



# COLLEGES UNIVERSITY OF MELBOURNE

## Discrimination, Bullying and Victimisation Policy and Procedure

### ABSTRACT

This document replaces the Fair Treatment Policy and Procedure, and should be read in conjunction with:

- the Colleges' Sexual Misconduct Policy and Procedure (**Sexual Misconduct Policy**);
- the University's:
  - 'Appropriate Workplace Behaviour Policy' (<https://policy.unimelb.edu.au/MPF1324>);
  - 'Student Conduct Policy' (<https://policy.unimelb.edu.au/MPF1328>);
  - 'Child Safety Policy' (<https://policy.unimelb.edu.au/MPF1337>)

In line with Recommendation 4 of the *AHRC's National Report on Sexual Assault and Sexual Harassment at Australian Universities* (2017), the Colleges engaged an independent, expert-led review of this Policy in October 2018. Following consultation with key Staff, experts, Students and Residents, this was adopted by Heads of Residential Colleges and Halls on 20 February 2019.

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## 1. PURPOSE

The Residential Colleges and Halls of Residence of the University of Melbourne are committed to providing an environment where Students, Residents, Staff and visitors of the Colleges, are safe, treated fairly and with respect, in an environment that is free from Discrimination, Bullying, Victimization and Criminal Behaviour.

This Policy sets out the Colleges' expectations in standards of behaviour, and the principles for preventing and responding Discrimination, Bullying, Victimization, Serious Misconduct and Criminal Behaviour connected with the Colleges.

If you are in danger, please contact 000 immediately and seek support as part of this Policy.

### Terminology

For simplicity, this Policy will refer to:

- people who have experienced behaviour prohibited by this Policy as '**Complainants**';
- persons who report (but have not personally experienced) such behaviour as '**Reporters**'; and
- Discrimination, Bullying, Victimization, Vilification, Serious Misconduct and Criminal Behaviour prohibited under this Policy as '**Prohibited Conduct**'.
- employees, volunteers, contractors, and other workplace participants as '**Staff**'.

Other terms used in this Policy are defined in **Appendix A**.

## 2. SCOPE

This Policy applies to all Students, Residents, Staff and visitors:

- engaged in activities reasonably connected with one or more of the Colleges (including activities that extend beyond University premises and encompass electronic communications and virtual environments);
- regardless of a person's sex, gender, sexual orientation, gender identity, immigration status and citizenship status,

in respect of Prohibited Conduct occurring:

- all campuses and facilities of the Colleges, including accommodation owned or operated by the Colleges;
- all activities and events connected with a College (e.g. social or sporting events, cultural activities, competitions, conferences, placements, and Alumni activities), regardless of where the activity is held;
- all aspects of the employment relationship, from recruitment to termination;
- outside of working hours where the employee's conduct has an adverse impact on the organisation, the employment relationship or the workplace;
- via electronic and virtual communications (e.g. text, email, intranet systems, social media, online forums etc);

- in the provision of education, goods and services, and accommodation to Students, Residents, Staff and visitors;
- in the course of representing a College, a club affiliated with a College, during work-related travel, or whilst on exchange or sabbatical.

This Policy does not apply to:

- sexual misconduct, which is covered by the *Sexual Misconduct Policy and Procedure*; or
- International House and Medley Hall, being Halls of Residence to which the Policies and Procedures of the University of Melbourne apply; or
- Trinity College, which has its own Policy and Procedures.

This Policy is not incorporated into any contract or Residential agreement of the College(s).

### 3. PRINCIPLES

The Colleges are committed to:

- providing a safe, fulfilling and rewarding environment for their Students, Residents, Staff and visitors;
- preventing Prohibited Conduct; and
- responding promptly and appropriately to allegations of Prohibited Conduct connected with the Colleges.

This commitment is underpinned by a view that:

- all people have a right to live, work, study and socialise in an environment that is free from Prohibited Conduct, regardless of their sex, sexual orientation, gender identity, immigration status and citizenship status; and
- all forms of Prohibited Conduct are unacceptable.

### 4. SUPPORT

Staff, Residents, Students and visitors who have experienced or witnessed Prohibited Conduct are encouraged to seek support and guidance at the earliest opportunity. Staff may also seek support from Human Resources.

Support and pastoral care is available from:

- Safe Coordinators, Safe Contact Persons, U18 SAFE Person and External Advisors to the Colleges, who can provide guidance on the options to make a Report of Prohibited Conduct, the supports available, and assistance Complainants, Reporters and Respondents to engage with the University, the Police, medical and external counselling services as appropriate. Contact details are available at **Appendix C**.
- the University counselling service, Safer Communities, located at Level 5, 757 Swanston Street, Parkville. For more details visit <http://www.services.unimelb.edu.au/counsel>, or call (03) 8344 6927.

