Student Discrimination, Bullying, Harassment and Sexual Misconduct Response Procedure

1 Purpose

To outline how the University responds to incidents involving Discrimination, Bullying, Harassment and Sexual Misconduct experienced by Students.

2 Scope

This Procedure applies to:

- incidents of Discrimination, Bullying, Harassment and Sexual Misconduct experienced by a Student when that Student is engaged in University-related activities. These activities may be conducted on campus, in transit to or from campus, off campus, in University-managed Student accommodation or online; and
- Students, University Members and other bystanders affected by an incident or disclosure of an incident of Discrimination, Bullying, Harassment or Sexual Misconduct.

3 Procedure Overview

This procedure outlines the University's approach to responding to incidents involving Discrimination, Bullying, Harassment and Sexual Misconduct experienced by Students, including the provision of information and support to all parties who have observed or experienced such behaviours. This includes Complainants, Respondents and any witnesses. Where behaviour occurs outside the application of this Procedure, the University will provide guidance in accessing relevant support services however is unable to investigate and/or substantiate any allegations.

Decisions made by the University under this Procedure will be in accordance with the *Human Rights Act 2019* (Qld).

This Procedure aligns with the:

- *Higher Education Standards Framework (Threshold Standards) 2021:* Standard 2.4 Student Grievances and Complaints
- *National Code of Practice for Providers of Education and Training to Overseas Students (2018):* Standard 10: Complaints and Appeals

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4 Procedures

Employees in the Student Wellbeing team are trained in responding effectively to disclosures of Harassment, Bullying, Discrimination and Sexual Misconduct, and the University recognises that any Student or University Member may be the first person to whom a disclosure is made. Resources and training modules relating to preventing and responding to incidents of Discrimination, Bullying, Harassment and Sexual Misconduct are available on the University's website.

If there is immediate danger or the need for urgent medical attention, the first step is to call University security on 07 4631 2222, or extension 2222 from any University phone.

The University recognises the value of Active Bystander intervention in instances where immediate intervention may prevent harm. The dignity and privacy of the person experiencing the incident needs to be safeguarded. An Active Bystander may contact Campus Security if located on University grounds, or 000 if external to the University campus. If it is safe to do so, an Active Bystander may intervene to restore a safe environment.

Wellbeing and support services are available to Students, including priority counselling appointments for Students affected by Sexual Misconduct. The University also provides free confidential counselling and resources for Employees and their families through the Employee Assistance Program.

4.1 Support and resolution options

The University supports Students who have been affected by Discrimination, Bullying, Harassment and Sexual Misconduct to manage their response on their own terms and choose whichever course of action is best for them at the time, depending on their circumstances and whether they feel safe and confident to do so.

At any time, a Student may seek assistance from a fellow Student or University Member to understand their options. Specialised support services, information, advice and referrals to internal and external services are available to anyone involved.

- The Safer Communities team (07 4631 2372) offers specialist support for matters involving Sexual Misconduct, Domestic and Family Violence, Bullying, Discrimination, Harassment or any unwanted behaviours.
- Individuals may call UniSQ security (07 4631 2222) or emergency services for immediate and urgent support.
- The Student Wellbeing team (07 4631 2372) provides a confidential counselling service, online, face to face or over the phone.

External specialist support services for incidents of Sexual Misconduct can be contacted by

calling the national hotline 1800 RESPECT (1800 737 732).

Supportive measures may include:

- advice on and referral to other specialist support services
- counselling support
- welfare support
- academic support accommodations for affected Students such as rescheduling Assessment Items or withdrawing from Courses without penalty
- educational materials and self-help resources.

The University will also provide appropriate support to a person against whom a disclosure of Discrimination, Bullying, Harassment or Sexual Misconduct is made under the University's policies.

4.2 Informal resolution

4.2.1 Independent resolution

Students may choose to attempt to take steps themselves to informally resolve issues of Discrimination, Bullying or Harassment, where appropriate and safe to do so. While the University encourages affected Students to choose whichever course of action is optimal at the time, it recognises that independent resolution may be inappropriate in circumstances of Sexual Misconduct.

Where the Student feels confident and safe to do so, they can decide to contact the other person involved to tell them that the behaviour is unwelcome and request that it ceases. This can be done verbally or in writing. The other person involved may recognise and cease the inappropriate behaviour, leading to resolution of the incident.

Students can contact the Student Wellbeing team for information and strategies to assist with informal resolution.

4.2.2 Assisted resolution

Where a Student has attempted independent resolution and the other person involved continues the inappropriate behaviour, or where the Student does not feel equipped to deal with the matter themselves, they may seek assistance from the Student Wellbeing team and/or the Safer Communities team. This may result in support to resolve the matter informally or discussion with the Student regarding other available options.

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4.3 Disclosure

A Student may decide not to engage in independent or assisted resolution or may consider this has been insufficient in dealing with the issue and may choose to share or disclose information about their experience to another person.

A Student who discloses may not want to make a formal report and may instead be seeking information about resources and support.

