



Anti-Discrimination and the Prevention of Harassment, Vilification and Bullying Policy

1. Purpose

- 1.1 This policy sets out Western Sydney University International College's (WSUIC) position in relation to behaviour which constitutes discrimination, harassment, vilification and bullying in the workplace and the framework for WSUIC's response to such behaviour.
- 1.2 WSUIC is committed to the principles of equal opportunity and providing an environment that is free from unlawful discrimination, unlawful harassment, vilification, victimisation and unlawful adverse action.
- 1.3 A number of Federal and State laws apply to the area of anti-discrimination and the prevention of harassment, vilification and bullying and the underlying governing principles all relevant legislation will be referred to in executing this policy.

2. Scope

- 2.1 This policy applies to all employees, contractors, service providers, customers, students (inclusive of any student studying at the WSUIC campus), visitors and volunteers engaged by or associated with WSUIC that:
 - 2.1.1 Are on WSUIC premises,
 - 2.1.2 Are using WSUIC equipment, be it owned or leased (e.g. communications technologies, vehicles, facilities);
 - 2.1.3 Are attending a WSUIC event, function or activity;
 - 2.1.4 Are participating in any activity as a representative or student of WSUIC (e.g. field trips inter-University events, conferences).
- 2.2 The policy also applies to any form of contact or communication that is relevant to WSUIC business activities, whether initiated in person, by telephone, fax, e-mail, SMS or social networking sites, through another person, agent or any other means.
- 2.3 Matters that arise away from WSUIC and that have no association with it would not normally be covered by this policy except where there is a clear impact on WSUIC's ability to fulfil its objectives in terms of this policy.

3. Definitions

'Harassment'

Behaviour that is either verbal or physical conduct which is unwelcome and which occurs in circumstances where a reasonable person would possibly be offended, humiliated or intimidated by that behaviour. Harassing conduct includes, without limitation:

- a) offensive, threatening, intimidating or demeaning behaviour directed at an individual



- or a group of people;
- b) any requirement that a person accept or engage in any form of sexual behaviour to gain an employment benefit or avoid some employment detriment;
- c) communication of a spoken or written nature and computer mediated material that shows hostility or aversion to individuals or groups in the community.

'Sexual harassment'

Unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate.

'Discrimination'

This may be direct or indirect. Both types of discrimination are unlawful.

"Direct discrimination" occurs when a person treats, or proposes to treat, a person with a protected characteristic unfavourably because of that characteristic. Protected characteristics include marital status, pregnancy, race or ethnic origin, political or religious belief or activity, age, disability or impairment, sex, gender identity, physical features, parental status or status as a carer, family responsibilities, breastfeeding and trade union membership.

"Indirect discrimination" occurs when a person imposes, or proposes to impose, an unreasonable condition, requirement or practice which has or is likely to have the effect of disadvantaging a person because of their race, sex, age, disability or other characteristic protected by law.

'Vilification'

A public act, either perceived or actual, which incites hatred, severe contempt or ridicule of a person or a group based on their race, colour, ethno-religious or national origin, sexual orientation and sex or gender identity or HIV/AIDS.

'Victimisation'

Victimisation refers to less favourable treatment of a person or persons for their participation in making, supporting or resolving a complaint, whether that participation was actual, intended or presumed.

'Bullying'

Repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Unreasonable Behaviour is behaviour that a reasonable person, having regard to all the circumstances, would expect to humiliate, undermine or threaten. Bullying behaviour may occur in one-on-one interactions or it may take place in front of others. Bullying may be direct or indirect and may include, without limitation:

- a) yelling, screaming, abusive or offensive language, insults, inappropriate comments about a person's appearance, personal life or lifestyle;
- b) constant belittling opinions or unreasonable criticism of others;
- c) isolating individuals from normal work interaction without justification;



- d) impossible demands within the framework of existing work unit standards
- e) abusive emails.

Reasonable management actions in relation to managing an employee that are carried out in a fair way in the workplace are not bullying. These actions can include but are not limited to:

- a) setting performance goals, standards and deadlines for an employee;
- b) deciding not to select an employee for promotion;
- c) informing or counselling an employee about his/her unsatisfactory work performance or inappropriate behaviours;
- d) implementing organisational and/or supervisory changes.

4. Policy Statement

4.1 Discrimination, harassment, vilification and bullying are unacceptable behaviours and will not be tolerated.

4.2 WSUIC is committed to:

- 4.2.1 creating a safe and productive working environment in which employees are free from harassment, discrimination, vilification and bullying and are treated with dignity and respect;
- 4.2.2 implementing training and awareness raising strategies to ensure that all employees know their rights and responsibilities;
 - a) treating all complaints in a sensitive, fair, timely and confidential manner;
 - b) supporting staff who report behaviour which breaches this policy; and
 - c) promoting appropriate standards of conduct at all times.

4.3 WSUIC regards harassment, discrimination, vilification and bullying as serious misconduct and adopts a risk management approach which identifies hazards, assesses risk and eliminates or controls the source of the problem. Where it is established that harassment, discrimination, vilification and/or bullying have occurred, WSUIC may take action against the person who engaged in that behaviour as stipulated in this policy.

5. Responsibilities

5.1 **All managers, employees and contractors** are responsible for ensuring that they are aware of and comply with this policy to ensure that the workplace remains free from discrimination, harassment, and vilification and bullying.

