

From: [Bill Paterson](#)
To: [Education - Freedom of Speech Review](#)
Cc: [Simone Lehmann](#)
Subject: Freedom of Speech Review (UTS information)[DKIM failed]
Date: Thursday, 20 December 2018 8:28:11
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[Equity Inclusion and Respect Policy.docx](#)

Dear Secretariat,

I am responding on behalf of Professor Attila Brungs (Vice-Chancellor, UTS) to a letter sent by The Honourable Mr Robert French AC dated 29 November 2019.

Mr French requested information be provided that may be helpful to the review that the Minister has asked him to undertake in relation to the “policies supporting freedom of expression and intellectual inquiry in Australian higher education.”

The two main information sources at UTS that are relevant to the review are:

1. **Policy:** I am providing a link to the University’s current policy - Expression of and Practice of Religious, Political and Other Values, Beliefs and Ideas at UTS (<http://www.gsu.uts.edu.au/policies/expressionpracticepolicy.html>) (Note: This policy will be replaced by a new policy “Equity, Inclusion and Respect Policy” that will come into effect on 1 February 2019. The new policy is attached as it will not be published on the UTS web site until February 2019.)
2. **Enterprise Agreements:** The following sections of Staff Enterprise Agreements are also relevant. ([s51 of the Professional Staff Enterprise Agreement](#) and [s47 of the Academic Staff Enterprise Agreement](#)). (Note: the current agreements will likely be replaced by new agreements that are currently under consideration by the Fair Work Commission)

Should you have any queries please do not hesitate to contact me.

Regards,

William Paterson

University Secretary and Director, Governance Support Unit

University of Technology Sydney

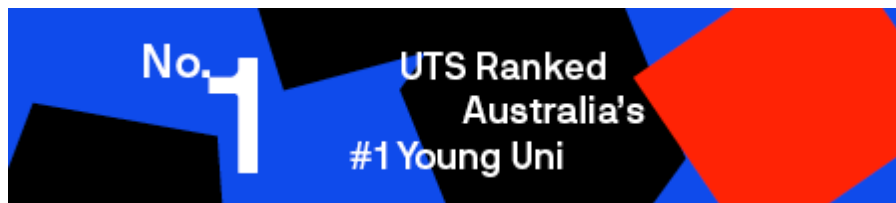
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Equity, Inclusion and Respect Policy

1 Purpose

- 1.1 The Equity, Inclusion and Respect Policy (the policy) outlines the social, ethical and behavioural standards expected at UTS as part of our [core values](#).
- 1.2 In seeking to support and encourage diversity, fairness, respect and the ethical treatment of others, this policy addresses:
 - equal opportunity and equity
 - diversity and inclusion in a respectful and productive workplace
 - discrimination, bullying and harassment

2. Scope

- 2.1 This policy applies to all staff, affiliates, contractors, students and visitors to the University and is in addition to the requirements of the [Code of Conduct](#) and the Student Rights and Responsibilities Policy.

3. Principles

- 3.1 As a public purpose institution, UTS is committed to driving social change within and beyond our campus. We aim to ensure that our research, education and practice, benefit the people who work and study at our university, as well as the wider community.
- 3.2 UTS is committed to building a culture where the principles of diversity and inclusion are integrated into our everyday activities.
- 3.3 Everyone in the UTS community has a role to play in the creation and maintenance of an inclusive, safe and respectful work and learning environment. It is a condition of our employment that all UTS employees uphold our organisational values and standards in accordance with this policy, the Code of Conduct and the Student Rights and Responsibilities Policy.
- 3.4 UTS is committed to equal educational and employment opportunities for all students and staff via clear and transparent selection, progression, assessment and promotion processes.
- 3.5 UTS is a secular and non-political organisation. UTS reserves the right to express its values and principles within its mission statements and through its strategic goals.
- 3.6 UTS aims to provide an environment fostering equality and fairness, respecting and valuing diversity as an asset to the university and the wider community. UTS does not tolerate hate advocacy.
- 3.7 UTS supports and encourages rational and rigorous research, discussion, critical enquiry, and public discourse in a respectful, open-minded and generous spirit. This

Date of effect: 1 February 2019

is underpinned by the university's commitment to free enquiry and the pivotal importance of the pursuit of knowledge.

