

# **Student Welfare and Accessibility Policy**

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## **1.0 Purpose**

This policy sets out Bendigo Kangan Institute's (BKI) commitment to all students, to ensure that:

- Students have an inclusive learning environment;
- Students have access to appropriate support services; and
- BKI meets its obligations under relevant legislation.

## **2.0 Scope**

This policy applies to all BKI staff, students and contractors who engage with current and prospective students in relation to their participation in training programs and activities delivered by BKI.

Students have a mutual responsibility to act in accordance with the requirements of this policy for their own welfare and that of other students. BKI expects all students to be aware of and abide by the requirements of the Student Code of Behaviour so that all students can enjoy a safe, inclusive environment in line with this Student Welfare and Accessibility Policy.

BKI policies and procedures may be subject to the specific requirements of the Department of Justice and/or Department of Human Services at Corrections campuses.

## **3.0 References**

- Disability Discrimination Act 1992 (*Cth*)
- Disability Standards for Education 2005 Disability Act (*Vic*) 2006
- Child Wellbeing and Safety Act 2005 (*Vic*) Children,
- Youth and Families Act 2005 (*Vic*)
- Education and Training Reform Act 2006 (*Vic*)
- Education and Training Reform Regulations 2007 (*Vic*)
- Working with Children Act 2005 (*Vic*)
- Charter of Human Rights and Responsibilities Act 2006 (*Vic*)
- Privacy Act 1988 (*Cth*)
- Privacy and Data Collection Act 2014 (*Vic*)
- Health Records Act 2001 (*Vic*)
- Excursions Policy VCAL Policy
- Child Safety Policy
- Student Complaints and Grievance Policy
- Student Code of Conduct Policy
- Privacy and Freedom of Information Policy

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Doc Custodian: Head of Student Services

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### **4.0 Principles**

This policy is underpinned by the principles of

- 4.1.1 Equality
- 4.1.2 Democracy and the rule of law
- 4.1.3 Dignity and Self-Determination (Choice)
- 4.1.4 Diversity
- 4.1.5 Non-Discrimination
- 4.1.6 Equal rights for all before the law
- 4.1.7 freedom of religion
- 4.1.8 freedom of speech and association
- 4.1.9 the values of openness and tolerance

These principles collectively protect and promote the rights and responsibilities of all students to:

- 4.1.10 Be respected and valued for who they are.
- 4.1.11 Have the same opportunities and responsibilities as all other members of the Institute learning community.
- 4.1.12 Exercise choice and have control over their education.
- 4.1.13 Have equitable access to a range of services to support quality of learning.

### **5.0 Policy Statement**

BKI is committed to ensuring the care, safety and welfare of all students, in accordance with regulatory requirements. BKI strives to provide students an equitable, inclusive, respectful learning environment that is:

- Free of bullying in any form, harassment, discrimination, and injuries.
- A safe environment.
- Structured to provide feedback and respond to any concerns

raised. Students have a right to:

- An environment that is supportive of their continued learning outcomes,
- Knowledge of what their participation and attendance requirements are,
- An understanding of how issues will be managed if they arise.

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### **5.1 Accessibility for all students**

BKI endorses the right of all students to access its programs, services and facilities and to learn in an environment free from discrimination caused by harassment or victimisation on the grounds of disability.

We will identify and respond to individual learning styles and learning needs to promote and support positive learning experiences and individual success.

As far as possible, BKI will ensure that students with a disability are:

- Able to enrol, participate and use the services on the same basis as students without a disability
- Provided with the necessary reasonable adjustments to do so wherever possible.

We acknowledge that an individual may not be admitted to a particular course of learning if it is reasonably determined that:

- The student could not meet entry requirements and/or successfully participate even with reasonable adjustments in place
- Requires extra services or facilities which cannot be made available, or
- It causes unjustifiable hardship to the Institute
- There is a risk of injury to that individual or others and it is not reasonable to take that risk.

We recognise that budgetary and facility constraints may govern the extent to which this policy can be fully implemented.

