



## **Bullying, Hazing, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Policy** **Version: 2<sup>nd</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 and perpetrators of bullying, hazing, harassment, discrimination and assault. This is to ensure that each case is managed fairly, effectively, consistently and in a timely manner.

The secondary purpose of this policy is to inform residents and staff about specific resident behaviours that are not accepted at the College and by inference at the University.

It is important to differentiate between this policy and the process involved in the Criminal / Justice System:

1. The College Policy seeks to ensure people involved in issues of Violence receive pastoral care and the College disciplinary process seeks to determine if there has been a breach of College policy. The criminal / justice system seeks to determine if there is enough evidence to support of criminal charge and then determine if a person is guilty of committing a crime.
2. The College interviews the people involved and any witnesses and it may collect any available CCTV footage. The criminal system collects all available evidence including medical evidence.
3. The College disciplinary system uses the criteria of “a reasonable decision based on the available evidence” while the justice system uses the criteria of “beyond reasonable doubt”.

### **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), 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 College Critical Incident and Serious Matters Policy. A serious matter has the potential to have a disruptive impact on the wellbeing of a Resident and / or 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 wellbeing 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



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systematically stigmatise or degrade another Resident or group of Residents through any social media may be regarded as bullying behaviours.

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.

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

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.

Physical Assault

A physical assault occurs when a person strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without the other person's consent, or with the other person's consent if the consent is obtained by fraud. It also occurs when a person uses any bodily act or gesture and attempts or threatens to apply force of any kind to the person of another without the other person's consent.

Physical Violence

Physical violence is a general term that includes bullying, hazing, physical assault and some forms of harassment and discrimination.

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



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supported someone else who has acted appropriately within the College ethos and policies. This may include such things as adverse changes to a resident's 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 current member of the College community who is residing at the College. This is the person who signs the *Residential Accommodation Agreement* 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 Senior Residents (SRs) and is led and supervised by the Deputy Head of College (DHOC) with the assistance of the Dean of Residents (DOR).

### 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's consent 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. As per the Resident's Accommodation Agreement, this may be the residents' parents or guardians.

If a complaint leads to a criminal investigation by the Police, they are able to request access to any information collected by the College.

### **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, hazing, harassment, discrimination and physical violence can be profound. Discrimination, harassment hazing 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 *critical incidents and serious matters* such as threatening behaviour, discrimination and harassment etc, and in the reporting process.
4.
  - a. The DHOC is responsible for the management of '*critical incidents*' and '*serious matters*', with additional assistance being sought from other trained professionals, services and staff as appropriate.
  - b. Members of the Pastoral Team are not responsible for the management of these situations and their role is to assist the DHOC to seek information and identify those involved in these incidents and to provide limited support to individual Residents.
5. The College will at all times ensure that all parties (victims, alleged perpetrator and witnesses) have natural justice in the College's procedures. It will always seek to ensure the safety of all of the parties against victimisation and retaliation threats.



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6. The College Policy and Procedures will be:
  - a. Accessible – The Policy and Procedure will be placed on the College website; a one page summary will be made available to all residents – on the College website.
  - b. Transparent –The victim and alleged perpetrator will be updated on the process at various key points and as appropriate.
  - c. Expeditious – The determination of the complaint will be carried out in an appropriate time frame.
  - d. Fair – Natural justice requires all parties to be able to present their version of any incident and provide witnesses to support their case. The decision made will then take into account all the evidence and will be a reasonable decision on the basis of this evidence.
7. Support will be offered to all parties involved – victim, alleged perpetrator, witnesses, first responders and any others affected by the disclosure will be a priority of the College.

**Policy Statement**

1. John XXIII College is committed to ensuring that residents, visitors and staff are treated with integrity, respect and justice. It seeks to ensure that residents, visitors and staff are able to live and work in a safe environment.
2. a. The Residents at John XXIII College have certain rights:
  - i) The right to grow as an individual and seek to achieve their true potential while also trying to make appropriate life choices.
  - ii) The right to express and defend ideas, opinions. However, this right is restricted and does not apply to “hate or derogatory speech”, racist or sexist language.
  - iii) The right to live, study, work and participate in all aspects of life in the College and on the ANU campus in a happy and safe environment free from the threat of harassment and assault.
- b. At the same time, all Residents have responsibilities:
  - i) Not to be involved in any behaviour associated with bullying, hazing, harassment, or discrimination that is likely to lead to any form of violence.
  - ii) Not to be a bystander when others may be involved in bullying, hazing, harassment, discrimination or any form of violence.
  - iii) To work with and assist the College to stamp out all issues related to bullying, hazing, harassment, discrimination or any form of violence.
  - iv) To take responsibility for their actions and accept that these actions have consequences.
3. Critical and serious matters such as discrimination, assault, hazing, harassment and bullying will not be tolerated under any circumstances. These violent behaviours are expressly prohibited at John XXIII College. The College will take action against any resident, guest / visitor or staff member who is found to have breached this policy and that the issue may also be passed on to other authorities to also deal with, such as the Police and the ANU.
4. All residents are able to access internal (within the College), semi internal (within ANU) and external options when dealing with any form of violence.
5. 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 John XXIII 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, while also seeking to:
  - a. Provide the victim will some level of control over the College process,
  - b. Meet the needs of each individual involved,



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- c. Provide natural justice to all parties involved in the incident, and
  - b. Support all parties involved.
6. When the issue of physical violence involves an outside community member:
- a. If the complaint is made by a Resident against an outside community member, the College will support the victim as per this policy and assist them.
  - b. If the complaint is made by an outside community member against a resident the matter will not be dealt with under this policy.
    - i) If the matter is dealt with by the Police the role of the College will be to support the Resident as they move through the Police Investigation phase.
    - ii) If the outside community member asks for the College to deal with the complaint then it will be dealt with under this policy and the Resident Behaviour Policy.

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.