Bullying, Harassment and Discrimination Policy

Section 1 - Purpose

(1) The intent of this Policy is to support the Charter of Conduct and Values and the Student Charter in constructing a positive working and learning environment, built on mutual respect and consistent with the University of Canberra's values.

(2) This Policy affirms that:

a. Bullying, Harassment and Discrimination are not acceptable in the University;

b. appropriate action will be taken against individuals engaging in Bullying, Harassment and Discrimination; and

c. all Complaints of Bullying, Harassment and Discrimination will be treated seriously, promptly and fairly with due regard to the principles of procedural fairness and confidentiality.

Section 2 - Scope

(3) This Policy applies to any Complaints of Bullying, Harassment and Discrimination which:

a. occurred on University Premises or within a University Digital Environment;

b. occurred at any University program, activity, or event, whether in Canberra, interstate or abroad; or

c. involved parties who were acting in their capacity as a representative of the University at the time of the incident.

(4) This Policy covers all Students, Staff, Affiliates, residents, contractors, visitors, commercial tenants, and their staff members (that is, the University Community).

Section 3 - Principles

(5) The University is committed to:

a. ensuring a safe, respectful and inclusive community, free from all forms of Bullying, Harassment and Discrimination;

b. providing appropriate mechanisms for making Complaints about all forms of Bullying, Harassment and Discrimination;

c. responding to all Complaints in a fair, timely and reasonable manner in accordance with this Policy;

d. ensuring that any person who reports Bullying, Harassment and Discrimination, or assists another person to do so, is not subjected to adverse, discriminatory,

coercive, retaliatory, misleading or deceptive conduct, or the threat of such conduct, due to making the report (that is, Victimisation);

e. creating a culture where diversity is respected and valued, and recognising that all people bring diverse experiences, backgrounds, and skills that contribute to the University;

f. creating an environment where all members of the University Community feel able to speak up and report instances of unacceptable behaviour within that community;

g. educating and empowering Staff and Students to stand up for the University's values and standards of behaviour, and to challenge harmful and unacceptable behaviours.

(6) All forms of Bullying, Harassment and Discrimination (as defined in this Policy) are unacceptable at the University.

(7) All members of the University Community are expected to take responsibility for their actions and behaviour and contribute to a safe, inclusive and respectful environment.

(8) Any member of the University Community who becomes aware of conduct which may constitute Bullying, Harassment and Discrimination is strongly encouraged to promptly notify the University of the conduct.

(9) The health, safety, and wellbeing of all members of the University Community is of the utmost importance and remains a paramount concern when dealing with any Complaints made under this Policy.

Prohibited conduct

(10) Members of the University Community must not engage in the following behaviours, which collectively are referred to as Bullying, Harassment and Discrimination:

a. Bullying;

b. Harassment;

c. Discrimination;

d. Vilification (including Unlawful Vilification); or

e. Victimisation

(11) These behaviours are not tolerated by the University. Perpetrators may, having regard to the nature of the perpetrator's association with the University, be subject to:

a. disciplinary consequences, up to and including termination of employment or exclusion from the University;

b. sanctions, including termination of their engagement with the University; and/or

c. removal or exclusion from the University.

(12) Whether conduct amounts to Bullying, Harassment or Discrimination will be assessed objectively by reference to whether a reasonable person would have considered the conduct to be unreasonable. Bullying, Harassment and Discrimination can occur even when the perpetrator did not intend the conduct to be unreasonable or unwelcome. Innocent or

humorous intent, or poor judgement by the perpetrator, is not relevant to whether conduct is unreasonable or unwelcome, or constitutes Bullying, Harassment and Discrimination.

What is not Bullying, Harassment or Discrimination?

(13) While some processes or actions taken by the University may be uncomfortable or unpleasant for Staff and Students, these actions are not considered unreasonable and unwelcome where they are conducted in a reasonable manner. For instance, reasonable management or administrative action could include:

a. reasonable performance management and disciplinary action in response to unsatisfactory performance or misconduct;

b. constructive feedback and criticism, or setting clear and appropriate guidelines, standards and deadlines;

c. not promoting a Staff member when a reasonable process has been followed;

d. not providing a Student with a particular grade when a reasonable process has been followed;

e. implementing organisational change such as restructuring or transferring someone for operational reasons, when a reasonable process has been followed;

f. disciplining a Staff member or Student, where a reasonable process has been followed; and

g. termination of employment, when a reasonable process has been followed in accordance with the University's legal obligations.