5.2 **All employees, contractors and volunteers** must ensure that they do not engage in any unlawful conduct towards other employees, contractors, volunteers, students or other customers and clients with whom they come into contact through work.

5.3 **All managers** are expected to monitor the workplace, be seen as a role model and to actively contribute to a work environment that is free from discrimination, harassment and bullying.



- 5.4 **Senior Managers and the College Director and Principal** are responsible for ensuring that all employees are aware of this Policy and their responsibilities defined herein and investigate and take appropriate action on complaints made by contractors, service providers, customers, visitors and volunteers, relating to discrimination, harassment, vilification or bullying.
- 6. Reporting and managing a grievance related to discrimination, harassment, vilification and bullying**
- 6.1 Students who wish to file a complaint relating to discrimination, harassment, vilification or bullying:
- A student studying at the WSUIC campus who believes harassment, discrimination, bullying or vilification has occurred is encouraged to report their complaint in accordance with Western Sydney University International College Student Compliant Handling Policy. The complaint will be managed according to this policy.
- 6.2 Staff who wish to file a complaint relating to discrimination, harassment, vilification or bullying:
- 6.2.1 A WSUIC staff member who believes harassment, discrimination, bullying or vilification has occurred is encouraged to report their complaint in accordance with the Western Sydney University International College Staff Grievance Management Policy and Procedure. Their complaint will be managed according to this Policy.
- 6.2.2 A WSU staff member who believes harassment, discrimination, bullying or vilification has occurred is encouraged to report their complaint in accordance with the Western Sydney University Discrimination, Harassment, Vilification and Victimisation Prevention Policy. Their complaint will be managed according to this policy.
- 6.3 Contractors, service providers, customers, visitors and volunteers who wish to file a complaint relating to discrimination, harassment, vilification or bullying:
- A contractor, service provider, customer, visitor or volunteer who believes harassment, discrimination, bullying or vilification has occurred is encouraged to report their complaint to the College Director and Principal. In the case where the grievance relates to the actions of the College Director and Principal, the incident should be reported to Navitas HR Shared Services.
- 6.3.1 In the case where the complaint relates to the alleged actions of a WSUIC student, the WSUIC Student Misconduct Rule will be applied.
- 6.3.2 In the case where the complaint relates to the alleged actions of a WSUIC staff member, the WSUIC Staff Code of Conduct will be applied.



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6.3.3 In the case where the complaint relates to the alleged actions of a WSU staff member or student, the matter will be referred to WSU and be managed in accordance with the Western Sydney University Discrimination, Harassment, Vilification and Victimisation Prevention Policy.

6.3.4 In the case where the complaint relates to the alleged actions of another contractor, service provider, customer, visitor or volunteer, the College Director and Principal will investigate the matter based on confidentiality, impartiality, procedural fairness, protection from victimisation and prompt resolution.

6.4 WSUIC will not retaliate against anyone for filing a complaint or for participating in any investigation nor will it tolerate or permit retaliation by any manager or staff member or other work place participant. Such victimisation is also prohibited under anti-discrimination laws and this behaviour can also result in disciplinary action for the staff member(s) or work place participants involved.

7. Quality and Compliance

7.1 This policy and procedure is reviewed periodically as required (at a minimum every two years) for regulatory compliance, operational currency, the identification of continual improvement opportunities and risk identification and mitigation. This review is reflected in Western Sydney University International College's Quality Assurance, Compliance and Risk Management Frameworks.

7.2 This Policy will be available on the WSUIC website for students and the WSUIC SharePoint site for staff access.

7.3 Emails will be issued to all staff to inform and update them on any changes to the policy and/or procedures.

8. Related Forms and Documents

N/A

9. Related Policies, Procedures and Guidelines

POL 12 WSUIC Equal Opportunity and Diversity Policy

POL 17 WSUIC Staff Grievance Management Policy

POL 21 WSUIC Staff Code of Conduct

POL 20 WSUIC Student Complaint Handling Policy

POL 37 WSUIC Privacy Policy

[WSU Gender Equality Policy](#)

[WSU Gender Equality Procedures and Guidelines](#)

[WSU Discrimination, Harassment, Vilification and Victimisation Prevention Policy](#)

[WSU Discrimination, Harassment, Vilification and Victimisation Prevention Guidelines](#)



[Navitas Grievance Management Policy](#)
[Navitas Grievance Investigation Procedures](#)
[Navitas Disciplinary Policy](#)

Related Legislation

[Anti-Discrimination Act 1977 \(NSW\)](#)
[Australian Human Rights Commission Act 1986](#)
[Age Discrimination Act 2004](#)
[Disability Discrimination Act 1992](#)
[Racial Discrimination Act 1975](#)
[Sex Discrimination Act 1984](#)
[Equal Opportunity for Women in the Workplace Act 1999](#)
[Fair Work Act 2009](#)
[Work Health and Safety Act 2011 \(NSW\)](#)

Amendment History

Approval Authority:	Western Sydney University International College Board of Directors	
Approval Date:	28 April 2017	
Date for Next Review:	12 Sept 2023	
Revision Date	Version	Summary of changes
28/4/2017	1.0	New Policy Developed and Implemented
23/8/2019	2.0	Minor changes to formatting and numbering. References to Western Sydney University International College abbreviated to WSUIC.
24/08/2021	2.0	Minor changes to formatting (spacing issues) throughout the document.
12/09/2023	2.0	Minor changes to formatting and grammar