



THE WOMEN'S COLLEGE

*Within the University of Sydney*

## **BULLYING, HARASSMENT AND DISCRIMINATION POLICY, GUIDELINES AND PROCEDURE**

### **POLICY**

#### **1. Introduction**

- 1.1 It is the policy of The Women's College that any form of harassment, including bullying, sexual harassment, and discrimination, is not tolerated and is a breach of The Women's College rules. Such behaviours may also be against the law.

Every student, employee and other occupant has the right to study and work in an environment that is free from bullying, harassment and discrimination, and a right to be treated with dignity and respect, regardless of their background, beliefs and culture.

All members of The Women's College have a responsibility to ensure that they do not directly or indirectly promote or engage in bullying, harassment and/or discrimination.

- 1.2 This policy, where appropriate, operates in conjunction with the following policies and procedures of the University of Sydney:

[The University of Sydney Bullying, Harassment Discrimination Prevention and Resolution Procedure 2015](#)

- 1.3 This policy operates, where appropriate, in conjunction with the following policies and procedures of The Women's College:

The Women's College Grievance Management Policy, Guidelines and Procedures  
The Women's College Student Grievance Management Policy, Guidelines and Procedures  
The Women's College Alcohol Policy and Procedures  
The Women's College Student Code of Conduct  
The Women's College Sexual Misconduct Policy  
The Women's College Social Media Policy.

- 1.4 The following anti-discrimination laws apply to The Women's College:

- a) Anti-Discrimination Act 1977 (*NSW*)
- b) Racial Discrimination Act 1975 (*Cth*)
- c) Sex Discrimination Act 1984 (*Cth*)
- d) Disability Discrimination Act 1992 (*Cth*)
- e) Australian Human Rights Commission Act 1986 (*Cth*).

- 1.5 If a person activates a procedure outlined in The Women's College policy, then those involved in administering this policy must at all times consider whether The Women's College policy is the appropriate policy to operate in the particular case. Persons considering this must obtain advice from the Principal before either proceeding with the matter or referring the matter. A matter previously handled by the policies and procedures of the University of Sydney will be immediately referred to the Principal for consideration as to whether The Women's College policy will also apply.

- 1.6 Nothing in this policy detracts from the Principal's responsibility for discipline at The Women's College.



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### 1.7 In this policy:

'Principal' means the Principal appointed pursuant to the Women's College Act 1902 (NSW) or her duly appointed delegate.

'Grievance Contact Officer' means a person appointed by the Principal to act in the terms of this policy and who may or may not reside in The Women's College.

'All members of The Women's College' means all students (resident and affiliate), staff, contractors, consultants, alumnae, volunteers, Council members, and guests when on campus.

## 2. Harassment and Sexual Harassment

### 2.1 *Harassment is any type of behaviour that:*

- a) The other person does not want; **and**
- b) Offends, embarrasses, intimidates or scares them; **and is either**
  - i. sexual<sup>1</sup>, or
  - ii. targets them because of their race, sex, pregnancy, marital status, transgender, non-binary, sexual preferences or orientation (including homosexuality, lesbianism, bisexuality, transgender, gender fluidity, intersex and heterosexuality), disability or long term illness, age, family or carer's responsibility, social origin, political belief, lack of a political belief, lack of a particular political belief (including trade union activity or lack of it, and student association activity or lack of it), religious belief, lack of a religious belief, and/or lack of a particular religious belief; **and**
  - iii. that, in the circumstances, a reasonable person should have expected would offend, embarrass, intimidate or scare.

This includes actual and perceived (imputed) race, sexuality, disability, etc.

2.2 There are many types of verbal, non-verbal and physical behaviour that could amount to harassment. Although harassment is often repeated, or a series of different events, a single action can be enough to amount to harassment. The basic rule is that if someone finds the behaviour harassing then it could constitute harassment.