BKI has Disability Liaison Officers who are able to assist students with disabilities and provide support to both students and teachers in order to achieve learning outcomes. BKI Disability Liaison Officers can provide a variety of services such as those listed below:

- Assessment of support needs
- Assistance with application and enrolment
- Organising direct learning support e.g. note takers, tutors, interpreters
- Negotiating alternate assessment
- Indirect Learning support e.g. advocacy
- Consultation with staff about services and provision of resources
- Referral to services within BKI and external organisations

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BKI will comply with the Federal Disability Discrimination Act 1992, the Disability Standards for Education 2005 and the Disability Act 2006 (Vic).

This policy is in keeping with BKI's Student Welfare and Accessibility Procedure.

### **5.1.1 Student Welfare and Child Safety**

BKI is committed to ensuring student welfare. A variety of services can be accessed by students in order to facilitate and support them in their learning.

BKI has in place policies and procedures that support the care, safety and welfare of all its students and acknowledges that it owes a duty of care to its students.

Students should not be injured or harmed by the state of BKI premises or things that were omitted to be done in relation to the state of BKI premises.

As a Child Safe Organisation BKI has a strong commitment to child safety and maintains robust policies and procedures which allow us to demonstrate and act on this commitment. BKI has a Child Safety Officer who is able to assist staff and students in reporting behaviour or incidents which a "reasonable person" would report.

BKI acknowledges that it owes a duty to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation. This includes, but is not limited to the following:

- That greater measures may need to be taken for younger students or students with disabilities
- Proper arrangements for on-site supervision of students
- Proper arrangements for supervision of students when engaged in off-site activities
- Ensuring the safety and welfare of students learning with an external provider
- Ensuring all staff understand mandatory reporting, and the failure to disclose offence and the failure to protect offence as well as the institutes procedures for reporting instances of child abuse.

### **5.1.2 Responding to Incidents, Disclosures and Suspicions of Child Abuse**

Follow the 'Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse.' when making a report of suspected child abuse to authorities, as displayed on campuses. Refer to the Child Safety Policy and Child Safety Procedure Child Safe Toolkit for further information.

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### **5.1.3 Parental consent for younger Students**

Parental/guardian consent will be obtained for students under 18 years of age where applicable, in accordance with legal and regulatory requirements. This can include instances where students need to attend excursions, work placements or leaving campus during lunch breaks if they are VCAL or VETiS students.

### **5.2 Student Welfare Services**

BKI offers Student Welfare by providing services that allow students to participate fully in their course of study. These services include support such as:

- Student Counselling
- Disability Support Officers
- Study Support
- Learning Support
- Welfare and Financial Services Support
- Careers counselling and course advice
- An employment centre which aims to assist students with their employability skills and connect them with industry

Teaching staff also treat students with courtesy, respect and professionalism and are able to assist students with accessing services or providing referrals to services that may benefit students with their learning and welfare.

### **5.3 Communication**

Students are informed about training, assessment and support services prior to enrolling in a course of study.

Course information, student obligations, disciplinary processes, student welfare matters, learning progress and celebration or events are communicated through various means. This may include the following methods;

- A Student Handbook,
- Course overviews,
- The Bendigo Kangan Institute websites
- Student Portals

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- Notices to parents/guardians,
- Newsletters, invitations, pre-training interviews, orientation, parent/teacher interviews, and student/teacher interviews.

BKI seeks to foster communication and cooperation between members of the institute community and to provide an environment in which issues between parties can be resolved to mutual satisfaction.

Students are informed of the Student Grievance and Complaints Policy and Procedure so that they are aware of the processes available to them in the event of a grievance.

Students are also informed of the availability of an Assessment Appeals Policy if they have concerns regarding the outcome of an assessment.

### **5.4 Attendance and Course Progression**

Successful course progression is expected from all BKI students. There is an expectation that assessments will be submitted as per course requirements and that students will engage with materials and tasks in order to demonstrate the required level of competency and skills in their course of study.

In order to fully participate in a course of study and to demonstrate progression, attendance by students is required where course delivery is face to face irrespective of where the delivery occurs. i.e. on campus or onsite at a workplace.

### **5.5 Excursions**

Excursions are offered as part of a learning activity which allows for students to achieve learning outcomes. Students are expected to attend scheduled excursions that are related to their course of study and will be provided with written details relating to the excursion prior to the excursion taking place. All excursions must be approved by the Education Manager of the particular teaching department.

