Prevention of Discrimination, Harassment and Bullying Behaviours Procedure

Section 1 - Purpose and Scope

(1) The purpose of this Procedure is to:

a. outline The University of Queensland's (UQ or the University) approach to building an inclusive UQ Community and preventing all forms of discrimination, harassment and bullying behaviours;
b. support UQ's Student Grievance Resolution Policy, Staff Grievance Resolution Policy and associated procedures by providing additional information specific to managing issues of discrimination, harassment and bullying behaviours involving staff and/or students; and
c. outline Complaint and management considerations relevant to members of the UQ Community who are not staff or students.

(2) This Procedure applies to all members of the UQ Community, including all students and staff, whether or not those staff are covered by the Enterprise Agreement, while engaged in UQ Related Conduct.

(3) Matters that are sexual in nature are to be dealt with in accordance with the Sexual Misconduct Prevention and Response Policy and supporting procedures.

(4) This Procedure should be read and applied in conjunction with the Diversity, Equity and Inclusive Behaviours Policy

Section 2 - Context

(5) UQ is committed to developing and maintaining an inclusive and harmonious environment where all members of the UQ Community feel welcome. All members of the UQ Community have a right to work, study or participate in an environment free from discrimination, harassment and bullying behaviours.

(6) Discrimination, harassment and bullying are not tolerated by UQ.

Section 3 - Process and Key Controls

(7) UQ implements a number of activities, processes, systems and programs to build a respectful and inclusive UQ Community and prevent discrimination, harassment and bulling behaviours from occurring [clause 9-14].

(8) Any member of the UQ Community who has experienced, witnessed or otherwise been exposed to discrimination, harassment and/or bullying behaviours while engaged in UQ Related Conduct may:

a. request or be offered information from UQ regarding: relevant policies/procedures; avenues of support; mechanisms for resolution; and/or options for making a Complaint [clauses 15-22];
b. access counselling and support through the avenues detailed in this Procedure [clauses 15-22];
c. take direct action to resolve the issue, where appropriate to do so and in accordance with this Procedure

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[clauses 23-27]; and/or

d. lodge a Complaint about the behaviours to UQ, if seeking action by UQ in relation to the behaviours [clauses 28-31].

Section 4 - Key Requirements

Building an Inclusive UQ Community

Inclusive Behaviours

(9) All members of the UQ Community are expected to uphold the UQ Values and behave in a respectful and inclusive manner towards other members of the UQ Community.

(10) Students are required to comply with the Student Code of Conduct Policy and other UQ policies and procedures applicable to students. Staff are required to comply with the Staff Code of Conduct Policy and other UQ policies and procedures applicable to staff.

(11) Staff who interact with students have a responsibility to ensure that study environments and other places of student activity are respectful, inclusive and free from all forms of discrimination, harassment and/or bullying behaviours.

(12) UQ leaders (including student leaders), managers and supervisors have particular responsibilities to promote an environment that prevents all forms of discrimination, harassment and/or bullying behaviours.

(13) UQ encourages all members of the UQ Community to help build an inclusive environment by:

a. accessing available resources and educational opportunities to improve awareness and understanding of diversity and inclusion matters;
b. taking action to report, or resolve where appropriate, any identified issues pertaining to discrimination, harassment and/or bullying behaviours as soon as practicable;
c. volunteering for roles on internal and/or external diversity and inclusion committees; and/or
d. participating in diversity and inclusion-themed activities.

Prevention Responsibilities for Supervisors

(14) Supervisors have a responsibility to ensure UQ workplaces and study environments are free from discrimination, harassment and bullying behaviours, including:

a. monitoring workplace and study environment culture to ensure that it is positive, respectful, supportive and inclusive;
b. ensuring all staff have completed any mandatory training relating to understanding, preventing and appropriately managing discrimination, harassment and/or bullying behaviours;
c. responding to issues pertaining to discrimination, harassment and/or bullying behaviours in accordance with relevant procedures; and
d. establishing, reinforcing and role-modelling high standards of acceptable behaviours, in accordance with UQ's Staff Code of Conduct Policy.

Accessing Support and Information in Relation to Discrimination, Harassment and/or Bullying Behaviours

(15) UQ will take all reasonable steps to ensure that support and information is provided to all parties who report that

they have experienced, observed or otherwise been exposed to discrimination, harassment and/or bullying behaviours. This includes, but is not limited to, the Complainant, Third Party Complainant, Respondents, and any witnesses.

(16) Accessing support/information does not preclude a member of the UQ Community from also making a Complaint in accordance with this Procedure.