2.3 The types of behaviour that could amount to harassment:

- a) **Crimes:**
  - i. indecent, sexual<sup>2</sup> or physical assault of any type (including some forms of initiation rites, displaying the sexual parts of one's body, and unwanted touching of the sexual parts of someone else's body); and
  - ii. stalking.
- b) **Verbal Behaviour:**

Depending on the circumstances, any of the following types of verbal behaviour could amount to harassment:

  - i. sexual or suggestive remarks, including remarks with double meanings
  - ii. making fun of someone because of his or her race, disability, age, sex, sexuality, religious faith/lack of religious faith, social background, etc.
  - iii. spreading rumours about someone's sexual relationships or practices
  - iv. imitating someone's accent or disability
  - v. unwanted sexual propositions
  - vi. repeated, unwelcome invitations to go out with someone

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<sup>1</sup> Refer to the definitions in the Sexual Misconduct Policy

<sup>2</sup> Refer to the definitions in the Sexual Misconduct Policy



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- vii. obscene or racist, sexually explicit or sexist, anti-gay, etc. telephone calls or any written communications including emails, text messages, direct messages via social media platforms or social networking posts
- viii. obscene or racist, sexually explicit or sexist, anti-gay, etc. language or illustrations in any Women's College publication, whether in print or digital distribution
- ix. offensive jokes
- x. repeated, unwelcome questions about someone else's personal or sexual life
- xi. sexual, sexist, racist, anti-gay, etc. threats, insults or name-calling.

### c) Non-Verbal Behaviour

Depending on the circumstances, any of the following types of non-verbal behaviour could amount to harassment:

- i. displaying pornographic, sexually suggestive, racist and/or any form of offensive, degrading or insulting materials on the walls, computer screen savers, e-mails, social networking sites, etc.
- ii. downloading, printing and/or forwarding of pornography
- iii. suggestive looks or leers
- iv. unwanted and/or clandestine voyeurism
- v. showing of X-rated videos (unless this is a valid part of formal, academic research or discussion)
- vi. strip-o-grams or any other form of striptease, or naked display of sexual parts of your own or someone else's body
- vii. unnecessary familiarity, such as deliberate brushing up against a person or unwelcome touching
- viii. unwelcome practical jokes
- ix. displaying or circulating racist, sexist, anti-gay/lesbian etc. cartoons or literature
- x. mimicking someone with a disability
- xi. ignoring someone, not sharing information with someone, or being particularly cold or distant with someone because of their sex, race, disability etc., or in any way that jeopardises their health or safety
- xii. offensive hand or body gestures that are sexual, racist, etc.
- xiii. wolf whistling
- xiv. continually ignoring or dismissing someone's contribution (because of their sex, race, disability, etc.) in relation to any work meeting, student consultation, tutorial or lecture
- xv. isolation or segregation of a person or group at meal times or generally for any reason
- xvi. any other form of behaviour that denigrates or trivialises someone based on their sex, race, disability, etc. or in any way jeopardises their health or safety
- xvii. urinating, 'brown-eyes' and exhibitionism in public places and urinating on or in front of another student
- xviii. forced/coerced participation in any College social events.

### d) Physical Behaviour

Depending on the circumstances, any of the following types of physical behaviour could amount to harassment:

- i. touching the sexual or other parts of someone else's body (note that this can also amount to criminal behaviour)
- ii. unnecessary physical contact (e.g. pinching, patting, touching, kissing, hugging, or brushing up against a person against their will)
- iii. pushing, shoving or jostling
- iv. unnecessarily leaning over someone or standing too close to them



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- v. initiation rites that involve anything that could be regarded as sexual, sexist, racist, etc.
- vi. putting your hand or an object into someone's pocket
- vii. uninvited entry or suggestion/threat of entry into rooms including banging on doors, walls and windows of a student's room, sacking of rooms and wilful destruction of property including vandalism of cars.

### e) Hazing

Hazing can be defined as *any action taken or any situation created intentionally that causes embarrassment, harassment or ridicule and risks emotional and/or physical harm to members of a group or team, whether new or not, regardless of the person's willingness to participate.*<sup>3</sup>

Hazing behaviour can be verbal, physical and/or non-verbal and can include the misuse or abuse of power differentials based on hierarchy and social dominance. Such behaviours can take the form of drinking games and rituals involving alcohol and other substances, sleep and/or sense (sight, hearing, etc.) deprivation or enhancement (e.g. night vision goggles), being shouted at or called names, and games that humiliate participants.

