

**Memorandum**

|         |                                            |
|---------|--------------------------------------------|
| From    | Mark Schultz, Director, People and Culture |
| Subject | Policy review: Equal Opportunity Policy    |
| Date    | 27 October 2025                            |

**Purpose**

To provide an updated Equal Opportunity and Anti-Discrimination Policy for open consultation.

**Discussion**

The University's [Equal Opportunity Policy](#) has been reviewed in line with the University's policy framework. Reflecting key developments, including the Staff Code of Conduct and the University's Anti-Racism Statement, the updated policy reinforces its role as the University's definitive statement on anti-discrimination and anti-racism. It addresses all forms of discrimination, harassment, racism, vilification, and victimisation, and has been renamed the Equal Opportunity and Anti-Discrimination Policy.

**Feedback**

We invite feedback on the updated Equal Opportunity and Anti-Discrimination Policy to be sent to [policy@flinders.edu.au](mailto:policy@flinders.edu.au) by **Wednesday, 5 November 2025**.

# Equal Opportunity and Anti-Discrimination Policy

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## 1. Purpose

- a. This policy outlines Flinders University's approach and commitment to:
  - i. providing a safe, respectful and equitable work and study environment
  - ii. taking reasonable and proportionate measures to eliminate discrimination, harassment, racism, vilification or victimisation in work and study environments, and
  - iii. promoting gender equality.
- b. This policy operates in conjunction with:
  - i. the [Code of Conduct](#) for staff
  - ii. the University's [Anti-Racism Statement](#)
  - iii. [Disability Policy](#)
  - iv. [Sexual Harassment and Sexual Assault Prevention and Response Policy](#) and [procedures](#)
  - v. Recruitment Policy and Recruitment Procedures
  - vi. [Remuneration Policy](#).

## 2. Scope

- a. This policy applies to all members of the [University community](#) when they are engaged in [work- or study-related activities](#) at any location or online.
- b. This policy also applies to those undertaking work or study in offshore locations, to the extent that the policy does not conflict with relevant laws in the local jurisdiction. Where the laws of the local jurisdiction do not provide any expectations relating to discrimination, harassment, racism, vilification or victimisation, the University's expectations are those set out in this policy by reference to the laws of Australia.

- c. In the case of harassment or discrimination that occurs while undertaking work placements in other organisations, Flinders University may, where appropriate, taking into account the host organisation's applicable policies and processes, suspend, cease or otherwise modify its policies and processes for investigating and resolving such complaints.

### **3. Policy statement**

#### **3.1. Key principles**

- a. Flinders University values and respects the social, cultural, linguistic and gender diversity of its community. This includes Aboriginal and/or Torres Strait Islander peoples, people of diverse racial, national and religious backgrounds, people with disability, and people of all genders and sexualities.
- b. The University will adopt a whole-of-University model and apply an intersectional approach to eliminating, as far as reasonably possible, discrimination, harassment, racism, vilification and victimisation in the work and study environment, in accordance with all legislative obligations.
- c. The University will provide compassionate and appropriate support and reporting processes to members of the University community who are concerned about discrimination, harassment, racism, vilification or victimisation.

#### **3.2. Equality of opportunity**

- a. Equality of opportunity is achieved through both proactive measures and appropriate responses to address behaviours or systemic structures that have an inequitable effect.
- b. The key elements of Flinders' equal opportunity approach are providing:
  - i. fair and equitable access to conditions and benefits of employment for all staff
  - ii. fair and equitable access to education for all students
  - iii. information about basic rights and providing mechanisms for redressing complaints.
- c. The University may also establish policies, programs and other mechanisms designed to assist individuals or groups with protected characteristics who may experience systemic disadvantage or barriers to equity to gain access to opportunities for education and employment, in accordance with relevant law.

#### **3.3. Discrimination and harassment**

- a. Flinders does not tolerate discrimination or harassment by or against members of the University community. This includes gender-based violence and any acts of racism or vilification.
- b. Unless an exemption exists in the relevant legislation, it is unlawful and a breach of this policy to discriminate on the basis of a protected characteristic.
- c. Differentiation between people on the basis of a difference that is not a protected characteristic is not unlawful.

#### **3.4. Racism and Vilification**

Flinders does not tolerate racism or the vilification of any individual or group for any reason, including in learning, teaching, research, intellectual debate or other University activity.

### 3.5. Victimisation

Flinders does not tolerate victimisation in any form of:

- a. a person who lodges a complaint in respect of a matter under this policy
- b. a person who assists someone else to lodge a complaint in respect of a matter under this policy
- c. a person who provides information about a matter under this policy, or
- d. any other person involved in investigating or adjudicating the complaint.

