Human Rights and Discrimination Policy

Section 1 - Purpose

(1) This Policy sets out the principles to support the University of Canberra's (the University) legislative obligations of the various Discrimination Acts and the Australian Capital Territory's Human Rights Act 2004.

Section 2 - Scope

(2) This Policy applies to employees, students, contractors and others at the University who engage in University-related activity either on or off-campus.

Section 3 - Principles

(3) The University is committed to:

a. providing an environment free from discrimination and upholding the human rights of staff, students and others who are engaged in University-related activity either on or off-campus, in line with anti-discrimination and human rights legislation;
b. prohibiting discrimination or violations to the human rights of others by any member of the University community;
c. investigating alleged cases of behaviour that contravenes or limits the rights and freedoms of others, whether directly or indirectly; and
d. considering all relevant human rights of employees, students and others when making administrative decisions, or producing and enacting university policies, as the decision-maker, or decision-making body.

Human Rights, university policy and administrative decision-making

(4) Under Section 40B of the Human Rights Act 2004, the University of Canberra (acting as a public authority under Section 40) must act consistently with the human rights defined within the Act, meaning the University must:

a. act in a way that is compatible with human rights; and
b. give proper consideration to a relevant human right.

(5) Human Rights refers to Civil and Political Rights; Economic, Social and Cultural Rights; and the University's responsibilities to the Right to Education, as defined in Part 3, Part 3A, and Section 27A respectively of the Human Rights Act 2004. Such rights include the right to:

a. recognition and equality before the law;
b. privacy and reputation;
c. freedom of thought conscience, religion, and belief;
d. peaceful assembly and freedom of association;
e. freedom of expression; and

f. take part in public life.

(6) This policy will apply except where relevant other legislation, Commonwealth or Territory, expressly requires the act or decision to be made in a particular way, or the legislation itself is inconsistent with a human right.

Complaint resolution

(7) In circumstances where informal resolution attempts are unsuccessful, or where allegations are so serious that the less formal approaches are inappropriate, the complainant may utilise the University's complaint processes.

(8) Where the complainant is an employee:

a. the procedure outlined in Schedule 5 of the University of Canberra Enterprise Agreement will be utilised; and
b. the University will consider whether there may also have been a breach of the University of Canberra's Charter of Conduct and Values, and the procedure outlined in Schedule 6 of the University of Canberra Enterprise Agreement may be utilised.

(9) Where the complainant is a student:

a. if the complaint relates to the conduct of a staff member, the student may follow the process set out in the Student Grievance Resolution Policy; or
b. if the complaint relates to the conduct of another student, the University may follow the process set out in the University of Canberra (Student Conduct) Rules 2023 in relation to the student accused of wrongdoing.

(10) Where a student makes a complaint against a University employee, the relevant authority investigating the student's allegations will ensure that any actions taken against the employee will be made under the University of Canberra Enterprise Agreement.

(11) Where the complainant is both an employee and a student, or a complaint is made against someone who is both a student and an employee, People & Culture and the Director, Student Life will determine the appropriate processes under which the complaint should be handled depending on the nature of the complaint.

Implementation

(12) This policy will be implemented through mandatory training, communication, and awareness-raising, and will be monitored and reviewed on a regular basis.

Section 4 - Responsibilities:

WHO	RESPONSIBILITIES
Vice-Chancellor	Approval authority for this Policy.
Chief People Officer; Director, Student Life; and University Secretary	Co-owners of Policy and decision-makers in relation to staff/student matters under this Policy.
Managers	Implementing this Policy in their area of responsibility.
Staff, Students, Contractors and others engaged in University-related activity either on or off-campus	Complying with the Policy.

Section 5 - Procedure

(13) Nil.

Section 6 - Definitions

Terms	Definitions
Direct Discrimination	As defined in the Discrimination Act 1991.
Discrimination	As defined in the Discrimination Act 1991.
Harassment	Harassment includes offensive, belittling or threatening behaviour towards an individual or group of employees
Human Rights	Human Rights in this Policy refer to the Civil and Political Rights, and the Economic, Social and Cultural Rights defined in Parts 3 and 3A of the Human Rights Act 2004. They include the right to: • recognition and equality before the law; • privacy and reputation; • freedom of thought, conscience, religion and belief; • peaceful assembly and freedom of association; • freedom of expression; and • take part in public life.
Indirect Discrimination	As defined in the Discrimination Act 1991.
Others engaged in University-related activity either on or off-campus	Volunteers, contractors, sub-contractors, visiting academics, adjuncts and others who engage in University-related activities. As a public authority as defined under the Human Rights Act 2004, the University's Human Rights obligations extend more broadly than just to its staff and students

Status and Details

Status	Historic
Effective Date	3rd December 2024
Review Date	24th October 2027
Approval Authority	Chief People Officer
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Expiry Date	31st August 2025
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