All excursions are to be undertaken with the agreement of participating students and, if under 18 years of age, with the written consent of the student's parent/guardian, upon Institute approved documentation, prior to the student leaving a BKI campus.

Prior to arranging any over- night excursion that includes students who are under 18 years of age, teaching staff will obtain Executive Director approval.

Teachers are responsible for ensuring the safety of students whilst on excursions and to anticipate "foreseeable risks". It is the responsibility of the teacher/s attending the excursion to ensure that all medical action plans, any associated medication in relation to the plan, parent/guardian details for students under 18 and a mobile first aid kit is taken on any excursion.

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If there is an incident or accident that occurs to a student during an excursion, it is the responsibility of the teacher in charge to document and record the details of the incident in the BKI incident register.

### **5.6 Practical Placements**

BKI will inform students of requirements for practical placements prior to course enrolment via marketing, student handbooks and as part of pre enrolment processes.

Practical placements for students under the age of 18 will only be undertaken with the written consent of parents/guardians.

Some practical placements will require police checks and/or Working with Children Checks prior to commencing the placement. Students will be informed of the need for this documentation in keeping with the BKI Practical Placement procedure.

Students undertaking VCAL courses will only participate in Structured Workplace Learning as per their course requirements.

In order for all students to meet any practical placement requirements provisions may be made for “reasonable adjustments.”

### **5.7 Student Medical Needs**

Students are asked if they wish to disclose any disabilities or medical conditions at the time of enrolment. They may choose to disclose and provide BKI with a Medical Action Plan which is retained as per the requirements of the Privacy Act.

Medical Action plans may relate to a variety of conditions- where a student has a plan and has consented- a copy of the plan may be kept confidentially by their teacher in their class folder. If a medical need arises this information is able to be provided to ambulance/trained support staff if required.

Students are able to disclose any medical needs at the time of enrolment or seek to provide a Medical Action Plan at a later time if the need arises. Where a student requires medical items such as an EPI Pen- this must be accompanied by a signed Medical Action Plan. BKI is able to retain an EPI Pen for a student in a locked cabinet in Student Administration. EPI Pen's should only be used by the student who has provided the device.

In the event of anaphylactic emergencies additional EPI-Pens are maintained in regional and metropolitan campus where VCAL studies are provided, however these should only be used in the event that a student does not have a current epi pen available and would be considered exceptional. The expectation is that students who are aware that they have

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allergies or medical conditions requiring emergency treatment would have an appropriate Medical Action Plan with accompanying appropriate medication.

### **Medication**

Medication is only distributed for a student to self-administer. BKI staff do not administer medication. If a student under 18 is unable to self-administer medication they may be assisted to administer but only with written parental/guardian consent. In the event of an emergency/accident staff trained in first aid will be notified and medical assistance sought as required as per the Student First Aid procedure.

Medication must not be distributed to any other students. The distribution of medication to another student is considered to be a breach of the Student Code of Conduct Policy and may be subject to disciplinary action as per the Student Code of Conduct Procedure.

### **5.7.1 First Aid and Ambulance Cover**

BKI has a number of staff trained in level 2 First Aid. Any person requiring First Aid treatment should advise their teacher or a staff member who can call a First Aid Officer to assist. If a First Aid Officer is unable to attend, a member of security staff may attend and render First Aid.

BKI has First Aid rooms which are accessible by emergency services if required. First Aid assistance will be provided as per the First Aid Procedure and if a determination is made that there is a medical emergency an ambulance will be called.

If an ambulance is called, the service will be at the student's expense.

### **5.8 Grievances/Feedback**

BKI provides appropriate mechanisms for students to provide feedback and to have grievances and complaints addressed efficiently and effectively, including the Feedback (Compliments and Complaints) Policy and Procedure.

Students' grievances or complaints will be addressed promptly, fairly, equitably and in accordance with the principles of natural justice.



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### **5.9 Student Conduct**

BKI maintains a Student Code of Conduct Policy and Procedure as well as a Code of Student Conduct. The information in relation to these documents is available on the Bendigo TAFE and Kangan Institute websites, and is provided to students at orientation.

