

POLICY ON THE PREVENTION OF HARASSMENT

1. BACKGROUND AND CONTEXT

Harassment is a form of discrimination and is unlawful under both federal and state anti-discrimination laws, including the:

- [Racial Discrimination Act 1975 \(Cwlth\)](#)
- [Sex Discrimination Act 1984 \(Cwlth\)](#)
- [Australian Human Rights Commission Act 1986 \(Cwlth\)](#)
- [Disability Discrimination Act 1992 \(Cwlth\)](#)
- [Age Discrimination Act 2004 \(Cwlth\)](#)
- [Anti-Discrimination Act 1977 \(NSW\)](#).

These laws prohibit discrimination and harassment in employment, education and service delivery on the grounds of:

- race, colour, descent, national or ethnic origin, ethno-religious background
- sex
- marital status
- pregnancy, potential pregnancy
- disability (physical, intellectual, psychiatric, sensory, neurological or learning disabilities and illnesses such as HIV/AIDS)
- age
- homosexuality, and
- transgender status.

The legislation also prohibits racial, homosexual, transgender and HIV/AIDS vilification, dismissal because of family responsibilities, and victimisation resulting from a complaint.

2. PURPOSE AND SCOPE

This Policy applies to all staff and students while on campus or engaged in any University-related activity.

All students and staff have a responsibility to contribute to the achievement of a productive, safe and equitable study and work environment by avoiding practices which lead to, support or condone harassment. This responsibility extends to all campus participants:

- students (including local, international and exchange students)
- academic and support staff (including continuing, contract or casual, visiting appointments, guest lecturers)
- sub-contractors working on campus
- visitors to the University, and
- people external to UTS that students or staff interact with as part of their work or study, for example in work experience, industrial or clinical placements, exchanges or work-based learning units.

Managers and supervisors are accountable for ensuring that staff and students understand their rights and responsibilities in relation to this policy.

3. POLICY PROVISIONS

3.1 Prevention of harassment commitment

The University is committed to ensuring that all students and staff are treated fairly and equitably, and can work and study in an environment free of harassment. Discrimination, harassment and victimisation are unlawful, undermine professional relationships, diminish the experience of university life, and will not be tolerated at UTS.

3.2 What is unlawful harassment?

Unlawful harassment is any unwelcome conduct, verbal or physical, which has the intent or effect of creating an intimidating, hostile or offensive educational, or work environment, and which happens because of a person's sex, pregnancy, race or ethno-religious background, marital status, age, sexual preference, transgender status or disability.

Unlawful harassment can include:

- verbal abuse or comments that put down or stereotype people
- derogatory or demeaning jokes intended to offend on the basis of stereotyped characteristics
- offensive communications (such as posters, letters, emails, faxes, screen savers, websites)
- offensive telephone or electronic mail or other computer system communications
- insults, taunting, name calling, innuendo or bullying
- persistent or intrusive questions or comments about an individual's personal life
- unwelcome invitations especially after prior refusal
- orientation activities that involve sexual, sexist, racist or other discriminatory behaviour
- non-verbal behaviour such as whistling, staring and leering
- uninvited sexual or physical contact such as embracing, kissing or touching
- promises, propositions or threats in return for sexual favours
- engaging in behaviour which is embarrassing, humiliating or intimidating
- derogatory comments about race, religion and customs
- teasing or offensive language and racist behaviours, and
- mocking customs or cultures.

The offensive behaviour does not have to take place a number of times: a single incident can constitute harassment.

What is important is how the behaviour affects the person it is directed against. Unlawful harassment can occur even if the behaviour is not intended to offend. Students and staff should be aware that differing social and cultural standards may mean that behaviour that is acceptable to some may be perceived as offensive by others. As a guide, ask yourself: 'would a reasonable person be intimidated, offended or humiliated by the behaviour?'

3.3 What is not unlawful harassment

Administrative action

Managers and university staff frequently have to make difficult decisions, for example changing work allocation, moving people about or courses changes. These decisions may not please everybody but they do not normally constitute harassment.

Performance evaluation

Giving appropriate criticism and taking appropriate corrective action when an individual's work is unsatisfactory is a normal part of the supervisor's role and does not normally constitute harassment.

Student assessment

Academic staff have a responsibility to students to assess their work fairly, objectively and consistently across the candidature for their particular subject/course. A poor assessment is not discriminatory, provided the criticism is reasonable and constructive. Giving appropriate criticism and taking appropriate corrective action when an individual's assessment is unsatisfactory is a standard part of academic life.