- 2.4 In addition to the harassing behaviour already mentioned, **sexual harassment** may arise from a range of behaviours, including unwelcome:

- a) Implicit or explicit demands or requests for sexual activities
- b) Physical contact such as patting or pinching, through to more hostile conduct
- c) Unwanted and/or clandestine voyeurism.

- 2.5 **Bullying** is any intentional, repeated behaviour by an individual or group of individuals that causes distress, hurt or undue pressure.

Bullying involves the abuse of power in relationships.

Bullying behaviour can be seen as:

- a) Verbal e.g. name calling, teasing, threats, stand-over tactics
- b) Physical e.g. hitting, spitting, tripping
- c) Social or psychological e.g. ignoring, alienating, spreading rumours, dirty looks, malicious SMS and email messages.

Reasonable managerial actions, poor management practices, performance management and differences of opinion do not constitute bullying.<sup>4</sup>

**It is also harassment to:**

- a) Bully or intimidate someone to such an extent that their (or others') health and/or safety is at risk.

- 2.6 **Discrimination** is any practice that makes a distinction between individuals or groups to disadvantage some people and advantage others. Discrimination may be direct or indirect.

- a) **Direct discrimination** is treating any person less favourably because of their sex, race, disability, physical or mental health, etc. than a person without that characteristic is treated in the same or similar circumstances
- b) **Indirect discrimination** results when a requirement, rule, policy or practice that appears to treat everyone the same, has a disproportionately unfair impact on particular people or groups of people when it is applied.

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<sup>3</sup> Definition sourced from [hazingprevention.org](http://hazingprevention.org), cited in Broderick & Co., Report to The Women's College on Cultural Renewal, November 2017, p. 14.

<sup>4</sup> Bullying in the Workplace (n.d.) WorkCover NSW



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### 3 GUIDELINES

#### **Statement of General Principles**

- 3.1 The Women's College will take all reasonable steps to ensure that all members of The Women's College and their guests are not subjected to bullying, harassment and/or discrimination.
- 3.2 The Women's College expects all members of College to take care to avoid conduct, familiarities or use of language, which may be interpreted as harassment or sexual harassment or discrimination. This is particularly important in a teaching, pastoral, social or an employment environment.
- 3.3 The Women's College will seek to prevent incidents of harassment or discrimination by means of education and other programs.
- 3.4 The Women's College is committed as a matter of policy to doing all that is reasonably practicable to provide an environment in which bullying, harassment or discrimination has zero tolerance. If it does occur, The Women's College is committed to providing appropriate investigation, procedures, and remedies.
- 3.5 In the event of a complaint of bullying, harassment or discrimination, immediate action will be taken. All staff and students have a duty to ensure that any bullying, harassment or discrimination identified is addressed as soon as possible in accordance with this policy. This includes bystander reporting of observed incidents.
- 3.6 Confidentiality will be maintained by all parties (except to the extent otherwise required for the essential administration of The Women's College, or in rare circumstances where reporting is required by law).
- 3.7 Nothing will be done or said which indicates an alignment or partiality with the alleged offender or the complainant until an investigation has been concluded.

#### **Education and Information**

- 3.8 The Women's College recognises that an essential factor in combating bullying, harassment or discrimination is raising awareness within the College community of what constitutes bullying harassing or discriminating behaviour and, should it occur, of what action will be taken.
- 3.9 Heightened awareness should mean that unintentional offenders will be more conscious of how their behaviour can be perceived, and deliberate offenders will be disciplined. If bullying, harassment or discrimination does occur, the victim will know what can be done and will feel confident that her or his complaint will be treated seriously, impartially and as confidentially as possible and with appropriate pastoral support.
- 3.10 All incoming students are briefed to ensure they have a clear understanding of The Women's College Policies, Guidelines and Procedures. All students will be provided with access to this document (e.g. online and or hard copy) and amended versions will be posted on the College Woople from time to time.
- 3.11 The Vice Principal, Registrar, Dean of Students, Resident Assistants and House Committee Executive in consultation with the Principal will be responsible for initiating education programs and ensuring the availability of information about the Policy, Guidelines and Procedures.



