



Version	Approved by	Approval date	Effective date
2.1	Vice-Chancellor and President	7 February 2024	7 February 2024
Policy Statement			
Purpose	This Policy outlines the University’s commitment to ensuring that members of the UNSW community work and study in an environment that is free from unlawful discrimination, harassment and vilification on the grounds of race or religion.		
Scope	This Policy applies to all staff, students and affiliates.		
Policy Provisions			

1. Introduction

UNSW embraces and supports the rich perspectives that UNSW’s cultural, linguistic, and religious diversity brings to our community and to the student and staff experience. UNSW acknowledges and pays respect to the Bidjigal people (Kensington campus), Birpai people (Port Macquarie regional campus), Gadigal people (City and Paddington campuses), Gumbaynggir people (Coffs Harbour regional campus), Ngambri and Ngunnawal peoples (UNSW Canberra), and Wiradjuri people (Albury, Griffith and Wagga Wagga regional campuses) all of whom are the Traditional Custodians of the lands upon which each campus is situated. We acknowledge our Aboriginal and Torres Strait Islander students and staff and recognise the history of racial vilification Indigenous people have faced in workplaces and by institutions across Australia.

UNSW is committed to providing a safe, inclusive and respectful learning and working environment free from racial and religious discrimination, harassment and vilification and to ensuring that the wellbeing of students, staff and affiliates are not unfairly disadvantaged or disrespected because of their race (including colour, nationality, descent or ethnic or ethno-religious or national origin). Racial discrimination, racial vilification and religious vilification are contrary to Australian law.

The experience of racism is often compounded by other forms of discrimination. This Policy acknowledges intersectionality and the importance of taking all forms of discrimination into account in education and awareness programs aimed at eliminating racism in education and employment. This policy aligns with the *Anti-discrimination Act 1977* (NSW) in recognising the confluence between racial and religious discrimination.

This Policy is a reasonable and proportionate response to racial discrimination and religious vilification reported or experienced at UNSW and is considered necessary to give effect to our legal duties, including towards visitors to the University.

Our strong commitment to academic freedom and freedom of speech is reflected in the UNSW Academic Freedom and Freedom of Speech Code of Conduct. UNSW is a place where many different views and opinions are expressed and vigorously debated. We expect those who in good faith engage in these debates will treat others with respect.

2. Principles

2.1. The University rejects racial and religious discrimination, harassment or vilification.

UNSW rejects all forms of racial and religious discrimination, harassment or vilification and is committed to the elimination of this behaviour in all aspects of the UNSW community.

Racial or religious discrimination, harassment or vilification of students, staff or affiliates will not be tolerated. See Section 2.4. for information on reporting.

2.2. UNSW is committed to actively challenging racial and religious discrimination, harassment or vilification, irrespective of how it is expressed.

Racism and racial discrimination can present in different and varied ways, including direct and indirect discrimination, racial vilification, race-based harassment, hostile work or learning environments, lateral violence and casual comments (e.g., microaggressions or “jokes”).

Religious vilification can manifest in various ways. It may involve verbal or written harassment, hate speech, or actions aimed at individuals or groups or communities based upon their religious beliefs.

It is the shared responsibility of the UNSW community to combat racial and religious discrimination, harassment and vilification and challenge such expressions whenever it is safe to do so, irrespective of how they manifest or are intended. Active bystanders can have an especially important role in combatting racism and religious vilification.

It should be noted that a public act, such as speaking, writing, displaying notices and so forth, done reasonably and in good faith for academic, artistic, scientific, research or religious discussion or instruction purposes are not contrary to this policy.

2.3. Education will promote awareness of the impacts of racism and religious vilification

The University has a responsibility to ensure that students, staff, and affiliates are made aware of what constitutes acceptable standards of behaviour within the University and the University’s rejection of racial and religious discrimination, harassment or vilification.

As a global university, our teaching and research culture will foster and develop global citizens who can collaborate with people from all ethnic, cultural, and racial backgrounds to achieve success.

