

Discrimination and Sexual Harassment Prevention and Management Policy

Section 1 - Purpose / Objectives

- (1) Victoria University has established this policy in recognition of its commitment to equal opportunity. It gives effect to the University's commitment, as an employer and tertiary institution, to take all reasonable steps to eliminate discrimination, sexual harassment, vilification and victimisation of, or by, students and staff.
- (2) This policy states the University's commitment to the objectives of the Victorian Equal Opportunity Act 2010, which are to:
- a. eliminate discrimination, sexual harassment and victimisation to the greatest possible extent;
 - b. encourage the identification and elimination of systemic causes of discrimination, sexual harassment and victimisation; and to
 - c. promote and facilitate the progressive realisation of equality, as far as reasonably practicable.

Section 2 - Scope / Application

- (3) This policy applies to:
- a. all staff across the University, on all domestic and offshore locations, including student residences, and while engaged in all work-related activities such as conferences and work-sponsored social occasions;
 - b. all contractors and consultants performing work on University sites or on behalf of the University;
 - c. all onshore and offshore students enrolled in any University program, including students with provisional enrolment status and people whose enrolment or provisional enrolment was completed or terminated within the six months prior to the bringing of their complaint under this policy;
 - d. visiting academics, honorary, adjunct and exchange staff;
 - e. the Council and its committees;
 - f. any volunteer in the workplace and study environment.
- (4) People who work on a University site, but are not University staff or students, must abide by this policy while on site.
- (5) This policy does not allow for a complaint by a person who is not a staff member or student of the University. However, the University will take all reasonable steps to successfully resolve matters that arise in these circumstances.

Section 3 - Definitions

- (6) Nil

Section 4 - Policy Statement

(7) The University is committed to providing a work and study environment that is characterised by respect and collegiality and is free of unlawful discrimination, harassment, sexual harassment, vilification and victimisation. Therefore, all staff and students are expected to behave in a manner which is consistent with this policy, reflects the values of the University and contributes to a positive and inclusive workplace and study environment.

(8) The University will work towards the elimination of discrimination on the basis of the following protected attributes:

- a. race, colour, national or ethnic origin, descent, nationality;
- b. sex, gender identity, lawful sexual activity, sexual orientation, and intersex status;
- c. marital status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, status as a parent or carer;
- d. religious or political belief or activity, employment activity, industrial activity, irrelevant criminal record; age, physical features, disability (past, present or imputed), medical record; and
- e. personal association with a person who is identified by reference to any of the above listed attributes.

(9) The following principles apply to the University's handling of complaints of discrimination and harassment.

Positive Duty

(10) VU recognises its positive duty to ensure that those with control make themselves aware of the potential for unlawful discrimination, sexual harassment, vilification and victimisation to occur and to put controls in place to prevent them.

(11) The University reserves the right to act to address any potential incidents of unlawful discrimination and sexual harassment, including the conducting of an investigation.

(12) Indications that such behaviour might be occurring may include, but are not limited to:

- a. Complaints (note that these do not need to be formal complaints; once a leader becomes aware of the potential they have an obligation to act).
- b. High turnover of staff.
- c. Increased levels of sick leave.
- d. Conflict —People that suddenly become withdrawn or who are isolated.
- e. The existence of rude or inaccurate rumours about any person.
- f. Evidence of interference with another's work.

Procedural fairness

(13) The complaint resolution process will be fair. Those involved in the process must not be biased or affected by conflict of interest, and must act fairly and impartially. Respondents must be given an opportunity to know the case against them and to be heard.

Confidentiality

(14) Confidentiality will be maintained wherever possible in the handling of complaints of discrimination and harassment.

Vexatious complaints

(15) Where appropriate, proportionate steps will be taken to address complaints taken under this policy that

subsequently prove to be vexatious or frivolous in nature and intent. This may include disciplinary action if warranted.

Self-managed resolution

(16) Any person who claims to have experienced unlawful discrimination, harassment, sexual harassment, vilification and victimisation is encouraged to discuss the problem directly with the other party if this is appropriate and possible in all the circumstances.

Protection against victimisation

(17) People making complaints will not suffer adverse consequences or reprisals from the University as the result of making a complaint. If victimisation occurs, the University will take steps to address it.

Breaches of this policy

(18) All reports of behaviour described in this policy will be treated seriously, in accordance with the Procedure.

(19) The consequences for substantiated breaches of this policy will depend on the seriousness of the case. Outcomes may include disciplinary action in accordance with the relevant industrial instrument for staff or [Student Misconduct Regulations](#) (for students).

(20) Disciplinary action may also be taken against anyone who retaliates against or victimises a person who has made a complaint.

Section 5 - Procedures

(21) See [Discrimination, Sexual Harassment and Bullying Prevention and Management Procedure](#).

Section 6 - Guidelines

(22) Accessibility Action Plan for Students 2016-2020

Status and Details

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