## 4. Responsibilities

- a. All members of the University community have a responsibility to treat others with respect and to not engage in discrimination, harassment, racism, vilification or victimisation in work-and study-related activities.
- b. Managers, supervisors and teaching staff have a role in taking reasonable and proportionate measures to prevent and address discrimination, harassment, racism, vilification or victimisation.
- c. The Vice-Chancellor of the University has responsibility for addressing institutional-level breaches of this policy.

## 5. Complaints

- a. Any complaints about breaches of this policy will be dealt with seriously, confidentially and in a timely manner.
- b. Staff who have a concern regarding discrimination, harassment, racism, vilification or victimisation are encouraged to seek advice and support from their relevant [People and Culture Business Partner](#) or the Senior Manager, Workplace Relations.
- c. Staff complaints may be made in accordance with the [Staff Grievances](#) provisions in the University's Enterprise Agreement and associated policy and procedures.
- d. Students who have a concern regarding discrimination, harassment, racism, vilification or victimisation are encouraged to seek advice and support from a [Student Equal Opportunity Advisor](#).
- e. Student complaints may be made in accordance with the [Student Complaints Policy](#) and supporting procedures.
- f. Any other member of the University community who wishes to make a complaint may do so by contacting the Director, People and Culture, or another area of the University that is appropriate to the nature and context of the complaint.
- g. Any person has the right at any time to refer a complaint to a relevant external agency.
- h. [EO Contact Officers](#) are also available as an alternative initial support mechanism for individuals to raise concerns. Contact Officers are available to listen and offer information to help navigate reporting options and access available supports.

## 6. Breach of policy

- a. Anyone found to be engaging in discrimination, harassment, racism, vilification or victimisation may be subject to sanctions by the University.
- b. In the case of staff or students this may include disciplinary action, including termination of employment or enrolment.
- c. In the case of other members of the University community, entrants or persons otherwise connected with the University this may include termination of contract, revocation of academic status, or preclusion from University grounds or activities.

## 7. Definitions

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Discrimination</b>           | <p>In this policy, 'discrimination' refers to unlawful discrimination. Unlawful discrimination is discrimination based on any characteristic listed as protected by state, territory or Commonwealth legislation, and which has the purpose or effect of disadvantaging individuals on the basis of their protected characteristics.</p> <p>There are two forms of discrimination:</p> <ol style="list-style-type: none"> <li>i. Direct discrimination, which occurs when people are treated less favourably because they belong to a particular group or category of people that share a protected characteristic, for example, people with a disability or people of a particular ethnicity. It also includes treating someone unfairly because of a stereotype about a particular group or category of people to which they belong.</li> <li>ii. Indirect (or systemic) discrimination exists when there is a requirement (a rule, policy, practice or procedure) that is the same for everyone, but which has an unequal or disproportionate effect or result on a particular group or groups that share a protected characteristic. Unless this type of requirement is reasonable in all the circumstances, it is likely to be indirect discrimination.</li> </ol> |
| <b>Harassment</b>               | <p>Harassment means any form of behaviour that takes place in circumstances in which a reasonable person, having regard to all circumstances, should have anticipated the possibility that the person, or group of people, who is (are) subject to the harassment would be offended, humiliated or intimidated.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Protected characteristic</b> | <p>Refers to the following protected characteristics as found in State, Territory and Commonwealth legislation:</p> <ul style="list-style-type: none"> <li>• sex</li> <li>• gender (including gender identity and gender expression)</li> <li>• sexual orientation</li> <li>• intersex status</li> <li>• pregnancy or the perception that a person may become pregnant</li> <li>• association with a child (for example, being discriminated against because you have a child present or are breastfeeding)</li> <li>• breastfeeding status</li> <li>• marital or domestic partnership status</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | <ul style="list-style-type: none"> <li>• caring responsibilities</li> <li>• identity of spouse or domestic partner</li> <li>• disability</li> <li>• race, colour, descent, national or ethnic origin</li> <li>• age</li> <li>• political opinion</li> <li>• religion</li> <li>• religious appearance or religious dress</li> <li>• personal association with a person who is identified by any of the listed attributes</li> <li>• social origin</li> <li>• irrelevant medical record</li> <li>• irrelevant criminal record</li> <li>• trade union activity</li> <li>• any combination of the above</li> </ul> <p>These protected characteristics apply in offshore locations unless prohibited by local laws.</p> |
| <b>Sexual harassment</b>       | See <a href="#">Sexual Harassment and Sexual Assault Prevention and Response Policy</a> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Victimisation</b>           | Refers to treating people unfairly because they have used equal opportunity laws. Unlawful victimisation is unfair treatment for complaining about discrimination or harassment or for helping another person to make such a complaint or appearing as a witness when a complaint is being investigated.                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Vilification</b>            | Vilification refers to public acts that incite hatred, serious contempt, or severe ridicule towards a person or group of people because of their race or religion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Gender-based violence</b>   | Defined as any form of physical or non-physical violence or abuse by a person that is underpinned by gender-based power inequalities, rigid gender norms and gender-based discrimination that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty and autonomy                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Intersectional approach</b> | An intersectional approach includes designing, implementing and evaluating prevention, response and support initiatives that recognise that people with one or more protected characteristics – such as gender, race, religion, sexual orientation, or disability – may have experiences of discrimination, harassment, racism, vilification or victimisation that are compounded by having multiple marginalised identities.                                                                                                                                                                                                                                                                                      |

