Discrimination and Harassment Prevention and Management Policy

Section 1 - Summary

(1) The purpose of this Policy is to affirm Victoria University's (VU) commitment to providing a work and study environment that is respectful and collegiate and is, as far as possible, free of discrimination and harassment.

(2) This Policy:

a. Explains what is and what is not unlawful discrimination and harassment.
b. Confirms that unlawful discrimination and harassment will not be tolerated by VU.
c. Clearly states expectations of all members of the VU community in relation to unlawful discrimination and harassment.
d. Sets out how VU will address allegations of unlawful discrimination and harassment.

Section 2 - Accountability

Accountable/Responsible Officer	Role
Accountable Officer	Deputy Vice-Chancellor Enterprise and Digital
Responsible Officer – for Students	Chief Wellbeing Officer
Responsible Officer – for Staff	Chief People Officer

Section 3 - Scope

(3) This Policy applies to members of the VU community, including all:

a. Staff;
b. 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.

(4) This Policy applies in relation to all interactions with or discussion about other members of the VU community, be it through phone, email, text messaging or social media.

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

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

(7) The examples provided in each section of this Policy are intended as indicative, not comprehensive.

Section 4 - Policy Statement

(8) VU does not tolerate any form of discrimination or harassment by, or of, any member of the VU community.

(9) 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.

(10) You have a responsibility to:

a. avoid any behaviour that may be unlawfully discriminatory or harassing;
b. treat all students and/or colleagues with dignity and respect;
c. if you become aware of any 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?

(11) Discrimination can be either direct or indirect:

a. Direct discrimination occurs when you treat, or propose to treat, someone unfavourably because they have one or more of the protected attributes set out in Part B below.
b. Indirect discrimination occurs when you impose an unreasonable requirement, condition or practice that disadvantages a person or group because of a protected attribute as set out in Part B below.

(12) Discrimination on the basis of a protected attribute is unlawful and in breach of this Policy. If you engage in behaviour that constitutes discrimination, you not only put VU at risk of liability, but also expose yourself to possible legal action.

(13) 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 - Protected Attributes

(14) It is unlawful to discriminate against a person 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. profession, trade or occupation;
n. race;
o. religious belief or activity;
p. sex;
q. sex characteristics;
r. sexual orientation;
s. an expunged homosexual conviction;
t. a spent conviction;
u. intersex status;
v. personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.
w. subjection to family violence.

Part C - What is Harassment?

(15) Harassment is behaviour or conduct that is unwelcome and unsolicited, that makes an individual feel offended, intimidated, or humiliated.

(16) Harassment may be sexual or non-sexual in nature. Sexual harassment is dealt with at VU under the Gender-based Violence Policy.

(17) Harassment may take multiple forms and have a variety of motivations. It can be a single incident, a series of incidents or an ongoing pattern of behaviour and can be perpetrated by individuals or groups of people.

(18) 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.

(19) 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 by VU.

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Part D - Vilification and Victimisation

(20) Vilification is a form of unlawful discrimination which is public behaviour that incites or encourages hatred against, contempt for, revulsion or severe ridicule of a person or group of people on the basis of one of above personal attributes.

(21) Victimisation occurs when a person subjects or threatens to subject a person to detriment because they have made a complaint or are involved in a complaint process relating to this Policy or other policies of VU.

(22) Examples of victimisation include:

a. Excluding or isolating a person because they have made a complaint.
b. Failing to promote a staff member because they have made a complaint.
c. Treating a person unfairly because they have made a complaint.

(23) You must not retaliate or subject other members of the VU community to a detriment because they have raised genuine complaints of unacceptable behaviour under this Policy or other policies or guidelines.

Part E - VU's Commitment

(24) 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.

(25) 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 F - Breaches of this Policy

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

(27) 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.

(28) 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

(29) 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).

(30) After, or instead of, pursuing the options outlined in clause (29), you may choose to lodge a complaint.

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(31) The processes for lodging a complaint, and the methods through which matters are explored and resolved, are detailed in the Complaints Policy and Complaints Procedure (Staff) or Complaints Procedure (Student and Public).

(32) Discrimination or Harassment may also occur at the same time as Sexual Harassment or Bullying. Please refer to the Bullying Prevention and Management Policy and Gender-based Violence Policy for further information.

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

(33) If an allegation is made against you, depending on the nature and severity of the alleged conduct, VU will address the matter either as detailed in the Complaints Policy and Complaints Procedure (Staff) or Complaints Procedure (Student and Public) or through the applicable industrial instrument. The expectations of you, and your rights in the process, are explained in those procedures.

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

(35) The consequences for substantiated breaches of this Policy will depend on the seriousness of the case. Outcomes 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).

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

If you make a vexatious complaint

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

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

(39) If you make a vexatious complaint, outcomes 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 5 - Procedures

(40) Nil.

Section 6 - HESF/ASQA/ESOS Alignment

(41) HESF: Standard 2.2 Diversity and Equity; 2.3 Wellbeing and Safety; 2.4 Student Grievances and Complaints; 6.1.4 Corporate Governance

(42) Outcome Standards for NVR Registered Training Organisations 2025: Standard 2.5 Diversity and Inclusion; Standard 2.6 Wellbeing. Compliance Standards for NVR Registered Training Organisations and FPP Requirements 2025: Standard 20 Compliance with Laws.

(43) National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth): Standard 5

Younger overseas students, 6 Overseas student support services.

Section 7 - Definitions

(44) Direct Discrimination

(45) Harassment

(46) Indirect Discrimination

(47) Protected Attributes

(48) Race

(49) Staff

(50) Student

Status and Details

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Accountable Officer	Lisa Line Deputy Vice-Chancellor Enterprise and Digital Lisa.Line@vu.edu.au
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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.

"Race" - As defined in the Equal Opportunity Act 2010 (Vic), Race includes— (a) colour; (b) descent or ancestry; (c) nationality or national origin; (d) ethnicity or ethnic origin; (e) if two or more distinct races are collectively referred to as a race— (i) each of those distinct races; (ii) that collective race.

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