

# Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Governing Policy



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## 1. Purpose of policy

USC has a legal and moral responsibility to ensure that students are not subjected to behaviours or practices that may constitute discrimination, bullying or harassment.

This policy confirms the University's commitment to eliminating behaviour that does not conform with the University's acceptable behaviour standards, and aims to promote the principles of responsible and respectful behaviour to ensure a productive learning, teaching and research environment, and their life as a student.

## 2. Policy scope and application

This policy applies to all students of the University.

## 3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to these procedures and are critical to its effectiveness:

Bullying is repeated and unreasonable behaviour directed towards an individual or a group that creates a risk to health and safety.

Detailed below are examples of behaviours, whether intentional or unintentional, that may be regarded as bullying if they are repeated, unreasonable and create a risk to health and safety. This is not an exhaustive list – however, it does outline some of the more common types of behaviours. Examples include:

- Abusive, insulting or offensive language or comments
- Unjustified criticism or complaints
- Deliberately excluding someone from study-related activities
- Withholding information that is vital for effective study performance
- Denying access to information, supervision, consultation or resources to the detriment of a student
- Spreading misinformation or malicious rumours

Bullying, can be carried out in a variety of ways including through email and text messaging or social media channels; directly or indirectly.

Discrimination, as defined in the Anti-Discrimination Act 1991 (Qld), means to treat an individual less favourably because of an attribute listed in the Act, or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply. Attributes include:

- parental status
- pregnancy
- breastfeeding
- religious belief or activity
- political belief or activity
- relationship status
- sex
- lawful sexual activity
- gender identity
- sexuality
- age
- race, nationality or ethnic origin

APPROVAL AUTHORITY

Council

RESPONSIBLE OFFICER

Vice-Chancellor and President

DESIGNATED OFFICER

Pro Vice-Chancellor (Students)

FIRST APPROVED

10 April 2017

LAST AMENDED

14 July 2017

EFFECTIVE START DATE

15 May 2017

REVIEW DATE

11 April 2022

STATUS

Active

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- disability or impairment
- trade union activity
- family responsibilities
- association with, or relation to, a person identified on the basis of any of the above attributes.

Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, or gender based harassment.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Sexual harassment means any unsolicited, unwelcome and unreciprocated behaviour, act or conduct of a sexual nature that offends, humiliates or intimidates other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault and including but not limited to the following examples:

- inappropriate jokes or comments with sexual connotations
- the display of offensive material
- stares and leers or offensive hand or body gestures
- comments and questions about another person's sexual conduct and/or private relationships
- persistent unwelcome invitations
- requests for sexual favours
- offensive written, telephone or electronic mail or any other electronic means of communication
- unnecessary close physical proximity including persistently following a person
- unwelcome physical contact such as brushing against or touching a person
- denigrating comments regarding a person's gender or sexual preference
- negative behaviours, e.g., intimidation or exclusions related to the sex of the recipient

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

## 4. Principles

4.1 The University is committed to fostering the right of individuals to be free from bullying, discrimination and harassment while engaged in activities undertaken as part of their study and as their life as a student.

4.2 The University will not tolerate bullying, discrimination or harassment under any circumstances and the University will take all reasonable steps to eliminate such behaviours or actions towards students in reference to the USC Student Charter, or by students in accordance with the Student Conduct – Governing Policy.

4.3 The Work Health and Safety Act 2011 (Qld) imposes an obligation on all students (as visitors to a workplace) to take reasonable care of their own health and safety, and to take reasonable care that their acts or omissions do not adversely affect the health and safety of others.

4.4 Bullying, discrimination and harassment may adversely affect the health and wellbeing of students, and may adversely affect a person's access to and/or their participation in educational opportunities provided by the University.

4.5 The University will use educative approaches for the prevention of bullying, discrimination and harassment, ensuring students know their rights and responsibilities, and to encourage the reporting of behaviour that breaches this policy. The University will actively seek to adopt and promote inclusive and non-discriminatory language in all academic programs and in all communications to students, staff and the community.