- 3.8 UTS acknowledges that historic and ongoing disadvantage has created barriers to access and progression and will work to become part of the solution to this inequality. UTS will work to reach our equality and diversity targets and our commitment to our social and community responsibilities.
- 3.9 UTS has a 'zero tolerance' commitment to indecent assault, sexual assault and harassment as outlined in [Section 16](#), Student Rules. Further information on reporting incidents of sexual assault and available supports for victims of sexual assault is available on the [current students' website](#).

4. Policy statements

Standards of behaviour

- 4.1 Members of the university community should contribute to a productive, ethical, safe and equitable campus and learning environment by:
- recognising their individual role in contributing to and maintaining a respectful and inclusive culture
 - treating others fairly, with dignity, respect and without discrimination
 - avoiding any behaviour that could constitute bullying, harassment or vilification
 - attempting to resolve any issues of concern as early as possible in a respectful and courteous way
 - seeking advice if they do not understand any aspect of this policy, and
 - reporting any behaviour that is in breach of this policy.

Freedom of expression – rights and responsibilities

- 4.2 Staff and students are free to express and discuss political, religious, cultural and related beliefs and ideas. UTS requires that this is done in a respectful manner appropriate to a university setting in accordance with relevant legislation, university rules and policies.
- 4.3 UTS requires that personal views and beliefs expressed by staff, students and visitors be identified as such and not represented as the views of the university. UTS does not implicitly or explicitly make any endorsement by permitting the expression of these beliefs.
- 4.4 UTS reserves the right to exercise control over material disseminated through UTS outlets (including websites, emails, publications or public displays) if judged to be in breach of this policy.

Equality, equity and inclusion

- 4.5 UTS will take a proactive approach to equality and equal opportunity by establishing programmes to:

Date of effect: 1 February 2019

- provide access to under-represented equity target groups to improve representation with regard to education and employment
- promote work and study practices that recognise and value a diversity of backgrounds and perspectives
- promote diversity on university employment, assessment, review and disciplinary panels
- promote the university's values and expectations of behaviour through policy, procedure and practice, and
- monitor and report our equity performance against identified priorities and legislative requirements.

Discrimination, vilification, victimisation, bullying and harassment

- 4.6 UTS will address identified incidents of discrimination, vilification, victimisation, bullying and harassment on grounds specified under state and federal anti-discrimination legislation.
- 4.7 Discrimination occurs when a person is treated less favourably than another person or group because of characteristics (or combinations of characteristics), including but not limited to:
- age
 - pregnancy, potential pregnancy or breastfeeding
 - family or carers responsibility
 - disability or impairment
 - political or religious beliefs
 - marital or relationship status
 - race, colour, descent, nationality, ethnic, ethno-religious or national origin, and/or
 - sex, gender, sexual orientation or preference or transgender status.
- 4.8 UTS will, where possible and reasonable, make adjustments to facilitate access and learning in line with the Student Rules.
- 4.9 Bullying behaviour, as defined in this policy, can be manifested verbally, physically and/or through body language and can take the form of action or lack of action. Examples of bullying behaviour may include:
- abusive, insulting or offensive language or comments
 - aggressive and intimidating conduct
 - belittling or humiliating comments
 - being subjected to practical jokes
 - unjustified criticism

Date of effect: 1 February 2019

- deliberately excluding or isolating employees, students or other members of the university community.
- 4.10 Under Work, Healthy and Safety legislation, all UTS staff must take reasonable care to ensure that their behaviour does not adversely affect the health and safety of others in the workplace.

