Australia ( ETEA) and its associated companies require compliance against the standards of ISO9001, and any Legislation and Regulations that relate to Access and Equity. Information is available from the related Acts below,

Commonwealth legislation (information may not be limited only to these legislation)

- Disability Discrimination Act 1992
- Human Rights and Equal Opportunity Commission Act 1986
- Age Discrimination Act 2004
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

The standards that govern this policy are the Standards for Registered Training Organisations (RTOs) 2015: Standard 1 Clause 1.7 and National Code 2018 (The National Code of Practice for Providers of Education and Training to Overseas Students 2018) Standard 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11

### Purpose

ETEA is committed to providing all students with equal benefits and opportunities to pursue their training and development. This policy and procedure is to be used by ETEA to integrate access and equity principles and to treat fairly all students seeking to enroll into the VET courses and all training and assessment activities it conducts.

The policy also provides the framework for the provision and management of training services that reflect fair and reasonable opportunity for all students, regardless of their diversity and allowing all individuals to freely participate in the learning environment without discrimination, harassment, bullying and vilification.

Another focus of the policy is to ensure that adjustments are made to assist students who have any disability, or other difficulties, so as to give them the opportunity to enroll and complete the course.

### Scope

This policy and procedure apply to all ETEA students, staff and training activities.

The policy also relates to support services offered by ETEA to students and trainees. All staff and contractors employed or engaged by ETEA are obliged to comply with this policy.

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## Definitions

**Access and equity** means policies and approaches aimed at ensuring that VET is responsive to the individual needs of students whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.

## Discrimination

Discrimination occurs when a person is treated less favourably than others due to the person's circumstances, characteristics or beliefs.

### a) Direct Discrimination

Direct discrimination takes place when a person, organisation or group of persons is treated less fairly than others on the basis of stereotyped beliefs or views.

### b) Indirect Discrimination

Indirect discrimination includes rules, practices or policies which appear to be non-discriminatory and equally applicable, but operate in such a way that certain groups of people are excluded without just cause.

## Workplace Harassment

Harassment is any behaviour which is unwelcome, offends, humiliates or intimidates a person and causes the work environment to become unpleasant. If a person is being harassed then their ability to do their work is affected as they often become stressed and suffer health problems.

Harassment may result from behaviour which is not intended to offend or harm, such as jokes or unwanted attention however, this does not mean that it is lawful.

## Sexual Harassment

The most common form of harassment is sexual harassment. Examples of sexual harassment include, but are not limited to:

- a) Unwanted touching
- b) Sexual innuendo propositions
- c) Nude pin-ups and posters
- d) Obscene telephone calls
- e) Wolf whistles

Sexual harassment can occur among peers or co-workers, and in subordinate-supervisor, supervisor-subordinate or staff-student, student-staff, student-student situations.

## Verbal Harassment

Examples of verbal harassment include, but are not limited to:

- a) Sexual comments, advances or propositions
- b) Lewd jokes or innuendos
- c) Racist comments or jokes
- d) Spreading rumours
- e) Comments or jokes about a person's disability, pregnancy, sexuality, age or religion
- f) Repeated questions about one's personal life
- g) Belittling someone's work or contribution in a meeting
- h) Threats, insults or abuse
- i) Offensive obscene language
- j) Obscene telephone calls, unsolicited letters, faxes and emails

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### Non-verbal harassment

Examples of non -verbal harassment include, but are not limited to:

- a) Leering (e.g. staring at a woman's breasts)
- b) Putting offensive material on notice boards, computer screen savers and emails
- c) Wolf whistling
- d) Nude or pornographic posters
- e) Displaying sexist or racist cartoons or literature
- f) Demoting, failing to promote, or transferring someone because they refuse requests for sexual favours
- g) Following someone home from work
- h) Standing very close to someone or unnecessarily leaning over them
- i) Mimicking someone with a disability
- j) Practical jokes that are unwelcome
- k) Ignoring someone, or being cold and distant to them
- l) Crude hand or body gestures

### Physical Harassment

Examples of physical harassment include, but are not limited to:

- a) Unwelcome physical contact such as kissing, hugging, pinching, patting, touching, or brushing up against a person
- b) Indecent or sexual assault or attempted assault
- c) Hitting, pushing, shoving, spitting, or throwing objects at a person
- d) Unfastening a person's attire

### Policy Statement

ETEA is committed to providing quality training and assessment products and services in compliance with the Standards for Registered Training Organisations (RTOs) 2015.

