



### Purpose

1. The University of South Australia is committed to promoting equal opportunity in education and employment. The University does this in recognition of the principles of equity and in conforming with the spirit and intent of equal opportunity and anti-discrimination legislation. The University accepts its responsibilities in relation to these rights for people while they are engaged in activities undertaken as part of their study or employment with the University.

### Responsibilities

2. Council is the approving authority for this Policy.
3. The Executive Director: People, Talent & Culture is the responsible officer for this Policy.
4. The Policy will be evaluated by the People, Talent and Culture Unit and the Student Ombud's Office and recommendations reported to the Vice Chancellor.
5. All staff and students are responsible for ensuring that equal opportunity principles are respected.
6. Managers and supervisors are responsible for understanding the legislation and ensuring that the workplace and study environment are safe and free from discrimination under the grounds covered by this Policy.
7. Managers and supervisors are also responsible for ensuring that equal opportunity principles are adhered to in order to promote equal employment opportunity.
8. The People, Talent and Culture Unit is responsible for the ongoing development and maintenance of this Policy.

### Principles

9. The University of South Australia will take all reasonable steps to identify and eliminate unlawful direct, indirect, and systemic discrimination from its structures and practices in order to promote equality of opportunity for all its staff and students.
10. This Policy forms the basis for the University's specific equal opportunity policies. These include the Sexual Assault and Sexual Harassment Policy, Staff with Disability Policy, Students with Disabilities Policy, Diversity and Representation on Committees and Working Groups Policy, Inclusive Language Policy, Anti-Racism Policy and other policies as developed.
11. The University recognises the rights of individuals and groups to be free from discrimination, harassment and workplace bullying on the grounds of:
  - 11.1. sex, marital status, pregnancy, family responsibilities,
  - 11.2. sexuality,
  - 11.3. race,
  - 11.4. disability,
  - 11.5. political or religious belief, and
  - 11.6. age.
12. The University has a firm commitment to equal opportunity principles and will work towards ensuring that no discriminatory policies or practices exist in any aspect of employment or education.

### Implementation Requirements

13. Consistent with legislation, implementation of this Policy will use education and conciliation as the principal means to eliminate discrimination and in the resolution of grievances.

14. An essential element in the implementation of this Policy is raising the awareness of all members of the University community of the principles of equity and social justice.
15. In affirmation of its commitment to equal opportunity the University will:
  - 15.1. promote equal opportunity in all aspects of the University's activities and as an integral part of all University policies and practices;
  - 15.2. adopt policies, procedures, and practices for staff consistent with equal opportunity principles in the areas of admission, teaching, assessment, research, and access to the provision of services and other facilities of the University;
  - 15.3. adopt policies, procedures, and practices for staff consistent with equal opportunity principles in the areas of recruitment, selection, promotion, training and development, and other conditions of employment;
  - 15.4. act to provide a learning and working environment that is free of sexual harassment;
  - 15.5. take action to prevent the occurrence of unlawful discrimination, harassment, sexual harassment and bullying by conducting educative programs and other activities for staff and students and through the implementation of discrimination and harassment grievance procedures for staff and the [Student Complaints Resolution](#) procedures;
  - 15.6. take positive steps to promote representative participation of diverse groups of students and staff to achieve equal opportunity in education and employment; and
  - 15.7. continue to develop specific policies that focus on equal opportunity issues (as the need arises) and monitor and evaluate such policies.

