

Management of Inappropriate Conduct Policy

Version 1707—Approved by College Council 23 July 2017



Grace College

The University of Queensland

(Incorporated under The Religious, Educational & Charitable Institutions Act 1861-1967)

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3. Availability

This policy is available on the IT Network in S:/Grace College Operations Manual. This directory is accessible by all Section Managers with computer access. Printed versions of the *Grace College Operations Manual* (GCOM) are also available in:

- the Principal's Office in Administration;
- the General Administration Office;
- the Head Chef's Office in the Kitchen;
- the Facilities Manager's Office in the Workshop; and
- in the suite of the Senior Resident Assistant.

A copy of the GCOM is provided to the Grace College Student Club Executive through their President. This copy will be kept with the records of the Student Club Executive and passed on to subsequent Executives.

This policy is also published on the Grace College website (www.grace.uq.edu.au).

4. Consequences of inappropriate conduct

Grace College does not tolerate unlawful Discrimination, Bullying and Sexual Harassment. Allegations of unlawful Discrimination, Bullying and Sexual Harassment will be treated seriously and (where appropriate) investigated.

Breaches of this policy may be treated as a disciplinary matter and Grace College employees (including managers) and other Grace College Community Members found to have engaged in inappropriate conduct under this policy may be subject to disciplinary action (for example counselled or formally warned). Serious or repeated breaches of Grace College policy may lead to termination of employment or residency as the case may be (with or without notice).

5. What is inappropriate conduct?

Inappropriate conduct under this policy covers:

- Discrimination;
- Bullying;
- Sexual Harassment (see also Grace College's Sexual Assault and Sexual Misconduct Policy in relation to sexual assault and sexual misconduct);
- Victimisation;
- Racial and Religious Vilification; and
- The making of Malicious or False Complaints.

These forms of conduct are not only unacceptable, they may be unlawful. Each of the above forms of inappropriate conduct is explained below.

Unlawful Discrimination, Bullying and Sexual Harassment are unacceptable at Grace College and are unlawful under the following legislation:

- Anti-Discrimination Act 1991 (Qld)
- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)

6. Discrimination

Discrimination is treating, or proposing to treat someone unfavourably because of a personal characteristic protected by law; or because they may have one of the personal characteristics at some time in the future. Discrimination can occur directly or indirectly.

Personal characteristics protected by law include, but are not limited to:

- a disability, impairment, disease or injury, including a work-related injury;
- parental status and family responsibilities;
- race, colour, descent, national origin, or ethnic background;
- age;
- sex, sexual orientation, sexuality, gender identity or intersex status;
- lawful sexual activity;
- religion, religious belief or activity;
- industrial or trade activity, including being a member or not being a member of a union;
- pregnancy and breastfeeding;
- marital status or relationship status;
- political belief, opinion or activity;
- association with, or relation to, a person identified on the basis of those characteristics.

Discrimination can occur:

- **Directly**, for example when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list above).
- **Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list above).

Discrimination may manifest in the forms of inappropriate conduct including Bullying, Victimization and Vilification. However, not all types of Discrimination in the employment context are unlawful.

7. Bullying

Bullying for the purpose of this policy means repeated unreasonable behaviour directed towards a **Grace** College Community Member, or a group of Grace College Community Members, which causes a risk to the health and safety of a Grace College Community Member.

Bullying at work occurs when:

- a person or a group of people repeatedly behave unreasonably towards an employee or a group of employees at work; AND
- the behaviour creates a risk to health and safety.

Bullying behaviour may involve, but is not limited to, any of the following:

- abusing a person loudly;
- repeated threats of dismissal or other (severe) punishment for no reason;
- constant ridicule and being put down;
- spreading gossip or false, malicious rumours about a person with intent to cause harm;
- interfering with a person's personal property or work equipment;
- harmful or offensive initiation practices;
- abuse of management or supervisory positions;
- unreasonably overloading a person with work or not providing enough work;

- setting unreasonable timeframes;
- deliberate exclusion;
- unfair treatment in relation to entitlements, such as leave or training; and/or
- withholding information vital for performance of their role.

A single incident of unreasonable behaviour is not Bullying, however it may be repeated or escalate and so should not be ignored. Differences of opinion and disagreements are not in and of themselves Bullying.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying at work does not include **Reasonable Management Action** carried out in a reasonable manner. Reasonable management action may involve, but is not limited to, any of the following:

- undertaking performance management processes;
- maintaining and setting reasonable workplace or performance goals, standards and deadlines;
- rostering and allocating working hours where the requirements are reasonable;
- implementing organisational changes or restructuring;
- transferring a worker for operational reasons;
- deciding not to select a worker for promotion where a reasonable process is followed;
- informing an employee about unsatisfactory work performance or inappropriate work behaviour;
- asking an employee to perform reasonable and/or additional duties in keeping with their role; and/or
- taking disciplinary action for misconduct or poor performance, including suspension or terminating employment.