All students are expected to adhere to the Student Code of Conduct and Student Code of Conduct Policy/Procedure at all times, including during class times, meal breaks, whilst on any campus, and when on excursion or representing Bendigo Kangan Institute.

It is a condition of enrolment that students agree to abide by BKI policies, processes and regulations which are publicly available via the Bendigo TAFE and Kangan Institute websites; and outlined in the Student Handbook and the Student Code of Conduct.

A student who has been alleged to have breached a BKI policy, the Student Code of Conduct, or behaved in a manner that causes disruption to the core functions of BKI will be held accountable and will potentially face disciplinary action

BKI has a zero tolerance for any form of discrimination, bullying, harassment and/or victimisation. Procedures are maintained to discourage and appropriately address instances of discrimination, bullying or harassment.

Misconduct and breaches of BKI policies by a student will be subject to fair and just disciplinary processes. Sanctions imposed will be appropriate for the seriousness of the conduct/breach, ranging up to and including termination of enrolment.

Inappropriate Behaviour is defined in the Code of Student Conduct Policy and includes behaviours such as cheating, academic misconduct, bullying, assault, harassment, offensive language and can extend to criminal activity.

The Code of Student Conduct Policy in conjunction with the Code of Student Conduct procedure lists the expectations of BKI student behaviours as well as the processes that BKI will follow in the event of unacceptable/inappropriate behaviours.

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### 6.0 Roles and Responsibilities

Role	Responsibilities
Customer Service Centre	<p>Provide clear and concise information relevant to all students</p> <ul style="list-style-type: none"> <li>• General course information</li> <li>• Enrolment</li> <li>• General enquiries</li> <li>• Referral to Support Services as appropriate</li> </ul>
Facilities Department	<p>Providing safe, clean and accessible buildings and physical facilities within the Institute, to students where it is deemed to not cause unjustifiable hardship.</p>
Executive Team	<p>The overarching responsibility of ensuring governance and compliance of this policy.</p>
Marketing	<p>Production and dissemination of information on courses and support services in alternate and accessible formats.</p>
Student Support & Welfare	<p>Providing a range of services to include but not limited to:</p> <ul style="list-style-type: none"> <li>• Counselling</li> <li>• Disability support</li> <li>• Recreation</li> <li>• Welfare</li> </ul>

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Role	Responsibilities
Teaching departments	<p>During application:</p> <ul style="list-style-type: none"> <li>• Providing accurate, alternate and accessible information</li> <li>• Provide applicants the opportunity to disclose whether they have a disability or other concerns that may impact upon their prospective studies</li> <li>• Providing assistance and support as appropriate,</li> </ul> <p>Upon disclosure During selection and enrolment:</p> <ul style="list-style-type: none"> <li>• Selecting all students on the same basis as all other students i.e. on merit.</li> <li>• Making reasonable adjustments when appropriate to ensure fair and equitable access to courses.</li> </ul> <p>During training and assessment:</p> <ul style="list-style-type: none"> <li>• Making reasonable adjustments when appropriate to ensure equitable access to training and assessment in all courses and programs.</li> </ul>
Timetabling	Allocation of physically appropriate classrooms to enable access for all students, regardless of abilities, when notified.

## Student Welfare and Accessibility Policy

### 7.0 Definitions

Word/Term	Definition
Accessible	The degree to which a program, information, service and facilities are available to students.
Adjustment	The act or process of changing or adapting to make it possible for a student with a disability to take part in training on the same basis as other students.
Associates	A person or people accompanying or assisting a student or group of students.
Child	Person under 18 years of age
Disability	<p>(a) total or partial loss of the person's bodily or mental functions; or</p> <p>(b) total or partial loss of a part of the body; or</p> <p>(c) the presence in the body of organisms causing disease or illness; or</p> <p>(d) the presence in the body of organisms capable of causing disease or illness; or</p> <p>(e) the malfunction, malformation or disfigurement of a part of the person's body; or</p> <p>(f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or</p> <p>(g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; and includes a disability that:</p> <p>(h) presently exists; or</p> <p>(i) previously existed but no longer exists; or</p> <p>(j) may exist in the future; or</p> <p>(k) is imputed to a person.</p>
Disability Discrimination	The denial of equal opportunity on the grounds of disability. Includes direct and indirect discrimination on the basis of past, present, future and imputed disability.