(14) Conduct that falls within an exception, exemption or defence under an applicable discrimination or industrial law will not constitute discrimination under this Policy. For instance, it will not be unlawful to discriminate against a person due to their personal characteristic, trait or attribute, if such action is taken because they cannot meet the inherent requirements of their job, or where a course of study includes inherent requirements and a student cannot meet those requirements.

(15) Similarly, low level interpersonal conflict is generally not considered to be Bullying. Conflict and disagreement do not always pose a risk to health and safety and, where engaged in respectfully, is an inherent part of working with others and being part of a shared community.

Contraventions of this Policy

(16) The University may take any disciplinary action available to it against any member of the University Community who contravenes any provision of this Policy.

(17) If a Complaint is made against a Student, appropriate action may be taken, including a referral for a decision to be made under the University of Canberra (Student Conduct) Rules 2023.

(18) If a Complaint is made against a Staff member, appropriate action may be taken, including under the employment contract, the Enterprise Agreement, relevant Policy or another Legal Instrument.

(19) If a Complaint is made against a member of the University Community who is not a Student or a Staff member, action may be taken under the appropriate Legal Instrument for that person.

(20) The University may deny access to any and all services to a person it reasonably believes has engaged in serious Bullying, Harassment or Discrimination, including suspending or terminating their right to come onto University Premises, or attend any event or activity hosted by, or on behalf of, the University.

Interim Measures

(21) If appropriate, the University may take interim action against a person accused of serious Bullying, Harassment or Discrimination, including:

a. a temporary denial of any or all services;

b. a temporary suspension from duties or from attending University Premises; or

c. directing a Staff member to work from a different location, report to a different supervisor or manager, work in a different team or perform different duties.

(22) Interim measures may be determined summarily by the Vice-Chancellor, a Deputy Vice-Chancellor or Vice-President, taking into account any recommendation of the Chief People Officer if the Complainant or Respondent is a Staff member.

(23) Interim measures must:

a. be fair and reasonable given the nature of the Complaint;

b. consider the health, safety and wellbeing of the parties involved and the University Community;

c. be made on a case-by-case basis, taking into account the circumstances, risks, potential for harm and any other consideration reasonably deemed relevant by the decision maker; and

d. consider the interests of all parties who may be impacted:

i. by the imposition of an interim measure; and

ii. if an interim measure is not implemented.

(24) Interim measures are to remain in effect only until the matter has been resolved.

(25) Interim measures are not to be taken into consideration by a decision maker as a relevant factor in making a final decision about the conduct.

Procedural Fairness

(26) The University recognises and acknowledges the importance of procedural fairness and will have regard to the principles of procedural fairness when dealing with Complaints in accordance with the Procedure.

(27) Complainants and Respondents to a Complaint may be accompanied by a support person to any meeting or inquiry.

Confidentiality

(28) As far as possible, the University will keep confidential reports of Bullying, Harassment and Discrimination. However, the nature of the University's obligations under discrimination, industrial and work health and safety laws mean that there are limits to confidentiality in respect of such reports.

(29) There may be times when the University cannot meet a person's request that a report of Bullying, Harassment and Discrimination goes no further than the person to whom the report was made. This is particularly the case where, for example:

a. there is an ongoing risk to health, safety or equality;

b. the report involves senior officers or persons with significant power or influence; and/or

c. there is systemic Bullying, Harassment or Discriminatory conduct.

(30) Information shared about reports of Bullying, Harassment and Discriminatory conduct will generally be limited to those who need to know about the matter to help resolve it and to prevent further incidents occurring. Where possible reasonable endeavours will be made by the University to protect the identity of persons impacted, including the Complainant, the Respondent and any witnesses.

(31) While the University is responding to a report of Bullying, Harassment and Discriminatory conduct the matter must remain confidential, including while the most appropriate framework for managing the report is determined, and during any investigation or Complaint resolution process. It is impossible to fairly resolve and investigate a report of Bullying, Harassment and Discriminatory conduct if at the same time the issues involved are being openly discussed among Staff, Students or the media.

(32) The University expects that all persons who report Bullying, Harassment and Discrimination will participate in a process for resolving and/or investigating the report and keep all details of the issues confidential until the University has completed its internal processes. Failure to do so may result in disciplinary consequences or sanctions.

