



## **Bullying, Harassment, Discrimination and Sexual & Physical Assault Serious Matter & Critical Incident Policy** **Version: 1<sup>st</sup>**

**Responsible To:** Head of College & CEO – John XXIII College

**Pertains To:** Residents (Accommodation Agreement Holder) – John XXIII College

**Supported By:** Deputy Head of College – John XXIII College  
Staff – John XXIII College

Collegiate Team – John XXIII College

**Monitored By:** Head of College & CEO – John XXIII College

### **Purpose**

This policy provides John XXIII College with clear decision-making processes for managing critical incidents and serious matters that involve Residents who are the victims of bullying, harassment and assault. This is to ensure that each case is managed effectively, consistently and in a timely manner.

The secondary purpose of the policy is to inform Residents and staff about specific Resident behaviours that are not accepted at the College or at the University.

### **Definitions**

#### **Critical Incident**

A 'critical incident' is a traumatic event or the threat of such, which causes extreme stress, fear and / or physical and / or emotional injury. A critical incident may include:

- a. Perpetrating or being the victim of crime related incidents (including assaults, sexual assaults), or
- b. Serious threats to a Resident, or
- c. Severe verbal or psychological intimidation, or
- d. Other traumatic events or threats, including vilification or victimisation.

#### **Serious Matters**

A 'serious matter' is any occurrence which is not considered to be a critical incident under the relevant ANU policy, but which has the potential to have a disruptive impact on the wellbeing of the Residential community.

Serious matters include, but are not limited to:

- a. All forms of harassment,
- b. Discrimination,
- c. Bullying,
- d. Hazing,
- e. Any other serious or unlawful incident which has the potential to affect the safety and well-being of the Residents.

#### **Bullying**

Bullying varies from the use of physical force / intimidation or psychological intimidation against an individual, to the isolation and humiliation of an individual. Behaviours by a Resident or group of Residents that systematically stigmatise or degrade another Resident or group of Residents through any social media may be regarded as bullying behaviours.

#### **Harassment**

Unlawful harassment can occur when someone is made to feel intimidated, insulted or humiliated because of their sex, relationship status, family responsibility, race, colour, ethnic or ethno-religious background, descent or national identity, age, sexual orientation, gender identity, trans-sexuality or intersex status, disability, religious belief or any other characteristic specified under Human Rights Legislation.

Harassment behaviours are intentional, often repetitious and can be overt or subtle, verbal, non-verbal or physical. Harassment extends to the misuse of social media.

NB.

Discrimination, harassment and bullying in employment, Residential and education environments must not be confused with legitimate comment, criticism and advice, including relevant negative comment or



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**Version: 1<sup>st</sup>**

feedback, from the employee’s supervisor on the work, study performance or behaviour of an individual or group.

Sexual Harassment

Sexual harassment can be a single event or a pattern of unwelcome, non-reciprocated behaviours of a sexual nature. It can include repeated unwanted sexual advances, requests for sexual favours, sexual comments as well as unsolicited or unwelcome conduct of a sexual nature. These behaviours result in the victim feeling humiliated, intimidated or offended.

Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect. Where interactions are consensual, welcomed and / or reciprocated, it is not sexual harassment.

Discrimination

Unlawful discrimination may occur when someone (or a group of people) is treated less favourably than another person or group because of a specified attribute such as their sex; relationship status; family responsibility; race, colour, ethnic or ethno-religious background, descent or national identity; age; sexual orientation, gender identity, trans-sexuality or intersex status; disability; religious belief or any other characteristic specified in legislation.

Discriminatory conduct is any conduct that treats an individual or a group differently on the basis of a specific characteristic or limits their participation in or benefit from the services, activities or privileges attached to their involvement in the College community.

Hazing/Initiation

Hazing is any act, action or situation, with or without the consent of the participants, which recklessly, intentionally or unintentionally endangers the mental, physical or emotional health or safety of a person.

