

EQUAL OPPORTUNITY POLICY

Preamble

Taking into account the University's core values of providing conducive and friendly workplace environment, continuous improvement of staff professionalism and competence and enforcement of innovative culture and ethical conduct.

Recognizing that the values can be best achieved by providing all staff with equal opportunity to grow, develop and contribute to the University's collective success without discrimination based on certain attributes.

The University hereby formulates for implementation a Policy on Equal Opportunity for staff as stated below:

1. Discriminatory Attributes

The following are the attributes on the basis of which discrimination is prohibited in the areas of activity set out below;

- (a) Age;
- (b) Impairment;
- (c) Marital status;
- (d) Medical condition
- (e) Physical features;
- (f) Political belief or activity;
- (g) Pregnancy;
- (h) Ethnicity
- (i) Religious belief or activity;
- (j) Gender;
- (k) Status as a parent or care-giver;
- (l) Personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

2. Meaning of discrimination

- (a) Discriminatory means direct or indirect discrimination on the basis of an attribute.
- (b) Discrimination on the basis of an attribute includes discrimination on the basis
 - (i) That a person has that attributes or had it at any time, whether or not he or she had it at the time of the discrimination;
 - (ii) Of a characteristic that a person with that attribute generally has;
 - (iii) Of a characteristics that is generally imputed a person with that attribute;
 - (iv) That person is presumed to have that attribute or to have it at any time.

3. **Direct discrimination**

- (a) Direct discrimination occurs if the University or any of its Units treats, or proposes to treat, someone with an attributes less favorably than it treats person or would treat someone without that attribute, or with a different attribute, in the same or similar circumstances.
- (b) In determining whether there is direct discrimination, it is irrelevant:
 - (i) Whether or not that the University or any of its Unit or representative is aware of the discrimination or considers the treatment less favourable;
 - (ii) Whether or not the attributes is the only or dominant reason for the treatment, as long as it is a substantial reason.

4. **Indirect discrimination**

- (a) Indirect discrimination occurs if the University or its Unit imposes, or proposes to impose, a requirement, condition or practice that:
 - (i) Someone with an attribute does not or cannot comply with; and
 - (ii) A higher proportion of people without that attribute, or with a different attribute, do or can comply with; and
 - (iii) is not reasonable.
- (b) Whether a requirement, condition or practice is reasonable depends on all the relevant circumstances of the case, including the:
 - (i) Consequences of failing to comply with the requirement, conditions or practices;
 - (ii) Cost of alternative requirements, conditions or practices;
 - (iii) Financial circumstance of the person on whom it is imposed.
- (c) In determining whether a person indirectly discriminates it is irrelevant whether or not that person is aware of the discrimination.

5. **Motive is irrelevant to discrimination**

In determining whether or not a person discriminates, the person's motive is irrelevant.

6. **Discrimination by acting with others and by not acting**

It is irrelevant whether discrimination occurs by a person:

- (a) acting alone or in association with any other person;
- (b) doing an act or omitting to do an act

7. **Exceptions and exemptions**

This Policy does not prohibit discrimination if an exception recognized in this Policy applies.

8. **When is Discrimination Prohibited?**

Discrimination in employment

(a) **Discrimination against Job Applicants**

The University shall not discriminate against a person:

- (i) in determining who should be offered employment
- (ii) in the terms on which employment is offered to the person
- (iii) by refusing or deliberately omitting to offer employment to the person

(b) **Discrimination against Staff**

The University shall not discriminate against a staff:

- (i) by denying or limiting access by the staff to opportunities for promotion, transfer or training or to any other benefits connected with the employment;
- (ii) by dismissing the employee or otherwise terminating his or her employment, except in accordance with the employees terms of employment and in case of violations of other Policies of the University which provide that a violating staff may be terminated;
- (iii) by denying the staff access to a guidance programme, an apprenticeship training program or occupational training or retraining programme.
- (iv) By subjecting the staff to any other detrimental action

(c) **Exception – Genuine Occupational Requirements**

The University may limit the offering of employment to people of one gender if it is a genuine occupational requirement of the employment that the employees be people of that gender or exclude certain people with impairment (such as albinism) or with a medical condition if there is genuine occupational requirement that such people be excluded.

- (i) Without limiting the generality of the above, it is a genuine occupational requirement to be a person of a particular gender in relation to employment if-
 - (1) the employment can be performed only by a person having particular physical characteristics (other than strength or stamina) that are possessed only by people of that gender; or
 - (2) the employment needs to be performed by a person of that gender to preserve decency or privacy because it involves the fitting of clothing for people of that gender; or

- (3) the employment includes the conduct of searches of the clothing or bodies of people of that gender; or
- (4) the employment is of a nature that people with a particular impairment or medical condition cannot adequately discharge the responsibilities attached to it.

(d) **Exception – special services or facilities**

The University may discriminate against a person on the basis of impairment if-

- (i) In order to participate or continue to participate in, or to derive or continue to derive substantial benefit from, the educational program of the authority-
 - (1) The person requires or would require special services or facilities; and
 - (2) It is not reasonable in the circumstances for those special services or facilities to be provided; or
- (ii) The person could not participate or continue to participate in, or derive or continue to derive substantial benefit from, the educational program even after the provision of special services or facilities.

(e) **Exception – standards of dress and behaviour**

- (i) The University may set and enforce reasonable standards of dress, appearance and behavior for students;
- (ii) Without limiting the generality of what constitutes a reasonable standard of dress, appearance or behavior, a standard must be taken to be reasonable if the Senate has taken into account the views of the school community in setting the standard.

(f) **Exception-Compliance with Laws and Court Orders**

It is not discrimination, nor is this Policy violated, where the University acts or takes any step in order to comply with the laws setting up the University or the general laws which apply to the University or with any order of the court.

9. **Making a Complaint and Handling of Complaints**

- (a) A staff may lodge a complaint of discrimination on the basis of an attribute under this Policy;
- (b) A complaint shall be lodged in the Office of Deputy Vice-Chancellor (Academic & Research) in relation to discrimination regarding academic matters, while it shall be lodged in the Office of the Deputy Vice-Chancellor (Management Services) in relation to complaints by administrative staff of the University.
- (c) No complaint shall be in writing and set out details of the alleged contravention of this Policy in relation to the complainant to enable the authority investigate

- the case and remedy the contravention. Every complaint shall be signed by the complainant;
- (d) No complaint shall be acted upon where it does not provide sufficient details that can support proper investigation of the complaint or where the complaint is vexatious, frivolous, misconceived, or lacking in substance or it involves subject matter that would be more appropriately dealt with in a court of law or where it relates to an alleged act that took place more than 6 months before the complaint is made;
 - (e) The University shall notify a complainant of the receipt of complaint **within two weeks** of lodging the complaint. Where the University declines to entertain a complaint, it shall notify the complainant with 2 months of the receipt of the complaint.
 - (f) A complaint may also be dismissed where a request for better particulars have been made by the University and the complainant fails to supply the particulars within the time stated in the notice.

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