

Discrimination and Harassment Policy



Designated Officer: Deputy Vice-Chancellor

Council Approval: C02/88, 26 November 2002

Last Amended:

Related Policies: Equal Opportunity Policy
Code of Conduct for University officers and employees
Enterprise Bargaining Agreement
Student Conduct and Discipline Policy
Student Grievance Policy
Recruitment and Selection Policy
Workplace Health & Safety Policy

Policy

The University is committed to fostering the right of individuals to be free from discrimination and harassment while engaged in activities undertaken as part of their study, employment, or other forms of association with the University of the Sunshine Coast. All members of the University community will be treated with dignity, courtesy and respect in accordance with the codes of conduct for staff and students. Discrimination and harassment will not be tolerated under any circumstances and the University will take all reasonable steps to eliminate discrimination and harassment of or by staff, students, visitors and other members of the University community.

The University will use educative approaches for the prevention of discrimination and harassment, ensuring staff and students know their rights and responsibilities, and to encourage the reporting of behaviour that breaches this policy. Should a complaint of harassment or discrimination arise, the University will sensitively facilitate timely and appropriate action through informal and/or formal conciliatory procedural options.

Definitions

'Conciliation' is the process through which the parties involved in any allegation, with assistance from a neutral person (a conciliator), discuss the issues in order to develop options and consider alternatives with the goal of reaching a consensual agreement or outcome.

'Conciliator' is a trained person appointed by a Responsible Officer to conciliate between the parties in a non-judgemental and independent manner. In some circumstances, an external person may be appointed as a conciliator.

'Discrimination' is to treat an individual less favourably because of an attribute or to impose unreasonable terms or conditions with which individuals with a particular attribute are unable to comply. Attributes are: parental status, pregnancy, religion, political belief or activity, marital status, sex, lawful sexual activity, age, race, impairment, trade union activity, or association with an individual having these attributes.

'Grievance' is a concern or complaint about an act, behaviour, omission, situation or decision, which an individual believes is unfair or unjustified.

‘Harassment’, including workplace harassment, is repeated behaviour, other than behaviour that is sexual harassment, that:

- a. is directed at an individual or group; and
- b. is offensive, intimidating, humiliating or threatening; and
- c. is unwelcome and unsolicited; and
- d. a reasonable person would consider to be offensive, intimidating, humiliating or threatening for the individual or group (*Report of the Queensland Government Workplace Bullying Taskforce - Creating Safe and Fair Workplaces: Strategies to Address Workplace Harassment in Queensland*, March 2002, p.33)

‘Bullying’, defined as workplace harassment in the *Report of the Queensland Government Workplace Bullying Taskforce - Creating Safe and Fair Workplaces: Strategies to Address Workplace Harassment in Queensland* March 2002, is unacceptable at the University. Bullying may consist of one or a variety of behaviours and actions that are unreasonable and offends or harms a person. Bullying may involve:

- behaviour which demeans, humiliates or intimidates either individuals or groups such as rude, foul and abusive language and taunts, including reflections on body size and shape (physical appearance);
- the less favourable treatment of a person by another, beyond that which may be considered reasonable and appropriate practice such as constant unjustified criticisms;
- unwelcome and unreasonable behaviour that creates a hostile, uncomfortable, offensive or ‘charged’ atmosphere leading to stress;
- misuse of relative and / or assumed power such as isolating or excluding persons from various activities, assigning meaningless tasks and/or undermining work performance.

Bullying is not a simple abuse of power from supervisors to subordinate employees: for example, employees or students can bully their supervisors, and bullying can occur between members of an ostensibly equal group.

‘Investigator’ is a person appointed by the Deputy Vice-Chancellor to investigate a formal complaint. In some circumstances, an external person may be appointed as an investigator.

‘Natural Justice’ provides that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right of representation by another person. A decision-maker in relation to the grievance should have no personal interest in the matter and should be unbiased in their decisions.

‘Respondent’ is the person(s) against whom a complaint is made.

‘Responsible Officer’ is the Manager, Human Resources for complaints by or against University staff members, visitors or contractors and the Director, Student Affairs for complaints by or against students.

‘Sexual Harassment’ is any unsolicited, unwelcome and unreciprocated behaviour act or conduct of a sexual nature that embarrasses, humiliates or offends 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 other computer system communications
- 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 sex of the recipient

'Support Officers' are identified members of the University community, trained as required to provide support and advice on options for resolving harassment and discrimination complaints. They will not investigate or conciliate a complaint.