Australian Government

Tertiary Education Quality and Standards Agency

TEQSA

Guidance Note: *Diversity and Equity*

What are diversity and equity?

For the purposes of the *Higher Education Standards Framework (Threshold Standards) 2015* (HES Framework), 'diversity' refers primarily to the ways in which people and groups of people are both alike and different (NEA, 2015).

The acknowledgement of diversity among learners helps providers to plan and deliver higher education that is appropriate and equitable. Characteristics of students that contribute to patterns of similarity and difference include:

- gender
- race
- ethnicity
- socio-economic status
- place of origin
- language
- culture
- religion
- sexual orientation
- gender identity, and
- physical and mental abilities.

The term 'equity' refers broadly to the creation of opportunities for equal access and success in Australian higher education among historically underrepresented student populations such as Aboriginal and Torres Strait Islander peoples and students from lower socio-economic backgrounds.

Standards in the HES Framework require higher education providers to focus on ensuring equivalent opportunities for academic success, i.e. **on creating the conditions for equity of outcomes**.

Relevant Standards in the HES Framework

The principal Standards concerned with diversity and equity are in Part A, Section 2.2, Diversity and Equity, which set out three broad requirements that apply to providers and courses of study:

2.2.1 Institutional policies, practices and approaches to teaching and learning are designed to accommodate student diversity, including the under-representation and/or disadvantage experienced by identified groups, and create equivalent opportunities for academic success regardless of students' backgrounds.

2.2.2 Specific consideration is given to the recruitment, admission, participation and completion of Aboriginal and Torres Strait Islander peoples.

2.2.3 Participation, progress, and completion by identified student subgroups are monitored and the findings are used to inform admission policies and improvement of teaching, learning and support strategies for those subgroups.

Requirements for providers to consider diversity and equity are also woven into other Standards, reflecting the typical stages of being a student.

Standard 1.1.1 on Admission requires providers to ensure that admitted students have the academic preparation and proficiency in English needed to participate in their intended study, and no known limitations that would be expected to impede their progression and completion.

Also relevant to student admissions is Section 7.2 on Information for Prospective and Current Students, which requires that accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.

Standard 7.2.2d requires providers to give access to prospective students, prior to acceptance of an offer, to current academic governance policies and requirements, including policies and requirements in respect of equity and diversity.

Section 1.3 on Orientation and Progression requires providers to tailor their orientation programs to the needs of student cohorts, to assess the needs and preparedness of individual students and cohorts, and to ensure that students have equivalent opportunities for successful transition into and progression through their course of study, irrespective of their educational background, entry pathway, mode or place of study.

Section 2.3 on Wellbeing and Safety requires that the nature and extent of support services available to students are informed by the needs of student cohorts, including mental health, disability and wellbeing needs (see Standard 2.3.3).

Section 3.3 on Learning Resources and Educational Support includes requirements that need to be considered in regard to student diversity and equity. Standard 3.3.3 requires that access to learning resources does not present unexpected barriers, costs or technology requirements for students, including for students with special needs. Standard 3.3.4 requires that students have access to learning support services that are consistent with the requirements of their course and mode of study, and with the learning needs of student cohorts.

Part B1, on provider categories, sets out requirements for use of the title 'university'. Any provider seeking to use the title 'university' must demonstrate a commitment to social responsibility in its activities. Demonstrating such a commitment, which means a concern for the well-being of society generally, is likely to involve the valuing of diversity and equity, and may include considerations of social justice.

Under Part B2, any provider seeking authority from TEQSA to self-accredit nominated courses must demonstrate that it has included the requirements of Section 2.2 in its reviews of all courses proposed for self-accreditation. That is, in respect of diversity and equity (Standard 2.2.3), the provider must have:

4   completed at least one cycle of review and improvement

4 demonstrated successful implementation of evidence-based improvements arising from the reviews, and

4 established these review and improvement activities as effective sustainable features of the provider's operations.

Intent of the Standards

Section 2.2 applies to all students, including students undertaking higher degrees by research.

The overall intent of the Standards is to ensure that providers consider and plan to meet the learning and support needs of all their students, so that as far as possible all students have equal opportunities for academic success. These learning and support needs often are broadly similar but they can also differ quite markedly for individuals or groups of students.

The Standards necessitate that providers have: an understanding of the concepts of diversity and equity, and have considered the implications for their operations, including the creation of a culture that welcomes diversity (on campus or online) and the use of inclusive language. The individual mission of each provider gives the context for the development of institutional approaches to valuing diversity and supporting equity in its many forms.

