

## EQUAL OPPORTUNITY POLICY

### 1 PURPOSE

- 1.1 University College (the **College**) recognises that all Residents and Workers have the right to be treated with respect and dignity and to study, live and work in a safe and healthy environment that is free from discrimination and victimisation. The College is committed to providing an environment that is safe, inclusive and respectful, and promotes the wellbeing and thriving of their Residents and Workers.
- 1.2 The College expressly prohibits discrimination. Discrimination is unacceptable and will not be tolerated at the College and may expose the perpetrator and the College to legal liability. The College's systems, processes and practices support fair treatment.
- 1.3 It is the obligation and responsibility of the College and every Resident and Worker at the College to seek to ensure that the College is free from discrimination.
- 1.4 Residents and Workers of the College are encouraged to bring their capabilities, approaches, experiences and ideas which reflect the College's diverse and inclusive community. Residents and Workers should always strive to be inclusive, collaborative and supportive and consider the impact their actions may have on others and treat everyone fairly and with respect.
- 1.5 This Policy sets out what constitutes discrimination and outlines the College's commitment and approach to responding to reports of this type of conduct. It details what you can do if you are a Resident or Worker at the College and you experience discrimination, and the procedure the College has implemented to seek to ensure that reports are dealt with appropriately and as soon as practicable.

### 2 SCOPE

- 2.1 This Policy applies to all Residents and Workers of the College.
- 2.2 The College will treat any report of discrimination seriously and will deal with a report as appropriate in each case. Disciplinary action may be taken against anyone found to have engaged in conduct amounting to discrimination or anyone who is otherwise in breach of this Policy.

### 3 WHAT IS DISCRIMINATION?

- 3.1 Discrimination is any practice that makes a distinction between individuals or groups that disadvantages certain persons and/or advantages other persons. Not all discrimination is unlawful. Discrimination may be unlawful in certain areas of public life if it is based on protected attributes (see 3.2 below).
- 3.2 It is unlawful and in breach of this Policy to discriminate against anyone in employment, education, access to premises, provision of goods and services, or accommodation on the basis of any of the following protected attributes:
  - (a) age;
  - (b) breastfeeding;
  - (c) employment activity (making a reasonable request for information or expressing a concern regarding employment entitlements);

- (d) gender identity (including gender expression);
- (e) physical or mental disability (including illness);
- (f) industrial activity (including union membership or activity);
- (g) lawful sexual activity;
- (h) marital or relationship status;
- (i) parental status or status as a carer;
- (j) family or carer's responsibilities;
- (k) physical features (height, weight, size or other bodily characteristics);
- (l) political belief or activity;
- (m) profession, trade or occupation;
- (n) pregnancy or potential pregnancy;
- (o) race (including colour, descent or ancestry, nationality, country of birth and ethnicity);
- (p) religious belief or activity;
- (q) sex;
- (r) sexual orientation;
- (s) irrelevant criminal record (including where the conviction is a spent conviction, or the conviction is for an offence committed when the person was under the age of 15 years, or the conviction was not recorded by a court);
- (t) intersex status;
- (u) sex characteristics (physical features relating to sex, including sexual and reproductive parts of the person's anatomy and any secondary physical features that emerge as a result of puberty);
- (v) expunged homosexual conviction; and
- (w) personal association (as a relative or otherwise) with a person who is identified by any of the above protected attributes.

3.3 Discrimination can be direct or indirect (see 4 and 5 below).

3.4 Motive or intention is irrelevant to discrimination. It does not matter if you did not intend to discriminate against someone if your conduct is in fact discriminatory.

## **4 DIRECT DISCRIMINATION**

4.1 Direct discrimination occurs if a person treats, or proposes to treat, someone with a protected attribute less favourably because of that protected attribute.

4.2 The protected attribute does not have to be the sole or dominant reason for the unfavourable treatment.

4.3 Examples of direct discrimination include:

- (a) a supervisor or manager making comments at a staff meeting that a Worker has taken too much leave due to illness;
- (b) allocating particular tasks to a Worker or overlooking a Worker for training and promotional opportunities because of their gender;
- (c) making negative comments about a Resident or Worker's race or making racial jokes;
- (d) excluding or isolating a Worker due to their religion;
- (e) not employing a person because of their age;
- (f) refusing an application for accommodation due to the applicant's disability; and
- (g) evicting a Resident of the College due to their race.

