

<b>Institution</b>	Universal Higher Education (UHE)
<b>Policy name</b>	Anti-discrimination Policy
<b>Policy Governance</b>	Academic Board

## 1. Introduction

UHE has a legal and moral responsibility to ensure that staff, students and visitors are not subjected to behaviours or practices that may constitute discrimination or harassment.

## 2. Policy principles

UHE recognises the diversity of students and staff and other stakeholders. Discrimination, harassment, workplace bullying and other forms of practice that disadvantage staff and students is not tolerated at UHE. The policy applies to all staff, students, and members of various UHE committees.

UHE will ensure that discriminatory practices are eliminated at the highest level and strategies are developed and sustained to establish an inclusive place to work and study.

UHE is committed to fostering the right of individuals to be free from discrimination, harassment and workplace bullying while engaged in activities undertaken as part of their study and employment. All members of the UHE community are to be treated with courtesy and respect.

Discrimination, harassment and workplace bullying will not be tolerated under any circumstances and UHE will take all reasonable steps to eliminate discrimination and harassment of or by staff, students, visitors and other members of UHE.

UHE will use educative approaches for the prevention of discrimination, harassment and workplace bullying ensuring staff and students know their rights and responsibilities, and to encourage the reporting of behaviour that breaches this policy.

UHE will integrate training on anti-discrimination, equality of opportunity and the promotion of a diverse community into all levels of training, including induction, during supervisor and management training programs and into key student activities during orientation, enrolment and at other times of the academic year.

UHE acknowledges that all students and staff will be informed of what constitutes discriminatory, harassing or bullying behaviour. Furthermore, it will ensure that all managers and supervisors are informed of their responsibility to maintain an environment free of discrimination and harassment.

UHE will actively encourage staff and students to report behaviour that breaches this policy.

UHE will support any staff member or student who reports experiencing discrimination, harassment or bullying.

UHE will ensure that complaints are dealt with in a sensitive, impartial, efficient and confidential manner. Persons against whom complaints have been made will be accorded natural justice through the use of procedures that are transparent and open.

UHE will do everything practicable to protect persons making complaints from victimization and will ensure such persons are not penalised for reporting discrimination or harassment. Any person who is found to have victimised the person who has made or intends to make a complaint, or to have victimised a witness or associate of the person who has made, or intends to make a complaint, will be considered to have breached this policy.

If a complaint of discrimination, harassment or bullying arises, UHE will take timely and appropriate action through the following procedure:

- In the case of a student making an allegation, it will be managed through the Complaints Policy - Students.
- In the case of a staff member making an allegation, it will be managed through the Complaints Policy - Staff.
- In the case of a customer, contractor, service provider or visitor making an allegation, whilst engaging with UHE staff or students, it will be managed with the relevant Service Contract or Agreement with the Institute.

### 3. Definitions

**Discrimination** means to treat an individual less favourably because of an attribute or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply. Attributes include:

- parental status
- pregnant
- breastfeeding
- religious belief or activity
- political belief or activity
- relationship status
- sex
- lawful sexual activity
- gender identity
- sexuality
- age
- race, nationality or ethnic origin
- disability or impairment
- trade union activity
- family responsibilities
- physical appearance (body shape and size)

Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Direct discrimination can occur regardless of the discriminator's motive and whether or not he or she is aware of the discrimination or considers the treatment less favourable. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

**Harassment** means any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of

discrimination and for example can include sexual, disability, racial, sexuality or gender based harassment.

**Sexual harassment** means any unsolicited, unwelcome and unreciprocated behaviour act or conduct of a sexual nature that embarrasses, humiliates or offends other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault and including but not limited to the following examples:

- inappropriate jokes or comments with sexual connotations
- the display of offensive material
- comments and questions about another person's sexual conduct and/or private relationships
- persistent unwelcome invitations
- requests for sexual favours
- offensive written, telephone or electronic mail or other computer system communications
- unnecessary close physical proximity including persistently following a person
- unwelcome physical contact such as brushing against or touching a person

**Victimisation** means treating someone unfairly because they have made, or intend to make, a discrimination or harassment complaint. This also includes those who have supported another person in making a complaint.

**Workplace bullying** means repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

#### 4. Responsibilities

All staff and students must report on any form of discrimination experienced. Complaints and reporting on such incidents should be directly to the Registrar. The Registrar will assess the nature of the case and discuss the facts with the relevant parties in order to reach a resolution.

#### 5. Consequences for breaches of this policy

UHE will treat all allegations of discrimination and harassment seriously and impartially. The consequences for breaching this policy will depend on the seriousness of the case. Outcomes may include, but are not limited to the following:

- Obtaining a commitment from a person to cease, and not to repeat, the behavior;
- Giving an apology to the person who made the complaint;
- Mediating between the parties, if both parties agree to a mediation process and to the mediator;
- Offering support to the person making the complaint;
- Offering support to the person against whom the complaint is made;
- Disciplinary action;
- Dismissal, suspension or expulsion, against the person found responsible for discrimination or harassment where serious or repeated misconduct in this regard has been established;
- Disciplinary action, up to and including dismissal, suspension or expulsion, against the person making a complaint of discrimination or harassment if the complaint is found to have been vexatious or malicious;
- Disciplinary action against anyone who victimises or penalises a person who has made a complaint.

## **6. Review**

UHE's Anti-Discrimination and Harassment Policy is reviewed by the Academic Board every three years, or sooner as determined by the Board.