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### **4 PROCEDURE**

#### **Procedures to Resolve Bullying, Harassment and/or Discrimination Complaints**

##### **Grievance Contact Officer**

- 4.1 The Principal in consultation with the Vice Principal, Dean of Students, and the House Committee Executive may appoint one or more Grievance Contact Officer(s) in order to ensure appropriate coverage of members of the College. The Officer(s) will be appointed for a 12-month period with the opportunity for further reappointments.
- 4.2 The Grievance Contact Officer(s) will receive appropriate training and have a clear understanding of Policies and Procedures of The Women's College. They will also be aware of the professional and community resources available to them.
- 4.3 The Grievance Contact Officer(s) will be chosen for their integrity, approachability and respect for confidentiality. The Officer(s) is expected to treat reported incidents seriously and clarify the situation with the complainant.
- 4.4 The Grievance Contact Officer(s) will be available to people who wish to discuss instances of possible bullying, harassment or discrimination or, more generally, any issues concerning bullying, harassment or discrimination. The Officers' names will be available on The Women's College Woogle.
- 4.5 The Grievance Contact Officer(s) is responsible to the Principal. They will report to the Principal on matters as necessary. Similarly, the Principal will report matters as necessary to The Women's College Council, through the Chair, on any matters of importance in relation to the operation of the Policy, Procedures and the work of the Grievance Contact Officer(s).
- 4.6 In the event that a reported incident involves the Principal, the Grievance Contact Officer(s) is required to advise the Chair of The Women's College Council.

### **5 Complaints Procedure**

- 5.1 Anyone who believes that he or she has been the victim of bullying, harassment or discrimination is encouraged to approach a Grievance Contact Officer.  
This is particularly important if:
  - (a) the complainant is not sure how to handle the problem themselves, or
  - (b) the complainant just wants to talk confidentially about the problem and get some more information about what to do.
- 5.2 All members of The Women's College who are approached by someone wishing to discuss a specific instance of possible harassment or discrimination should refer that person to a Grievance Contact Officer. If a serious breach of The Women's College discipline appears to have occurred, the complainant should be encouraged to contact the Principal.
- 5.3 The Bullying, Harassment and Discrimination Officer is expected to treat all complaints seriously and in strict confidence<sup>5</sup>. It is not necessary for complaints to be in writing, but it is necessary for complainants to identify themselves to the Officer so that the matter may be resolved.

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<sup>5</sup> Sometimes the complainant(s) may disclose details to friends and therefore in these circumstances, the College cannot guarantee confidentiality.