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|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>University community</b>               | <p>For the purposes of this policy, University community includes:</p> <ul style="list-style-type: none"> <li>• Flinders students, including cross-institutional students and students on exchange from another institution</li> <li>• employees and seconded staff</li> <li>• employees of controlled entities, Centres and Institutes, and affiliated clubs and associations</li> <li>• contractors and consultants performing work on University sites or on behalf of the University</li> <li>• visiting academics or persons with academic status</li> <li>• members of Council and its committees</li> <li>• any volunteer in the workplace and study environment.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Whole-of-University model</b>          | <p>Means addressing discrimination, harassment, racism, vilification and victimisation through all levels and mechanisms of the University, including in governance, policies, processes, human resources, data collection, and other practices, and by having consideration to physical locations and ways of working and study within the University.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Work- and study-related activities</b> | <p><u>For students:</u></p> <p>Includes involvement in study or status as a student at the University, including being a resident in student accommodation owned, managed or utilised by the University or its students.</p> <p>This includes activities that take place away from University sites, such as field trips, conferences, Work-Integrated Learning placements, work experience placements, work- and study-related social events, University club and societies and online activities including email, online learning and social media activities.</p> <p><u>For other members of the University community:</u></p> <p>Includes any activities that relate to the performance of a person's duties for the University or participation in University business or activities.</p> <p>This policy also applies to an employee's activities (i.e. conduct) beyond their work duties if:</p> <ul style="list-style-type: none"> <li>• viewed objectively, the conduct is likely to cause serious damage to the relationship between the employee and the University</li> <li>• the conduct damages the University's interests, or</li> <li>• the conduct is incompatible with the employee's duty as an employee.</li> </ul> |

## 8. Related procedures

[Student Complaints Policy](#) and supporting procedures

[Staff Grievances](#) provisions in the University's Enterprise Agreement and associated policy and procedures  
Gender Affirmation Leave, PART 5, 38, [Flinders University Enterprise Agreement](#)

## 9. Resources and Support services

[Equity, Diversity and Inclusion webpages](#) (staff and students)

[Discrimination and harassment webpage](#) (staff and students)

[Safety and Respect at Flinders webpage](#) (staff and students)

Other supports available to **staff** include:

[Employee Assistance Program](#)

[P&C Business Partners](#)

[EO Contact Officers](#)

Principal Adviser, Workplace Relations

[equal.opportunity@flinders.edu.au](mailto:equal.opportunity@flinders.edu.au)

Other supports available to **students** include:

[Student Equal Opportunity Advisor](#)

[EO Contact Officers](#)

## 10. Legislation

This policy complies with the requirements of the following legislation:

- Equal Opportunity Act 1984 (SA)
- Civil Liability Act 1936 (SA)
- Racial Vilification Act 1996 (SA)
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Fair Work Act 2009
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Workplace Gender Equality Act 2012

Where staff or students are located outside South Australia, this policy will apply to the extent that it is compliant with the relevant laws of that jurisdiction.



|                            |                                     |
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| <b>Approval Authority</b>  | Vice-President (Corporate Services) |
| <b>Responsible Officer</b> | Director, People and Culture        |
| <b>Approval Date</b>       |                                     |
| <b>Effective Date</b>      |                                     |
| <b>Review Date*</b>        |                                     |
| <b>Last amended</b>        |                                     |
| <b>CM file number</b>      | CF11/1522                           |

\* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

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