For people who require a translating or interpreting service, phone 13 14 50 and ask them to connect you with the service that you need.

For people who are deaf or have a hearing or speech impairment, contact the National Relay Service:

- for TTY users/Voice Calls, phone 133 677; or
  - for Speak and Listen, phone 1300 555 727,
- and ask them to connect you with the service you need.

## 5. RESPONSIBILITIES

Prohibited Conduct is unlawful and unacceptable to the Colleges.

Students, Residents, visitors and Staff of one or more of the Colleges must:

- treat one another with courtesy, tolerance, respect and professionalism;
- respect the rights of others to be treated equitably, free from all forms of Prohibited Conduct;
- respect the rights of others to express political and religious views in a lawful manner;
- comply with any reasonable direction or request from College Staff Member where the direction or request supports safety, good order and compliance with this Policy;
- inform themselves of and comply with all policies, procedures, Residential and contractual agreements, and Codes of Conduct of the College(s); and
- comply with all relevant state and Commonwealth laws listed in paragraph 9.

Students, Residents, visitors and Staff of one or more of the Colleges must not:

- engage in Prohibited Conduct;
- request, instruct, induce, encourage, authorise or assist other persons to engage in Prohibited Conduct;
- engage in behaviour that causes any person to fear for their personal safety or well-being, or is perceived to be threatening or intimidating.

Staff Members have additional responsibilities under this Policy. The roles and responsibilities of Safe Coordinators, Safe Contact Persons, U18 SAFE Person, Heads of Colleges, Staff and External Advisors are set out in **Appendix B**. The contact details for relevant Staff are contained in **Appendix C**.

The terms used in this Policy are defined in **Appendix A**.

## 6. BREACHES

A breach of this Policy may lead to disciplinary action, including but not limited to:

- exclusion, suspension or expulsion from the College;
- rejection of an application for employment or engagement with a College;
- non-admission or conditional admission of a member, Student or Resident of a College;
- the withdrawal of an offer to a member, Student or Resident of a College;
- the imposition of conditions on continued residence or membership of the College;
- the termination of membership of the College or any group affiliated with the College;
- the immediate termination of employment or engagement with the College;

- the immediate termination of employment or engagement with the College;
- reports being made to the University, other Colleges and/or external authorities; and/or
- restricting or prohibiting access to and association with the College (including College or Alumni activities and events).

A breach may also lead to penalties and claims against the Respondent and /or the College.

## **7. COMPLAINTS PROCEDURE**

### **7.1 Overview**

This Complaints Procedure sets out the way that Students, Residents Staff and visitors can report Prohibited Conduct, and how the College will respond.

If a Complainant feels comfortable doing so, they can seek to address the Prohibited Conduct directly by advising the Respondent that their behaviour is offensive, unwelcome, or unacceptable, and needs to stop immediately. Complainants and Reporters can also report Prohibited Conduct by making a Report to the College or an external body.

At any stage of the Complaints Procedure, or when a concern cannot be addressed using this Complaints Procedure, a College may consider and implement actions as necessary to address concerns regarding individuals' safety, wellbeing, or participation in work, study or College life.

### **7.2 Informal assistance**

A person who considers that they have experienced Prohibited Conduct under this Policy can seek advice or assistance from a Safe Contact Officer, Safe Coordinator, U18 SAFE Person or External Advisor who can provide information about:

- what is meant by Discrimination, Bullying, Victimisation, Vilification, Serious Misconduct and Criminal Behaviour prohibited under this Policy; and
- the options available to address the matter, including making a complaint to an external body.

### **7.3 Reporting to a College**

Students, Residents, Staff and visitors are encouraged to report the Prohibited Conduct to the relevant College as soon as possible so that the College can:

- provide support and pastoral care, and
- take steps to prevent immediate or ongoing risks to the Complainant and others.

Reports of Prohibited Conduct should be made in writing to a Safe Coordinator, Safe Contact Person, U18 SAFE Person or Head of College.

There is no time limit for a Complainant to report Prohibited Conduct to the College under this Policy. However, a College's ability to effectively respond to, and prevent future incidents of Prohibited Conduct may diminish over time.

### **7.4 Reporting to an External Body**

Students, Residents, Staff and visitors may seek independent guidance from and/or make a Report about Prohibited Conduct with an external body at any time. Safe Coordinators and External Advisors can provide you with information on the most appropriate body to lodge your Report with.

