

Anti-Discrimination Policy and Procedures

Purpose

This Policy outlines the rights and responsibilities of the Central Institute of Technology and Innovation (the Institute) community for the achievement of a diverse, inclusive, equitable, and safe campus environment that is free from unlawful discrimination, bullying, and harassment. The Institute has a legal and moral responsibility to ensure that staff, students and visitors are not subjected to behaviours or practices that may constitute discrimination or harassment.

Scope

This Policy applies to all staff, students, members of the Institute's Boards and Committees, visitors and contractors.

Related Documents

This policy should be read in conjunction with the following Institute documents:

- Equity and Diversity Policy and Procedures
- Code of Conduct Policy and Procedures
- Student Code of Conduct Policy and Procedures
- Student Grievances, Complaints, and Appeals Policy and Procedures
- Staff Grievances, Complaints, and Appeals Policy and Procedures

All documents referenced in this policy can be accessed via the CITI website.

Definition of Key Terms

For the purpose of this Policy, the following definitions apply:

Term	Definition
Discrimination	<p>Discrimination as defined in the Anti-Discrimination Act 1977 (NSW), means to treat an individual less favourably because of an attribute listed in that Act, or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply. Attributes include:</p> <ul style="list-style-type: none"> • parental status • pregnancy • breastfeeding • religious belief or activity • political belief or activity • relationship status • sex • lawful sexual activity • gender identity • sexuality • age • race, nationality or ethnic origin • disability or impairment • trade union activity • family responsibilities • association with, or relation to, a person identified on the basis of any of the above attributes. • Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the

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	same way but actually disadvantages people from a particular group.
Direct Discrimination	Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Direct discrimination can occur regardless of the discriminator's motive and whether or not he or she is aware of the discrimination or considers the treatment less favourable
Indirect Discrimination	Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.
Harassment	Harassment is offensive conduct of an unwelcome nature. Harassment may be physical, verbal or suggested behaviour that makes a person feel uncomfortable, humiliated, or mentally distressed. The term workplace harassment covers any and all types of harassment that may happen in a professional setting.
Sexual Harassment	Sexual harassment means any unsolicited, unwelcome and unreciprocated behaviour or act or conduct of a sexual nature that embarrasses, humiliates or offends other persons. It can be a single incident or a persistent pattern, and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault and including but not limited to the following examples: <ul style="list-style-type: none"> • inappropriate jokes or comments with sexual connotations • the display of offensive material

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	<ul style="list-style-type: none"> • comments and questions about another person's sexual conduct and/or private relationships • persistent unwelcome invitations or advances • requests for sexual favours • offensive written, telephone or electronic mail or other computer system communications • unnecessary close physical proximity including persistently following a person • unwelcome physical contact such as brushing against or touching a person
Victimisation	Victimisation under Commonwealth law means to engage in conduct intending to cause, and causing, detriment to a person because of the belief that the person has done or proposes to make a discrimination or harassment complaint. This also includes those who have supported another person in making a complaint.
Vilification	Vilification is behaviour that incites hatred, serious contempt, revulsion or severe ridicule for a person or groups of people because of their race or religion. Vilification can be perpetrated by an individual, groups of people, or an organisation.
Bullying	Bullying is repeated and unreasonable behaviour directed towards an individual or a group that creates a risk to health and safety. Bullying also includes Workplace Bullying, which is repeated, and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Bullying, including

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	<p>workplace bullying, does not include reasonable management action that is carried out in a reasonable manner in relation to the completion of a role or set of work-related duties. It is possible for a person to be bullied, harassed, victimised, and discriminated against at the same time.</p> <p>Detailed below are examples of behaviours, whether intentional or unintentional, that may be regarded as bullying or workplace bullying if they are repeated, unreasonable and create a risk to health and safety.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Abusive, insulting or offensive language or comments • Unjustified criticism or complaints • Deliberately excluding someone from workplace or study-related activities • Withholding information that is vital for effective work or study performance • Setting unreasonable timelines or constantly changing deadlines • Setting tasks that are unreasonably below or beyond a person's skill level • Denying access to information, supervision, consultation or resources to the detriment of a worker or student • Spreading misinformation or malicious rumours • Changing work arrangements to deliberately inconvenience a particular worker or workers.

Term	Definition
Workplace Bullying	Workplace bullying means repeated and unreasonable intimidatory behaviour which is considered to be inconsistent with the requirements of the Institute's staff supervision provisions, is directed towards a worker or a group of workers, or a student or a group of students, and creates a risk to health and safety.

Policy Principles

The following principles underpin this Policy:

1. The Institute acknowledges the diverse composition of its students, staff, and stakeholders. Discrimination, harassment, workplace bullying, and any other practices that unfairly disadvantage individuals are strictly prohibited within the Institute.
2. We are dedicated to upholding the fundamental rights of all individuals to be free from discrimination, harassment, and workplace bullying during their participation in study and employment activities at the Institute.
3. Every member of our community is expected to interact with others with courtesy and respect at all times.

