

## Submission on the Equal Opportunity Review Discussion Paper

As a student advocate, a large number of instances of discrimination at university and TAFE have come to my attention. In most cases the student would not have been able to identify their experience as unlawful discrimination or make a complaint if assistance had not been available. The following are some examples of the cases involving discrimination with which I assisted.

### Case 1

A middle aged university student with a mental illness was living in student accommodation where she was having disputes with other residents and staff because of behaviour related to her mental illness. University staff were not trained in, and were incapable of dealing with, challenging behaviour associated with mental illness. She was served with a 24 hour eviction notice. The student advocate assisted the student in lodging a complaint of discrimination on the ground of disability in the provision of accommodation under the Equal Opportunity Act and applying for an expedited hearing at VCAT to prevent the eviction. The case did not proceed to hearing, rather an agreement was reached that in the interim the university would find alternative accommodation for the student and the complaint would continue under standard complaint handling processes. The university found the student a place in a private rooming house but this accommodation turned out to be unsuitable for the student and consequently she was homeless. In these circumstances the student was unable to continue with her complaint.

### Case 2

Students were seeking re-training in a relatively high-demand occupation (hairdressing/beauty therapy). This student's complaint was of age discrimination - ie she was treated less favourable (humiliated, ostracised, given inferior assistance) because of her age (she was an elderly woman training in a field dominated by young women). The difficulty with complaints in education is there can be a blurring line between less favourable treatment (in terms of 'educational services') and academic judgement (notably where some element of personality, conduct or interpersonal behaviour is being assessed). The student in this complaint eventually withdrew from the course, mainly because of discouragement.

### Case 3

This case was one of the more traumatic. The student was a single parent, of eastern European nationality. She was seeking to retrain in order to work in an industry that would be more sympathetic with raising her daughter. Her marriage breakdown was difficult and stressful and she was struggling to combine study, with low-income and child-rearing.

There was tension between her and some staff and some other students, which appear to have had a number of causes/sources, including interpersonal disputes, her high level of stress from domestic circumstances, cultural misunderstandings, poor communication from all parties, and failure of competencies. Again the School and institution were poorly/inadequately equipped to deal with a student outside of 'the norm' (ie young women) and facing 'challenging' circumstances. While she certainly did not help her case by her behaviour, the situation deteriorated dramatically when a dispute between herself and another student led the University to discipline her for misconduct (threatening another student), for which she was subsequently excluded (effectively expelled) from the University. It was arguable there were

ulterior motives in this discipline action. I believe she did not proceed with an internal appeal. One of the real problems with this case was that the course she was doing was not offered, other than on a full-fee basis, at another provider. In practice, this meant she was excluded from doing the course at all (and thereby pursuing qualifications in her chosen occupation). Issues of discrimination on the basis of parental status were pursued internally in this matter in informal negotiations, which managed to achieve some movement. In my opinion, once an incident was available on which she could be 'prosecuted' for misconduct, senior officers (not all, but relevant ones) moved to use it as a means to remove her from the University.