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Word/Term	Definition
Harassment	An action taken in relation to a person's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person or their associate.
Merit	To evaluate all applicants individually on how well they meet the selection criteria, assessing them, on the best evidence obtainable, on how they would meet the training requirements.
Prospective Student	A person seeking to enrol in a course of study at the Institute.
Reasonable Adjustment	<p>A measure or action taken by the Institute that means balancing the interests of all without impacting too much on other people. To determine if an adjustment is reasonable, the Institute must consider:</p> <ul style="list-style-type: none"> <li>• The student disability and its impact on learning</li> <li>• The views of the student or their associates</li> <li>• Whether an adjustment will impact on the course standards and requirements</li> <li>• What advantages or disadvantages the adjustments may create for the people affected by it</li> <li>• The cost of making the adjustment</li> </ul>
Student	An enrolled student at the Institute.
Mandatory Reporting	<p>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except where there is reasonable excuse. A reasonable excuse may include fear for safety or where the information has already been reported.</p>

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Word/Term	Definition
Unjustifiable Hardship	<p>An exception that allows the Institute to refuse to make an adjustment because the cost involved and the impact on the Institute and other people would be too great. The Institute must prove that the adjustment would cause it unjustifiable hardship. To do this, the Institute would need to look at:</p> <ul style="list-style-type: none"> <li>• The benefits or disadvantages that would result from making the reasonable adjustment</li> <li>• The effect of the disability of the student in question</li> <li>• Its own financial position and the costs of making the reasonable adjustment</li> </ul> <p><i>Source: DDA Education Standards</i></p>
Victimisation	<p>Subjecting or threatening to subject someone to any detriment because he or she:</p> <p>(a) has made or proposes to make a complaint under anti- discrimination legislation;</p> <p>(b) has brought, or proposes to bring, proceedings under anti- discrimination legislation;</p> <p>(c) has given, or proposes to give, any information, or has produced, or proposes to produce, any documents to any person performing a function under antidiscrimination legislation;</p> <p>(d) has attended, or proposes to attend, a conference held under anti- discrimination legislation;</p> <p>(e) has appeared, or proposes to appear, as a witness in a proceeding under antidiscrimination legislation; or</p> <p>(f) has reasonably asserted, or proposes to assert, any rights of any person under antidiscrimination legislation; or</p> <p>(g) has made an allegation that a person has done an act that is unlawful under antidiscrimination legislation.</p>

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### 8.0 Supporting Procedures

Procedure name
Student Code of Conduct Procedure
Feedback Procedure (Compliments and Complaints)
Child Safety Procedure
Mandatory Reporting of Suspected Child Abuse Procedure

### 9.0 Version Control and Change History

Ver.	Issue Date	Document Custodian	Description of Change	Approval Authority
1.0	04 Dec 2014	Executive Director Learner Experience	The content of this policy originated from Kangan Institute Supporting Students with a Disability Policy POL 1.42 version 1	Board
2.0	02 Mar 2015	Executive Director Learner Experience	Editorial change: removal of logos from template	n/a
3.0	20 June 2016	Executive Director Learner Experience	Merging of supporting students with a disability and student welfare policy	Legal Risk and Policy Temporary
4.0	28 Sep 2019	Chief Academic Officer	Updating of policy as review needed	Board of Studies
4.1	06 Feb 2020	Chief Academic Officer	Updating to include VETiS and medical devices	Board of Studies
4.2	11 Apr 2022	Head of Student Services	Minor change to incorporate Feedback Policy and Procedure and update child safety information.	Head of Legal, Governance, Risk and Compliance

### 10.0 Document Owner and Approval Body

Document Custodian	Approval Authority	Approval Date	Issue Date	Scheduled Review Date
Head of Student Services	Head of Legal, Governance, Risk and Compliance	08 Apr 2022	11 Apr 2022	01 Dec 2023

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