



**EXCELSIA
COLLEGE**
Sydney - Australia

**THIS POLICY IS CURRENTLY UNDER REVIEW BY
MANAGEMENT COMMITTEE**

Document Name

NO HARASSMENT AND DISCRIMINATION POLICY

Document Number

PO-STA-06

Document Status

Author	Director of People and Culture	September 2012
Approving Authority	Management Committee	September 2012
Publication	Issue 3	September 2019
Review Date	Review of Issue 3	September 2021

Policy Statement

Excelsia College is committed to maintaining a work and study environment which is free from discrimination and harassment for members of the college community. Staff and students are expected to respect the rights of others. The college is committed, under the principles and requirements of the state and federal anti-discrimination laws, to ensuring that all matters relating to harassment are dealt with speedily, sensitively, equitably, confidentially and according to proper processes.

Policy Purpose

The purpose of this policy is to articulate the college's approach to addressing discrimination and harassment within the college community.

Application of the Policy

This policy applies to all staff members, students, visitors, volunteers and contractors engaged or appointed by the college while on campus or engaged in college related activity.

Definitions

Discrimination is defined under state and federal legislation as treating someone or a group of people less favourably than another person or group because of a particular characteristic(s) e.g. race, sex, religion specified under anti-discrimination legislation. Unlawful discrimination can be either direct or indirect.

A.) *Direct discrimination* occurs when a person or group of persons is treated less favourably than another person or group of persons because of their background or certain personal characteristics. Direct discrimination is unlawful, if the discrimination is based on protected characteristics or grounds, listed in Section 5 of this policy. Some limited exemptions and exceptions may apply

- Eg: A student not being invited to work on a research project because they are from a non-English speaking background and it is assumed people might have difficulty understanding them

B.) *Indirect discrimination* occurs when there is an unreasonable rule or policy that is the same for everyone but has an unfair effect on people who share a particular attribute. Indirect discrimination is unlawful, if the discrimination is based on protected characteristics or grounds, listed in Section 5 of this policy. Some limited exemptions and exceptions may apply

- Eg: Requiring all staff members to work hours that might be unfair to a person with carer's responsibilities (unless it can be shown that these hours are an essential condition)

Harassment is defined under federal and state legislation, as any form of behaviour where a person is made to feel intimidated or humiliated because of a particular characteristic(s) eg, race, sex as specified under anti-discrimination or human rights legislation. It can be verbal, written or physical, and can occur even if the behaviour is not intended to offend. Examples of harassment include:

- Asking intrusive questions about someone's personal life
- Comments that put down or stereotype people
- Offensive communications including digital communications (Facebook, twitter, e-mails), written, images and telephone
- Derogatory or demeaning jokes intended to offend on the basis of stereotyped characteristics

Grounds for unlawful Discrimination and/or Harassment

Race	Sexual orientation
Sex	Industrial, political or trade union activity
Pregnancy/breastfeeding	Gender identity
Disability	National extraction or social origin
Impairment	Intersex status

Age	Association with a child
Religion	Marital/relationship status
	Career/family responsibilities

Roles & Responsibilities

The college has a responsibility to take all reasonable steps to ensure the health, safety and wellbeing of staff members, students, visitors, volunteers and contractors. It will support a working and learning environment that is free from discrimination and harassment, The college commits itself to:

Preventing harassment and/or discrimination by:

- Running regular induction and training programs about harassment and discrimination so that everyone knows what their rights and responsibilities are
- Handling complaints about harassment and/or discrimination, via the college's grievance policy and procedure
- Managing harassment and/or discrimination complaints seriously, sympathetically, quickly, impartially (fairly) and confidentially. Providing referrals as appropriate and exploring strategies to resolve the matter
- Ensuring that staff/ students are not victimised in any way for making a harassment and/or discrimination complaint
- Take action to make sure the harassment and/or discrimination stop and discipline where necessary

References and Related Document

Bullying Policy and Procedures

Grievance Policy and Procedure

Grievance Notification and Resolution Forms

Bullying Procedures and Policy

Staff and Student Code of Conduct

Staff and Student Handbook

EEO Policy and Procedures

[Australian Human Rights Commission - Workplace discrimination, harassment and bullying](#)

Fair Work Act 2009 (Cth)

[Australian Catholic University – Discrimination & Harassment](#)