ETEA promotes, encourages and values equity and diversity with regard to students. ETEA will ensure services offered are provided in a fair and equitable manner to all students, free from bias.

ETEA is committed to providing flexible learning and assessment options, allowing students alternatives which recognize the diversity of their individual needs and circumstances aiding them in their learning goals.

ETEA will ensure:

- a) all training and assessment policies and procedures incorporate access and equity principles;
- b) all learners have equitable access to the benefits of training and assessment irrespective of their gender, age, race, religion, culture, linguistic background, marital status, geographic location, socio-economic background, disability, sexual preference, family responsibility or political conviction;
- c) all nominations and enrolments into training courses and programs will be conducted at all times in an ethical and responsible manner, ensuring fairness and compliance with Equal Opportunity legislation; and
- d) all learners/students have equitable access to training resources, facilities, equipment, support services, information, training and assessment personnel, materials, assessment opportunities, training opportunities.

Areas of access and equity can include policies and approaches aimed at ensuring that VET is responsive to the individual needs of students whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment, marital status, or remote location may present a barrier to access, participation and the achievement of suitable outcomes.

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ETEA will ensure that disadvantaged groups are treated fairly and adjustments are made, where necessary, to be able to participate in the services provided by ETEA. Disadvantaged groups include:

- a. People with a disability
- b. Aboriginal and Torres Strait Islanders
- c. Women
- d. People from non-English speaking backgrounds
- e. People in rural and remote areas
- f. Long term unemployed

ETEA will apply the following Access and Equity principles:

1. Equity for all students, and potential students, through the fair and appropriate allocation of resources
2. Equality of opportunity for all students, and potential students, without discrimination
3. Access for all students, and potential students, to appropriate quality training and assessment services
4. Increased opportunity for students, and potential students, to participate in training

Equity does not mean treating all students, and potential students, in the same way; but, means ensuring that all groups of people, who wish to become students of ETEA, participate and benefit to the same level in respect to entering and participating in a course.

This policy acknowledges ETEA's legal obligations in relation to Access and Equity under relevant legislation, to ensure that the organisation's working and training practices are fair and equitable, and the working and learning environment is non-discriminatory. Australian federal and state legislation makes it unlawful for organisations to discriminate against individuals because of their age, gender, race, marital status, sexuality, or physical or intellectual disability. The following legislation underpins all matters related to access and equity at ETEA.

- a. Age Discrimination Act 2004
- b. Australian Human Rights Commission Act 1986
- c. Anti-discrimination Act 1997
- d. Disability Discrimination Act 1992 (including Disability Standards for Education)
- e. Disability Discrimination Act 2005
- f. Racial Discrimination Act 1975
- g. Sex Discrimination Act 1975
- h. Equal Opportunity Act 2010 – all states

## Policy

### Access and equity

The aim of the policy is to remove barriers and to open up developmental opportunities for all students by creating a workplace and training environment that is free from discrimination, harassment, bigotry, prejudice, racism and offensive behavior.

All students will receive fair and equitable treatment in all aspects of training without regard to political affiliation, race, colour, religion, national origin, sex, sexual preference, marital status or physical behavior. The treatment will include the decisions made in respect to selecting a person to be a student of ETEA, and in the training and assessing of all students.

A person with a disability may be excluded under this policy if the disability could cause occupational health and safety risks to the person and/or other students. This could be a consideration that would be taken into account, for example, where a placement was a compulsory component of the course.

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All trainers/assessors are responsible to observe and be advocates for the policy.

The CEO and RTO Training Manager will ensure that all staff are aware and understand the policy.

All policies and procedures of ETEA will be consistent with the principles and aims of this policy.

Any breach of this policy MUST be reported to the CEO.

