University Behaviour Policy

Responsible Officer
Executive Director, Human Resources

Approved by
Vice-Chancellor

Approved and commenced
December, 2014

Review by
December, 2017

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle

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<tr>
<th>Relevant Legislation, Ordinance, Rule and/or Governance Level Principle</th>
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<tr>
<td>Fair Work Act 2009 (Cth)</td>
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<td>Work Health &amp; Safety Act 2012 (Tas)</td>
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<td>Workers Rehabilitation &amp; Compensation Act 1988 (Tas)</td>
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<td>Anti-Discrimination Act 1998 (Tas)</td>
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<td>Racial Discrimination Act 1975 (Cth)</td>
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<td>Sex Discrimination Act 1984 (Cth)</td>
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<td>Disability Discrimination Act 1992 (Cth)</td>
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<td>Australian Human Rights Commission Act 1986 (Cth)</td>
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<td>Age Discrimination Act 2004 (Cth)</td>
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<td>Any regulations associated with the above</td>
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<td>Ordinance 8 – Student Complaints</td>
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Responsible Organisational Unit

Human Resources

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1 Objective

The objectives of the University Behaviour Policy are to:

- Recognise that all staff and students of the University have a right to work and/or study in an environment that is free from inappropriate behaviour; and
- Ensure that the University complies with the provisions of relevant legislation in regard to discrimination, harassment and bullying.

2 Scope

This policy applies to all students, staff and agents of the University.

This policy applies to students and staff engaged in activities reasonably connected to the University, including Work Integrated Learning.

3 Policy Provisions

3.1 An Environment Free From Inappropriate Behaviour

Inappropriate behaviour will not be tolerated by the University. The University will take appropriate action against any student, staff member or agent who is found to have breached this policy.

3.2 What is Inappropriate Behaviour?

3.2.1 Discrimination

Discrimination is behaviour that treats an individual or group less favourably than others based on any of the following attributes:

- Gender (male, female and intersex) and gender identity;
- Sexual orientation;
- Lawful sexual activity;
- Marital or relationship status;
- Race;
- Religion;
- National or ethnic origin;
- Colour;
- Age;
- Pregnancy or breastfeeding;
- Parental status;
- Family responsibilities;
- Political belief or affiliation;
- Industrial or political activity;
- Irrelevant criminal or medical record;
- Physical, intellectual, psychiatric or learning disability;
- Impairment (i.e. HIV/AIDS status); or
- Being associated with a person who has (or is believed to have) any of these attributes.

Discrimination may be either direct or indirect. Direct discrimination is where an individual or group is treated less favourably due to a particular attribute or characteristic. Indirect discrimination occurs where a policy or practice, which
appears to be fair or neutral, by its operation, results in discrimination against an individual or group.

Discrimination can occur in a single event or be repeated behaviour.

3.2.2 Bullying

Bullying is repeated, unreasonable behaviour directed towards an individual or group that creates a risk to health and safety.

‘Repeated behaviour’ refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

‘Unreasonable behaviour’ means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.

Bullying can occur face-to-face, over the phone, via email, instant messaging or using other communication technologies.

Bullying can be directed at an individual or a group of people and can be carried out by one or more people. Bullying can be downwards, from managers to their staff or academics to students, sideways, from workers to co-workers or student to student, or upwards from staff to managers or students to academics.

What is not considered to be bullying?

Many things that happen at the University are generally not considered to be bullying, although some experiences may be uncomfortable.

Differences of opinion, performance management, conflicts and personality clashes can happen in the workplace or on campus, but usually do not amount to bullying.

A single incident of unreasonable behaviour is not bullying, although it may have the potential to escalate into bullying. Single incidents can still create a risk to health and safety and can be considered inappropriate behaviour as distinct from bullying.

Reasonable management action, carried out in a fair way is not bullying. Managers and Supervisors have a right to direct the way work is carried out and to monitor and give feedback on performance.

Examples of reasonable management action include:

i. Setting reasonable performance goals, standards and deadlines in consultation with employees;
ii. Fairly rostering and allocating work hours;
iii. Transferring an employee for legitimate operational reasons;
iv. Deciding not to promote an employee, following a fair and documented process;
v. Informing an employee about unsatisfactory or unacceptable work performance in a constructive way and consistent with the performance and career development process;
vi. Informing an employee about unacceptable conduct and/or behaviour in accordance with this Policy and/or the University of Tasmania Staff Agreement; and

vii. Implementing organisational changes or restructuring.

