

# Anti-Racism Policy

## Section 1 - Purpose

(1) The purpose of this Policy is to raise awareness of and compliance with Charles Sturt University's commitment to providing a work and study environment that is culturally inclusive and free from racial discrimination and harassment. Racism is best understood when acknowledging the context of power, oppression and privilege.

(2) This Policy applies to all staff members, students, people seeking to work or study at Charles Sturt University (the University), volunteers, adjuncts, service providers, contractors, customers/clients and visitors.

## Section 2 - Glossary

(3) For the purposes of this Policy:

- a. Racism - refers to "prejudice, discrimination or antagonism directed against someone of a different race, based on the belief that one's own race is superior" (Oxford Dictionaries). Race can be defined as not only background but also family, culture, history, beliefs, a sense of place and belonging with others who share those same or similar things.
- b. Racial discrimination - refers to a person or group being treated less favourably, or not given the same opportunities, as others in a similar situation because of their race, colour, descent, national or ethnic origin, or immigrant status. The [Racial Discrimination Act 1975 \(Cth\)](#) makes it unlawful to discriminate against others, based on these protected attributes. (Australian Human Rights Commission, n.d., [Racial discrimination](#))
  - i. direct discrimination occurs when a person or group is treated less favourably than another person or group in a similar situation because of their background or personal characteristics. It is unlawful if the discrimination is based on legally protected characteristics such as race, colour, descent, national or ethnic origin, or immigrant status. (Australian Human Rights Commission, n.d., [Direct discrimination](#))
  - ii. indirect discrimination occurs when requirements, policies or practices, which are the same for everyone and appear to be neutral and fair, actually disadvantage people who share a particular attribute. It is unlawful if the discrimination is based on legally protected characteristics such as race, colour, descent, national or ethnic origin, or immigrant status. (Australian Human Rights Commission, n.d., [Indirect discrimination](#))
- c. Harassment - refers to unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive and, taking into account all the circumstances, could reasonably have been anticipated to have this effect.
- d. Racial vilification - is used in state anti-discrimination legislation to refer to public acts that incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons on the ground of their race. ([Anti-Discrimination Act 1977 \(NSW\)](#))
- e. Offensive behaviour based on racial hatred - is used in Commonwealth anti-discrimination legislation to refer to public acts that are reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or group of people because of their race, colour or national or ethnic origin. These acts include communicating words, sounds, images or writing to the public, in a public place, or in the sight or hearing of people who are in a public place. ([Racial Discrimination Act 1975 \(Cth\)](#))

- f. Victimisation - refers to subjecting or threatening to subject a person to some form of detriment because they have:
  - i. lodged, or (are) proposing to lodge, a complaint of discrimination or harassment;
  - ii. provided information or documents to an internal investigation or an external agency;
  - iii. attended a conciliation conference;
  - iv. reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws; or
  - v. made an allegation that a person has acted unlawfully under federal anti-discrimination laws". (Australian Human Rights Commission, n.d., [Victimisation](#))
- g. Affirmative action or positive discrimination - refers to special measures that can be undertaken to "confer a benefit upon a group that has been historically disadvantaged in order to achieve substantive equality". These special measures are allowed under Commonwealth anti-discrimination legislation. (Australian Human Rights Commission 2008, [The right to a discrimination-free workplace](#))
- h. Cultural inclusiveness or inclusive culture - refers to an environment that is responsive to the needs of all users, acknowledges and respects diversity, and does not discriminate or treat people unfairly because of individual differences. (Response Ability 2010, [Diversity and inclusive practice](#)).

## Section 3 - Policy

(4) Related policies are:

- a. [Equal Opportunity Policy](#);
- b. [Bullying, Discrimination and Harassment Prevention Policy](#);
- c. [Code of Conduct](#);
- d. [Admissions Policy](#);
- e. [Student Misconduct Rule 2020](#);
- f. [Complaints Management Policy](#); and
- g. [Information Technology Procedure - Acceptable Use and Access](#).

### Principles

(5) The University is committed to providing and supporting a work and study environment that:

- a. recognises and acknowledges Indigenous Australians as the traditional owners and custodians of this land;
- b. is inclusive of staff and students from different races, which include not only their background but also family, culture, history and beliefs;
- c. recognises and embraces the value and benefits of cultural diversity;
- d. promotes respect and fair and equitable treatment for all staff, students and others associated with the University; and
- e. is free from unlawful discrimination.

(6) The University will promote equal opportunity, anti-discrimination, cultural awareness, cross-cultural competence, and appropriate conduct for staff and students through its policies, information resources, recruitment processes, induction/orientation activities, training programs and support services.