Appropriate personal relationships and conflicts of interest

- 4.11 High professional and ethical standards are essential to the pursuit of good practice in university teaching, learning and research. UTS recognises that there is an inherent imbalance of power between staff and students and often, between staff members. While the university does not intervene in personal relationships between adults, it acknowledges that relationships between colleagues, or between staff and students can be problematic due to such power imbalances. Specifically, relationships between staff and students are strongly discouraged.
- 4.12 Any issues of harassment that may arise as a result of an imbalance of power will be addressed under this policy.
- 4.13 Where relationships (or the breakdown of such relationships) result in either real or potential unfair advantage or disadvantage, this is considered a conflict of interest. and will be addressed in line with the [Code of Conduct](#).

Complaints and policy breaches

- 4.14 Staff and students who wish to make a complaint against the university, its staff or its students should do so in line with the Student Complaints Policy and Procedures.
- 4.15 The university may take action against those under the scope of this policy who are found to have been in breach of this policy under the applicable enterprise agreement and the [Code of Conduct](#) or the Student Rules, [section 16](#) as appropriate.
- 4.16 Breaches of this policy that constitute unlawful behaviour under state and/or federal legislation may be managed and handled by the relevant external authorities and may result in criminal prosecution in line with the [Code of Conduct](#) and the Student Rules.
- 4.17 The university reserves the right to undertake its own investigation (on the basis of a balance of probabilities) that may be in addition to any external criminal proceedings. The exception to this statement, is where any criminal proceedings specifically requires the university to suspend any ongoing internal investigation. The result of any internal investigation will be independent of external investigations.
- 4.18 UTS may take such steps identified as necessary to dissociate itself from the actions, statements and claims of any person or group that are inconsistent with the provisions of this policy, other policies, university rules and the university's values.

Support and advice

- 4.19 Support for students is available from the [Equity and Diversity Unit](#) (in particular to manage bullying, discrimination and harassment) and the [Student Services Unit](#) (for any counselling, medical advice and other health supports). The [Students'](#)

Date of effect: 1 February 2019

[Association](#) also provides advice and advocacy for students. Further support and advice options are outlined in the Student Complaints Policy.

- 4.20 Staff experiencing any form of bullying, harassment or discrimination should refer the matter to their immediate supervisor in the first instance (where possible), or seek confidential information and advice from the [Equity and Diversity Unit](#) or the [Human Resources Unit or in the references section of this policy](#). Information on other work hazards that impact a person's wellbeing, including work related violence is [available online](#).

5. Policy ownership and support

A list of the following:

- 5.1 **Policy owner:** The Provost is responsible for policy enforcement and compliance, ensuring that its principles and statements are observed. The Provost is also responsible for approval of any associated university level procedures and any training associated with this policy.
- 5.2 **Policy contact:** The Director, Equity and Diversity Unit (EDU) acts as a primary point of contact for advice on implementing the provisions outlined in this policy, including:
- providing advice to the university on meeting key equity targets and equity related opportunity obligations under federal and state legislation
 - providing advice in line with the Student Complaints Policy on the management and resolution of equity related complaints
 - working with the relevant university units and committees to monitor and report on the university's equity performance under relevant state and federal legislation
 - recommending, developing and/or implementing educational programs, awareness campaigns and inclusion initiatives, and
 - providing advice and guidance on local level initiatives to enhance equity, diversity and inclusion and where required providing committee representatives.

6. Definitions

These definitions apply for this policy and all associated procedures. These are presented in addition to the definitions of misconduct outlined in [Section 16](#), Student Rules and the definitions outlined in Schedule 1, Student Rules.

Affiliates are defined in the [Code of Conduct](#).

Bullying means the repeated and unreasonable behaviour (intimidation, undermining, and humiliation) directed towards an individual or group of individuals in a manner that creates a risk to the health, wellbeing and/or safety of the individual or community. Standard performance evaluation and reasonable management actions and requirements are not considered a form of bullying. Further guidance is available under [references](#).

