

Wesley College

Harassment and Discrimination Policy

Background

It is the policy of Wesley College that any form of harassment, including sexual harassment, and discrimination is not tolerated and is a grave breach of the rules of Wesley College. Such behaviours are also against the law.

Every student, employee and other occupant has the right to study and work in an environment that is free from harassment and discrimination, a right to be treated with dignity and respect, regardless of their background, beliefs and culture.

Understanding that all resident students at Wesley College are also members of The University of Sydney, means as appropriate, this policy operates in conjunction with the current policies in place at The University of Sydney (see below)

The following list provides the anti-discrimination laws that apply at the current time of writing and is not necessarily complete:

Anti-Discrimination Act 1977 (NSW)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

Disability Discrimination Act 1992 (Cth)

Human Rights and Equal Opportunity Commission Act 1986 (Cth)

Age Discrimination Act 2004 (Cth)

Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013(Cth)

Policy Objectives

The following principles of our 'Vision Mission and Values' statement will help guide our Harassment and Discrimination policy. Wesley is committed to:

Provide a safe environment which encourages and promotes the academic, social, sporting, cultural and spiritual growth of each individual

We respect and support each other as Collegians

We act responsibly, and actively seek to ensure the safety of others

We display respect to others

We actively seek to include our fellow Collegians in College Life

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We value diversity of gender, background and thought

We actively seek to promote equity of access

Wesley is committed to a comprehensive strategy for ensuring a safe living and working environment. We promote appropriate standards of conduct at all times and encourage the reporting of behaviours which breach the Harassment and Discrimination policy.

Definitions

Harassment

Harassment is any type of behaviour that:

- The other person does not want; and
- Offends, insults, humiliates or intimidates the person and is either
 - Sexual, or
 - Targets them because of any/all/ or other (i.e. this is not an exhaustive list) of the following;
their race, sex, pregnancy, marital status, transgender, sexual preferences or orientation (including homosexuality, lesbianism, bisexuality and heterosexuality), disability or long term illness, age, family or carers' responsibility, social origin, political belief, lack of a political belief, lack of a particular political belief (including trade union activity or lack of it, and student association activity or lack of it), religious belief, lack of a religious belief, and/or lack of a particular religious belief; and
- That, in the circumstances a reasonable person should have expected would offend, insult, humiliate or intimidate.

There are many types of verbal, non-verbal and physical behaviours that could amount to harassment. Although harassment is often repeated, or a series of different events, a single action can be enough to amount to harassment.

Sexual Harassment

Anti-discrimination law defines sexual harassment as:

- unwanted sexual advances, or unwelcome requests for sexual favours; or
- other unwelcome conduct of a sexual nature; and
- in the circumstances, a reasonable person would have expected you to be offended, humiliated or intimidated by this behaviour.

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Sexual harassment can take many different forms — it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex. Sexual harassment may include:

- staring or leering
- unnecessary familiarity, such as brushing against a person or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites (please refer to the Student Social Media Policy)
- requests for sex
- repeated unwanted requests to go out on a date.

Some types of harassment are also illegal under criminal law. For example:

- indecent, sexual or physical assault of any type (including some forms of initiation rites, displaying the sexual parts of one's body, and unwanted touching of the sexual parts of someone else's body); and
- stalking.

Discrimination

Under federal and state legislation, discrimination is any practice that makes a distinction between individuals or groups so as to disadvantage some people and advantage others. Discrimination may be direct or indirect.

- *Direct discrimination* is treating any person less favourably because of personal characteristics (as outlined above) than a person without that characteristic is treated in the same or similar circumstances.
- *Indirect discrimination* results when a requirement, rule, policy or practice that appears to treat everyone the same, has a disproportionately unfair impact on particular people or groups of people when it is applied.

Principles

1. Wesley College acknowledges a statutory and moral obligation to take all reasonable precautions to ensure that all its members, which includes resident students,

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employees, employee's family members, guests of residents and visitors are not subjected to harassment.

2. Wesley College will seek to inform and educate members of its community through regular training and awareness programs.
3. Wesley College expects all its members to take care to avoid conduct, familiarities or use of language, which may be interpreted as harassment or sexual harassment or discrimination.
4. Wesley College is committed to doing all that is reasonably practicable to provide an environment in which harassment or discrimination does not occur. If it does occur, Wesley College is committed to providing appropriate investigation, support, and remedies.
5. In the event of a complaint of harassment or discrimination immediate action will be taken. Wesley has a duty to ensure that any harassment or discrimination identified is addressed as soon as possible in accordance with this policy.
6. The Master will have responsibility for managing complaints and the process and in the event that the complaint involves the Master, the Chair of Council will have responsibility and manage the process.
7. Confidentiality will be maintained by all parties during the investigation process (except to the extent otherwise required by law or required for the essential administration of Wesley College).
8. Impartiality will be maintained throughout an investigation.
9. Wesley College is committed to ensuring appropriate communication is maintained with both the complainant and the subject(s) of the complaint during the course of the investigation.

Procedural Matters

Harassment Advisers

The College will appoint two Harassment Advisers, who are appropriately trained to ensure that in their role, they have a clear understanding of Wesley College's and the University's policies and procedures. Harassment Advisers will be chosen for their approachability and respect for confidentiality.

External Conciliator/Investigator

In some cases requiring neutrality and impartiality, or specific expertise, an external investigator will be appointed.

References and Links

1. University of Sydney Harassment and Discrimination Prevention Policy and Resolution Procedures Web link www.sydney.edu.au/policies.

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2. Wesley College Discipline Policy 2015
3. Wesley College Student Social Media Policy
4. Wesley College 'Vision Mission and Values' Statement

Policy Review

This policy is to be reviewed annually by the Wesley College Council (Next review date 2016)