Reports of Prohibited Conduct may be made to:

- Victoria Police: Melbourne North Police Station (open 24 hours), 36 Wreckyn Street, North Melbourne. Phone: (03) 8379 0800.
- Victoria Police Sexual Offences and Child Abuse Investigation Team: Phone (03) 8690 4056.
- Victorian Equal Opportunity and Human Rights Commission: <http://www.humanrightscommission.vic.gov.au/>. Phone: 1300 292 153.
- Australian Human Rights Commission: <https://www.humanrights.gov.au/>. Phone: (02) 9284 9600.
- Fair Work Commission, <https://www.fwc.gov.au/>. Phone: 1300 799 675.
- Fair Work Ombudsman: [www.fairwork.gov.au/](http://www.fairwork.gov.au/) or phone (02) 9284 9600;
- WorkSafe Victoria: <http://www.worksafe.vic.gov.au/>. Phone: (03) 9641 1444 or 1800 136 089.

Students and Staff Members of the University may also seek to lodge a complaint under the University's policies and procedures if their concern relates to another Student or Staff Member of the University.

If a Student, Resident, visitor or Staff Member pursues a complaint with an external body, it may be appropriate for the College to suspend or terminate this Complaints Procedure. However, a College may still take steps to address and prevent Prohibited Conduct.

## 7.5 Responding to Prohibited Conduct

The Colleges aim to deal with Reports and disclosures as quickly and practicably to achieve early resolution of complaints. Where possible, the Safe Contact Person, Safe Coordinator, U18 SAFE Person or Head of College will acknowledge receipt of the Report in writing within five (5) working days, offer support and explain the process.

The Safe Coordinator, Safe Contact Person, U18 SAFE Person and/or Head of College will take steps to ensure that ongoing support is provided to the Complainant (and any other affected parties), and that they are regularly informed about the College's response.

A College's response to a Report will be determined by a range of factors, including but not limited to:

- whether the Report is anonymous;
- the wishes of the Complainant;
- whether there is a serious or ongoing risk to the health, safety or wellbeing of any person;
- the seriousness of the Report and whether the behaviour is criminal in nature;
- procedural fairness to the Respondent;
- whether it is possible for the College to conduct an investigation based on the information available (e.g. whether the parties will participate in the investigation);
- whether the College has other information about the risks posed by the alleged Respondent.

None of these factors are determinative.

Without limiting the options available, a College may respond to a Report of Prohibited Conduct by:

- taking immediate steps to support and protect the parties, including:

- providing referrals to medical or support services;
- implementing safeguards to minimise the Complainant's contact with the alleged Respondent (such as restricting the Respondent's access to the Colleges' premises or property where there is an immediate threat to any person), suspending a person from the College and/or suspending a person from specified activities and/or positions of leadership;
- relocating the Respondent (or the Complainant on the Complainant's request) from the College's accommodation;
- providing assistance to make a police report;
- supporting the Complainant to apply for a Personal Safety Intervention Order to prevent the Respondent's contact with the Complainant;
- assisting the Complainant to apply for Special Consideration with the University of Melbourne;
- reporting the matter to the police where there is a serious or ongoing risk to the health, safety or wellbeing of any person; and
- providing Staff Members with access to the Employee Assistance Program;
- on request by a Complainant, engaging with the Respondent about the alleged Prohibited Conduct, reminding them of the College's policy, and taking steps to ensure that the alleged behaviour ceases and does not recur;
- facilitating a conciliation between the Complainant and Respondent in accordance with 7.7,
- conducting an investigation in line with 7.8;
- taking no action where there is insufficient evidence for the College to intervene or investigate, and the Complainant and/or Reporter does not agree to participate in an investigation.

If a College makes a report to the police because it considers that there is a serious or ongoing risk to the health, safety or wellbeing of any person, College will attempt to consult with the Complainant to ensure that they know when and why the police will be notified, and take all reasonable steps to support the Complainant through that process.

## **7.6 Reports involving multiple Colleges**

Where a Report involves a Student, Resident, Staff Member or visitor from more than one College, the Safe Coordinator from each College will confer to determine how the Complaints Procedure will proceed. Generally, the College with the greatest degree of connection to the complaint will take responsibility for managing the complaint.

In some circumstances, it may be necessary to engage an external advisor or arbitrator to assist with resolving the complaint.

## **7.7 Conciliations**

A conciliation is a process where a neutral third party attempts to assist the parties to resolve a complaint by mutual agreement.

A conciliation will only occur if:

- the Report is in writing;



- the Complainant is willing to be identified to the Respondent;
- both parties agree to the conciliation.