(33) Disclosures may be made as reasonably necessary to assist in management, resolution or investigation of the matter, seeking support, or where there is an imminent risk to health, safety or equality.

Education and Training

(34) The University may require members of the University Community to undertake training modules as part of their ongoing relationship with the University.

Dealing with concerns about Bullying, Harassment and Discrimination

(35) The University supports Staff and Students who have been exposed to Bullying, Harassment and Discrimination to report any incidents, acknowledging that reporting allows the University to take appropriate action to address the conduct and seek to prevent further incidents from occurring.

(36) Further details on how to make a Complaint, the support options available, and the University's approach to dealing with Complaints are set out in the Bullying, Harassment and Discrimination Procedure.

Section 4 - Responsibilities

(37) The following table provides a high-level summary of key roles and responsibilities in relation to this Policy:

WHO	RESPONSIBILITIES
Chief Operating Officer	• Support the Vice-Chancellor to oversee the implementation of this Policy.
Chief People Officer (CPO)	• Provide education and training for Staff in accordance with Clause 34 of this Policy.
Deans, Executive Deans, Directors, Heads of School and Managers	• Communicate expectations as to, and role model, appropriate standards of conduct at all times. • Foster an environment which promotes the principles of this Policy and supports its implementation within their teams. • Participate in the University's mandatory training to focus on recognising and managing Bullying, Harassment and Discrimination, such as: a) respect training on commencement of their appointment or employment; and thereafter b) refresher training as specified in the Performance Development Plan template. • Take reasonable steps to ensure that their team is aware of, understands, and has received regular training on this Policy. • When a Complaint is received, manage the Complaint in accordance with the principles in this Policy and the process in the Procedures. • Not Victimise any person who has made a report under this Policy.
Deputy Vice-Chancellor Vice-President	• Determine whether interim measures, as defined in Clauses 21 to 25 of this Policy are required, following an assessment of the factors set out in Clause 23 of this Policy.
Staff members	• Uphold and demonstrate the values of the University and comply with the Charter of Conduct and Values.

WHO	RESPONSIBILITIES
	• Understand their duties under applicable discrimination, industrial and work health and safety laws. • Familiarise themselves with, and comply with, this Policy, and other reasonable directions given by the University that seek to minimise or eliminate Bullying, Harassment and Discrimination. • Treat everyone in the course of their University duties in a professional, fair and respectful manner, no matter the status of their or another person's protected characteristics, traits or qualities. • Not adversely affect the health, safety or equality of others, including by not engaging in Bullying, Harassment or Discriminatory conduct towards any person in connection with the University's business or undertaking. • Not request, instruct, induce, encourage, coerce, authorise or assist other persons to engage in Bullying, Harassment or Discrimination. • Participate in the University's respect training and mandatory training during their induction and refresher training as specified in the annual Performance Development Plan template. • Offer support to any other Staff member or Student who is impacted by Bullying, Harassment or Discriminatory conduct and encourage them to seek help. • Where appropriate, talk directly to the person engaging in the inappropriate behaviour, to try and resolve the matter informally in the first instance. • Raise concerns as early as possible about potential Bullying, Harassment and Discrimination. • Engage in consultation in matters that may affect their health, safety and equality, including psychological well-being and equality. • Know how to report Bullying, Harassment and Discrimination if they experience, witness or become aware of it. • Contact People and Culture if they are unsure what conduct breaches this Policy. • Not make a report under this Policy vexatiously or without reasonable cause or grounds.

WHO	RESPONSIBILITIES
	• Participate in the Complaint resolution process in good faith and maintain confidentiality.
Students	• Uphold and demonstrate the values of the University and comply with the Student Charter. • Contribute to a safe, inclusive and supportive environment free from unacceptable behaviour, including Bullying, Harassment and Discrimination. • Familiarise themselves with and comply with this Policy, and other reasonable directions given by the University that seek to minimise or eliminate Bullying, Harassment and Discrimination. • Treat everybody that they come into contact with while at University Premises in a fair and respectful manner, no matter the status of their or another person's protected characteristics, traits or qualities. • Not adversely affect the health, safety or equality of others, including by not engaging in Bullying, Harassment or Discrimination. • Not request, instruct, induce, encourage, coerce, authorise or assist other persons to engage in Bullying, Harassment or Discrimination. • Offer support to any other Student who is impacted by Bullying, Harassment or Discriminatory conduct and encourage them to seek help. • Raise concerns as early as possible about potential Bullying, Harassment and Discrimination. • Know how to report Bullying, Harassment and Discrimination if they experience, witness or become aware of it. • Contact Student Wellbeing and Support if they are unsure what conduct breaches this Policy. • Not make a report under this Policy vexatiously or without reasonable cause or grounds. • Participate in the Complaint resolution process in good faith and maintain confidentiality.
University Community members	• Understand their duties under applicable discrimination, industrial and work health and safety laws.

