



## Discrimination and Harassment Policy

### Contents

Purpose and Objectives.....	2
Policy Scope and Coverage .....	2
Definitions .....	2
Procedures and Principles .....	6
Relevant Legislation .....	8

## Purpose and Objectives

---

This policy outlines International House's (IH) commitment to ensuring that Board Members, staff, residents, alumni, volunteers, contractors and visitors are not subjected to behaviours, practices or processes that may constitute discrimination, harassment, vilification, or victimisation. IH is committed to providing an environment for effective work, study and residential life.

## Policy Scope and Coverage

---

This policy covers Board Members, staff, alumni and residents or visitors at IH who are engaged in IH-related activity either on IH property, off-campus or on social media.

IH is committed to developing and maintaining an environment that is free of discrimination and harassment and which promotes respect for persons, integrity, equitable treatment and natural justice. IH actively discourages behaviour and actions that do not produce a positive, safe and respectful life, work and study environment.

All Board Members, staff, alumni and residents or visitors have a responsibility to behave in a respectful and equitable manner towards other staff, residents, students, alumni, and members of the community as outlined in the IH Way, Resident Handbook, Resident Code of Conduct, Student Club documents/code of conduct, Board Professional Code of Conduct, Senior Resident Handbook, Staff Manual of Policy and Procedures, Sexual Misconduct Policy and Procedures and other related IH policies and documents.

## Definitions

---

**Discrimination** refers to the less favourable treatment of a person towards another person on the basis of an attribute which includes:

- sex
- relationship status
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity

- sexuality
- family responsibilities

Discrimination may be direct or indirect.

- (i) **Direct Discrimination** involves treating a person less favourably because of some attribute or status they have or are believed to have; and
- (ii) **Indirect Discrimination** occurs where a policy or approach is adopted that appears to be neutral, but nonetheless has the effect of discriminating against a person or group of people who share a particular attribute and the application of the policy or approach is unreasonable in the circumstances.

For behaviour to be classified as discrimination, it is sufficient under law if a protected attribute is a reason for discriminatory conduct. It does not need to be the sole or dominant reason. Hostility, and/or regular and repeated lack of civility and respect, may also deteriorate into discrimination, harassment or bullying.

**Vilification** on the grounds of race, religion, sexuality or gender identity is also unlawful.

**Harassment** and/or **bullying** refers to behaviour towards an individual or group of individuals that may or may not be based on a protected attribute.

**Bullying** includes the repeated and unreasonable behaviour (of an individual or group) directed towards a person and this behaviour creates a risk to health and safety. IH considers bullying to include behaviour that intimidates, threatens, abuses, offends, degrades or humiliates a person in circumstances where a reasonable person would have anticipated the possibility that the other person would be intimidated, threatened, abused, offended, degraded or humiliated by the conduct.

Harassing behaviour makes the college, workplace or study environment, or places associated with them, unpleasant, humiliating or intimidating for the person or group of people targeted by the behaviour. It can severely inhibit the effective work, study and productivity of staff and residents of IH.

Harassment or bullying can be perpetrated by a Board Member, staff, alumni or resident. Harassment/bullying often involves a misuse of power and may occur between any group of people.

Bullying and harassment may be subtle or overt and includes, but is not limited to, the following forms of behaviour:

- Abusive and offensive language or shouting;

- Repeated unreasonable criticism about work or academic performance including petty or insignificant matters;
- Deliberate exclusion, isolation or alienation of a staff member or resident;
- Allocation of humiliating or demeaning tasks;
- Sabotaging a person's work;
- Setting of impossible deadlines with unrealistic expectations of work;
- Spreading gossip or false and malicious rumours;
- Sarcasm or ridicule;
- Threatening gestures or actual violence;
- Inappropriate comments about personal appearance;
- Electronic harassment such as through email, SMS, Facebook, twitter or any other form of social media or electronic communication; and
- Hazing or bastardisation (such as harmful or humiliating initiation rituals).

Except in the case of Sexual Harassment, a single incident of harassing type behaviour does not, of itself, constitute harassment. Nevertheless, such behaviour is unacceptable at IH and will be dealt with by IH at its discretion.

Harassment and bullying must not be confused with legitimate advice and comment from workplace supervisors on an individual's work performance. Such comment and advice may legitimately include negative statements and feedback. However, such feedback must be offered in a spirit of improving performance, not of demeaning or humiliating the recipient. Negative feedback must be offered in private, not in public.

A reasonable and lawful direction of a supervisor, staff member or senior resident will not constitute harassment or bullying for the purpose of this policy. Appropriate provisions of guidance, conducting performance counselling, invoking diminished performance procedures, unsatisfactory performance procedures or misconduct procedures does not constitute harassment.

Supervisors are expected to offer constructive and legitimate advice and comment as a legitimate aspect of their role.

**Sexual Harassment** has the meaning given to that term in the **IH Sexual Misconduct Policy**.

The **IH Sexual Misconduct Policy** is a document so called which outlines the principles and processes governing IH's approach to preventing, managing and responding to all forms of sexual misconduct, as that term is defined in that document.

**Racial discrimination** is defined by the Racial Discrimination Act 1975 (Cth). The Racial Discrimination Act says that it is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national

or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

**Racial discrimination** may include but is not limited to: restricted access to services and facilities, restrictive personnel practices (e.g. employment procedures, working conditions), exclusion from work or study activities ridicule (e.g. name calling, use of derogatory slang, racist jokes) and physical or emotional intimidation (e.g. physical threats or abuse, display of threatening or offensive slogans or graffiti).