### **Fair treatment and equal benefits and opportunities**

ETEA has open, fair and transparent procedures that are based on set criteria for making decisions about the selection of persons who seek to enroll in an ETEA course and the treatment of students undertaking a course of study at ETEA.

ETEA will ensure that adjustments are made for students, and potential students, who have disabilities or other reasons why they have difficulties with some aspects of the training and assessment. For example, people with linguistic and/or numeracy problems will be provided with additional support to overcome these problems. The Course-Co-Coordinator may decide to allow such students, and students who have difficulties in handing in assessments on time, additional time to complete the course. Adjustments will also be made, where possible, to assist blind or deaf persons who wish to undertake a course at ETEA.

ETEA will also make adjustments, where possible, for international students who, although they have the appropriate IELTS score, have difficulty in preparing assessments and understanding some aspects of the course. Any adjustments will, however, have to be consistent with the requirements of the Course Progress Policy.

ETEA will take steps to encourage people from culturally and linguistically diverse background, Aboriginal and Torres Strait Islander students and people with diverse academic, work and life experiences to enroll in an ETEA course.

ETEA ensures that all relevant information for students to make informed decisions is available on the website, in the student handbook and the course brochures.

ETEA has the following policies and procedures in place in order to treat all current and prospective students in a fair and equitable manner with all academic and non-academic matters and provide equal benefits and opportunities:

- a. Enrolment policy and procedure
- b. Complaints and appeals policy and procedure for domestic and international students
- c. Course Progress policy and procedure
- d. Misconduct policy and procedure
- e. Fees, charges and refunds policy and procedure
- f. Dismissal, Termination and Cancellation policy
- g. RPL and CT policy and procedure
- h. Privacy policy and procedure.

### **Procedure**

This policy and accompanying procedures outlines the reasonable adjustments and facilities, services and academic learning/training support that will be provided to students/trainees in the following areas.

To ensure that the learning environment of ETEA is free from harassment, discrimination and victimization, the organisation will ensure:

- That staff and students/trainees are made aware of access and equity as part of orientation, Pre-training interview or induction;

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©Education Training & Employment Australia Pty Ltd ABN: 62085390692					Page 5 of 11	

- Adherence to privacy and confidentiality requirements;
- The development of products, policies, systems and procedures are informed by access and equity principles;
- The organisation has policies and procedures in place that support the principles of access and equity;
- Continuous improvement and review of policies and procedures to meet legislative changes and student feedback.

ETEA will not accept any form of discrimination and we will apply the following principles in support of access and equity:

### Access and Equity Principles

- a) ETEA abides by access and equity principles.
- b) ETEA will respect a student’s right to privacy, confidentiality and be sensitive to student needs.
- c) ETEA provides equal opportunity for all learners and is responsive to the individual needs of students whose gender, pregnancy, race, marital status, sexuality, age, family/carer responsibilities, disability, transgender, political conviction, cultural or ethnic background, linguistic background, religious belief, geographic location, socio-economic background, employment/unemployment, imprisonment may present a barrier to access, participation and achievement of suitable outcomes.
- d) At enrolment, students will be asked to identify personal needs or circumstances that may exist and for which they may require additional support Refer to Enrolment Admissions Policy. Pre-training Review Policy, Student Support Policy, Special Consideration and Reasonable Adjustment Policy.
- e) ETEA will ensure that all staff, employees, and contractors have access to the information and support needed to prevent discrimination, sexual harassment, bullying and violence, victimization, and vilification or to deal with it appropriately if it occurs.
- f) ETEA seeks to create a learning environment where all students are respected and can develop their full potential.
- g) All students are given fair and reasonable opportunity to attend and complete training.
- h) All staff and contractors are given fair and reasonable opportunity to participate in relevant decision-making processes and the allocation of resources and services as required to fulfil their duties and responsibilities.
- i) Deficiencies will be investigated to determine whether a breach or policy deficiency exists. Should a discrepancy be proven, the impact of that breach or deficiency will be identified along with how the policy should be amended to eliminate the breach or deficiency in the future.
- j) All perceived deficiencies in the Access and Equity Policy are to be documented, assessed and reviewed by the Training Manager.
- k) ETEA will demonstrate its commitment by:
  - i. Selecting students according to a fair and non-discriminatory process.
  - ii. Making its training relevant for a diverse student population.
  - iii. Providing suitable access to facilities and resources.
  - iv. Providing appropriate support services.
  - v. Providing appropriate complaints procedures.
  - vi. Consulting with relevant industry groups.
  - vii. Raising staff, contractor and student awareness of equity issues.