If the Safe Coordinator considers that a conciliation is appropriate, they will appoint an External Advisor to conduct the conciliation. The role of the conciliator is not to make a formal finding, but to assist the parties to reach a mutually agreed resolution.

The Respondent will be provided with details of the allegations and be provided with the opportunity to seek advice from a Safe Contact Person or External Advisor.

The conciliator will meet with the Complainant and Respondent together or separately. The conciliator will only arrange a joint meeting if the Complainant is comfortable with this.

Both parties may have a support person during the conciliation, but not a legal representative or advocate.

If the conciliation does not proceed or is unsuccessful, Safe Coordinator or External Advisor will refer the parties to their Safe Contact Person or External Advisor to discuss further options.

## **7.8 Investigations**

Where the College receives a Report of Prohibited Conduct, it may be appropriate to conduct an investigation. An investigation involves collecting information about the allegations and making findings on whether the allegations are substantiated or unsubstantiated based on the balance of probabilities.

In general, the Complainant influences the progress of their complaint through the Complaints Procedure. However, in some circumstances, the seriousness of the allegations will mean that the College is under a legal obligation to investigate the allegations (e.g. to prevent serious risks to health and safety), irrespective of the wishes of the Complainant. For this reason, the College may initiate an investigation or progress an investigation without the involvement of the Complainant. Where appropriate, this may involve de-identifying details of the Complainant.

A request for an investigation can be made in writing to the Safe Coordinator or Head of College (or to the Chair of the College Council in the case of a complaint about the Head of College). The request should include details of the incident(s) and any supporting information.

If the Safe Coordinator, Head of College or Chair of the College Council considers that an investigation is appropriate, they may appoint an investigator to conduct the investigation.

The investigation will be conducted in a manner that the Head of College or Chair of College Council considers appropriate. If a College considers it appropriate for the safe and efficient conduct of an investigation, it may:

- direct a person not to carry out their duties or attend certain areas (including College events); and/or
- provide alternative duties, tasks or accommodation to a Respondent (or a Complainant on the Complainant's request).

On completion of an investigation, the College will notify the Complainant and Respondent of the findings and outcome of the investigation in writing.

## **7.9 Possible outcomes**

A College will determine the most appropriate way to respond to a Report or disclosure. Possible outcomes include, but are not limited to:

- Disciplinary action against the Respondent (including the cessation of their engagement etc);

- Official warnings that are noted on the Respondent's file;
- Imposing restrictions on the Respondent's participation in the Colleges' activities (including Alumni events held off campus) and contact with the Complainant;
- Reports to College Alumni groups about restrictions on a Respondent's participation in College-affiliated events;
- Counselling for the Complainant, Respondent and/or Reporters;
- Terminating the Respondent's residence or relocating the Respondent;
- Mandatory training;
- A formal apology by the Respondent and/or bystanders;
- Seeking an undertaking from the Respondent that the behaviour will cease (where the Complainant simply wants the behaviour to stop and removal or termination is not appropriate);
- Conciliation/mediation conducted by an impartial third party (where requested by the Complainant and both parties agree to participate);
- Reports to external authorities (e.g. police where there is an immediate or ongoing risk to the health, safety or wellbeing of any person); and/or
- Supporting the Complainant to apply for a Personal Safety Intervention Order to protect the Complainant and prevent the Respondent's access to College activities.

#### **7.10 Withdrawing a complaint**

Where a Complainant chooses to withdraw their complaint or does not wish to participate in an investigation, the College:

- will retain the details of the complaint in accordance with clause 7.14 of this Policy;
- notify the Complainant of any proposed action against the alleged Respondent;
- offer the Complainant ongoing support; and
- confirm the above in writing to the Complainant.

A Complainant who has withdrawn their complaint may ask the College to reinstate the complaint at any time.

#### **7.11 Reports about the Safe Coordinator or Head of College**

Where a Report concerns the Safe Coordinator, the Head of College will act as the Safe Coordinator for the purpose of this Policy and assume the role and responsibilities of the Safe Coordinator.

Where there are complaints about the Head of College, the Chair of the College Council will act as Safe Coordinator for the purpose of this Policy and assume the role and responsibilities of the Safe Coordinator.

The Safe Coordinator will not deal with complaints about their own behaviour or the Head of College.

#### **7.12 Procedural Fairness**

The principles of procedural fairness apply to the complaints procedure. Generally, this means that:

- the Colleges will not make a decision that could adversely affect either party unless it has given that party an opportunity to respond;
- the decision-maker will not be biased towards a party or have a separate interest in the complaint.

