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1 PURPOSE

- 1.1 This policy outlines CQUniversity’s commitment to providing a safe, equitable and inclusive learning and work environment free from unacceptable behaviour such as [unlawful discrimination](#), [sexual harassment](#), [victimisation](#) or [vilification](#).

2 SCOPE

- 2.1 This policy applies to CQUniversity activities either on CQUniversity property or off campus, and CQUniversity members, which include:
- members of the University Council and Committees
 - an office holder or board member of a University controlled or non-controlled entity
 - adjunct or honorary appointees of the University
 - University employees and students, and
 - any other person/s appointed or engaged by the University to perform duties or functions on its behalf, including contractors, consultants and/or volunteers.

3 POLICY STATEMENT

- 3.1 The University is committed to providing an environment that upholds the principles of social justice, [equity](#), diversity and social inclusion without fear of discrimination, harassment, or bullying, and where all University members and its communities are treated with dignity, courtesy and respect. The University will do this by:
- building and fostering a vibrant community that respects the inherent dignity of individuals and values [equality](#) and the unique knowledge, skills, abilities, life skills and competencies that each person can contribute to learning and workplace culture
 - affirming its commitment to equal opportunity in education and employment, in which individuals are selected for study or employment solely based on their relevant merits and abilities
 - supporting students to realise their post-secondary education aspirations by improving access and wider participation into education so that individuals can reach their full potential

- being an equal opportunity employer, ensuring recruitment, selection, promotion, and training and development opportunities are made based on merit and that decisions are made without reference to unrelated personal [attributes](#), and
- providing training for employees in equity-related areas such as equal opportunity, understanding sexual orientation and gender diversity, workplace harassment and bullying, disability awareness, and cultural responsiveness/competence and safety.

3.2 The following policy documents are used to support the principles of this policy:

- [Business Continuity Planning and Incident Management Policy and Procedure](#)
- [Central Queensland University Enterprise Agreement](#)
- [Code of Conduct](#)
- [Complaints Policy and Procedure](#)
- [Disability Support Policy and Procedure \(Employees\)](#)
- [Disability Support Policy and Procedure \(Students\)](#)
- [Public Interest Disclosure Policy and Procedure](#)
- [Recruitment and Selection Procedure](#)
- [Sexual Harassment Policy and Procedure](#)
- [Student Charter](#)
- [Student Conduct Policy and Procedure](#)
- [Student Critical Incident Policy and Procedure](#)
- [Workplace Harassment, Bullying and Unlawful Discrimination Policy and Procedure](#)

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The Executive Director People and Culture is responsible for implementing, monitoring, reviewing and ensuring compliance with this policy.
- 4.2 Compliance monitoring occurs through exception reporting in matters raised under the policy documents outlined in section 3.2.

Reporting

- 4.3 No additional reporting is required.

Records management

- 4.4 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.
- 4.5 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: a characteristic which a person, or group of people, have or may be imputed to have now, previously or in the future. A protected attribute is one that is listed in the following anti-discrimination legislation:

- Commonwealth – race, colour, sex, religion, political opinion, national extraction, social origin, age, medical records, criminal record, marital or relationship status, impairment, mental, intellectual, psychiatric, or physical disability, nationality, sexual orientation, trade union activity, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity, intersex status or family or carer's responsibilities.
- New South Wales – race, including colour, nationality, descent and ethnic, ethno-religious or national origin, sex, including pregnancy and breastfeeding, marital or domestic status, disability, homosexuality, age, transgender status, carer's responsibilities and sexual harassment or vilification on the basis of race, homosexuality, transgender status or HIV/AIDS status.
- Queensland – sex, relationship status, pregnancy, parental status, breastfeeding, race, age, impairment, religious belief or religious activity, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality, family responsibilities, association with or in relation to a person who has any of these attributes, and sexual harassment or vilification on the basis of race, religion, sexuality or gender identity.
- South Australia – sex, breastfeeding including bottle feeding, chosen gender, sexuality, marital or domestic partnership status, pregnancy, race, age, disability, including aid of assistance animal, association with a child, caring responsibilities, religious appearance or dress, spouse or partner's identity and sexual harassment.
- Victoria – age, breastfeeding, disability, employment activity, gender identity, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race (including colour, nationality, ethnicity and ethnic origin), religious belief or activity, sex, sexual orientation, personal association with someone who has, or is assumed to have, any of these attributes and sexual harassment.

