

# Prevention of Discrimination, Bullying, Harassment and Sexual Misconduct Policy



## 1 Purpose

To promote an environment free from Discrimination, Bullying, Harassment and Sexual Misconduct. This Policy outlines the key principles governing the University's approach to preventing and responding to Discrimination, Bullying, Harassment and Sexual Misconduct.

## 2 Scope

This policy applies to all Students and University Members while they are, or have been, engaged in University-related activities on campus, off campus or in the digital environment. The scope of the policy includes conduct or activities that occur at or in connection with, but not limited to:

1. University campuses and study centres
2. University-affiliated Student accommodation
3. University-affiliated clubs and societies
4. managed digital environments
5. conduct and activities related to the University's business that are not conducted on University premises, including:
  - a. field trips
  - b. placements and internships
  - c. conferences
  - d. Student camps
  - e. events and functions.

If reported behaviour does not have the requisite connection to the University, the University will provide support and guidance about accessing relevant support services.

## 3 Policy Statement

*Failure to comply with this Policy or Policy Instrument may be considered as misconduct and the provisions of the relevant Policy or Procedure applied. A hard copy of this electronic document is uncontrolled and may not be current as UniSQ the University regularly reviews and updates its Policies and Policy Instruments. The latest controlled version can be found in the UniSQ's [Policy and Procedure Library](#).*

The University aims to develop and implement a range of prevention, support and response strategies to minimise the risks to the University community of experiencing Discrimination, Bullying, Harassment and Sexual Misconduct.

This Policy aligns with the:

- *Higher Education Standards Framework (Threshold Standards) 2021: Standard 2.2 Diversity and Equity*
- *National Code of Practice for Providers of Education and Training to Overseas Students (2018): Standard 6: Overseas Student Support Services*

## 4 Principles

### 4.1 Prevention principles

Prevention is a shared responsibility that involves everyone. The University:

1. Expects Students and University Members to behave in a way that promotes a safe and inclusive learning and working environment.
2. Will use prevention strategies including education, awareness-raising, provision of information, capacity-building, counselling and other supports to promote respectful behaviour.
3. Encourages and values Active Bystander intervention by Students and University Members to prevent or stop Discrimination, Bullying, Harassment and Sexual Misconduct from occurring or continuing.
4. Expects leaders and managers to champion culture change, to take measures to improve diversity and inclusion, to set clear expectations and to model respectful behaviour in their interactions at work.

### 4.2 Support principles

The University will provide support and advice to Students and University Members affected by Discrimination, Bullying, Harassment or Sexual Misconduct. In doing so, the University will:

1. Respond to reports or disclosures in a manner that is compassionate, timely and supportive, and provide access to specialist support and advice.
2. Prioritise the wellbeing of a Student or University Member disclosing or reporting incidents, underpinned by a “safety for all” approach when responding to any report or

disclosure, when seeking a resolution and when addressing any formal Complaints.

3. Aim to promote a University-wide commitment to following a Trauma-informed response in managing disclosures and reports to minimise further harm or trauma.

### **4.3 Disclosure and reporting principles**

Stronger reporting enhances accountability and responsibility and allows the University to monitor and improve systems and responses. The University:

1. Encourages individuals to report incidents they have experienced or witnessed and provides diverse reporting options, ranging from informal disclosure to anonymous reporting and the lodgment of formal Complaints.
2. Aims to respect the choice of an individual to make a confidential disclosure or to make a report. However, in respect of a confidential disclosure the University may need to take action when there is an unacceptable level of risk of further harm to the individual or to others, or to comply with mandatory reporting obligations such as those prescribed by child safety legislation. The University will inform the individual as soon as possible if it needs to do so.
3. Will not tolerate Victimisation in relation to disclosures or Complaints, or against an individual engaging in Active Bystander intervention.
4. Will carry out the Complaint resolution process in good faith and Complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected if a preliminary investigation of the facts indicates this.

### **4.4 Response principles**

In responding to incidents, the focus will be on the health and wellbeing of the individuals involved, providing support and education and, as far as possible, providing meaningful outcomes for affected individuals. The University will:

1. Respond in a manner informed by the nature of the experience and led by considerations of the needs of the individual who experienced the incident.
2. Take disclosures and reports seriously and investigate where appropriate with reference to the relevant University Code of Conduct and supporting Policies and Procedures.
3. Follow the principles of Procedural Fairness as required.
4. Respond appropriately to suspected perpetrators of Discrimination, Bullying, Harassment or Sexual Misconduct including to ensure they are also treated fairly and

are provided with information about relevant support services.

5. Keep Students or University Members who disclose or report an incident informed of any action taken in relation to their disclosure, report or Complaint and the expected timelines for resolution.
6. Manage Student or Employee misconduct according to the relevant Policies and Procedures, where an allegation of Discrimination, Bullying, Harassment or Sexual Misconduct is proven.

## 4.5 Record-keeping

The University will:

1. Keep appropriate and confidential records of all disclosures and Complaints.
2. Monitor and improve responses.
3. Provide de-identified annual reports to Council detailing outcomes, recommendations, trends, and emerging issues related to this Policy.

## 5 References

Nil.

