

Harassment Policy

1. PURPOSE/OBJECTIVE

NIC regards harassment as a serious breach of the NIC's Equal Opportunity Policy and this policy is designed to eliminate harassment.

2. APPLICATION

This policy applies to all staff and students.

3. POLICY STATEMENT

NIC's environment should be stimulating and pleasant for students and staff. Harassment erodes individual's rights, debilitates morale and interferes with the effectiveness of the work and learning environment. NIC will take all reasonable steps necessary to ensure that staff and students are free from harassment.

Introduction

- NIC regards harassment as a serious breach of the College's Equal Opportunity Policy.
- To this end, the College's policy is designed to eliminate harassment. All reasonable steps will be taken to ensure that employees and students are aware of this policy and the procedures available to deal with reported cases of harassment.
- It is the responsibility of the College to communicate this policy and guidelines to staff and students. In particular, supervisory staff and contact officers will receive appropriate training and development to support their important roles in maintaining a harassment free environment.

What is Harassment?

- Harassment consists of unwelcome, offensive, abusive, belittling or threatening behaviour directed at staff members or students. It is usually based on some real or perceived difference such as sex, race or disability and which may lead to the person harassed being offended, humiliated, intimidated or disadvantaged.
- Harassment of staff or students is against the College's policy. Certain forms of harassment may also be unlawful under both State and Commonwealth legislation.
- Harassment can be action(s) directed against a group or an individual by a group or individual. It may occur among peers, or between people in subordinate/superordinate roles.
- Harassment should not be confused with legitimate comments or advice which may include criticism regarding standards of work, workplace behaviour or feedback on student work or performance.
- Examples of harassment may include:
 - Unwelcome physical contact or coercive behaviour which is intended or may reasonably be expected to be received as offensive, intimidatory, derogatory or likely to cause humiliation

- Insulting or threatening language and/or gestures
 - Interference with a person's work space, work materials, equipment or property, apart from what would be considered necessary for ongoing work in the particular area or as part of normal student work
 - Continual unjustified and unnecessary comments about a person's work or capacity for work
 - Pictures, posters, graffiti, electronic images or written materials which are offensive, obscene or objectionable
 - Phone calls, letters or messages on electronic mail or computer networks which are threatening, abusive or offensive
 - Persistent following within, to or from the College (stalking)
 - Dismissive treatment or material expressing prejudice or stereotypic assumptions about the group to which a person may belong; and
 - Continual exclusion of a person or group from normal conversation, work or student assignments, work related social activities and workplace or student networks.
- Some, but not all of these forms of harassment constitute sexual harassment which is dealt with more explicitly in the following clause. The preceding examples are indicative of behaviour likely to constitute harassment but should not be perceived to be exhaustive.

What is Sexual Harassment?

- Sexual harassment is a particular form of harassment and covers any unwelcome, unsolicited and non-reciprocated behaviour which constitutes deliberate or unintentional verbal or physical conduct of a sexual nature. It creates an uncomfortable working or learning environment for the recipient and may be reasonably anticipated to have the effect of causing offence, intimidation or humiliation.
- The term 'sexual harassment' when used in its widest sense, includes different types of behaviour. All sexual harassment is unlawful.
- Sexual harassment can be directed at an individual by an individual and is of a sexual nature. It may occur among peers or between people in subordinate/superordinate roles.
- Examples of sexual harassment may include:
 - questions about a person's private life
 - requests for sexual favours
 - offers of reward for sexual favours
 - ongoing requests to go out
 - deliberate physical contact such as patting, pinching, brushing, hugging, touching, kissing, rubbing
 - sex-oriented verbal kidding
 - smutty jokes
 - displays of sexually graphic materials
 - suggestive comments about a person's physical appearance
 - belittling comments based on sex role stereotyping.

Such actions may be accompanied by intimation that, in return for sexual favours, the victim will be advantaged in some way. Included or implied may be a threat of reprisal if a sexual advance is rejected.

- Behaviours that involve physical contact may also be defined by law as criminal acts. Such acts could be referred to external agencies and dealt with through those avenues.
- A single incident of sexual advance which is unwelcome and may be reasonably anticipated to cause offence, humiliation or intimidation could constitute sexual harassment.
- Sexual harassment has nothing to do with mutual friendships, sexual attraction or flirtation, since these behaviours involve choice and consent. Sexual harassment causes embarrassment and humiliation and is clearly distinguishable from acceptable social and professional interaction.