Students who disclose an incident are supported in terms of how they choose to share and the level of detail they are comfortable in sharing.

4.3.1 Verbal disclosure

The Student may choose to verbally share an account of the incident with another person.

A person hearing a disclosure should endeavour to provide a safe and supportive environment for the affected Student to disclose their experience, recognising that they have chosen the circumstances under which to disclose. It is important to remember that the response can have a significant impact on the affected Student's ability to seek further assistance and recover from the trauma.

When responding to a disclosure of Discrimination, Bullying or Harassment, Students and University Members can follow these basic principles:

- Listen without interrupting and show empathy and respect
- Provide information on available support and options to help the Student determine next steps they may wish to take
- Maintain confidentiality
- Look after themselves.

When responding to a disclosure of Sexual Misconduct, Students and University Members can follow these basic principles:

- Determine whether there are any immediate safety or wellbeing concerns for the Student making the disclosure. For time critical support, call emergency services on 000 or UniSQ security on 07 4631 2222
- Listen without interrupting and remain compassionate, respectful and supportive
- Validate the Student's experience by acknowledging their distress

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- Refer to or recommend specialised support (counselling, medical)
- Advise the Student they can share a disclosure online or contact the Student Wellbeing team who will provide information on available support and options to help the Student determine next steps they may wish to take
- Reassure the Student they can access support services without making a formal report
- Contact the Student Wellbeing or Safer Communities team for specialist advice and support, including in assessing the level of risk associated with the incident
- Maintain confidentiality
- Look after themselves.

4.3.2 Online disclosure

The Student may choose to share a disclosure online, providing partial or full details about the incident via the “Share a Concern” portal. Information shared via the portal is confidential and will not be shared without the Student's consent, unless there is an immediate and serious risk to the Student or someone else or, in the case of Sexual Misconduct, the impacted person is under 18 years of age.

An anonymous disclosure is appropriate if the Student does not wish the University to respond to the disclosure but would like a record made of the incident to identify underlying issues, risks or trends.

A Student, University Member or bystander may decide to “Share a Concern” on behalf of the Student, where possible with the consent or knowledge of the Student who has been impacted by the incident. The individual may choose to remain anonymous or keep the Student's identity anonymous.

Following receipt of an online disclosure, unless the disclosure is anonymous, a Student Wellbeing team member will contact the person who lodged the disclosure via the contact details provided in the disclosure and will provide general information on support available at the University and through community services (refer to Section 4.1).

The team member will offer to meet face-to-face, by telephone or virtually with the person who lodged the disclosure to discuss safety plans and personalised support that can be provided, as well as options in relation to next steps, such as reporting to external bodies (refer to Section 4.5).

4.3.3 Protective measures

In addition to any supportive measures and in consultation with all parties, the Associate Provost, or nominee, may implement interim protective measures to minimise further trauma to the Student who experienced the behaviour, ensure their safety, discourage or prevent

Victimisation or retaliation, and prevent further incidents of inappropriate behaviours.

Interim measures do not in any way signal or anticipate the outcome of any University process.

Interim protective measures may include:

- provision of on-campus escorts
- transportation modifications, such as allowing parking in a particular area
- limiting an individual's access to certain University facilities or activities
- facilitating behavioural agreements to change or cease inappropriate behaviours
- work or academic schedule modifications, typically to ensure appropriate separation of those involved, when required.

Advice will be provided to relevant parties of the exact nature of any protective measures, the timeframe including any review dates, and the consequences for not adhering to the protective measures. Violations of protective measures may constitute misconduct and, as such, will be managed under applicable University policies and procedures.

4.4 Making a formal report

Students who wish to ask the University to use its Policies and Procedures to resolve a matter relating to their experience of Discrimination, Bullying, Harassment or Sexual Misconduct should make a formal report through the Student Wellbeing team. Student Wellbeing will:

- provide confidential Trauma-informed support to the Student, including discussing supportive and protective measures; and
- assist the Student to detail the incident and provide options for next steps.

Students may report incidents of Discrimination, Bullying, Harassment or Sexual Misconduct directly to the police or request support from Student Wellbeing to make that report. Further, Students may report incidents of Sexual Misconduct to specialist sexual assault support services. Specialist services can be contacted by calling 1800 RESPECT (1800 737 732).

Students may also lodge an external complaint of sexual assault or sexual Harassment to the Australian Human Rights Commission or the Queensland Human Rights Commission.

A Student's decision to make a report to police will not necessarily preclude the University from investigating or acting in response to the alleged incident however any internal University

process may have to be suspended, pending completion of a criminal process.

The University will not report anything to the police or other external agency without the consent of the complainant Student, except where required by law or where satisfied there is a risk to the health, safety or wellbeing of University Members.