WHO	RESPONSIBILITIES
	• Familiarise themselves with and comply with this Policy, and other reasonable directions given by the University that seek to minimise or eliminate Bullying, Harassment and Discrimination. • Treat everybody that they come into contact with while at University Premises in a professional, fair and respectful manner, no matter the status of their or another person's protected characteristics, traits or qualities. • Not adversely affect the health, safety or equality of any person at a University campus, including by not engaging in Bullying, Harassment or Discrimination.
Vice-Chancellor	• Oversee the implementation of this Policy. • Have this Policy and any subsequent updates clearly disseminated. • To determine whether interim measures, as defined in Clauses 21 to 25 of this Policy are required, following an assessment of the factors set out in Clause 23 of this Policy.

Section 5 - Procedures

(38) Refer to the Bullying, Harassment and Discrimination (Complaints Resolution) Procedure.

Section 6 – Additional Information

Legislation, standards and codes

- Age Discrimination Act 2004 (Cth)
- Age Discrimination Regulations 2020 (Cth)
- Discrimination ACT 1991 (ACT)
- Disability Discrimination Act 1992 (Cth)
- Disability Discrimination Regulations 2019 (Cth)
- Fair Work Act 2009 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Sex Discrimination Regulations 2018 (Cth)
- Work Health and Safety Act 2011 (ACT)
- Work Health and Safety Act 2011 (Cth)
- Work Health and Safety Amendment Act 2023 (Cth)

- Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice 2015 (Cth)
- Work Health and Safety (Managing Psychosocial Hazards at Work) Code of Practice 2024 (Cth)
- Work Health and Safety (Sexual and Gender-based Harassment) Code of Practice 2025 (Cth)
- Work Health and Safety Regulations 2011 (Cth)
- Workplace Gender Equality Act 2012 (Cth)

University Documents

- Bullying, Harassment and Discrimination (Complaints Resolution) Procedure
- Charter of Conduct and Values
- Student Charter
- University of Canberra Enterprise Agreement 2023 – 2026
- University of Canberra (Student Conduct) Rules 2023

Section 6 - Definitions

TERM	DEFINITION
Affiliates	A group or person officially attached or connected to the University, including emeritus, clinical titleholders, conjoint or honorary appointees, adjuncts, professional associates and visitors to the University; an office holder in a University entity; any other person appointed or engaged by the University to perform duties or functions on its behalf, and any students who may sit on a University Committee.
Bullying	Is repeated unreasonable behaviour directed towards a person, or group of persons, that creates a risk to health and safety. Reasonable management or administrative action does not amount to bullying. Examples of behaviour that may be considered to be bullying, if they are repeated, unreasonable and create a risk to health and safety, include but are not limited to: • abusive, insulting or offensive language or comments; • unjustified criticism or complaints; • deliberately excluding someone from University activities; • withholding information that is vital for effective performance; • setting unreasonable timelines or constantly changing deadlines; • setting tasks that are unreasonably below or beyond a person's skill level;

TERM	DEFINITION
	• denying access to information, supervision, consultation or resources to the detriment of the person; • spreading misinformation or malicious rumours; and • changing work, academic or other community arrangements, such as schedules and leave, to deliberately inconvenience a particular person or people.
Complaint	A complaint of Bullying, Harassment or Discrimination to the University however made or received.
Complainant	Any person who makes a Complaint to the University.
Discrimination	Occurs when someone due to a personal characteristic, trait or quality that is protected under applicable discrimination or industrial laws, such as the person's age, disability, race, sex, sexual orientation, gender identity, intersex status, nationality, ethnic origin, colour, religion, political affiliation or opinion, industrial affiliation or activity, marital or relationship status, breastfeeding or family and caring responsibilities: (a) treats a person less favourably than another person; (b) introduces a condition or requirement that is unreasonable; (c) incites hatred against, vilifies or ridicules, the person; (d) makes the person feel offended, humiliated, intimidated or insulted; or (e) places the person in a hostile environment. Discrimination includes all forms of racism. 'Discriminatory' has a corresponding meaning to Discrimination.
Enterprise Agreement	The University of Canberra Enterprise Agreement as updated from time to time.
Harassment	Offensive, belittling or threatening behaviour towards an individual or group of employees.
Legal Instrument	Any applicable law, University Rules, Policy, Procedure, contract or other lawful obligation or document.