Effects of Harassment

- Harassment creates an uneasy, hostile, intimidating and/or offensive work environment that interferes with the recipient's performance, job satisfaction or studies.
- Responses to harassment vary. In some cases, where it is overtly responded to, public unpleasantness occurs, adversely affecting personal relationships between the parties. More commonly, the recipient attempts to ignore the conduct or even to feign amusement in order to retain acceptance. In other cases, the harassment is accepted by the recipient because of a fear of reprisal or disadvantage should there be rejection or objection. The suppression of the emotions caused by such harassment can, however, result in physical illnesses such as headaches, depression, anxiety, ulcers and other disorders. Recipients are offended at the harasser's failure to recognise their rights and autonomy. This can lead to a lowering of the victim's self-esteem.
- Recipients of sexual harassment are not flattered by, or appreciative or desirous of their treatment, but are often loathe to report their complaints.
- Common reasons for not reporting complaints of harassment include:
 - A concern that a complaint will jeopardise career aspirations; or academic assessment
 - A belief that it does not happen to others
 - A belief that others will think it was asked for
 - A feeling of inferiority and helplessness
 - A fear of adverse treatment by peers and seniors
 - A fear of disbelief
 - A belief that it is unprofessional to inform
 - A desire to avoid getting the harasser into trouble
 - A worry that the situation may worsen
 - A lack of suitable grievance procedures
 - A lack of knowledge of grievance procedures
 - As a result, many recipients of harassment are reluctant to initiate action.

Harassment: Where it May Occur

- Harassment can occur between staff, between staff and students, or between students. It can occur between those of equal or unequal status within the College. Sexual harassment is a particularly insidious form of discrimination and complaints must be taken seriously and successfully resolved wherever possible.
- Other forms of harassment also constitute unacceptable behaviour. The College may consider disciplinary action if a student or staff member is found to have harassed another student or staff member.

Harassment of Staff or Students

- It is against College policy and may constitute unlawful behaviour to harass another person based on the provisions contained in federal and state legislation.
- The College has a legal responsibility to protect both students and employees from sexual harassment.

Role of the College

- The College does not have the right to intervene in personal relationships. It does, however, have a proper concern where harassment:
 - Creates an intimidating, hostile or offensive environment;
 - Adversely affects an individual's performance
 - Adversely affects an individual's employment, promotion, or scholarly prospects
 - Results in resignation, unfair dismissal, or withdrawal from courses

- Creates an intimidating non-supportive educational environment
- Reflects on the integrity and standing of the College.
- It is the responsibility of all staff and students to ensure that proper standards of conduct are upheld. The College and staff have a responsibility to ensure that the College is free from sexual and other forms of harassment.
- Failure by the College to deal seriously with complaints of harassment or to take prompt, effective action, or remedial action, to deal with complaints can be seen as condoning or tolerating such behaviour. Managers should not wait for a complaint to be made before intervening, if they are aware of harassment.
- Staff and students who become aware of harassment are encouraged to bring it to the attention of the College. Such conduct is not purely a personal matter between individuals; it may affect other staff and students as well as productivity and working relationships.

Student Harassment of Students or Staff

- The College has an obligation to provide a learning environment, free from harassment. It can happen that a student harasses another student or a staff member.
- Harassment is not acceptable behaviour by a student and will be treated with the same seriousness using the same principles as a complaint of a staff member harassing others. The College has powers under the College's Statutes to take disciplinary action against students found to be harassing other students or staff.

Resolution of Complaints

- The College is committed to taking all action necessary to prevent and where reported, resolve incidents of harassment.
- Where warranted by seriousness or gravity, the College reserves its right to refer the complaint to the relevant external authority, as well as deal with the matter if appropriate under its own procedures. Such referral may take place:
 - In places of any references to the grievance procedure at all
 - In substitution whether the grievance procedure has been heard in whole or in part.
- The College will deal with reported complaints as expeditiously as the circumstances of the complaint allow.

Victimisation

- Experience has shown that sometimes the unfavourable treatment of the harassed person, subsequent to the placing of a complaint, puts the person under further stress and can escalate the situation beyond resolution. Such treatment is termed victimisation and in many instances, as well as being against College policy, may constitute unlawful activity. Victimisation includes any unfavourable treatment, such as aggression, refusing to provide information, ignoring the person, dismissal, refusing to renew a contract of employment, or lower assessment of student work.
- Victimisation of people making complaints through this grievance procedure will be treated as seriously as the original behaviour giving rise to the complaint.
- Supervisory staff are responsible for ensuring that victimisation of the complainant does not occur, either immediately or anytime after the complaint has been resolved.

4. DEFINITIONS

N/A

5. RELATED DOCUMENTS

- Equal opportunity Act
- Staff Grievance Policy
- Equal Opportunity and Anti-Discrimination Policy
- Student Non-Academic Grievance Policy

AMENDMENT HISTORY

Department:		Governance
Approval Authority:		SMT
Approval Date:		7 August 2014
Date for Next Review:		August 2017
Revision Date	Version	Summary of changes
22/11/2011	1	Policy developed and implemented.
17/12/2011	2	Reformatted into new policy template.
27/09/2012	3	Document updated to reflect current UPD formatting. Related documents section updated to include the NIC Equal Opportunity and Anti-Discrimination Policy.
7/8/2014	4	Policy reviewed