8. Sexual Harassment

Sexual Harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual Harassment can be physical, spoken or written, and may include, but is not limited to:

- comments about a person's private life or the way they look;
- sexually suggestive behaviour, such as leering or staring;
- brushing up against someone, touching, fondling or hugging;
- sexually suggestive comments or jokes;
- repeated unwanted requests to go out;
- requests for sex;
- insults or taunts of a sexual nature;
- intrusive questions or statements about a person's private life;
- sending sexually explicit emails or text messages;
- inappropriate advances, including on social media;
- downloading and distributing pornographic material from the internet; and/or
- leaving voicemails/text/image messages with a sexual undertone on a person's telephone/mobile.

A single incident is enough to constitute Sexual Harassment – the behaviour does not need to be repeated.

Sexual Harassment is not sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual or reciprocated.

Behaviour such as physical assault, indecent exposure, sexual assault, stalking or obscene communications may be considered an offence under criminal law, and if amounting to sexual assault or sexual misconduct should be dealt with also under Grace College's Sexual Assault and Sexual Misconduct Policy.

9. Victimisation

Victimisation is when a person does an act, or threatens to do an act against a person because:

- they have made a complaint, (complainant), or are associated with a person who has made a complaint, under this policy, or
- they have had a complaint made against them (respondent), or are associated with a person who has had a complaint made against them, under this policy.

For example: You help Betty make a complaint to College Administration about Sally's inappropriate conduct towards Betty. Sally contacts you and threatens to harm to you for helping Betty. Sally's conduct towards you in this case may be considered victimisation.

10. Racial or Religious Vilification

Racial or Religious Vilification is when behaviour encourages hatred or ridicule of others, or someone of a group of people because of their race, ethnicity or religion. Vilification can be a written, physical or spoken act and includes when a person acts in a way that encourages others to have hatred of others or ridicule others. This includes threats of harm to the person, their family/friends or their property.

For example: Carmen, a Grace College resident, sends an email to another Grace College resident, which contains images and words ridiculing Sarah because of her ethnic background. Carmen's conduct in this case may be considered racial vilification and in breach of this policy.

11. Malicious or false complaints

Malicious or false complaints refer to complaints of inappropriate conduct where a person knowingly makes a malicious or false complaint against another person. Such a complaint may be made with an intention:

- to cause detriment, embarrassment or harm to another person;
- to deflect attention away from a complaint regarding their own behaviour; and/or
- for retribution.

For example: Debra has recently been found to have been stealing from the College. During the investigation into the incident, Debra made a complaint of bullying against her Resident Assistant (RA). This complaint was investigated and found to be unsubstantiated. It was also found that Debra made this complaint knowing it was false and it was an attempt to deflect attention away from her own behaviour. Debra's behaviour in making the malicious complaint against her RA may be considered a breach of this policy.

12. Rights and responsibilities

All employees are entitled to:

- recruitment and selection decisions based on merit, not irrelevant personal attributes;
- work free from inappropriate conduct; and
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.

All Grace College Community Members (including employees) must:

- follow the standards of conduct under this policy;
- offer support to people who are subject to inappropriate conduct – don't be a bystander;
- avoid gossip and respect the confidentiality of the complaint resolution procedures under this policy; and
- treat everyone with dignity, courtesy and respect.

In addition to the above, managers and supervisors must:

- model appropriate standards of behaviour;
- take steps to educate and make employees aware of their obligations under this policy;
- intervene quickly and appropriately where they become aware of inappropriate conduct;
- report any observed instances of inappropriate conduct under this policy;
- act fairly to resolve issues and enforce workplace behavioural standards;
- refer complaints about breaches of this policy to the Grace College Equity Officers;
- ensure Grace College Community Members who raise an issue or make a complaint are not victimised; and
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made.

Individuals may be personally liable for acts of Discrimination, Bullying and/or Sexual Harassment. Grace College can (in certain circumstances) also be held to be vicariously liable for actions of its employees.

13. Resolving issues and making complaints

Grace College Community Members, who believe they have been Discriminated against, Bullied, Sexually Harassed or Victimised, can raise the matter under the Grievance Policy. To report inappropriate conduct behaviour, contact the Grace College Equity Officers (details below).

Grace College Community Members, who believe they (or someone else) have been subject to sexual assault and/or sexual misconduct, can also raise these matters under the Sexual Assault and Sexual Misconduct Policy.

Persons who do not feel safe or confident to take such action may seek information from a manager or supervisor, Resident Assistant or the Grace College Equity Officers (details below).

If the concerns relate to Grace College Equity Officers, the complaint may be made in writing to the Chairperson of the College Council at chairperson@grace.uq.edu.au. Complaints of discrimination or harassment must be lodged with either the Grace College Equity Officers or Chairperson of the College Council.

All reports of inappropriate behaviour are treated seriously.

Grace College will refer matters of a criminal nature to the police as appropriate.

16. Review details

This policy was adopted by Grace College on 23 July 2017.

This policy was last updated on 23 July 2017.

Versions are numbered by year and month (i.e. May 2017 is 1705).

Version	Revision Details	Sections Affected	Revised by	Reviewed by Principal	Reviewed by Governance & Risk Management Committee	Reviewed by Council
1707	Initial Draft	All	Monro	22 July 2017	Referred directly to Council	22-23 July 2017

Where other Grace College policies refer to the "Discrimination & Harassment Policy" "Bullying Policy", this policy will apply in its place. This policy supersedes any other policies and documents previously issued by Grace College in relation to discrimination and harassment.