



# POLICY

**Policy Title:** Prevention of Harassment, Bullying and Discrimination

**Policy Owner:** Director Human Resources Service Centre

**Keywords:** 1) Harassment 2) Complaints 3) Victimization  
4) Discrimination 5) Equal Opportunity 6) Bullying

**Policy Code:** PL124 [hr013]

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## 1. INTENT

Edith Cowan University is committed to providing work, teaching and learning environments that are free from all forms of harassment (including bullying, racial vilification and victimisation) and discrimination.

Harassment (including bullying, racial vilification and victimisation) and discrimination will not be tolerated and all staff, students and visitors to the University are required to comply with the behavioural standards outlined within the University's Code of Conduct, Statutes and By-laws.

The University will take all reasonable steps to prevent breaches of this Policy including the provision of guidelines and formalised procedures to assist in the prompt and effective resolution of complaints.

Specifically this policy aims to:

- a) Eliminate harassment (including bullying, racial vilification and victimisation) and discrimination.
- b) Ensure all staff and students are aware of their roles and responsibilities to ensure the University provides safe and inclusive work, teaching and learning environments.
- c) Provide guidelines and formalised procedures to assist in the prompt resolution of complaints confidentially and effectively.

- d) Ensure that the University complies with its legal responsibilities in accordance with the following Acts:

Commonwealth legislation

Age Discrimination Act 2004 (Cth)  
 Disability Discrimination Act 1992 (Cth)  
 Equal Opportunity (Commonwealth Authorities) Act 1987 (Cth)  
 Fair Work Act 2009 (Cth)  
 Human Rights and Equal Opportunity Commission Act 1986 (Cth)  
 Racial Discrimination Act 1975 (Cth)  
 Racial Hatred Act 1995 (Cth)  
 Sex Discrimination Act 1984 (Cth)  
 Workplace Gender Equality Act 2012

State Legislation

Equal Opportunity Act 1984 (WA)  
 Disability Services Act 1993 (WA)  
 Occupational Safety and Health Act 1984 (WA)

**2. ORGANISATIONAL SCOPE**

All ECU students, staff and visitors

**3. DEFINITIONS**

TERM	DEFINITION
Bullying	Unwelcome and offensive behaviour that intimidates, humiliates and/or undermines a person or group. Bullying, which is a form of workplace harassment, generally involves a persistent pattern of behaviour over a period of time and may include verbal abuse, physical assault, unjustified criticism, sarcasm, insults, spreading false or malicious rumours about someone, isolating or ignoring a person, putting people under unnecessary pressure with overwork or impossible deadlines, and sabotaging someone's work or their ability to do their job by not providing them with vital information and resources. Bullying can be a form of unlawful harassment if it is directed at someone because of one of the grounds covered by anti-discrimination legislation (refer harassment).
Confidentiality	Information kept in trust and only those people directly involved in the concern or who are involved in resolving a complaint will be provided with information about a complaint. There may be a need to disclose confidential information in circumstances where a matter is considered to involve a criminal action or a breach of the University's duty of care and in such cases the information will be divulged only to those who need to know.

Discrimination	Treating someone unfairly or unequally simply because they belong to a group or category of people. Equal opportunity laws prohibit discrimination on the grounds of sex, marital status, pregnancy, family responsibility, family status, race, religious or political convictions, gender history, impairment, age or sexual orientation. Victimisation is also treated as an unlawful act.
Duty of Care	The University has a legal responsibility to provide staff and students with safe work, teaching and learning environments which are free from harassment and discrimination. Complaints of a serious nature may therefore need to be referred, in cases involving staff, to the Director Human Resources, for action under the appropriate employment provisions or in the case of students, the Director Student Services, for action detailed in the University's Statutes and By-laws.
Harassment	Unacceptable conduct that consists of unwelcome and uninvited comments or actions that intimidate, offend, humiliate or embarrasses a person or a group of persons. Equal opportunity laws prohibit harassment on the grounds of sex, race and/or disability.
Natural Justice	Refers to a process that is fair to all parties and free of bias. The principles include the right for an affected person to be heard before any decision which has the potential to affect them is made, the right to be informed of allegations made, the right of response, the right to representation and consistency in the organisational approach to issues.
Racial Harassment	Occurs when a person is threatened, abused, insulted or taunted in relation to their race or by association, descent or nationality, colour, language or ethnic origin, or a racial characteristic. It may include derogatory remarks about people from particular countries or races, disparaging remarks about someone's accent or manner of speaking, mockery of skin colour or appearance, or displays of material prejudicial to a particular race and racial jokes.
Racial Vilification	Involves the incitement of racial hatred or racial harassment by statements or other public acts.
Sexual Harassment	Is any verbal or physical sexual conduct that is unwelcome and uninvited that humiliates, intimidates or offends and that in the circumstances, a reasonable person would have anticipated the conduct would have such an effect. It may include kissing, embracing, patting, pinching, touching, leering or gestures, questions about a person's private or sexual life, requests for sexual favours, smutty jokes, phone calls, emails,

	facsimiles or messages, offensive noises or displays of sexually graphic or suggestive material.
Victimisation	Includes any unfavourable treatment of a person as a result of their involvement in a complaint. Unfavourable treatment could include: adverse changes to the work environment, denial of access to resources, work opportunities or training, refusing to provide information, ignoring the person, dismissal, refusing to renew a contract of employment, or lower assessment of student work.

#### 4. POLICY CONTENT

- 4.1 Harassment, bullying, discrimination and victimisation should not be confused with legitimate comment and advice regarding standards of work, workplace behaviour or feedback on student work or performance given appropriately by managers, supervisors, lecturers and/or tutors.
- 4.2 In dealing with complaints, the rights of all individuals should be respected and confidentiality maintained.
- 4.3 Both the person making the complaint, and the person against whom the complaint is made, will receive information, support and assistance in accordance with the principles of natural justice.
- 4.4 Victimisation is unacceptable and will not be tolerated. No person making a complaint, or assisting in the investigation of a complaint, is to be victimised. Victimisation of people making complaints will be treated as seriously as the original behaviour giving rise to the complaint.
- 4.5 All staff and students are expected to participate in the complaint resolution process in good faith.
- 4.6 All complainants have the right to have their complaint heard in an external forum.
- 4.7 Reported complaints will be dealt with as expeditiously as the circumstances of the complaint allow.
- 4.8 University Contact Officers provide information and advice on policies and procedures. Equity and Diversity Officers (Staff and Students) – provide advice and support to complainants, respondents, managers and supervisors on conciliation of complaints and may undertake internal investigations.
- a. **Staff complaints**  
Director HR Services
  - b. **Student Complaints**  
Director Student Services
  - c. **External complaints**  
Vice-Chancellor will appoint a complaint manager to respond to complaints received from external authorities.

## 5. ACCOUNTABILITIES AND RESPONSIBILITIES

The Director Human Resources Service Centre has overall responsibility for the content of this policy and its operation in ECU.

Staff/students and contractors are required to comply with the content of this policy and to seek guidance in the event of uncertainty as to its application.

## 6. RELATED DOCUMENTS:

6.1 Other documents which are relevant to the operation of this policy are as follows:

- [HR144 Managing Violence in the Workplace;](#)
- [HR081 Occupational Safety and Health Policy;](#)
- [HR117 Code of Conduct Policy;](#)
- [University Statute 22](#)
- [Academic and Professional Staff Union Collective Agreement 2013.](#)

## 7. CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner	Director Human Resources Service Centre
All Enquiries Contact:	Director Human Resources Service Centre
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## 8. APPROVAL HISTORY

Policy Approved by:	Vice Chancellor
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