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- 5.4 The overall role of the Grievance Contact Officer(s) is to be available to listen in a sensitive and understanding manner, to inform, support and advise complainants of options and, when appropriate, to refer alleged incidents to the Principal.
- 5.5 The specific roles of the Grievance Contact Officer(s) when a complaint is brought to them are to:
- (a) help the person clarify if the behaviour perceived as offensive may have constituted bullying, harassment or discrimination;
  - (b) explain to the complainant the mechanisms of the complaints procedure within this policy;
  - (c) explain to the complainant the confidentiality provisions of the procedures;
  - (d) explore possible strategies by which the person might resolve the difficulty;
  - (e) with the complainant's consent, and where appropriate, to attempt to resolve the matters giving rise to the complaint using The Women's College Informal Grievance Procedures;
  - (f) encourage the complainant to resolve the matter themselves, if appropriate;
  - (g) advise the complainant of her/his rights under the relevant legislation including the right to refer the matter to the Anti-Discrimination Board, the Human Rights Commission, or the police, as appropriate.
  - (h) explore with the complainant whether or not the matter should be referred to the Principal; and
  - (i) advise the complainant of the advantages and disadvantages of pursuing, in the circumstances of the particular complaint, each of the available procedures.
- 5.6 The role of the Grievance Contact Officer(s) is to advise the complainant and not to be part of the process of discipline. The Officer is not normally an investigator, unless requested by the Principal. A complaint about bullying, harassment or discrimination, which alleges a serious infringement of The Women's College discipline may, with the complainant's consent, be made or referred to the Principal. As with all alleged infringements of The Women's College discipline this will be handled in accordance with The Women's College disciplinary procedures.
- 5.7 In exceptional circumstances, such as an allegation of sexual assault or bodily harm (i.e. rape or serious assault) the Grievance Contact Officer may at any time a complaint has been made, inform the Principal of the names of the parties and the material particulars of the complaint. The Officer may inform the Principal even if the complainant would prefer this did not occur. In such circumstances, the Officer should tell the complainant that she/he intends to inform the Principal about the allegations and explain why she/he considers this action necessary. The Principal will treat the information as confidential but may act on it if necessary for the purpose of preventing a recurrence or continuation of the alleged conduct. The Women's College Sexual Misconduct Policy contains detailed information on the treatment of such complaints.
- 5.8 At any time the complainant may seek advice and assistance from a relevant external agency. The external agencies include:
- (a) the Anti-Discrimination Board of New South Wales
  - (b) the Commonwealth Human Rights and Equal Opportunity Commission
  - (c) Fair Work Australia
  - (d) the Police
- 6 Complaints made to the Principal**
- 6.1 A complaint may be made to the Principal:
- (a) directly by the complainant;
  - (b) if it has been referred by the Grievance Contact Officer;
  - (c) if the situation has not been redressed to the complainant's satisfaction
  - (d) by the respondent if s/he feels that due process has not been observed.



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- 6.2 If such a complaint is received, the Principal will ascertain the nature of the complaint and determine how best to resolve the matter. Where informal or formal procedures are invoked, the Principal will be guided by The Women's College Grievance Management Policy, Guidelines and Procedures.
- 6.3 The Principal will interview the individual making the complaint and/or the Officer to establish: the nature of the incident, whether there were witnesses, the impact of the complaints, whether The Women's College Policy covers the issue, and the desired outcome(s) of the individual making the complaint. The Principal may:
- Seek external assistance
  - Suggest the complainant seeks a resolution through the informal mechanisms of The Women's College Grievance Management Procedures
  - Consider the issue as constituting as a serious allegation and establish a formal investigation under The Women's College Grievance Management Procedures
  - Determine that the matter cannot be resolved by The Women's College Policy and refer the matter to the University authorities or other authorities as appropriate (see 10.2)
- 6.4 In the event that a formal investigation is seen as appropriate, the investigation will follow the steps outlined in The Women's College Grievance Management Policy, Guidelines and Procedures.
- 6.5 If the formal investigation indicates that the complaint is substantiated, the Principal may take disciplinary action. The Principal shall inform all parties of this finding and shall take measures as are in her view appropriate and necessary. These include:
- (a) to seek to restore the individual making the complaint to at least the same standing as at the time when the incident(s) occurred;
  - (b) to seek to redress any loss or damage which may have been suffered by the individual making the complaint as a consequence of the behaviour giving rise to the complaint or the making of the complaint;
  - (c) to seek to ensure as far as possible that the individual making the complaint is not subjected to reprisals of any kind by any person by reason of making the complaint;
  - (d) to inform the respondent if a complaint against her/him has been substantiated that bullying, harassment or discrimination can involve a breach of the law and of The Women's College Policy and is grounds for suspension or expulsion or termination of employment or residency; and
  - (e) to ensure that the behaviour is not repeated.
- 6.6 If the Principal believes that the complaint has not been substantiated and was wilfully false or made in circumstances which indicated bad faith on the part of the individual making the complaint, she shall inform the parties of this finding and she may:
- (a) reprimand the individual making the complaint,
  - (b) warn against any recurrence,
  - (c) warn the individual making the complaint that making mischievous complaints is grounds for suspension, expulsion or termination of employment or residency, and
  - (d) take such other action as the Principal sees fit.
- 6.7 If the Principal believes that the complaint cannot be substantiated but that there is no bad faith on the part of the individual making the complaint, all parties will be informed that the matter cannot be resolved within these procedures, but that they are at liberty to pursue the matter elsewhere.