University staff should ensure that academic course design, curriculum content, teaching methodologies, and the student experience are culturally safe, respectful, and inclusive of diverse perspectives, including Aboriginal and Torres Strait Islander knowledges and experiences.

2.4. Making complaints is supported.

All members of the UNSW community are encouraged to speak up if they see or experience racial or religious discrimination, harassment, or vilification.

UNSW manages complaints sensitively and fairly and provides clear reporting pathways for raising concerns and information on seeking support. Complaints or allegations about racial and religious discrimination, harassment or vilification will be handled in accordance with the Complaints Management and Investigations Policy and Procedure.

3. Roles and Responsibilities

The **Division of Equity Diversity and Inclusion** is responsible for implementing and monitoring this Policy and overseeing the steps taken by the University to identify and address racism within the UNSW community.

Managers and supervisors are responsible for ensuring that all staff within their operational area conduct themselves in accordance with this Policy and related documents. Under State and Commonwealth legislation, the University may be held vicariously liable in certain circumstances for substantiated racial discrimination or harassment.

All **staff, students and affiliates** are responsible for ensuring they conduct themselves in accordance with this Policy and related documents.

Accountabilities	
Responsible Officer	Vice-President, Societal Impact, Equity and Engagement
Contact Officer	Pro Vice-Chancellor, Inclusion
Supporting Information	
Legislative Compliance	<p>This Policy supports the University's compliance with the following legislation:</p> <p><i>Anti-Discrimination Act 1977 (NSW)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Discrimination Act 1991 (ACT)</i></p>
Related Documents	<p>Academic Freedom and Freedom of Speech Code of Conduct Code of Conduct Student Code of Conduct Complaint Management Policy Complaint Management Procedure (External) Equity, Diversity and Inclusion Policy Sexual Misconduct Prevention and Response Policy Student Complaint Procedure Student Misconduct Procedure Staff Complaint Procedure UNSW Enterprise Agreements</p>
Superseded Documents	Anti-Racism Policy, v2.0
File Number	2021/030988
Definitions and Acronyms	
Active bystander	Active bystanders may take action to stop the perpetration of a specific incident of violence; reduce the risk of violence escalating and prevent the physical, psychological, and social harms that may result; and strengthen the conditions that work against violence occurring.
Affiliate	Conjoint and visiting appointees; consultants and contractors; agency staff; emeriti; members of University committees; and any other person appointed or engaged by the University to perform duties or functions for the University.
Direct discrimination	Direct discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics.
Indirect discrimination	Indirect discrimination occurs when there is an unreasonable rule or policy that is the same for everyone but has an unfair effect on people who share a particular attribute.
Intersectionality	Intersectionality refers to the ways in which different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation.
Lateral violence	Lateral violence refers to behaviours that include bullying, conflict, and social exclusion, that stem from complex historical, cultural, and social dynamics. It often occurs when people work together to attack or undermine another individual or group, and can be a sustained attack on individuals, families, or groups.
Microaggression	A subtle statement, action, or incident that discriminates against or offends members of a marginalised group. Microaggressions can be intentional or unintentional.
Race	The <i>Anti-Discrimination Act 1977 (NSW)</i> defines race as: Race includes colour, nationality, descent and ethnic, ethno-religious or national origin.