It includes reputational injury, physical injury, assault or battery, kidnapping or imprisonment, intentionally placing at risk of mental or emotional harm (putting “over the edge”), degradation, humiliation, the compromising of moral or religious values, forced consumption of any liquid or solid, placing an individual in physical danger (at risk) which includes abandonment, and impairment of physical liberties which include curfews or other interference with academic endeavours.

Victimisation

Victimisation is the treatment of a Resident unfairly, including threats or intimidation, and causing detriment when that Resident has acted appropriately within the College ethos and policies or because they have supported someone else who has acted appropriately within the College ethos and policies. This may include such things as adverse changes to a Residents living environment, denial of access to resources or ostracism.

Vilification

Vilification is the public act of a person that incites hatred toward, serious contempt for or severe ridicule of a person or group of persons on the grounds of race, trans-sexuality, sexuality and HIV/AIDS. Vilification is considered within the harassment requirements of this policy. Vilification does not include, for example, legitimate academic debate about issues that might include discussions of race, trans-sexuality, sexuality and HIV/AIDS.

Resident

A Resident of the College is financial member of the College community who is residing at the College. This is the person who signs the Residential contract and lives at the College; it is not based on the person who is paying the fees (the Account Holder).

The Pastoral Team

The Pastoral Team at the College is the group of student leaders who have responsibility for monitoring the wellbeing of the Residents. This team consists of the Dean of Residents: Student Life & Academics (Dean) and the Senior Residents (SRs). This team is led and supervised by the Deputy Head of College (DHOC).



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### Privacy Act

The *Privacy Act 1988 (Cth)*, permits the College to disclose personal information about someone to a party outside the College or University where, inter alia:

- a. A person consents in writing to their personal information being disclosed; or
- b. The College believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person.

The Head of College will decide who may be informed of this serious or imminent threat to the Resident.

### **Principles**

1. John XXIII College strives to provide a supportive, safe, caring environment for all staff, Residents and visitors, where all members of the community feel welcomed and respected. The College regards the successful upholding of this policy as pivotal to its sense of community and identity.
2. The impact of bullying, harassment, discrimination and hazing can be profound. Discrimination, harassment and bullying behaviours by staff or Residents are the antithesis of the College's values.
3. All senior staff of the College and the Pastoral Team will have access to training and support in the College's management of *serious matters* such as threatening behaviour, discrimination and harassment etc, and in the reporting process.
4. The Deputy Head of College is responsible for the management of '*critical incidents*' and '*serious matters*', with additional assistance being sought from ANU Security and / or the Police (or other Emergency Services) and / or University services and / College staff as appropriate. Members of the Pastoral Team are not responsible for the management of these situations and their role is to assist the Deputy Head of College to seek information and identify those involved in these incidents and to provide support to individual Residents.

### **Policy Statement**

1. John XXIII College is committed to ensuring that Residents, visitors and staff are treated with integrity, respect and justice. The Residents have the right to express and defend ideas, opinions and make appropriate life choices. The College recognises that all members of the College have the right to live, study and work in an environment free from discrimination, harassment, hazing and bullying.
2. Serious matters such as discrimination, harassment, hazing and bullying behaviour will not be tolerated under any circumstances. The College will take action against any Resident, visitor or staff member who is found to have breached this policy.
3. John XXIII College is committed to ensuring that Residents, visitors and staff are able to live and work in a safe environment and are free from the threat of assault – physical or sexual. The College will take action against any Resident, visitor or staff member who is found to have breached this policy.
4. The level of response required to a critical incident or serious matter will depend on the severity of the critical incident or serious matter and the level of risk to the Community. The College's response will be adapted, within the parameters of this policy and the Privacy Policy to meet the needs of each incident and will ensure that it is sensitive, fair, timely and run in a confidential manner.

By accepting a John XXIII College Accommodation Agreement, Resident accepts and agrees to abide by all of the terms and conditions of John XXIII College's Policies and Procedures. Residents should contact the College for further clarification if required.