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### **7 Complaints against the Principal**

7.1 If a complaint is made against the Principal the policies and procedures in this document apply.

7.2 Anyone who believes that s/he may have been the victim of bullying, harassment or discrimination by the Principal is encouraged to approach a Grievance Contact Officer or the Chair of The Women's College Council. In the event that a Grievance Contact Officer is approached about an incident involving the Principal, s/he is required to advise the Chair of The Women's College Council.

### **8 Further Avenues for Complaint**

8.1 All members of The Women's College will be informed that the College's procedures can save time and minimise emotional distress and financial expense.

8.2 The Women's College recognises that complainants have the right at any stage to take the complaints of bullying, harassment or discrimination to the University authorities and external agencies, such as those listed in 5.8.

### **9 Limitation for Lodgement of Complaints and Appeal**

9.1 The Women's College will encourage any person who considers that s/he has been subjected to harassment or discrimination to initiate action promptly under these procedures. The Women's College will also seek to facilitate the efficient handling of any complaint made.

9.2 The procedures set out in this document may be invoked only where:

- a) at the time of the alleged offence both the complainant and respondent were members of at least one of the following groups:
  - i. an enrolled Women's College student (resident or affiliate)
  - ii. an employed Women's College tutor, contractor or consultant
  - iii. an employed Women's College staff member
  - iv. an approved volunteer or alumna working at The Women's College
  - v. a member of The Women's College Council
  - vi. a guest of a member or members of The Women's College
  - vii. an occupant of The Women's College
- b) at the time the complaint is made:
  - i. the respondent is a member of at least one of the groups stated in 9.2(a); or
  - ii. the respondent is a person who has been at The Women's College but is no longer a member of at least one of the groups stated in 9.2(a).

9.3 If a complaint is active within the procedures of The Women's College and legal proceedings have commenced with regard to that complaint, the complaint shall where appropriate be deferred until completion of the legal proceedings.

9.4 The complainant or respondent may appeal to the Chair of The Women's College Council against a decision or the behaviour of a Grievance Contact Officer or the Principal, on the grounds of alleged failure to observe due process in the administration of this policy.

9.5 A complainant or respondent may also appeal to University authorities if appropriate.



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### 10 OTHER MATTERS

#### 10.1 Rumours / Bystander reports

Students are encouraged to report instances of bullying/harassment/discrimination if they have been a bystander to such activities. Where a complaint has not been formally made but it has come to the notice of the Vice Principal, the Dean of Students, Resident Assistant, Academic Assistant or House Committee member that there have been rumours or observed instances of bullying, harassment or discrimination, they may liaise with a Grievance Contact Officer or the Principal about their concern(s). The Grievance Contact Officer or the Principal may then enquire into these matters and determine if a formal complaint will be made. If no formal complaint is made no further action will be taken.

#### 10.2 Criminal Offences

When an alleged or proven incident is also a criminal offence, it is the choice of the individual as to whether or not to report the incident to the police. The Women's College will support any person wishing to report a matter to the police. Irrespective of whether or not the matter is reported, The Women's College will support the individuals concerned, but may elect not to run an investigation into a criminal act to avoid unintentionally marring or hampering a potential police investigation. In some instances, the law may dictate that The Women's College may be required to report the incident to the police.

#### 10.3 Very Serious Matters

If the matter is serious and the Principal deems appropriate, she may become the complainant. This would occur only in extenuating circumstances where it is deemed necessary to avoid future issues and support the ongoing safety of students (see also 6.7)

#### 10.4 Retaining Written Documentation

All written matter relating to the complaint should not be destroyed and at the conclusion of the matter be retained in a confidential file in the College Archives.

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**Principal**