

Context

This Policy supports NSWHE's commitment to providing a safe and respectful environment free from all forms of discrimination, bullying and sexual harassment.

Definitions

Affiliate: any person appointed or engaged by NSWHE to perform duties or functions for the college other than students and staff, and including members of advisory committees and governing bodies, contractors, consultants, and agency staff.

Bullying: when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing.

Discrimination: treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability.

Sexual harassment: unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated – it can be physical, spoken or written and doesn't have to be repeated.

Victimisation: subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation.

Scope

This Policy applies to NSWHE students and staff, including affiliates.

Policy Principles

The key principles informing this Policy are:

- zero-tolerance toward discrimination, bullying, harassment, and victimisation;
- confidential resolution process;
- merit-based processes;
- support for students and staff to report discrimination, bullying, harassment, and victimisation; and
- procedural fairness in making decisions which could affect students' and staff's interests.



Policy Details

Students and staff are made aware of behaviours that could constitute discrimination, bullying, harassment, and victimisation and how to respond to these behaviours if observed during orientation and induction, respectively, and receive regular reminders and updates.

Evidence-based education programs and campaigns on sexual harassment are regularly conducted, covering the following topics: harassment and consent, sexual ethics, bystander intervention, responding to disclosures, myths around sexual violence.

Staff are made aware of the confidentiality and privacy requirements of complaint handling during induction and that it is unacceptable to talk with other staff members, students or suppliers about any complaint of discrimination or harassment.

Students and staff are entitled to confidential, professional counselling and/or support. Depending on the type of service, students may either benefit from in-house professional service or receive assistance from Student Services for arranging free external counselling services. Staff may also benefit from in-house resources or an external service, such as employee assistance program.

Students should promptly report conduct constituting discrimination, bullying, harassment, or victimisation to the designated contact officer.

Staff should promptly report conduct constituting discrimination, bullying, harassment, victimisation or a breach of privacy to the designated contact officer.

NSWHE has integrated the requirements of this Policy in other policies and procedures to ensure merit-based decisions and the provision of equal opportunities to students and staff.

All complaints made to NSWHE on discrimination, bullying, harassment or victimisation are handled through the relevant Complaints and Appeals Procedure, which can be accessed from the NSWHE website.

Students or staff members who feel have been treated unfairly under this Policy may lodge a complaint or appeal with the Anti-Discrimination Board of NSW, the Australian Human Rights Commission or Fair Work Australia (for staff members only).

Breaches

If a student or staff member is found to be in breach of this Policy, she or he may be subject to disciplinary action in accordance with the relevant Code of Conduct and Misconduct Procedure, which can be accessed from the NSWHE website.



Appeals

Appeals concerning any decision taken in relation to this Policy should be made under the relevant Complaints and Appeals Policy, which can be accessed from the NSWHE website. Overseas students may lodge an appeal with the Overseas Students Ombudsman.

References

Sex Discrimination Act 1984 (Cth)

Racial Discrimination Act 1975 (Cth)

Disability Discrimination Act 1992 (Cth)

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

International Covenant on Civil and Political Rights

Australian Human Rights Centre, On Safe Ground: Strengthening Australian university responses to sexual assault and harassment. A good practice guide for Australian universities.

Universities Australia, Respect. Now. Always.

Acknowledgements

In developing this Policy, NSWHE acknowledges:

Australian Human Rights Commission's Workplace discrimination and harassment policy template;

Australian Human Rights Commission, What is bullying? Violence, Harassment and Bullying Fact sheet;

Department of Education and Training, Factsheet: Standard 6: Student Support Services;

Higher Education, Discrimination, Bullying and Harassment Prevention Policy.