(17) Accessing support in the context of this section does not itself initiate further action by UQ. If the person seeking information and/or support wants UQ to take further action, they must lodge a Complaint in accordance with this Procedure. Support will remain available while a Complaint is progressed.

(18) There may be circumstances where UQ is required to take further action in response to a request for support, even if the person seeking information/support does not elect to lodge a Complaint to UQ (for example, if a request for support appears to involve a risk to the health and safety of the UQ Community or an individual's welfare).

Available Support

(19) Support in relation to matters of discrimination, harassment and bullying behaviours, including the provision of information, is available from the following areas within UQ:

a. Discrimination and Harassment Contact Officers – for all members of the UQ Community;
b. Student Support Services (for students); and
c. Human Resources Division, including Workplace Relations and Workplace Diversity and Inclusion team (for staff).

(20) If a person holds multiple statuses at UQ (for example, is both a student and member of staff), they can seek support through the avenue that is most appropriate for the situation in which the behaviour was experienced.

(21) Members of the UQ Community who seek or are offered support and information can expect the person assisting them to:

a. outline the options available to help the person determine any next steps they may wish to take;
b. provide information about informal resolution, where appropriate and in accordance with this Procedure;
c. outline UQ Complaint processes and options for making a Complaint;
d. provide other information and/or assistance that may be appropriate in the circumstances;
e. provide assistance with accessing professional counselling support through:
    i. Employee Assistance Program (EAP) (for staff and their immediate family);
    ii. Counselling Support including Counselling and Crisis Line (1300 851 998) (for students).

(22) Nothing precludes a member of the UQ Community from seeking support and/or information from external agencies, services, family and/or friends. External organisations who offer support and/or information include (but are not limited to):

a. Queensland Human Rights Commission
b. Australian Human Rights Commission
c. Union Representatives (if staff and students belong to a Union or another professional association).
d. Fair Work Commission (for staff).
e. Specialist agencies such as: Working Women Queensland, Basic Rights Queensland (social security and disability discrimination services), Australian Government 'Respect' Campaign's resources for Aboriginal and Torres Strait Islanders, Student Advocacy and Support (for example, the UQ Student Union), and LGBTI Legal

Service Queensland.

Informal Resolution

(23) Members of the UQ Community are encouraged to take steps to informally resolve issues of discrimination, harassment and/or bullying, where appropriate and safe to do so.

(24) The aim of informal resolution is to reach an acceptable outcome that minimises any potential problems to ongoing relations between those involved.

(25) Informal resolution should be considered when:

a. the Complainant's desired outcome is a less formal resolution;
b. the Complainant feels comfortable and safe undertaking informal resolution;
c. the alleged unacceptable behaviour is most likely due to a miscommunication, misunderstanding or a lack of knowledge/awareness; or
d. there is no power or status imbalance between involved persons (such as a supervisor and student, or a staff member and their supervisor).

(26) Informal resolution usually entails engaging directly with the person who exhibited discriminatory, harassing or bullying behaviours and:

a. stating the nature of the concern;
b. explaining the impact of their behaviour; and
c. outlining what the preferred outcome might be, noting that in most cases, the preferred outcome is for the behaviours to stop.

(27) Making a person aware of the impact of their behaviour can sometimes be enough to prevent the behaviour from occurring again in future. If informal resolution is not appropriate or has not successfully resolved an issue of perceived discrimination, harassment and/or bullying behaviours, members of the UQ Community may wish to make a Complaint.

How to Make a Complaint

(28) Students, Staff and other members of the UQ Community who wish to lodge a complaint are directed to the online Complaints Management webpage.

How will a Complaint be Progressed?

(29) A Complaint will be progressed as follows:

a. If the Respondent is a student, under the provisions of the Student Grievance Resolution Policy, Procedure and Guideline and/or the Student Integrity and Misconduct Policy.
b. If the Respondent is a member of staff covered by the Enterprise Agreement, under the Staff Grievance Resolution Policy and Procedure and/or the Misconduct/Serious Misconduct provisions of the Enterprise Agreement.
c. If the Respondent is a member of the UQ Community who is not a student, or a staff member to whom the Enterprise Agreement applies, in accordance with any relevant contract and/or UQ policies and procedures.

Additional Considerations in Relation to Complaints - Students

(30) Any person who receives a Complaint from a student should, in consultation with the Complainant, seek advice

from the Academic Registrar on how the Complaint is to be progressed.

(31) Local management of Complaints may include an intervention to stop the behaviours and/or resolve the matter. Examples of interventions include, but are not limited to:

a. providing support to students to assist them to address the matter themselves;
b. addressing the matter directly with the person/s involved;
c. coordinating mediation;
d. applying a cease and desist order; and
e. provision of additional training.