All providers can expect that there will be diversity in the backgrounds and characteristics of their student body. They need to plan to accommodate this diversity by:

4 being aware of their obligations under Australian law

4 carefully considering their targeting of, and marketing to, prospective students

4 ensuring that prospective students are aware of, and can access information about, any inherent requirements associated with successful completion of a course

4 ensuring that inherent requirements are developed in an inclusive manner

4 building the concept of inclusive education into learning and teaching across all courses, so that diversity is valued and opportunities are fair for all learners

4 committing resources to provide learning and other support likely to be required by their diverse student body, including international, off-campus, and online students, and

4 ensuring that institutional data systems capture relevant information for monitoring of participation, progress and completion.

TEQSA accepts that the extent to which providers commit resources to accommodate and support student diversity will be conditioned by the scale and scope of each provider's activities, as well as by its mission.

Standard 2.2.1 makes specific reference to the need for providers to accommodate the under-representation and/or disadvantage experienced by identified groups. Providers are expected to be aware of under-represented groups in higher education.

The Standards do not require providers specifically to aim for 'representational equity' or the proportion of historically under-represented student populations they choose to admit, but providers must give specific consideration to the recruitment and admission of Aboriginal and Torres Strait Islander peoples (Standard 2.2.2).

In Australian higher education, there is an established tradition of acknowledgement of and support for specific equity groups that from time to time include, or have included:

- Aboriginal and Torres Strait Islander peoples
- people from lower socio-economic backgrounds
- people with disability
- people from remote, rural or isolated areas
- people who are the first in their family to attend a university or other higher educational institution
- people from non-English speaking backgrounds, and
- women in non-traditional areas of study, such as engineering.

Providers should consider, in the light of their missions, any other groups of prospective students that may have experienced disadvantage, such as refugees.

While international students studying in Australia may not be under-represented or have experienced disadvantage, the principles of support for diverse learners and inclusive education should be applied to them as to all students.

In regard to diversity, equity and fair treatment, providers should consider not only their obligations concerning students but also their approaches to diversity and equity among their employees.

The Australian legislation relating to diversity and equity that providers need to be aware of includes:

- Racial Discrimination Act 1975 (Commonwealth [Cth])
- Sex Discrimination Act 1984 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Workplace Gender Equality Act 2012 (Cth)
- Age Discrimination Act 2004 (Cth), and
- Various State and Territory Anti-Discrimination legislation.

The Standards in the HES Framework require that providers develop and implement systems to monitor and use data on the:

- participation
- progress, and
- completion of identified student subgroups.

For some providers this is also an Australian Government requirement related to funding.

Under the HES Framework, all providers are expected to have and to use information reflecting diverse student groups. The selection of groups is not mandated by the HES Framework but

must include Aboriginal and Torres Strait Islander peoples (Standard 2.2.2). Guidelines for how to measure and monitor participation, progress, and completion are available in various publications (see for example AIHW, 2014; Pitman and Koshy, 2014).

Risks to Quality

The major risks of a failure by a provider to implement plans for diversity and equity among its student cohorts are:

4   a poor experience for learners and potential damage to their self-esteem and prospects for future learning

4   low retention and completion rates among under-represented groups or those that have experienced disadvantage, due to the lack of adequate support or an appropriate learning environment, and

4   a failure to meet legal obligations by the provider not being aware of actions that are discriminatory or unfair, which in turn could result in legal action and/or reputational damage.

The social and emotional consequences for individuals of not achieving and succeeding in higher education can be severe. While not every student will complete their studies, providers are expected to mitigate the risks to students who experience disadvantage or come from under-represented groups by providing appropriate support and a suitable learning environment. Such an environment needs to be not only free from discrimination, although this is a starting point for providers, but also positively-geared towards:

4   inclusivity

4   accommodating diversity and,

4   the provision of support to learners.

What will TEQSA look for?

This part of the guidance note covers the full extent of the Standards, and corresponding evidence that TEQSA may require, in relation to the management of diversity and equity.

For new applicants seeking initial registration and course accreditation, TEQSA will require evidence to be provided in relation to all relevant Standards.

For existing providers, the scope of Standards to be assessed and the evidence required may vary. This is consistent with the regulatory principles in the TEQSA Act, under which TEQSA has discretion to vary the scope of its assessments and the related evidence required. In exercising this discretion, TEQSA will be guided by the provider's regulatory history, its risk profile and its track record in delivering high quality higher education.

TEQSA's case managers will discuss with providers the scope of assessments and evidence required well ahead of the due date for submitting an application.

The evidence required for particular types of application is available from the Application Guides on the TEQSA website.

In the first instance, TEQSA will consider the provider's statements in respect of diversity and equity, including the policy frameworks and procedures to create and maintain equivalent opportunities for academic success regardless of students' backgrounds, within the context of the provider's mission. TEQSA will consider the implementation of policies for teaching and learning for the extent to which they accommodate diversity and create equivalent opportunities for students.

As noted above, in advance of offering higher education, a provider needs to understand and consider:

- their legal obligations, including obligations not to discriminate
- the characteristics of their expected student mix
- their stance on diversity and equity
- how they will incorporate inclusivity in admissions practices, course design and education and learner support (student services, resources and infrastructure), and
- how they will monitor participation, progress and completions.