## **5 INDIRECT DISCRIMINATION**

- 5.1 Indirect discrimination occurs if a person imposes or proposes to impose a requirement, condition, policy, rule or practice which appears to operate the same for everyone, but has an unfair or unreasonable effect on particular persons with a protected attribute.
- 5.2 An example of indirect discrimination is if the only way to enter a public building is by a set of stairs because people with disabilities who use wheelchairs would be unable to enter the building.

## **6 VICTIMISATION**

- 6.1 It is unlawful to victimise another person for making a report or being involved in a complaint (e.g. as a witness or support person) of discrimination. Victimisation is unlawful and may expose the perpetrator and the College to legal liability.
- 6.2 Any person who victimises another person may be subject to disciplinary action in accordance with this Policy.

## **7 REPORTING TO THE COLLEGE**

- 7.1 You are not expected to put up with discrimination or victimisation from any person in the College. If you feel that you have been discriminated against or victimised, you should not ignore it. Residents and Workers are encouraged to notify the College as soon as possible so that the College can:
- (a) provide support and pastoral care; and
  - (b) take steps to prevent immediate or ongoing risks to the health, safety or wellbeing of any person in the College.
- 7.2 **Residents**
- (a) The Dean of Students is your first point of contact if you have an issue relating to discrimination. Even if you do not know whether you intend to make a formal complaint, the Dean of Students is available to discuss any issue relating to discrimination with you.
  - (b) The Dean of Students will explain the options that are available and the steps that may be taken to address the issue.
- 7.3 **Workers**
- (a) Workers should first report any matters of concern to their direct line manager.
  - (b) Where this is not appropriate, where the person making a report does not feel comfortable, or where a Worker has made such a report, but no action has been taken within a reasonable time, the report can be made to the Commercial Manager.
  - (c) Either your direct line manager or the Commercial Manager (as applicable) will explain the options that are available to address your concerns or complaint and the steps that may be taken to address the issue.
  - (d) Reports that require further investigation will be referred to the Commercial Manager who will report directly to the Head of College on matters relating to this Policy, and who has access to independent advisers as and when required.
- 7.4 **Reports about the Dean of Students, Dean of Studies & Deputy Head, Commercial Manager, Head of College, Member of the College Council or Chair of the College Council**
- (a) The Dean of Students, Dean of Studies & Deputy Head, or Commercial Manager will not deal with complaints about their own behaviours, or the behaviour of the Head of College.
  - (b) If a report involves the Dean of Students, Dean of Studies & Deputy Head, or the Commercial Manager, this will be directed to the Head of College for further investigation and further action.

- (c) If a report involves the Head of College, this will be directed to the Chair of the College Council for investigation and further action.
- (d) If a report involves a Member of the College Council, this will be directed to the Chair of the College Council for investigation and further action.
- (e) If a report involves the Chair of the College Council, this will be directed to the Chair of the Governance Committee for investigation and further action.

7.5 Your report to the College will be kept confidential as far as is practicable. However, this may limit the actions that the College can take in response. It may not always be possible to maintain confidentiality in cases where the College is required to take appropriate action.

7.6 The College has legal obligations in relation to the prevention of discrimination, and in some cases, it may be necessary for further action to be taken in relation to the issues raised, even if you do not wish to make a formal complaint. This might be necessary, for example, if the conduct of the subject of a complaint is serious, repeated or widespread, constitutes an occupational health and safety risk or requires disciplinary action.

## **8 MAKING A FORMAL COMPLAINT**

### **8.1 Residents**

- (a) If you wish to make a formal complaint, the Dean of Students may, where necessary, prepare a summary of the complaint. You should review the summary to ensure that you are satisfied that the information which it contains is correct.
- (b) If you make a formal complaint, or the College otherwise considers it necessary in response to the issues you have raised, a formal investigation may be undertaken by the Dean of Students. Not every complaint will merit a formal investigation as the issues raised may be appropriately resolved in other ways.

### **8.2 Workers**

- (a) If you wish to make a formal complaint, the Commercial Manager may, where necessary, prepare a summary of the complaint. You should review the summary to ensure that you are satisfied that the information which it contains is correct.
- (b) If you make a formal complaint, or the College otherwise considers it necessary in response to the issues you have raised, a formal investigation may be undertaken by the Commercial Manager. Not every complaint will merit a formal investigation as the issues raised may be appropriately resolved in other ways.

