



## **Bullying, Harassment and Discrimination Policy**

**Version: # 3**

### **Overview**

The College is committed to providing an environment of safety, respect, and inclusion. Any form of bullying, harassment, or discrimination is not tolerated and is a grave breach of College rules. Such behaviours may also be unlawful.

Every student, staff member, resident, and visitor has the right to live, study, and work in an environment that is free from bullying, harassment and discrimination, and a right to be treated with dignity and respect, regardless of gender, sexual orientation, race, religion, disability, social background, or other factor.

All members of the College have a responsibility to ensure that they do not promote or engage in bullying, harassment, or discrimination. Appropriate action will be taken against any student, staff member, resident, or visitor who breaches this Policy.

The College will:

- Take all reasonable precautions to ensure that all members of the College and their guests are not subject to bullying, harassment, or discrimination,
- Provide relevant training to students and to staff to identify and address bullying, harassment, and discrimination,
- Take all reasonable steps to provide an environment in which bullying, harassment, or discrimination does not occur, and
- If bullying, harassment, or discrimination does occur, the College will provide appropriate investigation and remedial procedures.

In the case of harassment constituting sexual harassment, the College's stand-alone *Guidelines for the College Response to Allegations of Sexual Misconduct* will also apply.

### **Application**

This policy applies to all students, staff, and residents of the College, whether on the grounds of the College or elsewhere, and to visitors while on College grounds.

The College's *Bullying, Harassment, and Discrimination Policy* should be read concurrently with other relevant College policies and applicable University rules. These include:

- The St Paul's College *Code of Conduct*
- The St Paul's College *Grievance Procedure*
- The St Paul's College *Hazing and Initiations Policy*
- The St Paul's College *Guidelines for the College Response to Allegations of Sexual Misconduct*
- The University of Sydney's *Bullying, Harassment, and Discrimination Prevention Policy 2015*
- The University of Sydney's *Student Sexual Assault and Sexual Harassment Policy 2018*, and



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- Other College and University policies and rules that relate to student wellbeing and safety.

State and Commonwealth harassment and discrimination law also applies to College students, staff, residents, and visitors. Relevant legislation includes:

- The *Anti-Discrimination Act 1977* (NSW)
- The *Racial Discrimination Act 1975* (Cth)
- The *Sex Discrimination Act 1984* (Cth)
- The *Disability Discrimination Act 1992* (Cth)
- The *Age Discrimination Act 2004* (Cth)

State and Commonwealth anti-bullying law also applies to College members and staff. Relevant legislation includes:

- The *Fair Work Act 2009* (Cth)
- The *Work Health and Safety Act 2011 (NSW)* (and *Regulations*)

### **Definitions and guidance: what is bullying, harassment, and discrimination?**

This Policy adopts the following definitions of bullying, harassment, and discrimination. Additionally, the College has a stand-alone *Sexual Misconduct Policy* that outlines the College's rules and expectations regarding sexual misconduct. The College also has a stand-alone *Hazing and Initiations Policy* which outlines the College's expectations about hazing practices, including hazing practices constituting harassment.

#### *Bullying*

Bullying is unreasonable behavior directed towards a person or group of people that a reasonable person, having regard for the circumstances, would see as unreasonable, and behaviour that is victimising, humiliating, intimidating, or threatening.

Bullying can occur face-to-face, over the phone, via email, text messaging, or social media. Examples include:

- Verbal abuse, threats, or intimidation of a person,
- Swearing at, putting down, or humiliating a person,
- Deliberately excluding or isolating someone,
- Hurtful name calling or insulting jokes, or
- Rumours, gossip, or innuendo.

#### *Harassment*

Harassment is any type of behaviour that:

- the other person does not want, and
- offends, insults, humiliates, or intimidates them, and
- is either sexual, or targets them because of their gender, sexual orientation, race,



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nationality, religion, disability, social background, or other factor, and

- that, in the circumstances, a reasonable person should have expected would offend, insult, humiliate, or intimidate.

Sexual harassment is defined in the College's *Sexual Misconduct Policy*.