(7) The University will ensure that course design, curriculum content, teaching methodologies and student experience are racially sensitive and culturally inclusive.

(8) The University will encourage research and community service activities that raise awareness of and promote cultural diversity and inclusiveness.

(9) The University will not tolerate direct and indirect racial discrimination, harassment and/or vilification under any circumstances.

## **Complaints**

(10) Staff and students who experience racial discrimination, harassment or vilification are encouraged to report it and seek assistance, in accordance with the [Complaints Procedure - Workplace](#) or [Complaints Management Procedure](#).

(11) Managers and academic staff handling equity-related complaints are strongly advised to consult the Manager, Equity Diversity and Inclusion in the Division of People and Culture for advice and assistance on legislation and policy requirements.

(12) Students with equity-related concerns are advised to consult the Student Liaison Officer (Equity) in the Office for Students for advice and assistance on legislation and University policy.

(13) Complainants should submit their case in writing, using the University's [Complaints Form](#). The investigation should involve consulting with the complainant and with other persons providing a statement, the staff member or student(s) who are suspected of the alleged act and any other persons the investigator deems appropriate. Complaints will be dealt with in a sensitive, timely and confidential manner.

(14) Investigations shall be concluded as quickly as practicable and normally within 14 days of the receipt of the signed statement. Investigations may be via any medium of communication, although where possible records of such communication should be kept. The person conducting an investigation may negotiate an extension of time to conduct the investigation when and if required.

(15) If staff or students experience racial discrimination while on work or study placements in other organisations, the University will assist them to assert their rights as required. To this end, the University will work jointly with the other organisation to investigate the complaint and develop strategies to prevent it from recurring.

(16) The University will not tolerate victimisation of any of the parties involved in a complaint. All efforts should be taken to ensure that victimisation does not occur.

## **Responsibilities**

(17) The University has a responsibility to raise awareness and cross-cultural competence through anti-racism policies and programs (including but not limited to the [Racism. It Stops With Me](#) campaign and Courageous Conversations about Race), investigate complaints, and take appropriate action to ensure that the work and study environments are free from racial discrimination and harassment.

(18) Managers and academic staff are accountable for:

- a. ensuring that their work and/or study environments are culturally inclusive and free from racial discrimination and harassment;
- b. supporting and encouraging staff and students to develop cross-cultural competence through appropriate development opportunities and resources;
- c. monitoring and ensuring that appropriate conduct and practices are modelled and observed at all times in their work and/or study environments;
- d. taking appropriate action if they observe or receive a report of racial discrimination, harassment or vilification; and
- e. investigating allegations of racial discrimination, harassment or vilification, and making recommendations to

resolve the matter.

(19) All staff, students and other members of the University community have a responsibility to uphold and act in accordance with principles promoting cultural diversity and inclusiveness, including identifying and bringing attention to acts of racism.

(20) It is important that all members of the University community comply with this Policy. Under State and Commonwealth legislation, the University can be held vicariously liable for acts of racial discrimination or harassment inflicted on others by staff and, in some instances, by students.

### **Breaches of this Policy**

(21) Breaches of this Policy will be dealt with in accordance with the University's [Complaints Management Policy](#) and relevant Complaints Procedure.

(22) The consequences for a proven breach will depend on its seriousness. Consequences range from, but are not limited to, an apology and commitment to not repeat the behaviour through to disciplinary action, including dismissal, suspension or expulsion.

(23) Victimization will be dealt with under the University's [Enterprise Agreement](#) or [Student Misconduct Rule 2020](#), and may result in disciplinary action for the staff members and/or students involved.

(24) If a complaint involves evidence of criminal conduct, the University may refer the matter to the Police or an appropriate agency.

## **Section 4 - Procedures**

(25) Related procedures are:

- a. [Staff Recruitment and Selection Procedure](#);
- b. [Complaints Procedure - Workplace](#);
- c. [Complaints Management Procedure](#);
- d. [Complaints Management Procedure](#);
- e. [Complaints Procedure - External Individuals and Bodies](#); and
- f. [Complaints Mediation Procedure](#).

## **Section 5 - Guidelines**

(26) Related guidelines are:

- a. [Communicating without Bias Guidelines](#);
- b. [Bullying, Discrimination and Harassment Prevention Procedure](#); and
- c. [Electronic Messaging Guidelines](#).

## Status and Details

|                           |  |
|---------------------------|--|
| <b>Status</b>             | Current  |
| <b>Effective Date</b>     | 20th December 2016                                       |
| <b>Review Date</b>        | 20th August 2019   |
| <b>Approval Authority</b> | Executive Director, Human Resources                      |
| <b>Approval Date</b>      | 14th December 2016                                       |
| <b>Expiry Date</b>        | Not Applicable   |
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