## **9 INVESTIGATIONS**

### **9.1 Investigation Process**

- (a) The College will determine whether an investigation is necessary in each case and the form that the investigation will take.
- (b) Prior to commencing an investigation, the College may recommend that you and the Respondent(s) participate in informal intervention in the form of mediation or conciliation. The College may invite the Respondent(s) to mediate or conciliate the complaint and mediation will only occur if you and (at least one of) the Respondent(s) agree to participate. The College may provide a summary of the complaint to the Respondent(s) prior to mediation or conciliation. Mediation or conciliation will be facilitated by a person nominated by the College. The informal intervention process will be complete when the parties come to an agreement on a resolution of the complaint.
- (c) The function of the investigator is to investigate impartially and resolve complaints. The investigation may be undertaken by the Dean of Students or Commercial Manager. In some circumstances, where the College considers it appropriate, an Independent Investigator may be engaged to undertake the investigation.

- (d) You will be permitted to have a support person at all stages of the investigation process.
- (e) Depending on the circumstances, the investigation may involve:
  - (i) interviewing you, the Respondent and witnesses;
  - (ii) obtaining relevant documents and other evidence; or
  - (iii) making findings as to whether discrimination or other improper conduct has occurred.
- (f) Any investigation will be undertaken impartially and as soon as practicable. Confidentiality will be maintained in that information will only be disclosed by the College to persons involved in the investigation or decision making, or as otherwise considered appropriate by the College to protect the College and its Residents and Workers. Some complaints may not be able to be progressed or investigated fairly if the reporter chooses to remain anonymous in making a complaint or does not want specific details of their complaint shared with the Respondent.
- (g) An individual or individuals must not knowingly make a false claim against another or others.

## 9.2 Possible outcomes

- (a) The possible outcomes will depend on the nature of the complaint and whether it is substantiated.
- (b) Where an investigation has found that a complaint is substantiated, disciplinary or other appropriate action may be taken against the person about whom the complaint was made. This may include suspension or exclusion from the College if the complaint was made against a Resident and/or termination of employment if the complaint was made against a Worker. In less serious cases, other possible outcomes include warnings, counselling, training and similar measures.
- (c) If a person contravenes Clauses 6 and 9.1(g) (Victimisation or False complaints respectively) of this Policy, then that person may also be disciplined, including suspension or exclusion from the College, or potential termination of employment, as the case, may be.

## 10 COMMUNICATION AND IMPLEMENTATION OF POLICY

This Policy will be communicated and discussed with staff at the Staff Annual Review and Planning Day in March 2023 and with students at their Semester 1 and Semester 2 Induction. Implementation of the Policy will commence immediately thereafter.

## 11 FURTHER INFORMATION

- 11.1 Further information relating to discrimination may be obtained from the Dean of Students or Commercial Manager.
- 11.2 The Policy will be reviewed annually.

## 12 DEFINITIONS

**Independent Investigator** means a third party who is external to the College and is experienced in carrying out investigations.

**Respondent** means a person against whom allegations of discrimination are made.

**Resident** means any student or staff residing at the College.

**Worker** means a representative or agent of the College, an employee, contractor or subcontractor, an employee of a labour hire company who has been assigned to work at the College, an outworker, an apprentice or trainee, a student gaining work experience, a volunteer, or a prospective employee of the College.

## APPROVAL AND REVIEW DETAILS

Approval and Policy Owner	Details
Approval Authority	Council
Advisory Committee to Approval Authority	Governance Committee
Policy Owners	Head of College, Dean of Students and Commercial Manager
Next Review Date	February 2027

Version Control	Date Approved	Description of Change
V1	16 January 2023	Original

## APPENDIX A: COLLEGE CONTACTS

**Dean of Students** Ms Liz Agostino, [DeanOfStudents@unicol.unimelb.edu.au](mailto:DeanOfStudents@unicol.unimelb.edu.au), 0427 275 561

**Commercial Manager** Ms Kelly Reed [Commercialmanager@unicol.unimelb.edu.au](mailto:Commercialmanager@unicol.unimelb.edu.au)

**Head of College** Dr Jennifer McDonald, [j.mcdonald@unicol.unimelb.edu.au](mailto:j.mcdonald@unicol.unimelb.edu.au) 0419 381 903