

Sexual Assault, Harassment, Discrimination, Victimisation and Bullying Policy (GC)

Queensland Institute of Business Technology Pty Ltd

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Document

Document Name	Sexual Assault, Harassment, Discrimination, Victimisation and Bullying Policy (GC)
Brief Description	Griffith College is committed to promoting a respectful and inclusive community that is free sexual assault, discrimination, harassment (including sexual harassment), victimisation and bullying. This Policy recognises the right of all students and staff to work and study in an environment free from sexual assault, unlawful discrimination, harassment, sexual harassment, victimisation and bullying.
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Date	Version No.	Summary of Changes	Reviewer Name and Department/Office
10.03.2021	7	Updated to reflect reporting methods	Director, Student and Academic Services
10.08.2022	8	New template with RASCI populated and process for making a complaint	Quality & Compliance Manager

Related Documents

Name	Location
Student Code of Conduct	Policy HUB
Student Complaints & Appeals Policy	Policy HUB
Staff Grievance Policy	Policy HUB
Reporting and Disclosing Flowchart	Document Library
Critical Incident Policy	Policy Hub

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1 Purpose and Scope

1.1 Introduction

This Sexual Assault, Harassment, Discrimination, Victimization and Bullying Policy sets out the approach of Griffith College relating to the management of sexual assault, harassment, discrimination, victimisation and bullying.

1.2 Purpose

The purpose of this Policy is to promote a respectful and inclusive community that is free from sexual assault, discrimination, harassment (including sexual harassment), victimisation and bullying. The College recognises the right of all students and staff to work and study in an environment free from sexual assault, unlawful discrimination, harassment, sexual harassment, victimisation and bullying whether on campus, in person or on-line. The term 'complaint' in this policy refers to grievance, concern, problem or difficulty whereas 'report or disclosure' refers to a piece of information describing an account of certain events presented either verbally or in writing.

1.3 Scope

The College has an obligation as a Higher Education Provider and therefore a responsibility to satisfy State and Commonwealth Anti-Discrimination legislation requirements, and this policy should be read in conjunction with relevant legislation.

2 Policy Statement

2.1 Principles and Objectives

The College acknowledges that its staff and students represent a diverse mix of gender, age, ethnic background, religious and political beliefs, physical and intellectual ability, domestic arrangement, and other diverse characteristics. The College values these differences and aims to create a teaching and learning environment in which all can work and study free from sexual assault, discrimination, harassment (including sexual harassment), bullying and victimisation.

The sexual assault, harassment (including sexual harassment), bullying of, or unlawful discrimination against staff or students by any member of the teaching and learning environment is unacceptable, against the law and contrary to the educational and employment policies of the College.

All forms of sexual assault, harassment (including sexual harassment), victimisation, bullying and unlawful discrimination are of concern as the behaviour may:

- create an intimidating, hostile, offensive or distressing work or study environment;
- adversely affect the performance of individual staff or students;
- adversely affect a person's admission into a program or progress within a program;
- adversely affect an individual's recruitment, level of appointment, promotion and progress opportunities;
- adversely affect an individual's access to and participation in the range of educational opportunities, support services, social and recreational facilities provided by the College;
- adversely reflect on the integrity and standing of the College;
- cause the College as an employer and an educational institution to be exposed as being vicariously liable.

In fulfilling its commitment to eliminate harassment (including sexual harassment), bullying and unlawful discrimination from the teaching and learning environment, the College, with the cooperation of all members of the teaching and learning environment, will implement the activities outlined in the Equal Opportunity and Diversity Policy.

2.2 Responsibilities and Commitments

The College has a legal responsibility to take reasonable steps to prevent sexual assault, discrimination, harassment (including sexual harassment), victimisation (including retaliation and

reprisal) and bullying from happening in the teaching and learning environment. This involves informing employees and students about sexual assault, harassment, victimisation and bullying, putting in place this policy, implementing grievance procedures and ensuring compliance by all members of the teaching and learning environment.

The College Director and Principal, together with all staff, is responsible for supervising the management of these initiatives, which include:

- promoting and encouraging awareness, understanding and appreciation of the differences that exist amongst cultural groups and acknowledging and celebrating the breadth of experience and resources that people from diverse backgrounds bring to the College;
- recognising the responsibility of educational institutions to redress disadvantage and to overcome exclusion, bigotry, ethnocentrism, sexism, prejudice and racism;
- respecting and protecting the rights of students and staff to study and work in a discrimination and harassment-free environment;
- actively encouraging appropriate behaviour by those in positions of authority, that is, supervisors, managers and teaching staff;
- promptly, effectively and confidentially addressing complaints, reports or disclosure of sexual assault, discrimination, harassment, sexual harassment and bullying;
- providing appropriate and effective processes, structures and resources to prevent and address issues of sexual assault, harassment, sexual harassment, bullying and unlawful discrimination;
- ensuring that College policies and procedures are not directly or indirectly discriminatory.