4.5 Responding to reports

When a report is made by a Student, the University will take timely and appropriate action to investigate the alleged incident, applying procedural fairness for all parties, through the following policies and procedures:

- in the case of a Student making an allegation against an Employee or University Member, the Code of Conduct Policy, the Discrimination, Bullying and Harassment Complaints against Employees Procedure and the Disciplinary Action for Misconduct or Serious Misconduct Procedure; or
- in the case of a Student making an allegation against another Student, the Student General Conduct Policy and the Student General Misconduct Procedure.

Where an allegation is made against an individual who is both a Student and an Employee, the matter will be managed according to their role at the time of the alleged incident.

4.6 Anonymous concerns

Anonymous concerns are treated seriously; however, the University may be unable to take further action when the source of the concern is not known.

4.7 University prevention and safety strategies

The University will use a range of prevention and safety strategies that aim to promote a culture that is free from all forms of Discrimination, Bullying, Harassment and Sexual Misconduct.

Resources and training modules relating to preventing and responding to incidents of Discrimination, Bullying, Harassment and Sexual Misconduct are available on the University's website.

4.8 Confidentiality and record keeping

In accordance with the University's Records and Information Management Procedure, the Share a Concern form and all other documentation relating to matters managed under this Procedure will be maintained confidentially on a limited access database. These records are maintained to protect the rights and interests of all parties, explain and justify the actions of the University and

its Employees, and document and explain decision-making of the University.

Records will be disclosed only to those persons who have a right to the information by virtue of their role in the process, or as required by law, or when the University is compelled to disclose details to protect any person from risk to life, health or safety.

Information received as part of a disclosure or complaint will be de-identified and used to monitor trends and systemic issues, improvements, and preventive actions and reported to the University on a regular basis.

5 References

Nil.

6 Schedules

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

7 Procedure Information

Accountable Officer	Deputy Vice-Chancellor (Students and Education)
Responsible Officer	Dean (Students)
Policy Type	University Procedure
Policy Suite	Prevention of Discrimination, Bullying, Harassment and Sexual Misconduct Policy
Subordinate Schedules	
Approved Date	11/7/2024
Effective Date	11/7/2024
Review Date	11/7/2029
Relevant Legislation	*Age Discrimination Act 2004* *Anti-Discrimination Act 1991* *Australian Human Rights Commission Act 1986* *Child Protection Act 1999* (Qld) *Disability Discrimination Act* 1992

	Disability Services Act 2006 (Qld) *Equal Employment Opportunity (Commonwealth Authorities) Act 1987* *Human Rights Act 2019* *Public Interest Disclosure Act 2010* (Qld) *Public Sector Ethics Act 1994* *Racial Discrimination Act 1975* *Racial Hatred Act 1995* *Sex Discrimination Act 1984* *Work Health and Safety Act 2011* (Qld) *Work Health and Safety Regulation 2011* (Qld) *Workplace Gender Equality Act 2012*
Policy Exceptions	Policy Exceptions Register
Related Policies	Academic Freedom and Freedom of Speech Policy Code of Conduct Policy Social Media Policy Student General Conduct Policy
Related Procedures	Employee Complaints Procedure Social Media Procedure Student General Misconduct Procedure
Related forms, publications and websites	Share a Concern portal UniSQ Help and Support Queensland Health Australian Human Rights Commission Queensland Human Rights Commission Queensland Statewide Sexual Assault Helpline

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	1800RESPECT MATE Bystander Program Student General Misconduct Procedure Penalty Schedule
Definitions	**Terms defined in the Definitions Dictionary**
	Active Bystander 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. Bullying 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. Interpretation Rule: Unless context otherwise requires, a reference to 'bullying' (or other grammatical forms of any of this term) wherever appearing in University policy or procedure, and whether or not those terms are capitalised in any such instrument, is taken to include a reference to 'Antisemitism' as defined in the Definitions Dictionary . Discrimination 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. Interpretation Rule: Unless context otherwise requires, a reference to 'discrimination' (or other grammatical forms of any of this term) wherever appearing in University policy or procedure, and whether or not those terms are capitalised in any such instrument, is taken to include a reference to 'Antisemitism' as defined in the Definitions Dictionary . Employee 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. Interpretation Rule: Unless context otherwise requires, a reference to 'harassment' (or other grammatical forms of any of this term) wherever appearing in University policy or procedure, and whether or not those terms are capitalised in any such instrument, is taken to include a reference to 'Antisemitism' as defined in the Definitions Dictionary .

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.

Procedure

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

Racism

A person's race includes their: colour; and descent or ancestry; and ethnicity or ethnic origin; and nationality or national origin. Racism is the process by which systems and policies, actions and attitudes create inequitable opportunities and outcomes for people based on race. Racism occurs when prejudice - whether individual or institutional - is accompanied by the power to discriminate against, oppress or limit the rights of others. The Anti-Discrimination Act 1991 (Qld) makes it unlawful to discriminate against a person because of their race.

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.

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.
	Definitions that relate to this procedure only
Keywords	Active Bystander, Share a Concern, Trauma-informed, supportive measures, protective measures, academic support, counselling, wellbeing
Record No	21/574PL