### **7.13 Confidentiality and privacy**

The Colleges aim to maintain the privacy and confidentiality of Complainants and Respondents. Only the Safe Coordinator, Safe Contact Person, Staff Members, External Advisers and/or Conciliators directly involved in advising on, conciliating, investigating or resolving the complaint will have access to material relating to a Report of Prohibited Conduct. However, the Safe Coordinator will keep the Head of College informed of the status and response to the Report.

A key principle of conciliations and investigations is maintaining a confidential process. A College may ask the parties to agree to maintain confidentiality during these processes. This is important to protect the reputation of the parties, minimise the potential for Victimisation, ensure that Students, Residents, Staff and visitors have the confidence to raise allegations, and ensure that witnesses have not had the chance to collaborate or influence each other's recollection, inadvertently or deliberately.

A confidentiality undertaking will not prevent:

- the Complainant from making a complaint to an external body, or
- any party from seeking advice and support from a professional advisor in relation to the allegations.

### **7.14 Record keeping**

The Colleges will ensure that Reports of Prohibited Conduct are collected and stored confidentially in line with this Policy, including:

- details of the complaint / incident;
- steps taken to respond to the complaint / incident;
- support or assistance required or provided, i.e. whether the person received counselling from university services, whether they reported to police, whether they received support from an external provider;
- the College's response to the Report (including referrals to external bodies and support services); and
- any feedback provided by the Complainant / Respondent in relation to the process.

On request, the Colleges will provide the Complainant or Reporter with information on their Report of Prohibited Conduct.

### **7.15 False or misleading allegations**

Deliberately making a false complaint under this Policy is a serious matter and is unacceptable. Where a College is satisfied, based on reasonable evidence, that a complaint is malicious, frivolous or vexatious, the Complainant or Reporter may face disciplinary action.

A Complainant or Reporter will not be sanctioned just because an investigation is inconclusive and the allegations cannot be substantiated. Disciplinary action will only arise where there is compelling evidence that a Report was false or misleading.

## 8. DISSEMINATION AND REVIEW

This Policy will be widely disseminated to all students, staff, residents and visitors via the Intercollegiate and individual College websites, during student and staff orientation, and through posters and other means of information. This Policy will be reviewed every two years (or more frequently, if required) by the Heads of Colleges.

## 9. RELEVANT LAWS

This Policy supports compliance with the following legislation as amended:

- *Age Discrimination Act 2004* (Cth);
- *Australian Human Rights Commission 1986* (Cth);
- *Charter of Human Rights and Responsibilities Act 2006* (Vic);
- *Crimes Act 1958* (Vic).
- *Disability Discrimination Act 1992* (Cwlth);
- *Disability Standards for Education 2005* (Cwlth);
- *Equal Opportunity Act 2010* (Vic);
- *Equal Opportunity for Women in the Workplace Act 1999* (Cwlth);
- *Fair Work Act 2009* (Cwlth);
- *Privacy and Data Protection Act 2014* (Vic);
- *Occupational Health and Safety Act 2004* (Vic);
- *Occupational Health and Safety Regulations 2007* (Vic);
- *Privacy and Data Protection Act 2014* (Vic).
- *Racial and Religious Tolerance Act 2001* (Vic);
- *Racial Discrimination Act 1975* (Cwlth);
- *Sex Discrimination Act 1984* (Cwlth).

## APPENDIX A: DEFINITIONS

<p><b>Attribute</b></p>	<p>Means an attribute protected under relevant state or federal laws, including:</p> <ul style="list-style-type: none"> <li>• age;</li> <li>• breastfeeding;</li> <li>• employment activity;</li> <li>• gender identity;</li> <li>• intersex status;</li> <li>• disability;</li> <li>• industrial activity;</li> <li>• lawful sexual activity;</li> <li>• marital status;</li> <li>• parental status or status as a carer;</li> <li>• physical features;</li> <li>• political belief or activity;</li> <li>• pregnancy;</li> <li>• race;</li> <li>• religious belief or activity;</li> <li>• sex (i.e. gender);</li> <li>• sexual orientation;</li> <li>• an expunged homosexual conviction;</li> <li>• personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above Attributes.</li> </ul>
<p><b>Bullying</b></p>	<p>Repeated, Unreasonable Behaviour towards a Student, Resident, Staff Member or visitor, or a group of Students or Staff by a Student or Staff Member that creates a risk to health and safety.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• aggressive or intimidating conduct or behaviour;</li> <li>• belittling or humiliating comments;</li> <li>• spreading rude, inaccurate or malicious rumours;</li> <li>• teasing, practical jokes;</li> <li>• making vexatious allegations against a worker;</li> <li>• conducting an investigation in a grossly unfair manner;</li> <li>• Victimisation;</li> <li>• practical jokes or initiation;</li> <li>• exclusion from College events;</li> <li>• unreasonable work expectations and deadlines; and</li> <li>• unreasonably undermining a person.</li> </ul> <p>Reasonable management action undertaken in a reasonable manner towards an employee is not Bullying.</p> <p>The following behaviour <u>does not</u> constitute Bullying:</p> <ul style="list-style-type: none"> <li>• reasonable comment, advice or administrative action (including negative feedback) from an academic or administrative Staff Member on work, academic performance or behaviour;</li> <li>• reasonable management action;</li> <li>• reasonable disciplinary action;</li> <li>• the implementation of organisational change;</li> <li>• the allocation of work in compliance with systems;</li> <li>• conflict or differences of opinion between individuals;</li> <li>• a single incident of Bullying-style behaviour.</li> </ul>
<p><b>Complainant</b></p>	<p>A Student, Resident, Staff Member or visitor who makes a Report of Prohibited Conduct.</p>