The College will ensure that:

- staff, students and members of the teaching and learning environment are informed of this policy and their responsibilities in ensuring that it is upheld; and
- senior managers and other supervisory staff are aware of their particular responsibilities in the prevention and resolution of complaints of sexual assault, harassment (including sexual harassment), victimisation, bullying and unlawful discrimination.

2.3 Definitions

2.3.1 Sexual Assault

Sexual assault is any unwanted or forced sexual act or behaviour that occurs without consent. Sexual assault occurs when a person indecently assaults another person or procures another person, without their consent, to commit a sexual act (Section 352 of the [Queensland Criminal Code Act 1899](#)). Consent must be freely and voluntarily given by a person with the cognitive capacity to do so. Consent is not freely and voluntarily given if a person is:

- forced to engage in the sexual act;
- unconscious or asleep
- under the influence of drugs or alcohol
- threatened or intimidated
- in fear of bodily harm, or
- under a mistaken belief that the person was their sexual partner.

2.3.1.1 Examples of Sexual Assault

Sexual Assault Is	Sexual Assault Is Not
<ul style="list-style-type: none"> * Sexual intercourse without consent * Oral sex without consent * Anal sex without consent * Groping and inappropriate touching of a sexual nature without consent 	<ul style="list-style-type: none"> * A consensual sexual act or behaviour

2.4 Discrimination

Discrimination occurs when a person is treated less favourably than another person because of certain attributes (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of an attribute, such as race, pregnancy, gender, disability (indirect discrimination). This behaviour may amount to unlawful discrimination, harassment or vilification. Treating people unfairly, whether directly or indirectly, may amount to unlawful discrimination, harassment or vilification.

2.4.1 Attributes

Under Queensland and Federal legislation, discrimination based on the following attributes is unlawful:

- sex;
- marital or relationship status;
- pregnancy and breastfeeding;
- family responsibilities and parental status (responsibility to care for or support a child or the member of immediate family, includes being a stepparent, adoptive parent, foster parent, or guardian);
- age;
- race (including colour, descent, nationality, national or ethnic origin or ethno-religion);
- impairment (covers most physical and psychological conditions, and includes reliance on a guide, hearing, or assistance dog, wheelchair or other remedial device, as well as present and past impairments);
- religious belief or religious activity (including not holding a religious belief and not engaging in lawful religious activity);
- political belief or activity;
- trade union activity;
- lawful sexual activity;
- gender identity (a person may identify as a member of the opposite sex, or is of indeterminate sex and seeks to live as a member of a particular sex);
- sexual orientation;
- intersex status;
- association with, or relation to, a person identified on the basis of any of the above attributes.

2.4.2 Example of discriminatory behaviour

Discrimination Is	Discrimination Is Not
<ul style="list-style-type: none"> * subjecting a person to humiliating initiation ceremonies to be accepted into a group, where an attribute made them a target for the initiation; * spreading gossip or rumours about a person based on an attribute; * refusing to work as a group with a person because of an attribute (for example, because a student was older, a particular Nationality or sexual orientation or had family responsibilities; * deliberately excluding a person from a study group because of a perception they may be slower than other students due to an attribute such as age, impairment or sex; * telling jokes about racial groups; * posting to social media ridiculing a person on the basis of an attribute such as gender identity, sexual orientation or race. 	<ul style="list-style-type: none"> * making a complaint about another student on the basis of their contributions to a group assessment task; * behaviour that may be considered bullying but is not directed to a person because of an attribute; * providing peer review feedback that is critical of the quality of another student's work; * having a one-off conflict with a person of a different race when the conflict is not due to that person's race; * adjusting to accommodate another student such as changing a meeting day or location to accommodate a student with a * religious commitment, family responsibility or disability requiring a change of location.

2.5 Harassment and Sexual Harassment

Harassment within the teaching and learning environment is any type of repeated unwelcome behaviour that is based on one of the attributes covered by [Queensland Anti-Discrimination Act \(1991\)](#) and which offends, humiliates, intimidates, or threatens the person being harassed. Harassment occurs in circumstances where a reasonable person would have expected that the behaviour was going to be offensive, humiliating or intimidating. Harassment may be sexual in nature or based on gender, race, disability, sexual orientation, or a range of other factors listed in the relevant Anti-Discrimination legislation. While the most common form of harassment is sexual in nature, harassment on other grounds is also unlawful.

A single incident of harassing type behaviour is not generally considered to be harassment. Nevertheless, single incidents of harassing type behaviour can be offensive or threatening and will not be ignored or allowed.

