

Discrimination and Harassment Prevention and Management Policy

Section 1 - Summary

(1) This Policy affirms Victoria University's (VU) commitment to providing a work and study environment that is characterised by respect and collegiality and is, as far as possible, free of unlawful discrimination and harassment.

(2) The Policy:

- a. Explains unlawful discrimination and harassment.
- b. Clearly states expectations of all members of the University community.
- c. Provides a mechanism for addressing allegations of unlawful discrimination and harassment.

Section 2 - Accountability

Accountable/Responsible Officer	Role
Accountable Officer	Vice-President, People and Culture
Responsible Officer - for Students	Director, Student Services
Responsible Officer - for Staff	Senior Manager, Workplace Relations

Key Decision-making powers under the Policy (if applicable)

(Delegated) Power	Role
n/a	n/a

Section 3 - Scope

(3) This Policy applies to:

- a. all staff across the University, in 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 or registered in any University program, whether Award or Non-Award, including:
 - i. students with provisional enrolment status; and
 - ii. people whose studies were completed or terminated within the six months prior to the bringing of their complaint under this Policy, provided that the matter to which the complaint relates occurred during the course of their enrolment;

- 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 perform work on a University site, but are not University staff, contractors, visitors or students, must abide by this Policy while on site. The relevant University staff responsible for engaging the services will ensure that the service provider is fully informed of their responsibilities under this Policy.

(5) This Policy does not allow for a complaint by a person who is not a staff member, contractor, student, former student or of the University. However, the University will take all reasonable steps to successfully resolve matters that arise in these circumstances via its [Public Complaints Policy](#) and associated processes.

Section 4 - Definitions

(6) Direct Discrimination

(7) Harassment

(8) Indirect Discrimination

(9) Protected Attributes

(10) Staff

(11) Student

Section 5 - Policy Statement

(12) At VU, you have a right to:

- a. work and study in an environment free from unlawful discrimination and harassment;
- b. be respected and valued regardless of your personal characteristics or background.

(13) You have a responsibility to:

- a. avoid any behaviour that may be unlawfully discriminatory or harassing;
- b. treat fellow students and colleagues with dignity and respect;
- c. if a disclosure of discrimination or harassment is made by a person aged under 18 years, report the matter using the Child Safety Reporting Process under the [Safety and Welfare of Children and Young People Policy](#) (this is mandatory).

Part A - What is Discrimination?

(14) Discrimination may be direct or indirect.

- a. Direct discrimination occurs when you treat, or propose to treat, someone with a protected personal characteristic unfavourably because of that personal characteristic.
- b. Indirect discrimination occurs when you impose an unreasonable requirement, condition or practice that disadvantages a person or group because of a protected characteristic.

(15) Discrimination on the basis of protected characteristics is unlawful under the Equal Opportunity Act (Vic) 2010. If you engage in behaviour that constitutes discrimination, you not only put the University at risk of liability, but also expose yourself to possible legal action.

(16) Not all discrimination is unlawful. Discrimination on the basis of a reasonable difference that is not a personal protected characteristic may be both lawful and necessary. For example, you may reasonably discriminate:

- a. between employment applicants, on the basis of skills, experience and employment background, in making hiring decisions; or
- b. between potential students, on the basis of demonstrated educational attainment or aptitude, in making offers of admission.

Part B - What is Harassment?

(17) Harassment occurs when a person or group engages in systematic and/or continued unwanted and annoying actions, including threats and demands.

(18) Harassment may be sexual or non-sexual in nature. Sexual harassment is dealt with at VU under the [Sexual Harassment Response Policy](#).

(19) Harassment may take multiple forms and have a variety of motivations. Common forms of harassment seen within, or associated with, a workplace and study environment include:

- a. Stalking;
- b. Badgering of colleagues or other staff or students;
- c. Use of belittling, aggressive or threatening language;
- d. "Hazing" (this may also be bullying if the behaviour is repeated);
- e. Threats to a person's employment, status at work or study, or professional reputation.

(20) Harassment may or may not have a discriminatory basis. It is possible for a person to engage in harassment which is not connected with a protected attribute, and is therefore not unlawfully discriminatory, but this behaviour is nonetheless not tolerated.