Similarly, academic staff have a right to instruct students in their studies and to provide feedback on their performance.

Examples of reasonable academic action include:

i. Setting reasonable standards of work for students;
ii. Fairly scheduling classes and deadlines;
iii. Informing a student of their performance in a constructive and consistent way; and
iv. Informing a student about unacceptable conduct in accordance with this policy.

3.2.3 Harassment

Harassment is behaviour which offends, humiliates, intimidates, insults or ridicules another person in circumstances which a reasonable person would have anticipated that the victim would be offended, humiliated, intimidated, insulted or ridiculed.

3.2.4 Sexual Harassment

Sexual Harassment is unwanted, unwelcome or uninvited behaviour of a sexual nature which makes an individual or group of people feel humiliated, intimidated or offended. Conduct of a sexual nature may include:

a) Any act of physical intimacy;
b) Making any remark or statement of a sexual nature to a person or about a person in their presence; or
c) Any gesture, action or comment of a sexual nature in a person’s presence.

Sexual harassment can be a one-off occurrence and intent or motive is irrelevant.

3.2.5 Victimisation

Victimisation occurs when a staff member or student who has made a complaint/grievance or who acts as a witness for an employee or student who has made a complaint/grievance, is threatened or harassed by others involved in the complaint/grievance.

3.2.6 Vilification

Vilification is conduct that incites physical harm, hatred, serious contempt or severe ridicule towards a staff member/student or group of staff members/students on the basis of race, sexuality, disability or religion. Vilification can take many forms including hate speech, graffiti, websites and distribution of propaganda or other forms of offensive literature.

Vilification is conduct that occurs in a public place. Staff members or students must understand that the University is considered a public place and that discussions or
jokes in the workplace or campus that relate to race, sexuality, disability or religion could amount to vilification and will not be tolerated by the University.

3.2.7 Violence

Violence occurs when a person is abused, threatened or assaulted in circumstances relating to their study or work. Threats to harm someone, violence and damage to property may be criminal matters and referred to the appropriate authorities.

3.2.8 Other Inappropriate Behaviour

Even where behaviour or conduct does not fit into any of the previous categories it can still amount to inappropriate behaviour. Inappropriate behaviour is any behaviour that is not reasonably acceptable in the University and may vary from case to case.

The University subscribes to the fundamental values of honesty, integrity, responsibility, trust and trustworthiness, respect and self-respect, and fairness and justice. Appropriate University behaviour must be consistent with these values.

It is expected that staff members and students will behave in a manner consistent with the University Statement of Values, as follows:

- Creating and serving a shared purpose;
- Nurturing a vital and sustainable community;
- Focusing on opportunity;
- Working from the strength that diversity brings; and
- Collaborating in ways that help us be the best we can be.

All inappropriate workplace behaviour is subject to the same procedures as the previous categories and will be dealt with having regard to the facts and circumstances of each case.

All staff members and students are expected to:

i. be accountable for their own safety, the safety of others and to adhere to lawful and reasonable directions, Policies and Procedures regarding University behaviour;

ii. respect the rights of others and never encourage infringing University behaviour;

iii. intervene, where reasonably practicable, to take corrective action where it is identified that employees or students are putting themselves or others at risk;

iv. offer support to colleagues. This can be done by:
   a. advising a Manager, Supervisor, Student Advisor or Contact Officer; and
   b. refusing to join in with any offending activity; and

v. conform to all other directives regarding any process that occurs as a result of this Policy.

3.3 Complaints Procedure
The University encourages the resolution of complaints as close as possible to their point of origin through timely and informal means. However, the University has established procedures for dealing with complaints in a formal manner. Refer to the University Behaviour Procedure for more information.

Formal complaints need to be lodged within 12 months of the conduct which is the subject of the complaint.

3.4 Contact Officers

The University will appoint and provide training to Contact Officers, who will be the first point of contact for staff members and students wishing to discuss how to have a complaint dealt with in accordance with this policy and associated procedure.

4 Supporting Documentation

- University Behaviour Procedure

5 Versioning

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<th>Former Version(s)</th>
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<tr>
<td>Version 1 – Harassment and Discrimination Policy (approved May 2007 by the Vice-Chancellor)</td>
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<td>Version 2 – Harassment, Bullying and Discrimination Policy (approved February 2011 by the Vice-Chancellor)</td>
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<td>Version 3 – University Behaviour Policy (current document); (approved December, 2014 by the Vice-Chancellor)</td>
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