Race-based harassment	Some examples of race-based harassment include ridicule (e.g., name calling, use of derogatory slang, racist jokes), physical or emotional intimidation (e.g., physical threats or abuse, display of threatening or offensive slogans or graffiti).
Racial discrimination	Treating someone less favourably because of their race, colour, descent, national origin, or ethnic origin than someone of a different 'race' would be treated in a similar situation, or to impair that person's human rights or fundamental freedom in any field of public life. It also includes treating someone unfairly if they are a relative, friend or colleague of a particular race. Some examples of racial discrimination include restricted access to services and facilities, restrictive workplace practices (e.g., employment procedures, working conditions), or exclusion from work or study activities.
Racial vilification	<p>A public act that encourages or incites others to hate, have serious contempt for, or severely ridicule a person, or group of people, because of race, colour, nationality, descent or ethnic or ethno-religious or national origin. Public acts include communications that can be seen or heard by the public (eg print, radio, video or online), signs, flags or clothing seen by the public or distributing and sharing information to the public.</p> <p>A public act that threatens or incites violence towards a group of people on the basis of race is a criminal offence that may be referred to the Police.</p>
Racism	<p>Racism can take many forms, such as jokes or comments that cause offence or hurt, name-calling or verbal abuse, harassment or intimidation, or commentary in the media or online that inflames hostility towards certain racial groups. Racism can also take the form of unfair treatment of people because of their race.</p> <p>The <i>Racial Discrimination Act 1975</i> (Cth) makes racism that amounts to discrimination against the law. Racial discrimination occurs when a person is treated less favourably, or not given the same opportunities, as others in a same or similar situation, because of, or substantially because of their race, the country where they were born, their ethnic origin or their skin colour.</p> <p>Racism that is racial hatred can also be against the law, e.g., doing or saying something in public, including in the workplace, classroom, library or online based on the race, colour, national or ethnic origin of a person or group of people, which is likely to offend, insult, humiliate or intimidate.</p>
Religious Vilification	Religious vilification is the act of publicly inciting hatred, serious contempt, or severe ridicule of an individual or a group of individuals based on their religious beliefs or practices, or lack of religious beliefs or practices.
UNSW community	<p>Comprises University students, staff members and affiliates:</p> <ul style="list-style-type: none"> • on UNSW campuses and facilities, including live-in accommodation in virtual spaces (including online forums, communities, and platforms) arranged or facilitated by UNSW or where the virtual space is connected to UNSW study or the student experience • while using UNSW information and communication technology resources • at any premises where research study or work integrated learning is undertaken as part of a UNSW activity including but not limited to placements, internships, exchanges, fieldwork, or other types of practicum • while students or student affiliates are representing UNSW (e.g., at social and sporting events, cultural activities, competitions, conferences), including within student clubs or whilst on exchange • between UNSW student and a UNSW staff and affiliates • at University owned, operated, or affiliated accommodation • at separate legal entities controlled by the University • at Arc@UNSW and associated UNSW student society and club activities.
Vicarious liability	Vicarious liability is when an employer can be legally responsible for acts of discrimination or harassment that occur in the workplace or in connection with a person's employment. Employers can be held vicariously liable for discrimination and harassment that occurs in the workplace, or in connection with a person's employment.

Supporting and reference information	<p>For supporting and reference information regarding racism and religious vilification see:</p> <ul style="list-style-type: none"> • Anti-Discrimination NSW • Anti-Discrimination NSW Religious Vilification • Australian Human Rights Commission – Religion • Australian Human Rights Commission Definition of Key Terms (pdf) • Australian Human Rights Commission know your rights - Racial Discrimination and Vilification • Australian Human Rights Commission Race Discrimination • Five steps to be an active bystander • International Holocaust Remembrance Alliance working definition of antisemitism • Merriam-Webster definition of Xenophobia • The Jerusalem Declaration on Antisemitism • Working Definition of Islamophobia: (A Briefing Paper prepared for the Special Rapporteur on freedom of religion or belief Preparation for the report to the 46th Session of Human Rights Council) (pdf)
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Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	UNSW Council	11 September 1995	11 September 1995	
1.1	Director Equity & Diversity	11 July 2005	11 July 2005	2nd paragraph: legislation amended 2nd dot point under 'Racial Vilification' amended.
2.0	President and Vice-Chancellor	2 September 2021	2 September 2021	Full review
2.1	Vice-Chancellor and President	7 February 2024	7 February 2024	Update to reflect Amendment of the Anti-Discrimination Act 1977 No 48 (2023). Update of 2.4 to reflect new Complaints and Investigations Policy & Procedure Provision of further information to related definitions.