TERM	DEFINITION
Procedural fairness	Is concerned with the procedures used by a decision-maker and/or investigator, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision or investigating a complaint. Procedural fairness ensures that: • all parties are provided with an opportunity to respond to any complaint and/or evidence considered; • that the investigator or decision maker is unbiased; and • any findings reached are supported by the evidence.
Procedures	Means the Bullying, Harassment and Discrimination (Complaints Resolution) Procedure developed to implement this Policy.
Reasonable management or administrative action	Examples include, but are not limited to: • setting reasonable performance goals, standards and deadlines; • rostering and allocating working hours where the requirements are reasonable; • transferring a Staff member for operational reasons; • deciding not to select a worker for promotion where a reasonable process has been followed; • informing a Staff member about unsatisfactory work performance in an honest, fair and constructive way; • informing a Staff member about inappropriate behaviour in an objective and confidential way; • differences of opinion or other disagreements; • implementing organisational changes or restructuring; and • taking disciplinary action, including suspension or terminating employment, where grounds exist to do so.
Respondent	The person who is the subject of a Complaint.
Staff	All persons who are employed by the University to align with the definition included within, but not restricted by, the Enterprise Agreement, including the Vice-Chancellor.

TERM	DEFINITION
Student	A person enrolled as a student in an approved course (including undergraduate and postgraduate, coursework and research) at the University or in a course or program of study conducted by or on behalf of the University (such as through a partner institution, including students studying non-coursework courses), any casual learner participating in any formal or informal teaching programs offered by the University or on behalf of the University and, where relevant, an exchange student or non-award student.
Third Party Provider	An organisation or company that provides services to enable University courses to be provided at a campus and using staff of the Third Party Provider on the terms and conditions of an agreement with the University.
University	The University of Canberra (ABN 81 633 873 422) and all partner institutions.
University Community	All Students, Staff, Affiliates, residents, contractors, visitors, commercial tenants, and their staff members.
University Digital Environment	Any online, social media, program, or other electronic tool managed, facilitated or owned by the University.
University Premises	Any of the following: • land owned or occupied by the University, including buildings on that land and including land owned or occupied by a Third Party Provider; • facilities provided or owned by the University or a Third Party Provider; • a University Student Residence; or • land owned, occupied or identified in a Third Party Provider agreement or other agreement including an exchange program, licensing or collaboration agreement or any replacement campus agreed in writing between the University and a Third Party Provider.
University Student Residence	All University student accommodation, including any temporary accommodation and accommodation provided by the University during placements.

TERM	DEFINITION
Unlawful Vilification	Refers to a person inciting hatred toward, revulsion of, serious contempt for, or severe ridicule of a person or group of people on the ground of any of the following, other than in private: • disability; • gender identity; • HIV/AIDS status; • race; • religious conviction; • sex characteristics; or • sexuality.
Unreasonable behaviour	Behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
Unreasonable and unwelcome conduct	Bullying, harassment, discrimination and victimisation.
Victimisation	Occurs when a person does, or threatens to do, something that will be detrimental to another person because they have lodged a complaint, are considering lodging a complaint or they are or will be involved in the complaint resolution process. Victimisation usually involves retaliation or retribution. 'Victimise' has a corresponding meaning to Victimisation.
Vilification	Vilification is behaviour that happens at the University that incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, sexuality, transsexuality, HIV/AIDS status, or other personal characteristic.

Status and Details

Effective Date	1 September 2025
Review Date	1 September 2028
Approval Authority	Vice-Chancellor

Approval Date	11 August 2025
Custodian	Chief People Officer
Responsible Manager	Deputy Director, Organisational Capability & Culture
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