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## Equal Opportunity

ETEA is an equal opportunity company and does not discriminate against or favour target groups in either recruiting or training, unless prescribed by funding contracts.

Target Groups are defined as:

- Aboriginal and Torres Strait Islanders.
- People with a disability.
- People from non-English speaking backgrounds.
- People in transition and other special groups (i.e. people re-entering the workforce, long term unemployed, sole parents, people with literacy problems, and those who have been institutionalised).
- Women.
- People from regionally isolated communities.

## Special Needs/Considerations

- a) Students intending to enrol for training with ETEA are requested prior to enrolment to advise ETEA if they have any disability, physical or other impairment which may adversely affect their ability to successfully undertake training and assessment.
- b) Students are encouraged to discuss with ETEA any 'special needs' and/or 'reasonable adjustments' to the study environment which they consider are necessary or would assist them in the performance of their studies.
- c) ETEA, in collaboration with the student, will assess the potential for the student to successfully complete the training which may include flexible delivery options to optimise the ease and benefit of the students' learning. However, no compromise to the integrity of the assessment against competency will be allowed.
- d) Students with a disability are required to have the ability to fulfil the core requirements of the units of competence to attain the relevant award. However, it is recognised that flexibility in arrangements may need to be implemented. Refer to Student Support Policy and the Academic and Learning Support Policy.

## Reasonable Adjustment

A reasonable adjustment is a measure or action that will be taken to assist a student with a recognised disability to participate in training on the same basis as other students/trainees.

An adjustment is reasonable if it takes into account the student's learning needs and balances of all parties affected – the student with the disability, ETEA, organisation staff, employers in the case of work based training, and other students/trainees undertaking training. Refer to Reasonable Adjustment and Special Consideration Policy

## Costs and Benefits of making Adjustments

The effects of reasonable adjustment on the organisation, staff and students/trainees and direct and indirect costs will be considered by ETEA including:

- The costs associated with staffing, special resources, and the modification of training materials and curriculum.
- The adverse impact on learning, occupational and social outcomes for the student, other students/trainees and training staff.
- Benefits that may be achieved to all people and the organisation from the student/trainee with a recognised disability's participation.

## Exceptions

The Disability Discrimination Act Standards for Education 2005 do not render it unlawful for RTO's or education providers to not comply with requirements of the standards in the following circumstances:

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- Where ETEA claims that it would impose unjustifiable hardship.
- The student’s disability is an infectious disease or other condition, and it is reasonably necessary to isolate or discriminate to protect the health and welfare of the students/trainees and other students/trainees and staff;
- Where ETEA is complying with courts orders, Human Rights and Equal Opportunity Commission decisions, prescribed law and regulations of the Commonwealth, State or Territory as Section 47 of the Disability Discrimination Act 1992.

### Unjustifiable Hardship

When a reasonable adjustment is considered, balancing the interest of all parties concerned, deliberation on whether the adjustment will impose hardship on ETEA.

If unjustifiable hardship is considered, ETEA will consider all financial and other resources that are reasonably available for the purposes of making any necessary adjustments for the student, and the impact of those adjustments on the capacity to provide training programs of high quality to ALL students/trainees while remaining financially viable.

ETEA will consider direct and indirect costs and benefits including:

- Costs associated with staffing, the provision of special resources, modifying training materials and curriculum.
- The adverse effects on learning, occupational and social outcomes of the student, other students/trainees and training staff.
- Identified benefits to all involved persons from the student’s participation.

When ETEA applies the principles of unjustifiable hardship, the organisation will:

- Ensure that the process for seeking the adjustment is accessible and transparent.
- Notify the student/trainee and employer in the case of work-based training regarding decisions made on reasonable adjustment and the reasons for the decision as soon as possible after the decision made. The Training Manager will discuss the decision with the student/trainee and the outcomes will be recorded in the student management system.