Part C - Protected Attributes

(21) Discrimination is unlawful if it is based on one of the following protected personal attributes:

- a. age;
- b. breastfeeding;
- c. employment activity;
- d. gender identity;
- e. disability;
- f. industrial activity;
- g. lawful sexual activity;
- h. marital status or relationship status;
- i. parental status or status as a carer;
- j. physical features;
- k. political belief or activity;
- l. pregnancy;

- m. race;
- n. religious belief or activity;
- o. sex;
- p. sexual orientation;
- q. an expunged homosexual conviction;
- r. intersex status;
- s. personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Part D - VU's Commitment

(22) VU recognises its duty to ensure that people in positions of responsibility make themselves aware of the potential for unlawful discrimination, harassment, vilification and victimisation to occur and to put controls in place to prevent them.

(23) For this reason, VU reserves the right to act to address any potential incidents of unlawful discrimination or harassment, including by conducting an investigation, even if no complaint has been made.

Part E - Breaches of this Policy

(24) VU treats all allegations of unlawful discrimination and harassment as serious matters.

(25) In addressing allegations of unlawful discrimination and harassment:

- a. VU will exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially.
- b. Confidentiality will be maintained wherever possible in the handling of complaints of discrimination.

(26) People making complaints should not suffer adverse consequences or reprisals from VU or any of its staff as the result of making a complaint. If victimisation occurs, VU will take steps to address it.

If you have been discriminated against or harassed

(27) If you experience unlawful discrimination or harassment at VU, you are strongly encouraged to report the matter. You may choose to:

- a. Address the issue directly with the person who you believe has discriminated against or harassed you, if you feel comfortable to do so.
- b. Seek advice from your manager or a People and Culture adviser (if you are a member of staff) .
- c. Seek advice from student advisers (if you are a student).

(28) After, or instead of, pursuing the options outlined in (27), you may choose to lodge a complaint.

(29) The processes for lodging a complaint, and the methods through which matters are explored and resolved, are detailed in the [Staff Complaints Resolution Policy](#) and [Staff Complaints Resolution Procedure](#).

If an allegation is made that you have discriminated against or harassed a person or group

(30) If an allegation is made against you, VU will address the matter as detailed in the [Staff Complaints Resolution Policy](#) and [Staff Complaints Resolution Procedure](#). The expectations of you, and your rights in the process, are

explained in that procedure.

(31) You will be given an opportunity to know the case against you and have the opportunity to respond to allegations made.

(32) The consequences for substantiated breaches of this Policy will depend on the seriousness of the case. Outcomes for you will include:

- a. disciplinary action in accordance with the relevant industrial instrument (for staff);
- b. disciplinary action in accordance with the [Student Misconduct Regulations 2019](#) (for students).

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

If you make a vexatious complaint

(34) A vexatious complaint is where a groundless complaint is lodged to cause harm to, or harass, the respondent.

(35) If VU has reasonable grounds to regard a complaint as vexatious, it may decline to investigate the matter.

(36) If you make a vexatious complaint, outcomes for you may include:

- a. disciplinary action in accordance with the relevant industrial instrument (for staff);
- b. disciplinary action in accordance with the [Student Misconduct Regulations 2019](#) (for students).

Section 6 - Procedures

(37) [Student Complaints Resolution Procedure](#)

(38) [Staff Complaints Resolution Procedure](#)

Section 7 - Guidelines

(39) Nil.

Status and Details

Status	Historic
Effective Date	31st May 2018
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Accountable Officer	Lisa Line Deputy Vice-Chancellor Enterprise and Digital Lisa.Line@vu.edu.au
Responsible Officer	Simone Wright Chief Human Resources Officer 9919 5447
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Glossary Terms and Definitions

"Student" - - a person enrolled at the University in a course leading to a degree, diploma, certificate, licence or other award; or - a person whose study performance is being or is to be assessed by the University, notwithstanding that such a person is not enrolled at the University in a course leading to a degree, diploma, certificate, licence or other award. (The above definition of student is from section 3 of the Victoria University Act 2010 and Council Resolution C2010 - 070).

"Staff" - Staff means: - all employees of 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; - all contractors and consultants performing work on University sites or on behalf of the University; - visiting academics, honorary, adjunct and exchange staff; - the Council and its committees; and - any volunteer in the workplace and study environment.

"Direct Discrimination" - Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected attribute unfavourably because of that attribute.

"Harassment" - The act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. Harassment includes actions such as stalking.

"Indirect Discrimination" - Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice: that has, or is likely to have, the effect of disadvantaging persons with a protected attribute; and that is not reasonable.

"Protected Attributes" - Personal attributes, on the basis of which discrimination is unlawful. These are as listed in Section 6 of the Equal Opportunity Act 2010.