<b>Complaint</b>	A complaint about Prohibited Conduct under this Policy.
<b>Complaints Procedure</b>	The procedure outlined in this Policy and any accompanying guidelines that are applied by a College in relation to a complaint.
<b>Direct Discrimination</b>	<p>Direct Discrimination occurs if a person treats, or proposes to treat, a person with an Attribute unfavourably because of that Attribute.</p> <p>Example:</p> <ul style="list-style-type: none"> <li>• A Staff Member is not recommended for a professional development course because her manager tells her that "it won't be much use to you because you're pregnant and you will leave soon". The manager instead offers the course to another Staff Member, with similar experience and qualifications, who is not pregnant. This is potentially direct Discrimination on the basis of pregnancy because the Staff Member has been treated unfavourably because she is pregnant.</li> </ul>
<b>Discrimination</b>	<p>Either direct or indirect Discrimination on the basis of an Attribute. It includes:</p> <ul style="list-style-type: none"> <li>• discriminatory harassment;</li> <li>• the failure to provide reasonable adjustments a person with a disability;</li> <li>• the unreasonable refusal to reasonably accommodate a person's responsibilities as a parent or carer.</li> </ul> <p>Motive and intention are irrelevant in determining whether Discrimination has occurred.</p>
<b>Indirect Discrimination</b>	<p>Where 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 an Attribute, and that is not reasonable.</p> <p>It occurs when a rule, practice or policy appears to be neutral, but has a disproportionate impact on a particular group of people with a particular Attribute.</p> <p>Example:</p> <ul style="list-style-type: none"> <li>• All Staff and Students are required to attend a particular special event for the College and there are consequences for not doing so. However, several are unable to do so because it is a day of great religious significance to them. While the requirement (i.e. to attend on that particular day) applies equally to all Students and Staff, it may have a disproportionate impact on those of a particular religion (i.e. they cannot comply with the requirement and a higher proportion of people who are not of that religion can). If the condition is not reasonable in the circumstances, it may amount to indirect Discrimination against the Student and Staff Members on the basis of religion.</li> </ul>
<b>Reasonable adjustment</b>	An adjustment that does not impose an unjustifiable hardship on the person making the adjustment.
<b>Report</b>	A report of Prohibited Conduct made to a College by a Student, Resident, Staff Member or visitor.
<b>Resident</b>	A Resident of a College to which this Policy applies.
<b>Respondent</b>	A person against whom allegations of Prohibited Conduct are made.
<b>Serious Misconduct or Criminal Behaviour</b>	<p>Serious Misconduct is:</p> <ul style="list-style-type: none"> <li>• the wilful or deliberate behaviour by a Staff Member, Student or Resident that is that is inconsistent with their agreement with the College; or</li> <li>• conduct that causes serious and imminent risk to: <ul style="list-style-type: none"> <li>• the health or safety of a person; or</li> <li>• the reputation, viability or profitability of the College.</li> </ul> </li> </ul> <p>Whether or not conduct amounts to Serious Misconduct or Criminal Behaviour will be a matter for the relevant College or external authority (e.g. the police) to determine in each particular case.</p>

