

Equal Opportunity Policy

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1. Purpose

This policy affirms Flinders University's commitment to providing a work and study environment that is characterised by equality, respect and collegiality.

2. Scope

- a. This policy applies to all members of the [University community](#) when they are engaged in [work- or study-related activities](#) at any location or online.
- b. This policy also applies to those undertaking work or study in offshore locations, to the extent that the policy is consistent with the relevant law in the local jurisdiction.
- c. In the case of harassment or discrimination that occurs while undertaking work placements in other organisations, Flinders University may, where appropriate, taking into account the host organisation's applicable policies and processes, suspend, cease or otherwise modify its policies and processes for investigating and resolving such complaints.

3. Policy statement

3.1. Key principles

- a. Flinders University values and celebrates the social and cultural diversity that is reflected in its community.
- b. The University will make every effort to ensure that Flinders is, as far as reasonably possible, free of unlawful discrimination and harassment, in accordance with all legislative obligations.

3.2. Equality of opportunity

- a. Equality of opportunity is achieved through both proactive measures and appropriate responses to address behaviours or structures that have an inequitable effect.

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- b. The University may establish policies, programs and other mechanisms designed to assist members of disadvantaged groups to gain access to opportunities for education and employment, in accordance with relevant law.
- c. Key elements in Flinders' equal opportunity approach are as follows:
- i. recognising, valuing and respecting the social, cultural and linguistic diversity of the University community, including people of diverse genders and sexualities, people from diverse racial, national and religious backgrounds, people with disabilities, women, and Indigenous people
 - ii. providing fair and equitable access to conditions and benefits of employment for all staff, and access to education for all students
 - iii. a commitment to taking reasonable and proportionate action to redress any disadvantage caused by unequal access to employment and education
 - iv. providing information about basic rights and providing mechanisms for redressing complaints.

3.3. Unlawful discrimination

- a. It is unlawful to discriminate, unless a stated exemption exists, on the basis of the following protected characteristics as found in State and Commonwealth legislation:
- sex
 - gender (including gender identity and gender expression)
 - sexuality
 - intersex status
 - pregnancy or the perception that a person may become pregnant
 - association with a child
 - breastfeeding status
 - marital or relationship status
 - caring responsibilities
 - identity of spouse or domestic partner
 - disability
 - race, colour, descent, national or ethnic origin
 - age
 - political opinion
 - religion
 - religious appearance or religious dress
 - personal association with a person who is identified by any of the listed attributes
 - social origin
 - irrelevant medical record
 - irrelevant criminal record
 - trade union activity
 - any combination of the above
- b. Differentiation between people on the basis of a difference that is not a protected characteristic is lawful.

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- c. Anyone found to be engaging in unlawful discrimination may be subject to sanctions by the University. In the case of staff or students this may include disciplinary action and in the case of other entrants or persons otherwise connected with the University it may include preclusion from University grounds or activities.

3.4. Vilification and Victimisation

- a. Flinders will not tolerate vilification of any individual or group for any reason, including in any learning, teaching, research, intellectual or public debate or other academic or other University activity.
- b. Flinders will not tolerate victimisation in any form of:
 - i. a person who lodges a complaint in respect of a matter under this policy
 - ii. a person who provides information about a matter under this policy; or
 - iii. any other person involved in investigating or adjudicating the complaint.
- c. Disciplinary action will be taken against anyone who vilifies, retaliates against or victimises a person as outlined in a. and b. above.

4. Responsibilities

- a. Managers, supervisors and teaching staff have a primary role for ensuring that unlawful discrimination and harassment, victimisation, and vilification occurs as little as possible at the University, or is addressed if it does occur.
- b. The Vice Chancellor of the University has responsibility for addressing institutional-level breaches of this policy.

5. Complaints

- a. Any complaints about breaches of this policy will be dealt with seriously, confidentially and in a timely manner.
- b. People who have a concern regarding unlawful discrimination, vilification or harassment are encouraged to seek advice and support in the first instance from the [Equal Opportunity Contact Officer](#) network or [Student Equal Opportunity Advisors](#).
- c. Student complaints may be made in accordance with the [Student Complaints Policy](#) and supporting procedures.
- d. Staff complaints may be made in accordance with the [Staff Grievances](#) provisions in the University's Enterprise Agreement and associated policy and procedures.
- e. Any person has the right at any time to refer a complaint to a relevant external agency, including, but not limited to, South Australian Police, the Equal Opportunity Commission, and the Ombudsman's Office.

6. Definitions

Discrimination

Unlawful discrimination is discrimination based on any characteristic listed as protected by state, territory or Commonwealth legislation, and which has the purpose or effect of disadvantaging individuals on the basis of their protected characteristics.

There are two forms of discrimination:

- a. **Direct discrimination**, which occurs when people are treated less favourably because they belong to a particular group or category of people that share a protected characteristic, for example, people with a disability or people of a particular ethnicity. It also includes treating someone unfairly because of a stereotype about a particular group or category of people to which they belong.

	<p>b. Indirect (or systemic) discrimination exists when there is a requirement (a rule, policy, practice or procedure) that is the same for everyone, but which has an unequal or disproportionate effect or result on a particular group or groups that share a protected characteristic. Unless this type of requirement is reasonable in all the circumstances, it is likely to be indirect discrimination.</p>
Harassment	Unlawful harassment means any form of behaviour that takes place in circumstances in which a reasonable person, having regard to all circumstances, should have anticipated the possibility that the person, or group of people, who is (are) subject to the harassment would be offended, humiliated or intimidated.
Sexual harassment	See Sexual Harassment and Sexual Assault Prevention and Response Policy .
Victimisation	Victimisation means treating someone unfairly because they have acted on the rights given them by this policy, or because they have supported someone else who acted upon those rights.
Vilification	Vilification is behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of a person or group of people because of their race or religion.
Protected characteristic	Any characteristic of a person that is defined in law as being an unlawful grounds for discrimination. Different pieces of legislation may include different characteristics.
University community	For the purposes of this policy, University community includes: <ul style="list-style-type: none"> • enrolled Flinders students, including cross-institutional students and students on exchange from another institution • employees and exchange staff • employees of controlled entities, Centres and Institutes, and affiliated clubs and associations • contractors and consultants performing work on University sites or on behalf of the University • visiting academics or persons with academic status • the Council and its committees • any volunteer in the workplace and study environment.
Work- and study-related activities	Work- and study-related activities are any activities that relate to a person's employment / work commitment, involvement with or status as a student or other connection with the University. This includes activities that take place away from University sites, such as field trips, conferences, Work-Integrated Learning placements, work placements, work-related social events and email, online and social media activities.

7. Related procedures

[Student Complaints Policy](#) and supporting procedures

[Staff Grievances](#) provisions in the University's Enterprise Agreement and associated policy and procedures

8. Legislation

This policy complies with the requirements of the following legislation:

- Equal Opportunity Act 1984 (SA)
- Racial Vilification Act 1996 (SA)
- Civil Liability Act 1936 (SA)
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Equal Opportunity for Women in the Workplace Act 1999
- Fair Work Act 2009

Where staff or students are located outside South Australia, this policy will apply to the extent that it is compliant with the relevant laws of that jurisdiction.

Approval Authority	Vice-President (Corporate Services)
Responsible Officer	Director, People and Culture
Approval Date	27 November 2018
Effective Date	1 January 2019
Review Date*	November 2024
HPRM file number	CF11/1522

*** Unless otherwise indicated, this procedure will still apply beyond the review date.**

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