Consensual relationships

A relationship of a sexual nature based on mutual attraction, friendship and respect does not constitute harassment, providing the interaction is consensual, welcome and reciprocated. However, consensual relationships may lead to conflict of interest.

3.4 Conflict of interest

Consensual personal relationships between colleagues or between staff and students can be problematic because of the power imbalance in the relationship, or because of the potential for conflict of interest. Harassment usually occurs when power and /or authority is used inappropriately.

Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint when that relationship gives undue advantage or creates a hostile environment for others.

In any situation where there is potential for a conflict of interest, staff have a duty under the [Code of Conduct](#) to disclose that conflict immediately to their supervisor. Breaches of the code of conduct may result in disciplinary action being taken.

3.5 Complaints about Harassment

The University's procedures for handling complaints are based on confidentiality, impartiality, procedural fairness, protection from victimisation and prompt resolution.

Any complaints of harassment will be dealt with promptly, seriously, and without victimisation of those involved. Processes for handling complaints are outlined in the [Handling Staff Grievances Vice-Chancellor's Directive](#) (for complaints made by staff), and the [Policy on Handling Student Complaints](#) (for complaints made by students).

Disciplinary action may be taken against students or staff who are found to have harassed other students or staff. Breaches of the policy will be considered to be 'misconduct' or 'serious misconduct' in the case of employees, and 'non-academic misconduct' in the case of students, and may result in the most serious cases in permanent expulsion (for students) or dismissal (for staff). Formal warnings about inappropriate behaviour are a common outcome for first offences, unless the behaviour is of a very serious nature

3.6 What to do about harassment

Staff experiencing harassment should refer the matter to an immediate supervisor in the first instance, or seek confidential information and advice from the Equity and Diversity Unit or the Human Resources Unit.

Students should seek advice from the Equity and Diversity Unit (if the complaint relates to unlawful harassment) or the Student Services Unit (for counselling and support). The Students' Association also provides advice and advocacy for students.

3.7 Where to go for assistance

Seek advice and support from a senior staff member in your faculty/unit, or contact the:

Equity and Diversity Unit (for students and staff)

Website: <http://www.uts.edu.au/about/equity-and-diversity/overview>

Human Resources Unit (for staff)

Website: <http://www.hru.uts.edu.au>

Student Services Unit (for students)

Telephone: (02) 9514 1177; TTY: (02) 9514 1164

Website: <http://www.uts.edu.au/current-students/support>

The Students' Association also provides advice and advocacy for students.

Staff may, if they choose, seek advice, assistance and/or representation from their chosen representative. Such a representative will not be a barrister or solicitor in private practice.

4. AUTHORITIES AND ACCOUNTABILITIES

All staff are accountable for ensuring that their behaviour complies with the University's commitments and state and federal legislative requirements as outlined in this policy. Supervisors, management and staff of specialist units have a responsibility to take appropriate action in relation to harassment complaints.

5. SPECIFICATION OF RELATED UTS AND OTHER RELEVANT DOCUMENTATION

[Anti-discrimination Act 1977 \(NSW\)](#)

[Australian Human Rights Commission Act 1986 \(Cwlth\)](#)

[Racial Discrimination Act 1975 \(Cwlth\)](#)

[Sex discrimination Act 1984 \(Cwlth\)](#)

[Disability Discrimination Act 1992 \(Cwlth\)](#)

[Age Discrimination Act 2004 \(Cwlth\)](#)

[Handling Staff Grievances Vice-Chancellor's Directive](#)

[Handling Staff Grievances — Supervisor's Guidelines](#) (HR Manual 6.13)

[Handling Student Complaints Policy](#)

[Equal Opportunity and Diversity Policy](#)

[Code of Conduct](#) (Staff)

[Student misconduct and appeals](#) (Section 16, Student Rules).

6. APPROVAL AND REVISIONS TABLES

6.1 Approval

Approved by UTS Council / Academic Board	Meeting number and date
Council	00/3, 15 June 2000
	Resolution number
	COU/00/58
Effective date	Review date
15 June 2000	
Accountable Officer (if not the Vice-Chancellor)	
Provost	
Implementation Officer	
Director, Equity and Diversity Unit	
Official file no.	UR07/632

6.2 Revision/modification history

Date	Version	Current title	Summary of changes	Approval authority (date)	Resolution or file number
15/08/2007	2	Policy on the Prevention of Harassment	Formatting in accordance with UTS Policy Framework template. HEWRR compliance amendments.	Council	COU/07-4/80
01/07/2015 (effective date)	2.1	Policy on the Prevention of Harassment	Changes (approved under Delegation 3.17) to implement 2014 Senior Executive restructure.	Director, Governance Support Unit (GSU) (11/12/2014)	