	<p>Examples:</p> <ul style="list-style-type: none"> <li>• Assault or physical violence;</li> <li>• Blackmail;</li> <li>• Serious or repeated Bullying, Discrimination, discriminatory harassment, Vilification or Victimisation;</li> <li>• Use or sale of illicit drugs;</li> <li>• Threats to kill or inflict serious injury;</li> <li>• Stalking a person;</li> <li>• Using technology to menace, harass or cause offence to a person;</li> <li>• Abuse of a position of power or responsibility within a College;</li> <li>• Theft, dishonesty or fraud; or</li> <li>• Intoxication at work;</li> <li>• Refusing to carry out a lawful and reasonable request or instruction that is consistent with the employee's contract of employment; and</li> <li>• Deliberately making false or vexatious allegations against another Resident, Student or Staff Member.</li> </ul>
<b>Sexual Misconduct</b>	Behaviour covered by the Sexual Misconduct Policy and Procedure, including sexual harassment, sexual assault, sexual violence, unwanted oral sex, sexual exploitation, indecent assault, acts of indecency, Criminal Behaviour of a sexual nature, sexting, creating or distributing sexually explicit photos or videos without consent, stalking and drink spiking.
<b>Staff or Staff Member</b>	An employee, contractor, volunteer or other workplace participant currently engaged by a College or an official College visitor but does not include conference guests.
<b>Stalking</b>	<p>Involves engaging in a course of conduct with the intention of causing physical or mental harm to a person, including self-harm, or of arousing apprehension or fear in the victim for his or her own safety or that of any other person.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• following a person;</li> <li>• contacting a person (by any means);</li> <li>• publishing information on the internet;</li> <li>• making threats; or</li> <li>• keeping the victim under surveillance;</li> <li>• entering or loitering near the person's residence or place of work.</li> </ul>
<b>Student</b>	A current Student of a College.
<b>Support Person</b>	An observer who does not actively participate in any aspect of the investigation or hearing of a complaint beyond the role of passive observer. In particular, the support person does not advocate on behalf of the Complainant or Respondent or play an active role in representing and advancing the views and positions of the Complainant or Respondent.
<b>University</b>	The University of Melbourne.
<b>Unreasonable Behaviour</b>	<p>Behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, threaten, or intimidate another person.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• aggressive or intimidating conduct or behaviour;</li> <li>• belittling or humiliating comments;</li> <li>• spreading rude, inaccurate or malicious rumours;</li> <li>• teasing, practical jokes;</li> <li>• making vexatious allegations against a worker;</li> <li>• conducting an investigation in a grossly unfair manner;</li> <li>• Victimisation;</li> <li>• practical jokes or initiation;</li> <li>• exclusion from College events;</li> </ul>

	<ul style="list-style-type: none"> <li>• unreasonable work expectations and deadlines; and</li> <li>• unreasonably undermining a person.</li> </ul>
<b>Using technology to threaten, menace, harass or offend</b>	<p>Using a carriage service (including mobile phone, email, internet and social media):</p> <ul style="list-style-type: none"> <li>• in a way that a reasonable person would regard as being menacing, harassing or offensive; or</li> <li>• to make a threat to kill or cause serious harm if it is intended that the victim fears the threat will be carried out.</li> </ul>
<b>Victimisation</b>	<p>Subjecting (or threatening to subject) another person to a detriment (which can include threats, intimidation, harassment, humiliation, coercion and denigration) because that other person has:</p> <ul style="list-style-type: none"> <li>• made a complaint;</li> <li>• been involved in a complaints process (including the Complaints Procedure), or</li> <li>• because the first person thinks the other person intends to make a complaint or be involved in a complaints process (including the Complaints Procedure).</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Students sending rude and aggressive notes to another Student and their friends because that Student has complained about the behaviour of a friend of theirs; and</li> <li>• A supervisor humiliating a Staff Member because that Staff Member gave evidence in support of a colleague in relation to a complaint against the supervisor.</li> </ul>
<b>Vilification</b>	<p>Conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of another person or class of person on the grounds of their race or religion.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• publishing claims that a racial or religious group is involved in serious crimes without any proof;</li> <li>• repeated and serious verbal or physical abuse about the race or religion of another person; or</li> <li>• encouraging people to hate a racial or religious group using flyers, stickers, posters, speech or publication, or using websites or email.</li> </ul>
<b>Visitor</b>	A visitor to the Colleges' premises or officially run College event.



## **APPENDIX B: STAFF ROLES AND RESPONSIBILITIES**

Staff Members of Colleges have the following roles and responsibilities.