### Language, Literacy and Numeracy

Each Training Package sets a minimum requirement in language, literacy and numeracy skills of learners, with which ETEA must abide.

ETEA makes appropriate concessions for language, literacy and numeracy issues of students where these concessions do not compromise the requirements of the relevant Training Package and the integrity, equity and fairness of assessment.

Where a student is deemed, either prior to enrolment or throughout the training program, to possess a lower level of language, literacy or numeracy than is the minimum requirement for the requirements of the Training Package, ETEA will provide appropriate advice and support to the student regarding further learning options.

At times, further language or literacy development or remedial assistance may be required to be completed prior to the continuation or completion of the student’s course of study.

### Facilities Access

The Campus Manager is responsible for ensuring training buildings and venues utilised by the organisation, rooms, toilets and resources comply with relevant building requirements including access for people with disabilities.

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©Education Training & Employment Australia Pty Ltd ABN: 62085390692					Page 8 of 11	



Facilities will be reviewed every six (6) months and reports sent to the Occupational Health & Safety Officer. If normal points of exit are not available, notices including alternative access will be posted where appropriate.

All staff are required to assist anyone needing help to access training materials, files, equipment, or other items that may be inaccessible to students/trainees.

Students/trainees with disabilities should have all materials made accessible to them without having to ask for assistance wherever possible. The Course Coordinator or relevant trainer should make any adjustments before the student/trainee commences the course. Students/trainees may wish to indicate disabilities in their application form and/or during orientation. All adjustments will be made in consultation with employers in the case of work based trained.

**Harassment**

Harassment will not be tolerated at ETEA. If harassment occurs, the person responsible will be subject to disciplinary procedures. Disciplinary action will be taken against any staff or student involved in such behaviour. This may include termination of employment and removal of the student from the training course.

Serious cases of harassment may constitute a criminal offence.

ETEA will not tolerate behaviour which is considered to be sexual harassment and expects all staff, contractors and students to treat each other with dignity and respect. Refer to the Anti-discrimination Policy and the Anti-bullying and Harassment Policy.

**Bullying and Violence**

ETEA will not tolerate bullying or violent behaviour and expects all staff, contractors and students to treat each other with dignity and respect.

ETEA recognises bullying and violence demeans and infringes the rights of individuals and groups, damaging the work and learning environment. Refer to the Anti-bullying and Harassment Policy.

**Vilification**

ETEA will not tolerate behaviour which vilifies another person and expects all staff, contractors and students to treat each other with dignity and respect. Refer to the Anti-Discrimination Policy.

**Complaints**

- a) ETEA encourages informal resolutions of discrimination, sexual harassment, bullying and violence, victimization, and vilification grievances in the first instance, as close to the source as possible, with the option of conciliation or investigation of the complaint if necessary.
- b) Complaints will be investigated in a confidential manner and action will be taken to ensure that the discrimination/harassment stops. Appropriate warning or disciplinary action will be taken where harassment is found to have occurred.
- c) Those responsible for advising, conciliating or investigating a complaint must act fairly and impartially, they must act without bias and avoid any conflict of interest the respondent must be given a fair opportunity to know the case against him or her and to be given the opportunity to make a considered response.
- d) All staff, students and contractors involved with the ETEA complaint procedures will be treated with respect and courtesy. Enquiries and complaints will be dealt with in a sensitive, equitable, fair, and confidential manner. All attempts will be made to deal with matters expeditiously while ensuring all parties are provided with sufficient time to prepare and or respond.
- e) ETEA acknowledges that it is of paramount importance and in the best interests of all parties that confidentiality is maintained during these procedures.