Sexual harassment is a form of harassment and includes any unwelcome conduct of a sexual nature that is offensive, humiliating, intimidating or threatening. The behaviour does not have to be repeated for it to constitute sexual harassment. Sexual harassment is unlawful under the [Queensland Anti-Discrimination Act \(1991\)](#) and the [Sex Discrimination Act 1984 \(Cth\)](#).

Sexual harassment occurs in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing, in person or on-line.

2.5.1 Examples of Harassment

Harassment Is	Harassment Is Not
<ul style="list-style-type: none"> * Sending offensive emails or text messages; * Continually displaying offensive or pornographic signs, posters, or screen savers; * Telling insulting jokes about particular racial groups; * Making derogatory comments or taunts about a person or group of people; * Sabotaging a person's study or work; * Abusing someone verbally in relation to an attribute such as calling someone a name that mocks them; * Asking repeated intrusive questions about someone's personal life. 	<ul style="list-style-type: none"> * Except in the case of sexual harassment, a single or isolated conflict or remark; * Gestures or remarks that arise from a relationship of mutual consent such as giving a friend a hug or compliment.

2.5.2 Examples of Sexual Harassment

Sexual Harassment Is	Sexual Harassment Is Not
<p>One-off or repeated incidences of:</p> <ul style="list-style-type: none"> * Unwanted physical contact such as patting, pinching, or touching in a sexual way; * Unnecessary familiarity such as deliberately brushing against a person; * Sexual propositions; * Unwelcome and uncalled for remarks or insinuations about a person's sex or private life; * Suggestive comments about a person's appearance or body; * Offensive telephone calls, texts, emails, or social media posts of a sexual nature; * Subjecting a person to sexual offensive screen savers or images in electronic or other form. 	<ul style="list-style-type: none"> * Sexual contact that has been engaged in with consent of the recipient, when the consent has not been obtained through fear, intimidation, threats, or force or where there is a power imbalance in the relationship; * Flirting that is invited and not unwelcome; * Attraction or friendship that is invited and not unwelcome; * Conduct of a non-sexual nature such as unreasonably requesting a person to do a favour that is not sexual in nature (which may be considered harassment or bullying).

The College recognises that harassment may involve comments and behaviours that offend some people and not others and management accepts that individuals may react differently to comments and behaviour. Therefore, the College requires employees and students to adhere to a minimum standard of behaviour as indicated in the Student Code of Conduct.

2.6 Bullying

Bullying in the workplace is defined as repeated unreasonable behaviours toward a worker or group of workers at work and the behaviour creates a risk to health and safety ([Fair Work Act 2009](#)).

Within a student context, the national definition of bullying for Australian Schools states that bullying is an ongoing misuse of power in relationships through repeated verbal, physical and/or social behaviour that causes physical and/or psychological harm. It can involve an individual or a group misusing their power over one or more persons. Bullying can happen in person or online, and it can be obvious (overt) or hidden (covert). Bullying of any form or for any reason can have long-term effects on those involved, including bystanders.

Single incidents and conflicts or fights between equals, whether in person or online, are not defined as bullying (with the exception of sexual harassment).

Bullying which includes physical and psychological abuse is against the law and will not be tolerated at the College.

2.6.1 Examples of Bullying

Bullying Is	Bullying Is Not
<ul style="list-style-type: none"> * abuse including threats, insults, gestures or offensive language which may be verbal or in written form such as via text, email or through social media (cyberbullying); * repeated unreasonable criticism of another student's work; * repeatedly and deliberately excluding someone from a group; * behaviour intended to frighten, intimidate or degrade a person; * deliberately supplying incorrect information or withholding information from a person; spreading misinformation about someone; * inappropriate comments about a person's appearance; * physical abuse; or * teasing or pranking a person repeatedly that causes discomfort. 	<ul style="list-style-type: none"> * a one off offensive comment about a person that is never repeated and is not of a sexual nature; * having an argument, conflict or disagreement with another student (where there is no power imbalance); * constructively critiquing another student's work; * having a difference of opinion and expressing it to others in an appropriate way; or * not liking someone or being rejected socially by an individual or group of students.

The College is committed to ensuring that employees and students are provided with a safe teaching and learning environment where they are not subjected to any unwanted bullying and acknowledges its responsibilities under relevant State legislation.

2.7 Victimization

Victimization, including retaliation or reprisal, happens where an employee or student is treated harshly or subjected to any harm because they have made a complaint of sexual assault, discrimination, harassment, sexual harassment, or bullying. Victimization may also occur if a person is subjected to harm or disadvantage because they have provided any information or evidence in connection with a sexual assault, discrimination, harassment, sexual harassment, or bullying complaint. Griffith College does not tolerate victimisation, retaliation, or reprisal and is committed to taking reasonable steps to ensure that all individuals involved are not victimised.