### **All Staff**

All Staff have a responsibility to:

- monitor the working and living environment to seek to ensure that acceptable standards of conduct and behaviour are maintained at all times;
- promote this Policy within their work area and the College community;
- take prompt action if they observe or are informed about behaviour that may breach this Policy, by reiterating that any behaviour in breach of this Policy is unacceptable, may result in disciplinary action, and must immediately cease,
- notify the Safe Coordinator and/or Head of College of any concerns of non-compliance with this Policy;
- support Students, Staff, Residents and visitors to report their concerns of Prohibited Conduct, and ;
- refer persons with concerns about Prohibited Conduct to a Safe Coordinator, Safe Contact Person and/or External Adviser for support, information and advice (as appropriate), and inform the Safe Coordinator that they have done so;
- model appropriate behaviour and lead by example;
- ensure that relationships with other Staff, Students, Residents, visitors are professional, trusting and respectful;
- not initiate, cultivate or encourage relationships with Students or Residents that have the potential to compromise the welfare or wellbeing of the Student or Resident; and
- not engage in sexual activity with a Student or Resident.

### **Heads of Colleges**

Heads of Colleges are responsible for:

- prioritising the agency of the Complainant by involving them in decisions about the College's response to their complaint;
- balancing the needs and wishes of a Complainant against the obligation to provide a safe environment for all Staff, visitors, Students and Residents;
- ensuring that Staff are appropriately trained and know how to respond to Reports of Prohibited Conduct;
- ensuring that participants in any investigation by the College are provided with procedural fairness.

## **Safe Coordinators**

Safe Coordinators are experienced Staff Members appointed by each College. Safe Coordinators are responsible for:

- prioritising the agency of the Complainant by involving them in decisions about the College's response to their complaint;
- balancing the needs and wishes of a Complainant against the obligation to provide a safe environment for all Staff, visitors, Students and Residents;
- providing ongoing support and guidance to Complainants and Reporters of Prohibited Conduct, and Respondents to Prohibited Conduct complaints;
- ensuring the appropriate and timely appointment of Safe Contact Persons and External Advisers;
- providing training for their College community, Safe Contact Persons on preventing and responding to Prohibited Conduct; and
- advising their College on policies, programs, initiatives and strategies recommended to enhance legislative compliance and promote Student and Staff access, equity and diversity.

## **Safe Contact Persons**

Each College recruits, trains, and supports suitable senior long term Staff Members (both academic and administrative) to become Safe Contact Persons, and if required, suitable tutors to the role of Safe Contact Persons.

Safe Contact Persons are responsible for:

- providing advice to Students, Staff, Residents and visitors in relation to Prohibited Conduct;
- providing support to Complainants, Reporters and Respondents of Prohibited Conduct, and Respondents to Prohibited Conduct complaints;
- being involved in the complaint handling process.

## **External Advisors**

External Advisors are responsible for:

- providing advice to Students, Staff, Residents and visitors in relation to Prohibited Conduct;
- providing support to Complainants and Reporters of Prohibited Conduct, and Respondents to Prohibited Conduct complaints;
- being involved in the complaint handling process.

## **U18 SAFE Person**

U18 SAFE Person is responsible for:

- providing advice to U18 Students in relation to Prohibited Conduct;
- providing support to U18 student Complainants and Reporters of Prohibited Conduct, and Respondents to Prohibited Conduct complaints;
- being involved in the complaint handling process of U18 Students.

## **External Consultant**

The External Consultant, appointed by the College Heads, assists the Colleges to implement the Policy by:

- preparing educational materials, organising and conducting training programs;
- assisting the Safe Coordinators, Safe Contact Persons, External Advisers and Conciliators and College Heads as required in the handling of complaints; and
- making recommendations on policies, programs initiatives and strategies to enhance legislative compliance and promote Student and Staff access, equity and diversity.

## **APPENDIX C: CONTACTS**

### **SAFE**

Sexual Misconduct Prevention

Advice and Advocacy

Fair Treatment

Equality and Equity

### **SAFE COORDINATOR**

Ms Maria O'Donnell (0401 181 030) [dean@stmarys.unimelb.edu.au](mailto:dean@stmarys.unimelb.edu.au)

### **EXTERNAL ADVISORS**

- Michael Mitchell (0447 710 062)
- Kevin O'Neill (0438 514 237)
- Catherine Smith (0411 872384)

### **INTERNAL SAFE CONTACT PERSONS**

- Assoc Prof Patrick Quirk 9349 9555
- Ms Joanne O'Neill 9349 9555

### **U18 SAFE PERSON**

- Mrs Brenda Renfrew (0434 014 480)

### **HEAD OF COLLEGE**

- Dr Darcy McCormack (0431 209 608) [principal@stmarys.unimelb.edu.au](mailto:principal@stmarys.unimelb.edu.au)

### **EXTERNAL CONSULTANT TO THE COLLEGES**

Skye Rose, Practice Leader, Moores: (03) 9843 0418