**Disability-Discrimination** is defined by the Disability Discrimination Act 1992 (Cth). The Disability Discrimination Act says a disability is:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.

Disability discrimination can be direct or indirect. Disability discrimination includes a disability that presently exists; or previously existed but no longer exists; or may exist in the future; or is imputed to a person.

A person with a disability may be singled out for unwelcome attention. Alternatively, the person with a disability may endure exclusion or isolation.

Examples of disability-based harassment may include but are not limited to:

- interference by permanent or temporary removal or adjustment of an aid (e.g. hiding a walking stick, turning off a device);
- abuse, insults or "jokes" about a person's physical appearance or capabilities or intellectual capacity;
- implying that a physical disability is necessarily related to or a manifestation of intellectual limitation (people with hearing impairments are particularly vulnerable in this regard);
- persistent denial of access to facilities and services, including relevant training, or refusal to make reasonable accommodation for a person's disability; and
- isolation or segregation.

Derogatory comments about the conditions, equipment or personal support (e.g. interpreter, reader, carer, or trained animal) provided because of a person's disability or

medical condition and/or a statement of an implied belief that such provision is a form of advantage or favouritism, may also constitute discrimination or harassment.

**Victimisation** happens if a person does an act, or threatens to do an act against a complainant or a person associated with such an individual because:

- they have made a complaint, disclosure or formal report in relation to a breach of an IH policy, whether to IH or any external body; or
- they, in good faith, intend to make a complaint, disclosure or formal report in relation to a breach of an IH policy, whether to IH or any external body; or
- they are, have been, or intend to be involved in a proceeding arising out of a breach of an IH policy.

## **Procedures and Principles**

---

If you feel you are the victim of discrimination or any form of bullying or harassment, or are aware of behaviour contrary to this policy, you should contact a Senior Resident, Deputy Director and/or Director. These officers have an obligation to treat all complaints seriously and to deal with them expeditiously while giving regard to the following principles:

- Confidentiality will be maintained to the greatest possible extent, with communication limited to persons to whom disclosure is consistent with the official position and responsibility, or with specific responsibility to assist in the resolution of the complaint.
- The principles of procedural fairness shall apply at all stages of a complaint process. Persons responsible for investigating and resolving complaints have a duty not to be affected by bias or conflict of interest, and must act fairly and impartially. A person subject to a complaint shall be given a fair opportunity to respond to the allegations and any proposed penalty or outcome.
- Complaints shall be investigated promptly, involving as few people as possible. Parties to a complaint shall be entitled to receive advice and support as appropriate, and to be kept informed of the progress of a complaint.
- The preferred method of resolution shall be by discussion, raising awareness, mediation and a process of conciliation, which aims not to make a finding or to allocate blame but to assist the parties to reach agreement on an acceptable outcome.
- It is recognised that conciliation may not be appropriate if a party to a complaint holds a reasonable belief that discussion is likely to provoke victimisation, further incidents of bullying, harassment, discrimination or unnecessary distress.
- A process for formal investigation of complaints shall be available for cases where conciliation is inappropriate or has proved unsatisfactory.

- Where appropriate additional support will be provided (e.g. counselling or a formal investigation by an external investigator).
- Appropriate steps shall be taken to ensure harmonious working, academic and residential relationships during and after the procedures.
- All staff and residents of the College shall be informed of the policy and procedures.
- Frivolous or vexatious complaints will not be tolerated and may result in disciplinary action for staff or the application of penalties up to and including expulsion for residents.

Refer to the Complaint Management Policy for more detail.

If a person feels as though they have been subject to bullying, harassment or discrimination, a request to investigate must be lodged with the Director of IH within twelve months of the occurrence of the last incident which is the subject of complaint. If the Director is subject of that complaint, the complainant should lodge their complaint with the IH Board.

A request to investigate will not be accepted outside this twelve month period unless the Director considers it appropriate in the circumstances.

As deemed appropriate, the Director may:

- (a) seek advice from, or refer the matter to, appropriate authorities beyond IH including:
  - The Queensland Human Rights Commission (toll free 1300 130 670) [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au) or [info@qhrc.qld.gov.au](mailto:info@qhrc.qld.gov.au);
  - The Australian Human Rights Commission; and
  - Queensland Police Service;
- (b) seek the services of, or refer the complainant to, specialist personnel who can provide the appropriate legal advice, investigation, counselling, conciliation or mediation procedures.

If a complaint of bullying, harassment or discrimination results in an investigation and the complaint is substantiated, penalties for a breach of this policy may include:

- an apology to the complainant;
- a behaviour/ resident agreement;
- suspension or expulsion from IH;

- where the complaint is about a member of staff, disciplinary penalties up to and including termination or employment;
- a report to the University or where appropriate the Queensland Police Service.

The resolution of a complaint by IH does not prevent a complainant from directing their complaint to a relevant statutory authority (e.g. The Queensland Human Rights Commission) or a complaint to the Queensland Police Service.

Nothing in this policy prevents an individual from seeking external legal advice or commencing proceedings in a Court or Tribunal competent to hear such complaints.

## Relevant Legislation

---

*Age Discrimination Act 2004 (Cth);*

*Anti-Discrimination Act 1991 (Qld);*

*Disability Discrimination Act 1992 (Cth);*

*Race Discrimination Act 1975 (Cth);*

*Sex Discrimination Act 1984 (Cth);*

*Fair Work Act 2009 (Cth).*

Version Date	Last Reviewed By
July 2019	NHR&G Committee September 2020
July 2019	NHR&G Committee September 2021
March 2023	NHR&G Committee March 2023