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1 PURPOSE

- 1.1 This policy outlines the legislative requirements that underpin a range of equity related policy documents and programs at CQUniversity.

2 SCOPE

- 2.1 This policy applies to CQUniversity students, employees, visitors, contractors, committees and the University Council who are engaged in CQUniversity related activities either on University property or off campus.

3 POLICY STATEMENT

- 3.1 The University is dedicated to providing an environment that upholds the principles of social justice, equity, diversity and social inclusion without fear of discrimination, harassment or bullying, where all students, employees and others participating in our community are treated with dignity, courtesy and respect. It strives to build a vibrant community which respects the inherent dignity of the individual and values the unique knowledge, skills, abilities, life skills and competencies that each person can contribute to learning and workplace culture.
- 3.2 The University takes all necessary steps to create a safe, fair, equitable and inclusive learning and work environment. The University also takes a positive role in informing and educating students and employees of their rights and responsibilities in fostering a learning community that values equality. It does not tolerate unlawful discrimination, harassment or victimisation in any form.
- 3.3 As an educator and employer, the University affirms its commitment to a comprehensive policy of equal opportunity in regard to education and employment in which individuals are selected for study or employment solely on the basis of their relevant merits and abilities.
- 3.4 Employees must undertake relevant training, including Equal Opportunity (EO) Online and cultural responsiveness/competence training.
- 3.5 The University gives a high priority to realising the aspirations of those who want to participate in post-secondary education, regardless of their background. It is committed to overcoming barriers, improving access and wider participation into education so that individuals can reach their full potential.

- 3.6 As an equal opportunity employer, the University will ensure that recruitment, selection, promotion and training opportunities are made on the basis of merit, whereby decisions are made without reference to unrelated personal characteristics, such as gender and sexual identity, race, ethnic background, marital status, age, sexual preference, religion or disability.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 Overall responsibility for the implementation of this policy resides with the Vice-Chancellor and President.
- 4.2 All members of the University Council, [Senior Executive](#) and senior managers are responsible for the implementation of this policy and associated policy documents.
- 4.3 Employees and students are responsible for complying with this policy. Compliance monitoring occurs through exception reporting in matters raised under the [Complaints Policy and Procedure](#), the [Workplace Harassment, Workplace Bullying and Unlawful Discrimination Policy and Procedure](#) and the [Sexual Harassment Policy and Procedure](#).
- 4.4 The Director People and Culture is responsible for implementing, monitoring, reviewing and ensuring compliance with this policy.

Reporting

- 4.5 No additional reporting is required.

Records management

- 4.6 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 4.7 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email records@cqu.edu.au).

5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Attributes: defined by the Anti-Discrimination Acts include:

- New South Wales, Queensland, South Australia, Victoria:
 - sex
 - relationship status
 - pregnancy
 - age
 - race
 - disability
 - gender identity
 - sexuality
 - family responsibilities, and
 - association with, or relation to, a person identified on the basis of any of the above attributes.
- New South Wales, Queensland, Victoria:
 - breastfeeding.

- Queensland, South Australia, Victoria:
 - religious belief or religious activity.
- Queensland, Victoria:
 - parental status
 - political belief or activity
 - trade union activity, and
 - lawful sexual activity.
- Victoria:
 - physical features.

Equality: each individual or group of people is given the same resources or opportunities.

Equity: recognises that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome.

Senior manager: an employee whose salary rate is above that prescribed for HEW Level 10 or Level E academic and is appointed to a senior position and senior employee contract.

Unlawful discrimination: (*including racial discrimination and vilification*) generally means any practise that treats a person less favourably or has the effect of disadvantaging the person because of an attribute (e.g. sex or race) specified by anti-discrimination legislation. Discrimination can be direct or indirect:

- Direct discrimination can occur when a person or group is treated less favourably than another person or group in a similar situation, because of a protected attribute.
- Indirect discrimination involves imposing a requirement, condition or practice that operates to disadvantage a person with a protected attribute, and it is not reasonable.

Victimisation: subjecting a person to negative treatment because they have:

- asserted their rights under equal opportunity law
- made a complaint under equal opportunity law, or
- helped someone else make such a complaint; and refused to do something because it would be discrimination, sexual harassment or victimisation.

Vilification: any form of conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of a person or group of people because of their race or religion. Such conduct can be a single event or serious of events over a period. It may include the use of internet, Facebook, Twitter and email to publish or transmit statements.

6 RELATED LEGISLATION AND DOCUMENTS

[Age Discrimination Act 2004](#) (Cwlth)

[Anti-Discrimination Act 1977](#) (NSW)

[Anti-Discrimination Act 1991](#) (Qld)

[Australian Human Rights Commission Act 1986](#) (Cwlth)

[Charter of Human Rights and Responsibilities Act 2006](#) (Vic)

[Code of Conduct](#)

[Complaints Policy and Procedure](#)

[Disability Action Plan 2016 - 2021](#)

[Disability Discrimination Act 1992](#) (Cwlth)

[Disability Policy](#)

[Disability Services Act 2006](#) (Qld)

[Disability Support Procedure – Students](#)

[Disability Support Procedure - Employees](#)

[Disability Standards for Education 2005](#) (Cwlth)

[Discrimination Act 1991](#) (ACT)

[Equal Opportunity Act 1984](#) (SA)

[Equal Opportunity Act 1984](#) (WA)

[Equal Opportunity Act 2010](#) (Vic)

[Guide, Hearing and Assistance Dogs Act 2009](#) (Qld)

[Human Rights Act 2019](#) (Qld)

[Racial Discrimination Act 1975](#) (Cwlth)

[Racial and Religious Tolerance Act 2001](#) (Vic)

[Racial Vilification Act 1996](#) (SA)

[Sex Discrimination Act 1984](#) (Cwlth)

[Sexual Harassment Policy and Procedure](#)

[Student Behavioural Misconduct Procedure](#)

[Student Charter](#)

[Workplace Gender Equity Act 2012](#) (Cwlth)

[Workplace Harassment, Workplace Bullying and Unlawful Discrimination Policy and Procedure](#)

7 FEEDBACK

7.1 Feedback about this document can be emailed to policy@cqu.edu.au.

8 APPROVAL AND REVIEW DETAILS

| Approval and Review | Details |
|------------------------------|---------------------------------|
| Approval Authority | Vice-Chancellor and President |
| Delegated Approval Authority | N/A |
| Advisory Committee | University Management Committee |
| Required Consultation | Joint Consultative Committee |
| Administrator | Director People and Culture |
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| Notes | |