## 6 Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

## 7 Policy Information

<b>Accountable Officer</b>	Vice-Chancellor
<b>Responsible Officer</b>	Provost Deputy Vice-Chancellor (Enterprise Services) Deputy Vice-Chancellor (Research and Innovation)
<b>Policy Type</b>	Governance Policy
<b>Policy Suite</b>	<a href="#">Student Discrimination, Bullying, Harassment and Sexual Misconduct Response Procedure</a>

<b>Subordinate Schedules</b>	
<b>Approved Date</b>	13/12/2021
<b>Effective Date</b>	13/12/2021
<b>Review Date</b>	13/12/2026
<b>Relevant Legislation</b>	<a href="#">Age Discrimination Act 2004 (Cth)</a> <a href="#">Anti-Discrimination Act 1991 (Qld)</a> <a href="#">Australian Human Rights Commission Act 1986 (Cth)</a> <a href="#">Disability Discrimination Act 1992 (Cth)</a> <a href="#">Disability Services Act 2006 (Qld)</a> <a href="#">Fair Work Act 2009 (Cth)</a> <a href="#">Human Rights Act 2019 (Qld)</a> <a href="#">Public Sector Ethics Act 1994 (Qld)</a> <a href="#">Racial Discrimination Act 1975 (Cth)</a> <a href="#">Sex Discrimination Act 1984 (Cth)</a> <a href="#">Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (Cth)</a> <a href="#">University of Southern Queensland Act 1998 (Qld)</a> <a href="#">Workplace Gender Equality Act 2012 (Cth)</a>
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	<a href="#">Code of Conduct Policy</a> <a href="#">Employee Complaints Policy</a> <a href="#">Employee Diversity and Inclusion Policy</a> <a href="#">Student General Conduct Policy</a> <a href="#">Student Grievance Resolution Policy</a> <a href="#">Students with a Disability Policy and Procedure</a>

<b>Related Procedures</b>	<a href="#">Employee Health and Wellbeing Procedure</a>  <a href="#">Student General Misconduct Procedure</a>  <a href="#">Student Grievance Resolution Procedure</a>
<b>Related forms, publications and websites</b>	<a href="#">Feedback, Complaints and Appeals</a>  <a href="#">Student General Misconduct Procedure Penalty Schedule</a>
<b>Definitions</b>	<p><b>Terms defined in the Definitions Dictionary</b></p> <p><a href="#">Active Bystander</a></p> <p>Anyone who witnesses, or becomes aware of, someone being harassed, bullied, abused, assaulted or discriminated against by another person, and intervenes to potentially prevent an incident or escalation.</p> <p><a href="#">Bullying</a></p> <p>Bullying occurs when a person or group of people repeatedly behaves unreasonably towards a person or group of persons, and that behaviour creates a risk to health and safety.</p> <p><a href="#">Complaint</a></p> <p>A Complaint is an “expression of dissatisfaction made to or about the University, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”.</p> <p><a href="#">Decision</a></p> <p>A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.</p> <p><a href="#">Discrimination</a></p> <p>Occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities.</p> <p><a href="#">Employee</a></p>

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

### [Harassment](#)

Harassment includes, but is not limited to, treating a person less favourably because of a person's characteristic such as their sex, race, age, disability, sexuality, religious or political belief or activity, or some other characteristic protected under anti-discrimination laws. Harassment may include Bullying a person and may also breach human rights legislation.

### [Policy](#)

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.

### [Procedural Fairness](#)

Has the meaning ascribed to it from time to time by the applicable common law of the State of Queensland.

### [Procedure](#)

An operational instruction that sets out the process to operationalise a Policy.

### [Sexual Harassment](#)

Sexual Harassment is any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated, or occurs in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. Sexual Harassment can take many different forms. It can be obvious or indirect, physical or verbal, repeated or one-off, and perpetrated by a person of any gender against people of the same or another gender. Sexual Harassment may include: staring or leering; unnecessary familiarity, such as deliberately brushing up against a person, or unwelcome touching; suggestive comments or jokes; insults or taunts of a sexual nature; intrusive questions or statements about a person's private life; displaying posters, magazines or screen-savers of a sexual nature; sending sexually explicit emails or text messages; inappropriate

advances on social networking sites; accessing sexually explicit internet sites; requests for sex or repeated unwanted requests to go out on dates; behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications. Sexual Harassment is not interaction, flirtation or friendship which is mutual or consensual.

### [Sexual Misconduct](#)

A broad term used to describe a range of isolated or combined behaviours of a sexual nature, used without consent or that are otherwise unwelcome. May include conduct defined as Sexual Harassment or a Sexual Offence.

### [Sexual Offence](#)

Any criminal offence of a sexual nature under the criminal law, including the Criminal Code 1899 (Qld) and the Summary Offences Act 2005 (Qld).

### [Student](#)

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

### [Trauma-informed](#)

A response to Discrimination, Bullying, Harassment, Sexual Misconduct or assault that recognises the impact of trauma and prioritises the physical, psychological and emotional safety of all the parties associated with a disclosure or report.

### [University](#)

The term 'University' or 'UniSQ' means the University of Southern Queensland.

### [University Members](#)

Persons who include: Employees of the University whose conditions of employment are covered by the UniSQ Enterprise Agreement whether full time or fractional, continuing, fixed-term or casual, including senior Employees whose conditions of employment are covered by a written agreement or contract with the University;



members of the University Council and University Committees; visiting, honorary and adjunct appointees; volunteers who contribute to University activities or who act on behalf of the University; and individuals who are granted access to University facilities or who are engaged in providing services to the University, such as contractors or consultants, where applicable.

[Victimisation](#)

Any unfavourable treatment, or threats of unfavourable treatment against a person as a result of their actual or intended involvement in a complaint. Such involvement might include making a complaint or supplying information or producing documents to someone making a complaint. Unfavourable treatment may include adverse changes to their study or work environment, denial of access to resources, opportunities or training, ignoring the person or giving a lower assessment of Student work.

**Definitions that relate to this policy only**

**Keywords**

**Record No**

21/429PL