4.6 Students who believe they are being bullied, harassed or discriminated against may address their concerns through the options for mediation in the initial informal steps of the Student Grievance Resolution – Governing Policy and associated Procedures. Normally decision makers should seek to resolve grievances of this nature through conciliation/mediation between the parties involved. However, there may be circumstances where this initial step is not appropriate.

4.7 If the bullying, harassment or discrimination persists without resolution through conciliation/mediation or more formal grievance processes, the respondent's behaviour may constitute misconduct. The University will take timely and appropriate action through the following procedures:

- in the case of a student making an allegation against a member of staff or other member of the University community – the Staff Code of Conduct – Governing Policy.
- in the case of a student making an allegation against another student – the Student Conduct – Governing Policy and Student General Misconduct – Procedures.

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4.8 As set out in the Student Grievance Resolution – Governing Policy and associated Procedures, the principles of natural justice apply. This means that before a decision is taken, the respondent to a formal grievance (i.e. the person accused of potential misconduct) has the right to:

1. be informed about the nature and content of the issue;
2. be heard;
3. have an unbiased decision maker.

4.9 Grievance resolution is carried out in good faith. A grievance found to be vexatious may be dismissed by the University and may constitute misconduct under the Student Conduct – Governing Policy.

4.10 If bullying, harassing or discriminatory behaviour involves physical assault or the threat of physical assault, it should be reported to USC Security or Police, and support is available through Student Wellbeing.

4.11 The University will not tolerate sexual harassment or sexual assault and will take all reasonable steps to prevent behaviour that does not conform with the University's acceptable behaviour standards. In the event that an incident occurs, the University will provide support to students, who may prefer to make disclosures and/or formal complaints under the Sexual Harassment Prevention (Students) – Governing Policy.

## 5. Authorities/Responsibilities

The following authorities are delegated under this policy:

ACTIVITY	UNIVERSITY OFFICER
Ensuring the maintenance of a study environment which is free from discrimination, bullying and harassment	All staff, students and visitors
Taking all reasonable steps to ensure that students are aware of their rights and responsibilities in regard to discrimination, bullying and harassment, and where to seek information and support in regard to a grievance.	Pro Vice-Chancellor (Students), Director, Student Services and Engagement
Ensuring that, when an allegation of discrimination, bullying or harassment is brought to their attention, that appropriate action to remedy the situation is expeditiously taken.	Managers and supervisors
Monitoring and reporting regularly to the Vice-Chancellor and President on the operation of this policy	Pro Vice-Chancellor (Students) Vice-Chancellor's Equity and Diversity Committee

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#### RELATED DOCUMENTS

Acceptable Use of ICT Resources - Governing Policy  
Acceptable Use of ICT Resources - Procedures  
Anti-Discrimination and Freedom from Bullying and Harassment (Staff) - Governing Policy  
Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Procedures  
Enterprise Risk Management - Governing Policy  
Equity and Diversity - Governing Policy  
Health, Safety and Wellbeing - Governing Policy  
Sexual Harassment Prevention (Students) - Governing Policy  
Social Media - Operational Policy  
Staff Code of Conduct - Governing Policy  
Student Conduct - Governing Policy  
Student General Misconduct - Procedures  
Student Grievance Resolution - Governing Policy  
Student Grievance Resolution - Procedures

#### LINKED DOCUMENTS

Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Procedures

#### SUPERSEDED DOCUMENTS

Anti-Discrimination and Freedom from Harassment - Governing Policy

#### RELATED LEGISLATION / STANDARDS

Anti-Discrimination Act 1991 (Qld)  
Work Health & Safety Act 2011  
Age Discrimination Act 2004 (Cwlth)  
Disability Discrimination Act 1992 (Cwlth)  
Racial Discrimination Act 1975 (Cwlth)  
Work Health and Safety Regulations 2011 (Qld)  
Australian Human Rights Commission Act 1986 (Cwlth)  
Fair Work Act 2009 (Cwlth)  
Sex Discrimination Act 1984 (Cwlth)  
USC Student Charter  
Human Rights Act 2019 (Qld)