Date of effect: 1 February 2019

Discrimination means bias, unjust or prejudicial treatment of individuals or groups on the basis of certain characteristics or grounds. UTS acknowledges that discrimination can be direct (treating people less favourably because of physical characteristics or group associations for example) or indirect (where a practice or policy gives the appearance of neutrality, but unreasonably impacts or disadvantages a particular group of people) or a combination of any of the above. UTS also acknowledges a commitment to certain requirements under governing bodies, regulations or other reasonable authorities (eg AHPRA regulations).

Equity target groups at UTS include, but are not limited to:

- Students from Low Socio-Economic Status (LSES) backgrounds
- Students with a Disability
- Students from Non-English Speaking Backgrounds
- Students from Rural or Isolated Areas
- Women in Non-Traditional Areas of Study and
- Indigenous Australians.

Equity strategies at UTS may also target people with disability or accessibility requirements, people from identified cultural groups, members of the LGBTIQ+ community and women in fields or at levels of seniority where they are under-represented.

Harassment is a form of discrimination and means any unwelcome, offensive, abusive, belittling or threatening behaviour that humiliates, offends, or intimidates another person or group of people on the basis of race, religion, nationality, gender or gender status, sexual orientation or any other grounds specified under anti-discrimination legislation. This is in addition to, and consistent with, the definitions outlined under Section 16 of the Student Rules, which includes the definition of sexual harassment.

Staff is defined in the [Code of Conduct](#).

Student is defined in [Schedule 1](#), Student Rules. For the purposes of this policy, a student also includes a person who has:

- recently completed the requirements of the course
- withdrawn from the course
- withdrawn temporarily from the course for a period of at least one semester through approved leave of absence
- no active enrolment in subjects or in time-based study in a particular semester; or
- been excluded from the course or from the university in accordance with the Rules in the last semester.

Victimisation means subjecting or threatening to subject a person to some form of detriment because they have:

- lodged, or is proposing to lodge, a complaint of discrimination or harassment

Date of effect: 1 February 2019

- provided information or documents to an internal investigation or an external agency
- attended a conciliation conference
- reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws
- made an allegation that a person has acted unlawfully under federal anti-discrimination laws.

Vilification means the public incitement of hatred, contempt or ridicule of another person on the basis of certain characteristics or grounds.

Approval information

Policy contact	The Director, Equity and Diversity Unit
Approval authority	Council
Review date	Three years post approval
Version	V1.0 at first publication
File number	TBC
Superseded documents	Equal Opportunity and Diversity Policy (UR 07/631) UTS Policy on the Prevention of Harassment (2000) Policy on the Expression and Practice of Religious, Political and Other Beliefs and Ideas at UTS (2005) Procedures and Guidelines in respect of the Policy on the Expression and Practice of Religious, Political and Other Beliefs and Ideas at UTS (2005)

Version history

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Council	17 October 2018	Date of publication	NA

References

Relevant legislation

[Anti-Discrimination Act 1977 \(NSW\)](#)

[Age Discrimination Act 2004 \(Cwlth\)](#)

[Australian Human Rights Commission Act 1986 \(Cwlth\)](#)

[Disability Discrimination Act 1992 \(Cwlth\)](#)

[Racial Discrimination Act 1975 \(Cwlth\)](#)

[Sex Discrimination Act 1984 \(Cwlth\)](#)

University rules and policy

Student Rules

Date of effect: 1 February 2019

- [Section 16](#)

Code of Conduct

Handling Staff Grievances Vice-Chancellor's Directive

Student Complaints Policy

Student Rights and Behaviour Policy (Student Charter)

Advice and support for staff and students

[Accessibility Services](#)

[Jumbunna Institute for Indigenous Education and Research](#)

External agencies and resources

Australian Human Rights Commission (AHRC)

- [Quick guide to Australian discrimination laws](#)

[Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#)

New South Wales Anti-Discrimination Board

[International Covenant on Civil and Political Rights](#)

Fair Work Commission

[Fair work guidance on Bullying and Harassment prevention and management](#)

Bullying. No Way. <https://bullyingnoway.gov.au>

[Universal Declaration of Human Rights](#)