Policy Statement

1. Addressing and Reporting Discrimination

The Institute will ensure that from the highest level, discriminatory practices are both discouraged and eliminated, and strategies are developed and sustained to establish

an inclusive place to work and study. The Institute will take all reasonable steps to prevent and deal with discrimination and harassment of, or by, staff, students, visitors and other members of the community. This will be achieved by:

- 1.1 The use of educative approaches for the prevention of discrimination, harassment and workplace bullying, ensuring staff and students know their rights and responsibilities, and to encourage the reporting of behaviour that breaches this Policy and Procedures.
- 1.2 The Institute will integrate anti-discriminatory practices within its management and academic activities. This includes the following:
 - 1.2.1 All students and staff will be informed of what constitutes discriminatory, harassing or bullying behaviour.
 - 1.2.2 The Institute will ensure that all managers and supervisors are informed of their responsibility to maintain an environment free of discrimination and harassment.
 - 1.2.3 The Institute will incorporate anti-discrimination, equality of opportunity and the promotion of a diverse community topics in all levels of training. This will include during induction of new staff, during supervisor and management training programs for staff, and into key student activities during orientation, enrolment and at other times of the academic year.
- 1.3 Staff and students will be actively encouraged to report behaviour that breaches this Policy and Procedures. This will be achieved by:
 - 1.3.1 The Institute will provide avenues for reporting discrimination, harassment or bullying and support any staff member or student who reports any of these; they will be dealt with confidentially with the assistance of external professionals if required.
 - 1.3.2 The Institute will ensure that complaints are dealt with in a sensitive, impartial, efficient, and confidential manner.



- 1.3.3 Persons against whom complaints have been made will be accorded natural justice through the use of procedures that are transparent and open.
- 1.3.4 The Institute will do everything practicable to protect persons making complaints from victimisation and will ensure such persons are not penalised for reporting discrimination or harassment.
- 1.3.5 Any individual who is found to have victimised a person who has made or intends to make a complaint, or to have victimised a witness or associate of the person who has made, or intends to make a complaint, will be considered to have breached this Policy.

2. Roles and Responsibilities

All staff and students must report any form of discrimination they have experienced. Complaints and reporting on such incidents should be directed to Human Resources (staff) or Academic Registrar or Student Support Officer (students). These officers will assess the nature of the case and discuss the facts with the relevant parties in order to reach a resolution.

- 2.1 Matters where resolution is proving to be difficult will be escalated to the Chief Executive Officer (CEO) or Dean (respectively) if/as required.
- 2.2 Assistance from external professionals may be sought if/as required.
- 2.3 As a routine requirement, the CEO and Dean will be kept informed confidentially of developments and progress with individual cases.
- 2.4 The Board of Directors will periodically review the nature and scope of complaints to identify opportunities for improvements and eliminate inappropriate behaviour.



Procedures

1. Investigation of Complaints

These procedures are for determining breaches of this Policy and Procedures. If a complaint of discrimination, harassment or bullying arises, each complaint will be investigated on a case-by-case basis. The Institute will take timely and appropriate action through the following procedure:

- 1.1 In the case of a student making an allegation, it will be managed through the Student Complaints and Appeals Policy and Procedures.
- 1.2 In the case of a staff member making an allegation, it will be managed through the Staff Complaints and Appeals Policy and Procedures.
- 1.3 In the case of a customer, contractor, service provider, or visitor making an allegation concerning Institute staff members or students, it will be managed by the relevant senior manager, having regard to appropriate separation of responsibility provisions.

2. Consequences for Breaches of This Policy

The Institute will treat all allegations of discrimination, harassment, and bullying seriously and impartially. The consequences for breaching this policy will depend on the seriousness of the case. Outcomes may include, but are not limited to the following:

- 2.1 Obtaining a commitment from a person to cease, and not to repeat, the behaviour.
- 2.2 Giving an apology to the person who made the complaint.
- 2.3 Mediating between the parties, if both parties agree to a mediation process and the mediator.
- 2.4 Offering support to the person making the complaint.



- 2.5 Offering support to the person against whom the complaint is made.
- 2.6 Disciplinary action
- 2.7 Removing the parties from, or limiting the capacity, for on-going contact with each other.
- 2.8 Dismissal, suspension or expulsion of the person found responsible for discrimination, harassment or bullying where serious and/or repeated misconduct in this regard has been established.
- 2.9 Disciplinary action, up to and including dismissal, suspension or expulsion, of the person making a complaint of discrimination, harassment or bullying if the complaint is found to have been vexatious or malicious.
- 2.10 Disciplinary action against anyone who victimises or penalises a person who has made a complaint.
- 2.11 In instances where the actions of a person and/or persons is in breach of State and/or Federal legislation, the relevant authorities will be notified.

Related Legislation

This policy should be read in conjunction with the following related documents:

- [Higher Education Standards Framework \(Threshold Standards\) 2021](#)
- [Education Services for Overseas Students Act 2000](#)
- [Anti-Discrimination Act NSW 1977](#)
- [Disability Discrimination Act 1992](#)
- [Disability Standards for Education 2005](#)
- [Commonwealth Ombudsman](#)
- [AS ISO 10002-2006 Customer Satisfaction – Guidelines for Complaints Handling in Organisations](#)
- [Commonwealth Human Rights and Equal Opportunity Commission Act 1986](#)



- [Equal Opportunity for Women in the Workplace Amendment Act 2012](#)
- [Commonwealth Fair Work Act 2009](#)
- [Commonwealth Racial Hatred Act 1995](#)
- [Commonwealth Age Discrimination Act 2004](#)
- [Work Health and Safety Act 2011](#)

Change and Version Control

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