



Version	Approved by	Approval date	Effective date	Next full review
2.0	President and Vice-Chancellor	2 September 2021	2 September 2021	September 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 racial discrimination and harassment.			
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 respects to the Bedegal (Kensington campus), Gadigal (City and Paddington Campuses) and Ngunnawal peoples (UNSW Canberra) all of whom are the Traditional Owners of the lands upon which each campus is situated.

UNSW is committed to providing a learning and working environment free from racial discrimination, harassment, and racial 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 and racial vilification are against 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.

2. Principles

2.1. The University rejects all forms of racism and racial discrimination.

UNSW rejects all forms of racism and is committed to the elimination of racial discrimination in all aspects of the learning and working environment.

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

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

2.2. UNSW is committed to actively challenging racism, 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"). It is the shared responsibility of the UNSW community to combat racism and challenge racist 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.

2.3. Education will promote awareness of racism and its impacts.

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 racism.

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 of racism is supported.

UNSW has a responsibility to manage complaints sensitively and fairly, and to inform staff, students, and affiliates of their options for making complaints. Those who experience racism in any form are encouraged to report the incident(s), and to seek support.

Complaints or allegations about racism will be handled in accordance with the Student Complaints Procedure, Student Misconduct Procedure, Complaints Management Procedure (External), Staff Complaints Procedure and/or the relevant Enterprise Agreement (as appropriate).

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	Deputy Vice-Chancellor, Equity Diversity and Inclusion
Contact Officer	Director, University Diversity & Inclusion
Supporting Information	
Legislative Compliance	This Policy supports the University's compliance with the following legislation: <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>
Related Documents	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 Staff Complaint Procedure UNSW Enterprise Agreements
Superseded Documents	Anti-Racism Policy, v1.1
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</i> (NSW) 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	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. 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.
Racism	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. 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. 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.

UNSW community	<p>Comprises University students, staff members and affiliates:</p> <ul style="list-style-type: none"> • on UNSW campuses and facilities, including the live-in accommodation at Australian Defence Force Academy (ADFA) Canberra • 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	<p>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.</p>

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