Reporting to an External Agency

(32) The following principles underpin UQ's position on reporting discrimination, harassment and/or bullying behaviours to an external agency and/or reporting to the police:

a. Any person can lodge a Complaint with or report to the relevant external agency at any time.
b. No-one can prevent or dissuade any person from referring or reporting a matter to an external agency.
c. No-one can compel a person to refer or report a matter to an external agency, including the police.
d. Generally, it should be the Complainant who decides whether or not they lodge a complaint with or report to an external agency.
e. UQ may offer support to a member of the UQ Community who wishes to report a matter externally.
f. Complaints will not be reported by UQ to an external agency without the consent of the Complainant, except where:
    i. UQ is required by law to report the matter; or
    ii. the Vice-Chancellor is satisfied on reasonable grounds that reporting the matter is necessary.

(33) When reporting to an external agency, UQ will provide information as required by law, or as deemed appropriate.

(34) Options for reporting discrimination, harassment and bullying behaviours externally include (but are not limited to):

a. Queensland Ombudsman
b. Queensland Human Rights Commission
c. Australian Human Rights Commission
d. Fair Work Commission
e. Tertiary Education and Quality Standards Agency (TEQSA).

(35) The Queensland Police Service (QPS) is the appropriate agency for reporting behaviours that may be criminal in nature.

(36) The Crime and Corruption Commission Qld (CCC) is the appropriate agency for reporting matters that may be corrupt in nature.

Victimisation Arising from a Complaint

(37) UQ will not tolerate victimisation of any member of the UQ Community involved in a Complaint, including the Complainant, the person/s who are the subject of the Complaint and/or those involved in managing the matter.

(38) Members of the UQ Community who feel that they are experiencing victimisation should inform any of the

following parties so the matter can be appropriately investigated:

a. the Integrity Unit;
b. for students, Student Support and Wellbeing Services; or
c. for staff, Human Resources Division or the person's supervisor or their supervisor's supervisor.

(39) Reasonable Measures may be used to prevent victimisation of those involved in a Complaint.

(40) Adverse action taken against a person may be unlawful under the Fair Work Act 2009 (Cth) and a person who makes a public interest disclosure under the Public Interest Disclosure Act 2010 (Qld) is protected from reprisal by that Act.

Reasonable Measures

(41) Parties affected by discrimination, harassment and/or bullying behaviours can make a request for Reasonable Measures or UQ may implement Reasonable Measures as necessary or appropriate in the circumstances.

(42) Parties that may be affected include, but are not limited to, a Complainant, Third Party Complainants, Respondents, and any witnesses.

(43) The implementation of Reasonable Measures will be determined by either the Student Support and Wellbeing Services, Academic Services Division or Human Resources Division on a case-by-case basis, in accordance with UQ policies and procedures, relevant contracts and the Enterprise Agreement if applicable.

(44) Any Reasonable Measures implemented in relation to a Complaint, during an investigation, a UQ disciplinary process (such as the processes referred to in the 'How to Make a Complaint' provisions above), or investigation by an external agency, is not a determination as to whether discrimination, harassment and/or bullying behaviours has occurred.

(45) In implementing any Reasonable Measures, UQ will:

a. consider the risk to the affected parties;
b. apply the principles of Procedural Fairness;
c. seek to balance any conflicting rights and interests;
d. seek to prevent victimisation;
e. take into account any relevant external requirements as a result of discrimination, harassment and/or bullying behaviours;
f. discuss any proposed Reasonable Measures with affected parties where appropriate; and
g. endeavour to implement an acceptable outcome for affected parties involved.

(46) At times, meeting the expectations of all parties, may be difficult. If an agreement cannot be reached between all parties about the Reasonable Measures, the following staff member will make a final decision having considered the position of all relevant parties:

a. if the Respondent is a student, the Academic Registrar;
b. if the Respondent is a member of staff covered by the Enterprise Agreement, the head of the organisational unit responsible for engagement or management of the Respondent, in consultation with the Chief Human Resources Officer (or nominee), for the purposes of the Enterprise Agreement;
c. if the Respondent is a member of the UQ Community who is not a student, or a staff member to whom the Enterprise Agreement applies, the head of the organisational unit responsible for the engagement or management of the Respondent or other person to whom the Respondent reports.