There are many types of verbal, non-verbal, and physical behaviours that could amount to harassment. Although harassment is often repeated, or a series of different events, a single action can be enough to amount to harassment. Examples include:

- sexual or suggestive remarks,
- making fun of someone because of their race, disability, age, gender, sexuality, etc.
- spreading rumours about someone's sexual relationships or practices,
- mocking someone's accent or disability,
- repeated, unwelcome invitations to go out with someone,
- obscene, racist, sexist, homophobic, or other types of inappropriate use of phone calls, email, text messages or social networking sites,
- obscene, racist, sexist, or homophobic slogans on t-shirts, hats, or stickers on personal property,
- obscene banners at sports carnivals or sledging in sporting competitions,
- downloading, reproducing, and/or forwarding of pornography, or
- unnecessary physical contact (e.g. pinching, patting, touching, kissing, hugging, or brushing up against a person against their will).

Some types of harassment are also illegal under criminal law. For example:

- indecent, sexual or physical assault of any type (including some forms of initiation rites, displaying the sexual parts of one's body, and unwanted touching of the sexual parts of someone else's body); and
- stalking.

### *Discrimination*

Discrimination is any practice that makes a distinction between individuals or groups so as to disadvantage some people and advantage others. Discrimination may be direct or indirect.

- Direct discrimination is treating any person less favourably because of their sex, race, disability, or other trait, than a person without that characteristic is treated in the same or similar circumstances.
- Indirect discrimination results when a requirement, rule, policy, or practice that appears to treat everyone the same, has a disproportionately unfair impact on particular people or groups of people when it is applied.

### **Reporting bullying, harassment, or discrimination**

The College will support students, staff, residents, and visitors who report, witness, or experience bullying, harassment, or discrimination.

If a person is a victim of bullying, harassment, or discrimination, they should:



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- remove themselves from any instance of bullying, harassment, or discrimination immediately if possible,
- seek support from a Peer Support Leader, Junior Dean, Associate Dean, or trusted friend or staff member
- report the incident to the Vice Warden or Dean of Undergraduates; or Dean of Graduate House as soon as practicable.

The College will:

- be supportive of any person who makes reports about bullying, harassment, or discrimination,
- do all it can to stop the reported activity and ascertain the facts of the alleged activity,
- facilitate the informal procedure for resolution if requested by the complainant,
- investigate the allegation in line with the College's *Grievance Procedure* if the complainant requests formal proceedings,
- take appropriate disciplinary action against anyone found to have engaged in bullying, harassment, or discrimination, and
- take action to prevent future instances of bullying, harassment, or discrimination as far as possible.

Students, staff, residents or visitors who experience sexual harassment should refer to the College's *Guidelines for the College Response to Allegations of Sexual Misconduct* for guidance.

The College also recognises that in instances of serious harassment on campus students or others may also prefer to contact University Security on (02) 9351 3333 or other relevant authorities, including the Police.

### **Informal Procedure for Resolution**

Prior to initiating the *Grievance Procedure*, a complainant may request College facilitation of the Informal Procedure for Resolution.

Informal procedures emphasise resolution rather than factual proof or substantiation of a complaint. This approach involves the complainant dealing with the situation themselves or nominating a person to act on their behalf.

In general, if a resident believes that he has been the victim of bullying, harassment or discrimination he is encouraged to speak to one of the Deans, the Vice Warden, the Junior Deans, Senior Tutor, Chaplain or another member of staff. This is particularly important if:

- the complainant is not sure how to handle the problem themselves, or
- the complainant just wants to talk confidentially about the problem and get some more information about what to do.

An informal approach typically involves the following steps:



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### **Step 1**

The complainant approaches the person whose behaviour is of concern (alleged offender), explains why their behaviour is inappropriate and asks them to stop.

If the complainant does not feel comfortable approaching the alleged offender directly or they have tried this and it has not worked, further steps may be taken.

### **Step 2**

The complainant speaks with the relevant Dean, or the Vice Warden in the case of undergraduates, to discuss options for resolving the matter.

The role of the Dean/Vice Warden is:

- to help the person clarify if the behaviour perceived as offensive may have constituted bullying, harassment or discrimination
- to explain to the complainant the mechanisms of St Paul's complaints procedure within this policy
- to explain to the complainant the confidentiality provisions of the procedures
- to explore possible strategies by which the complainant might resolve the difficulty e.g. Dean speaks directly to alleged offender(s), or facilitates a discussion between the complainant and the alleged offender(s) or arranges mediation between the parties (only if appropriate).

During the informal procedure, the Dean or Vice Warden may recommend that the matter be formally investigated. The complainant may request a formal investigation at any time.

### **Formal Investigation**

Upon request of formal investigation by the complainant, or the recommendation of the same by the relevant Dean or Vice Warden, the *Grievance Procedure* will be initiated.