## Definitions

16. **Disability**, is defined in [the Disability Discrimination Act 1992 \(Cth\)](#) in relation to a person as:
  - 16.1. total or partial loss of the person's bodily or mental functions; or
  - 16.2. total or partial loss of a part of the body; or
  - 16.3. the presence in the body of organisms causing disease or illness; or
  - 16.4. the presence in the body of organisms capable of causing disease or illness; or
  - 16.5. the malfunction, malformation, or disfigurement of a part of the person's body; or
  - 16.6. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
  - 16.7. a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; and includes a disability that:
  - 16.8. presently exists; or
  - 16.9. previously existed but no longer exists; or
  - 16.10. may exist in the future (including because of a genetic predisposition to that disability); or
  - 16.11. is imputed to a person.
17. **Unlawful discrimination** means treating an individual and/or group in employment and/or education unfairly because of specific personal characteristics specified in relevant legislation.
18. **Diversity** refers to differences in race, gender, ethnic or cultural background, level of physical and mental ability, age, sexual orientation and religion. A productive and fair environment is one that acknowledges diversity and recognises the need to promote equality and a discrimination-free working and learning environment.
19. **Equal opportunity** means treating people as individuals with different skills and abilities, without making judgements based on stereotypes, or on characteristics as outlined in anti-discrimination legislation. These characteristics include sex, age, race, sexuality, disability, pregnancy, or marital status.

20. **Equal opportunity for women in the workplace (formerly affirmative action)** means taking positive steps to remove old barriers, which have prevented women from doing some jobs, or from being given the chance to advance to higher levels within organisations.
21. **Family or carer's responsibilities** refers to a range of responsibilities of a person to care and/or support a dependent child or other immediate family member who is in need of care or support. For example, to look after a sick child, to attend a child's school for a parent/teacher interview, or to take a partner or an elderly parent to the doctor.
22. **Harassment** is unwelcome behaviour or language that has the effect of offending, intimidating, or humiliating a person on the basis of their sex, marital status, pregnancy, sexuality, race, disability, age, or political or religious belief, in circumstances which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.
23. **Marital status** refers to being single, married, married but living separately and apart from one's spouse, separated, divorced, widowed, or living with another person in a de facto relationship.
24. **Pregnancy** refers to presumed or actual pregnancy, or potential pregnancy.
25. **Race** is understood to be flexible and evolving. It includes a person's nationality, country of birth, colour, ancestry, ethnic origin, or people associated with those of a particular race. The word 'race' is used in these procedures to reflect relevant legislation.
26. **Sex** means whether a person is male or female.
27. **Sexual harassment** is an unwelcome sexual advance or request for sexual favours or conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where a reasonable person would anticipate the possibility of that reaction in the circumstances.
28. **Sexuality** means whether a person is heterosexual, homosexual, bisexual or transsexual. It includes presumed sexuality.
29. **Social justice** is the right of all staff and students to equality of treatment and opportunity, and the removal of barriers of race, ethnicity, culture, religion, language, gender or place of birth.
30. **Victimisation** occurs if a person or a group of people commits or threatens to commit an act against a complainant or respondent, or another person acting in support of a complainant or respondent as a result of a complaint or grievance being lodged.
31. **Workplace bullying or harassment** occurs if an individual staff member, or group of staff members, repeatedly behaves unreasonably towards another staff member, or group of staff members, and that behaviour creates a risk to health and safety.

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### Related Documentation

- > [Sexual Assault and Sexual Harassment Policy](#)
- > [Staff with Disability Policy](#)
- > [Policy for Students with Disabilities](#)
- > [Diversity and Representation on Committees and Working Groups Policy](#)
- > [Inclusive Language Policy](#)
- > [Anti-Racism Policy](#)
- > [Discrimination and Harassment Grievance Procedures \(Staff\)](#)
- > [Student Complaints Resolution](#)
- > University of South Australia Act 1990
- > Commonwealth Racial Discrimination Act 1975
- > Commonwealth Racial Hatred Act 1995
- > Commonwealth Sex Discrimination Act 1984
- > Commonwealth Human Rights and Equal Opportunity Commission Act 1986

- > Commonwealth Workplace Gender Equality Act 2012
- > Commonwealth Age Discrimination Act 2004
- > Commonwealth Disability Discrimination Act 1992
- > South Australian Equal Opportunity Act 1984
- > South Australian Racial Vilification Act 1996
- > Public Interest Disclosure Act 2018
- > South Australian Work Health and Safety Act 2012
- > South Australian Workers Rehabilitation and Compensation Act 1986

**Approving Authority:** Council

**Officer Responsible:** Executive Director: People, Talent & Culture

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