(47) Reasonable Measures for students will be implemented by Student Support and Wellbeing Services and may include, but are not limited to:

a. Student housing re-location or short-term emergency student housing.
b. Class timetable changes.
c. Temporary remote learning or working arrangements.
d. Other adjustments to working arrangements.
e. Other schedule changes.
f. Academic adjustments.
g. Special considerations for withdrawal without penalty.
h. Emergency funding.
i. Wellbeing and safety planning.
j. Measures to minimise the risk of victimisation.
k. Residential separation arrangements.
l. Other safety measures.

(48) Reasonable Measures for staff will be implemented by Human Resources Division and may include, but are not limited to:

a. Leave.
b. Flexible working arrangements.
c. Suspension.
d. Support, such as the Employee Assistance Program
e. Other measures to ensure safety and wellbeing.

(49) Staff or students who are not satisfied with a decision made in relation to Reasonable Measures under this Procedure have rights to appeal the decision under the policy and procedures relevant to the decision.

Section 5 - Roles, Responsibilities and Accountabilities

Human Resources Division, Student Support and Wellbeing Services and Academic Services Division

(50) The Human Resources Division, Student Support and Wellbeing Services and Academic Services Division are responsible for implementing this Procedure, including providing support and responding to Complaints.

(51) The Workplace Diversity and Inclusion team within the Human Resources Division is the primary coordination point for staff-focused diversity, equity and inclusion strategy and efforts.

(52) The Student Support and Wellbeing Services within the Student Support and Wellbeing Services is the coordination point for student-focused diversity, equity and inclusion strategy and activity.

(53) Refer to Section 3 (Roles, Responsibilities and Accountabilities) in the Diversity, Equity and Inclusive Behaviours Policy for further information.

Confidentiality and Privacy

(54) Information relating to Complaints will be recorded and kept confidential by UQ in accordance with applicable UQ

policies and procedures, except insofar as is necessary to take any action permitted by this Procedure or otherwise comply with the law.

Monitoring and Reporting

(55) The Human Resources Division, Student Support and Wellbeing Services and Academic Services Division are responsible for recording all Complaints and reporting de-identified metrics to senior management annually or on request.

a. For student complaint metrics – the Academic Registrar (or their nominee) is the reporter;
b. For staff complaint metrics – the Chief Human Resources Officer (or their nominee) is the reporter.

Section 6 - Monitoring, Review and Assurance

(56) Human Resources Division, Student Support and Wellbeing Services and Academic Services Division staff will review the relevance and currency of this Procedure periodically and update changes as required.

(57) In cases where staff or students are dissatisfied with, or identify issues with the policy or this Procedure, these concerns will be communicated to the Policy Custodians for consideration.

Section 7 - Appendix

Definitions

(58) Words or phrases used in this Procedure and not otherwise defined in this document have the meaning provided in the Diversity, Equity and Inclusive Behaviours Policy.

Term	Definition
Complaint	is providing a formal statement regarding discrimination, harassment and/or bullying behaviours to the persons or units specified in clauses 29-31 of this Procedure. General enquiries, feedback and comments will not normally be considered a Complaint.
Complainant	is a person who makes a Complaint on their own behalf. It also includes a person on whose behalf a Complaint is made by a Third Party Complainant.
Enterprise Agreement	The University of Queensland Enterprise Agreement 2021-2026, or as amended or replaced.
Procedural Fairness	is a principle that is applied by the University to ensure that decisions are made in accordance with the rule against bias and the hearing rule (i.e. before a decision is made a respondent is given an opportunity to present their case with knowledge of any prejudicial material that may be taken into account by the decision-maker).
Reasonable Measures	are arrangements or adjustments that may be implemented for a specified period of time on a case-by-case basis where Support has been sought or a Complaint has been made.
Respondent(s)	one or more persons who are the subject of the Complaint.
Support	all reasonable steps to support all parties affected by discrimination, harassment and/or bullying behaviours.
Third Party Complainant	is a person who makes a Complaint on behalf of or in relation to another person.

Term	Definition
UQ Related Conduct	means any conduct that is connected to UQ's functions or operations, including conduct that: • occurs during, or in connection with, any function, activity or event related to UQ (whether sanctioned by UQ or otherwise); • occurs when a person is representing UQ in any capacity; • occurs during, or in connection with, the performance of duties for UQ; • occurs using, or is facilitated by, UQ ICT resources or other UQ equipment; or • occurs on, or in connection with, any property owned, leased or occupied by UQ (or any entities it controls) or any lands or roads within any UQ campus.
Workplace Relations	is a unit of Human Resources Division that provides advice on complex and sensitive employment matters.

Legislative Framework

(59) The Legislative Framework supporting this Procedure is outlined in the Diversity, Equity and Inclusive Behaviours Policy.

Status and Details

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