2.8 Reporting or Disclosing

Members of the College environment who believe that they have been sexually assaulted, or are being harassed, sexually harassed, victimised, bullied or discriminated against, should undertake the following important steps:

- If students or staff are in immediate danger or require urgent medical attention, the first step is to call emergency services on 000 (112 from mobile phones) or call Griffith University security on 1800 800 707 (extension 7777 from any University phone).
- Only if it is safe to do so, tell the individual responsible that their behaviour is unacceptable, and that it must stop.
- Report the behaviour or incident to the Student Counsellor, your manager, or the College Director and Principal.
- Lodge a complaint or grievance under the Student Complaints and Appeals Policy or Staff Grievance Policy: see Process at Appendix 1.
- Disclose or Report a Sexual Assault or Sexual Harassment incident: <https://www.griffithcollege.edu.au/student-support/reporting-and-disclosure/>
- Maintain sensitivity and confidentiality by avoiding idle gossip which may result in the possibility of defamation proceedings against you or the company.

A report of sexual assault, sexual harassment, harassment, bullying or discrimination may be disclosed to Student Counsellor, College management, or the College Director & Principal, in accordance with this policy and its associated procedures at any time following an incident, regardless of whether or not it has been reported to the police. On-line reporting is available via [Griffith College public website](#) and the Digital Campus. All reports whether anonymous or not, and/or disclosures will be taken seriously and dealt with sympathetically, ensuring confidentiality. Those reporting or disclosing will not be victimised or treated unfairly during any process the College undertakes to determine outcomes.

2.8.1 Outcomes

Griffith College has a responsibility to determine outcomes in a timely, appropriate and fair manner. Outcomes may include warnings or other disciplinary action against the person responsible for the behaviour.

Individuals who are not satisfied with the way in which the College has dealt with the complaint, or is unsatisfied with the outcome, may seek further advice from an outside agency such as the Human Rights and Equal Opportunity Commission or the Anti-Discrimination Agency or other relevant government agency including the Tertiary Education Quality Standards Agency (TEQSA).

Incidents of bullying may also be dealt with under relevant State legislation, especially where linked to one of the grounds covered by the legislation. For example, where bullying is based on an individual's impairment, or sex, then the complaint would be dealt with under the [Anti-Discrimination Act \(Qld\) 1991](#).

The complaint resolution process is carried out in good faith and complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected if a preliminary investigation of the facts indicates this.

A register of complaints and incidents is maintained confidentially and reports of types and numbers provided to relevant authorising bodies such as Academic Board and UPA Board to allow governing oversight.

3 Responsibilities

Responsibility	CDP	Counsellors	QCM	AD	DSAS	PC	AB	SLC	DMA	All
Maintain currency of policy	A		C		R					
Promote cultural awareness	A/R		R	R	R	S	S	C	R	R
Respond to reports / incidents or grievances	A	R	S	R	R	S	I		R	I
Promote resources and effective processes to prevent any form of harassment, discrimination, bullying or victimisation	A	R	C	R	R	R	C	R	R	R
Maintain a register of incidences and report to relevant Board	A	C	R				I			
<p>CDP = College Director & Principal, Counsellors = College Counsellors, QCM = Quality & Compliance Manager, AD = Academic Director, DSAS = Director, Student & Academic Services, DMA = Director, Marketing & Admissions, AB = Academic Board, All = Staff, PC = Program Convenor, SLC = Student Liaison Committee</p> <p>R = Responsible, A = Accountable, S = Supporting, C = Consulting, I = Informed</p>										

4 Compliance

4.1 General

The Quality & Compliance Manager will ensure staff are informed about this Policy through staff meetings and communications, such as staff inductions and first responder training.

Students will be made aware of this Policy through the College website, digital campus, communication and support from Student and Academic Services and Support teams.

4.2 Relevant Legislation

[Sex Discrimination Act 1984 \(Cth\)](#)

[Anti-Discrimination Act \(Qld\) 1991](#)

[Fair Work Act 2009](#)

[Higher Education Standards Framework \(Threshold Standards\) 2021: Student Wellbeing 2.30](#)

4.3 Review

This Policy is tested and reviewed at least every 24 months and when at the time of any changes to the regulatory compliance requirements, legislation, regulation and guidelines. This review process aims to ensure alignment to appropriate strategic direction of Griffith College and continued relevance to Navitas' current and planned operations.

4.4 Records Management

All records in relation to this document will be managed as follows:

Record type	Owner	Location	Retention	Disposal
Policy	Director, Student & Academic Services	Policy Hub	Permanently with control in place for revisions	Policy Hub archive

5 Appendix 1: Process for Reporting a Complaint