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©Education Training & Employment Australia Pty Ltd ABN: 62085390692					Page 9 of 11	

- f) ETEA encourages the reporting of behaviour that breaches equal opportunity policy, but will not tolerate vexatious or frivolous complaints. Refer to the Complaints and Appeals Policy – domestic and international students and Staff Complaints and Appeals Policy

**Victimisation**

- a) In order for complaints to be brought forward, complainants must feel secure in the knowledge that the ETEA procedures will be followed without fear of reprisal.
- b) ETEA will not victimise or treat any person unfairly for making a harassment complaint.
- c) ETEA will not tolerate behaviour of victimisation of another person and expects all staff, contractors and students to treat each other with dignity and respect.
- d) Any complaint of victimisation will be treated in the same manner as a complaint of discrimination, sexual harassment or vilification.

**ETEA Responsibilities**

ETEA has a legal and moral obligation to provide equal opportunity in an environment free from discrimination for staff, contractors and students/trainees to ensure that discrimination/harassment does not occur in the workplace.

ETEA will:

- Maintain policies and procedures for equal opportunities for all staff, contractors and students;
- Disseminate policies and procedures to staff, contractors and students;
- Examine all policies and practices, as they affect staff, contractors and students to ensure the elimination of discrimination and harassment;
- Ensure that there is no discrimination against any individual student or group of students or staff, in access to facilities, products and services;
- Educate staff and contractors on the general goals and philosophy of equal opportunity together with the rationale for policies and practices which are adopted;
- Eliminate sexist and other discriminator language from all publications and discourage the use of such language in all printed material and in the speech of its staff, contractors and students;
- Establish and maintain mechanisms to deal with complaints.

**CEO and Management Staff Responsibilities**

The CEO of ETEA and all senior managers are responsible for student equity.

The CEO will not condone nor engage in discriminatory/harassing behaviour.

The CEO is responsible for ensuring that all staff are aware of this policy and that complaints will be dealt with in accordance with the terms of all Complaints and Appeals Policies.

The CEO and senior managers are to ensure staff act according to this policy and all students/trainees are made aware of their rights and responsibilities pursuant to this policy.

The RTO Manager will maintain the confidentiality of all complaints. If the RTO Manager feels that they are not the appropriate person to deal with the complaint, they will refer the matter to either a member of the management team or an external independent party for review and/or action.

**Staff, Contractors and Students Responsibilities**

ETEA staff, contractors and students/trainees have the responsibility to:

- Act to prevent harassment, discrimination and victimization against others;
- Respect differences among other staff, students and contractors, such as cultural and social diversity;

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©Education Training & Employment Australia Pty Ltd ABN: 62085390692					Page 10 of 11	

- Treat people fairly, without discrimination, harassment or victimization;
- Respect the rights of others;
- Respect people's rights to privacy and confidentiality;
- Refuse to join in with these behaviours;
- Supporting the person in saying no to these behaviours;
- Acting as a witness if the person being harassed decides to lodge a complaint;
- Observe site rules or behaviour guidelines set by ETEA Trainers/Assessors;
- Behave in a manner that does not interfere with the learning of others; and
- Conduct themselves in a responsible manner while in training;
- Ensure the rights of all students to have their say, balanced with the responsibility to listen to others and allow others to have their say.

If an ETEA staff, contractor or student feels harassed, bullied or otherwise a victim of unwelcome behaviour, the staff, contractor or student/trainee is encouraged to inform the person where the behaviour is unwanted, unacceptable and/or offensive.

If the staff, contractor or student/trainee feels unable to approach the person, or if the behaviour continues following their request that the behaviour cease, the RTO Manager or Campus Manager should be contacted.

### Course Design

Course design and assessment is designed to be flexible and to be able to make reasonable adjustments if required. All training documents will be non-discriminatory and will avoid exclusive language and examples.

To ensure that all curriculum and training materials developed by ETEA are inclusive of a range of student needs, the organisation:

- Considers issues relating to access and equity when specifying course entry requirements and prerequisites;
- Offers flexible course and training materials designed to provide multiple entry and exit points or pathways through the course (if applicable), including credit transfer and recognition of prior learning;
- Takes into account the requirements of students/trainees with a range of disabilities when assessing courses for delivery;
- Provides inclusive and non-discriminatory learning and training materials;
- Will ensure that language, literacy and numeracy requirements are consistent with the vocational level of the qualification being considered or offered.

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©Education Training & Employment Australia Pty Ltd ABN: 62085390692					Page 11 of 11	