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.

Sexual harassment: unwelcome sexual advance, conduct or request which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Sexual harassment can be physical, spoken or written. It can include one-off or repeated incidences of:

- unwanted or unsolicited intimate physical contact such as patting, pinching or touching in a sexual way
- unnecessary familiarity such as brushing up against a person
- sexual propositions
- unwelcome and unsolicited remarks or insinuations about a person's sex or private life, including jokes, insults or taunts
- suggestive comments about a person's appearance or body
- offensive telephone call, texts, emails or social media posts of a sexual nature
- staring or leering, or
- subjecting a person to sexually offensive screen savers or images in electronic or other forms.

Behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications is considered a form of sexual harassment. Sexual assault is a reportable criminal offence that is treated separately to sexual harassment. If experienced sexual assault, please contact 000, Security or attend the nearest Emergency Department.

Sexual harassment is not:

- sexual contact that has been engaged in with consent of the recipient, when the consent has not been obtained through fear, intimidation, threats or force or where there is a power imbalance in the relationship
- flirting that is invited and not unwelcome
- attraction or friendship that is invited and not unwelcome
- conduct of non-sexual nature such as requesting a person to do a favour that is not sexual in nature (which may be considered harassment or bullying).
- Sexual interaction, flirtation, attraction, or friendship which is invited, mutual, consensual or reciprocated.

The [Sex Discrimination Act 1984](#) (Cwlth) defines the nature and circumstances in which sexual harassment is unlawful. It is also unlawful for a person to be victimised for making, or proposing to make, a complaint of sexual harassment to the [Human Rights and Equal Opportunity Commission](#).

Unlawful discrimination: discrimination can be described as either –

- direct discrimination: when a person or group of people are treated less favourably than another person or group of people because of their background or personal attribute specified by anti-discrimination legislation, or
- indirect discrimination: where an unreasonable rule of policy applies to everyone, but disadvantages some people because of a personal attribute specified by anti-discrimination legislation.

Victimisation: subjecting a person to negative treatment because they:

- refused to do something that would contravene equal opportunity or anti-discrimination law
- complained, or intend to complain, about something that would contravene equal opportunity or anti-discrimination law
- is or has been involved in a proceeding under equal opportunity or anti-discrimination law, including as a witness, or supplying information, or
- are believed to have done or intend to do any of the above.

Vilification: a public act, or threat of harm to a person or their property, that incites hatred towards, severe ridicule of, or serious contempt for a person or group because of their race, religion, gender identity or sexuality.

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)

[Business Continuity Planning and Incident Management Policy and Procedure](#)

[Central Queensland University Enterprise Agreement](#)

[Code of Conduct](#)

[Complaints Policy and Procedure](#)

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

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

[Disability Support Policy and Procedure \(Employees\)](#)

[Disability Support Policy and Procedure \(Students\)](#)

[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)
[Public Interest Disclosure Policy and Procedure](#)
[Racial and Religious Tolerance Act 2001](#) (Vic)
[Racial Discrimination Act 1975](#) (Cwlth)
[Recruitment and Selection Procedure](#)
[Sex Discrimination Act 1984](#) (Cwlth)
[Sexual Harassment Policy and Procedure](#)
[Student Charter](#)
[Student Conduct Policy and Procedure](#)
[Student Critical Incident Policy and Procedure](#)
[Workplace Gender Equity Act 2012](#) (Cwlth)
[Workplace Harassment, 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 |
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| Administrator | Executive Director People and Culture |
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| Notes | |