Any provider that admits students without considering how all students will have fair and equitable opportunities for academic success and an appropriate learning environment is likely to face multiple difficulties in meeting the HES Framework Standards.

TEQSA will consider whether the provider's admission requirements (Section 1.1), advice to prospective and enrolled students (Section 7.2) and transition support (Section 1.3) are consistent with its statements and policies on diversity and equity, and adequate to meet Standard 2.2.1. As part of this consideration, TEQSA will explore how the provider has assessed the needs and preparedness of individual students and cohorts. TEQSA will also have regard to how the provider has given specific consideration to the recruitment, admission, participation and completion of Aboriginal and Torres Strait Islander peoples. For other identified groups, TEQSA will review the arrangements for monitoring participation, progress and completions, and the outcome achieved.

Providers should note that the Standards require providers to monitor the participation and success of any identified groups (such as an identified equity group) and use that information to improve academic and support strategies for such groups.

TEQSA will investigate whether the nature and extent of support services available for students are informed by the needs of student cohorts (Standard 2.3.3). TEQSA will consider the adequacy of these services, taking into account the scale and scope of the provider's operations. Similarly, TEQSA will be interested to see how students with special or specific needs have access to learning resources and learning support services (Section 3.3).

For providers seeking to use an Australian university title under Part B1, TEQSA will consider the extent to which the provider has demonstrated a commitment to social responsibility. This may include an exploration of the provider's commitment to valuing diversity and to representational equity as well as the provider's track record in ensuring equity of support and outcomes to diverse student cohorts.

For providers seeking authority from TEQSA to self-accredit nominated courses of study under Part B2, TEQSA will check that the review requirements of Section 2.2 relating to diversity and equity for all proposed course(s) of study have been implemented.

Scope of assessments

If, as a result of considering the provider's operations, TEQSA is satisfied that the management of diversity and equity considerations for students is as required by the HES Framework and that the provider demonstrates knowledge and capabilities in understanding and addressing student diversity and equity, TEQSA's confidence in the provider's ability to meet the Standards may increase.

If concerns are raised over the provider's understanding or implementation of policies or legislated responsibilities concerning student diversity and equity, TEQSA may need to explore the extent to which these concerns reflect any systemic difficulties of the provider. In determining the need or otherwise to explore further, TEQSA will take account of the scale and scope of the provider's activities.

Resources and references

Australian Government, *Age Discrimination Act 2004,* <https://www.legislation.gov.au/>.

Australian Government, *Australian Human Rights Commission Act 1986,* <https://www.legislation.gov.au/>.

Australian Government, *Disability Discrimination Act 1992,* <https://www.legislation.gov.au/>.

Australian Government, *Disability Standards for Education 2005,* <https://www.education.gov.au/disability-standards-education>.

Australian Government (2015), *Final Report for the 2015 Review of the Disability Standards for Education 2005*, <https://docs.education.gov.au/documents/final-report-2015-review-disability-standards-education-2005>.

Australian Government, *Racial Discrimination Act 1975,* <https://www.legislation.gov.au/>.

Australian Government, *Sex Discrimination Act 1984,* <https://www.legislation.gov.au/>.

Australian Government, *Workplace Gender Equality Act 2012,* <https://www.legislation.gov.au/>.

Australian Human Rights Commission (2016), *A quick guide to Australian discrimination laws*, <https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/quick-guide-australian-discrimination-laws>.

Australian Institute of Health and Welfare (2014), *Towards a performance measurement framework for equity in higher education*, <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129547954>.

Research reports available through the National Centre for Student Equity in Higher Education, Curtin University (2016 and previous), <https://www.ncsehe.edu.au/research/research-reports/>.

National Education Association [NEA] (2015), *Diversity Toolkit Introduction*, <http://www.nea.org/tools/diversity-toolkit-introduction.html>.

Pitman, T. and Koshy, P. (2014), *A Framework for Measuring Equity Performance in Australian Higher Education – Draft Framework Document*, <https://www.ncsehe.edu.au/wp-content/uploads/2014/11/Draft_Equity_Performance_Framework_Report_V1.6.pdf>.

TEQSA (2016), *Explanations of terms in Part A of the HES Framework 2015*, <http://www.teqsa.gov.au/explanations-hes-framework-terms>.

Universities Australia (October 2011), *National Best Practice Framework for Indigenous Cultural Competency in Australian Universities*, <https://www.universitiesaustralia.edu.au/uni-participation-quality/Indigenous-Higher-Education/Indigenous-Cultural-Compet>.

Various State and Territory legislation, Anti-Discrimination Acts.

Version #	Date	Key changes
1.0	21 October 2016	Made available as beta version for consultation.