

## Anti-Discrimination, Bullying and Harassment Policy - Student

Policy Number	1/2020
Approving Authority	NIDA Board of Directors
Date Implemented	
Current Version	24 October 2019
Date of Review	January 2021
Contact Officer	Head of Student Engagement Learning and Quality Assurance
Related Policies, Procedures and Documents	NIDA Student Charter (Code of Conduct) Misconduct Policy – Non-Academic Misconduct Procedure – Non-Academic Sexual Misconduct Policy Student Handbook Grievance, Complaints and Appeal Policy - Student Grievance, Complaint and Appeal Procedure – Non Academic Grievance, Complaint and Appeal Form – Non Academic

### 1. DEFINITIONS

Term	Definition
<b>Act</b>	A law of either the Commonwealth or NSW parliaments that apply/ies to this policy and to which all members of the NIDA community must comply.
<b>Bullying</b>	When an individual or group of individuals repeatedly behaves (using words, images and / or actions) unreasonably towards a person or group of people to cause distress, and that behaviour creates a risk to health and safety.  Bullying is not conflict between people or disliking someone.
<b>Complaint/ Discrimination or Harassment Grievance</b>	A report that a person makes about another person (staff or student) or about a policy or procedure or the application of a policy or procedure that demonstrates discriminatory or harassing behaviour/outcomes. Discrimination and harassment complaints/grievances should be made via the 'Grievance, Complaints and Appeals form non-academic', on the NIDA policy web page, and should include details of dates and times and who the complainant holds responsible for the behaviour/outcome.
<b>Complainant</b>	The individual who makes an allegation of misconduct (in this case, discrimination, bullying, or harassment.)

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**Confidentiality** Means limiting disclosure of information relating to a grievance to as few people as possible, and only to those who are legitimately involved in the process of resolving the grievance (i.e. to only those with a need to know).

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**Disclosure** The act of providing information, or the provision of evidence, regarding the alleged incident.

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**Discrimination** Occurs when a person or group of people are treated unfairly or less favourably because of one or more of the “Grounds for unlawful discrimination” or breach of Commonwealth Acts listed in Section 5: Policy.

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**Harassment** Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive. When considering whether harassment has occurred, the intention of the person or persons accused of the harassment are not taken into consideration. The test is whether a reasonable person would assume that it was likely that the target of the behaviour would be offended by that behaviour.

For Sexual Harassment: see NIDA’s Sexual Misconduct Policy.

The Anti-discrimination Board of NSW provides the following examples of harassment and of prohibited behaviour:

**Examples of Harassment**

- sexual or suggestive remarks
- sexual propositions
- spreading rumours
- repeated invitations when all earlier invitations have been declined
- suggestive looks, leers or gestures
- wolf whistling
- physical contact such as pinching, patting, massaging, pushing, jostling or brushing up against a person
- kissing or hugging, unless it is clear that this is welcome
- unnecessarily leaning over someone or standing too close to them
- inappropriate or repeated questions about someone’s personal life
- making fun of someone, or insulting or threatening them because of their sex, disability, race, age, sexuality and so on
- making jokes that relate to sex, disability, race, age, sexuality and so on
- imitating someone’s accent or disability
- practical jokes that target particular people
- ignoring someone, not sharing information with them, dismissing their contribution in a meeting or discussion, or being particularly cold or distant with them.#

# NOTE: This list provides key examples of harassing behaviour and is not exhaustive. It should be noted that harassment can be defined “depending on the context and the situation”.

**Examples of Prohibited Behaviour**

Some types of behaviour are very likely to offend at least some people, so they are completely banned, these are as follows:

- *having sex at work*
- *touching the sexual parts of anyone else's body*
- *indecent or sexual assault*
- *exposing the sexual parts of your own or someone else's body*
- *deliberately accessing pornography, racist, anti-gay or anti-transgender material on the internet*
- *displaying or distributing pornography, sexual, racist, anti-gay or anti-transgender material in any form anywhere in the workplace*
- *stalking another employee, customer, client or workplace visitor*
- *initiation rites that are sexual, dangerous or offensive, humiliating or intimidating in other ways*
- *referring to a person who is transgender by their previous name or gender, or calling a person by pronouns offensive to that person.*

<b>Natural justice</b>	The principles of natural justice are also referred to as procedural fairness and have been developed to ensure that decision making is fair and reasonable. Simply speaking natural justice involves decision makers informing people of the complaint or concern made against them and by whom, where an investigation will lead to recommendations about the matter, and an opportunity to respond. It is not necessary to apply these principles in cases where information only is being sourced.
<b>NIDA community</b>	All NIDA staff, the NIDA Board, contractors, volunteers and full and part time NIDA students enrolled in accredited courses.
<b>NIDA property</b>	Any premises, machinery, facilities or equipment, leased, owned, operated or supervised by NIDA, including NIDA vehicles and any location at which NIDA activities occur.
<b>Student</b>	Any person enrolled in an accredited course at NIDA.
<b>Vexatious</b>	An action or the action of a person that is brought forward without sufficient grounds purely to cause annoyance or harm to another person or persons

## 2. PURPOSE and PRINCIPLES

The purpose of this policy is to support the health, safety and welfare of the NIDA community.

NIDA is committed to ensuring the health, safety and welfare of its students, staff, volunteers and visitors whilst at NIDA and to providing a healthy learning and teaching environment free from discrimination, bullying, and harassment.

NIDA values diversity of thought and experience and believes that an inclusive and collaborative culture underpins teaching excellence in the performing arts.

Equity, diversity and inclusion are considered essential to the continued success of NIDA.

NIDA will support diversity and inclusion in regard to representation of Gender, socio-economic status, Indigenous Australians, Cultural Diversity, Sexual Orientation and Disability.

The context of studying in the dramatic arts will involve NIDA students in the staged representation of a range of human behavior, including close physical contact and drawing on material that may represent discrimination, bullying, harassment, intimate or sexual activities or sexual assault,

harassment and violence as part of their studies for live and screen performance and production. In this context, consent for any staged activities of an intimate or violent nature must be sought by all parties. NIDA students will be supported through professional training in appropriate and safe processes to enable the communication of consent or withholding of consent in the context of their drama studies.

### 3. SCOPE OF POLICY and RESPONSIBILITIES

This policy applies to all students enrolled in NIDA accredited courses and applies to students' activities whether at the campus in Sydney or any other venue or site..

This policy applies to any form of contact or communication that is relevant to NIDA activities, including but not limited to verbal engagements, notes, letters, posters, images, email, phone, fax, online social media and other applications or methods.

This policy and procedure has rights and responsibilities as follows:

All members of the NIDA community are responsible for ensuring that discrimination, bullying and harassment do not occur.

The Head of Student Engagement Learning and Quality Assurance is responsible for:

- Ensuring the accessibility of this policy by staff and students
- Implementation of this policy

All NIDA students are responsible for:

- Complying with and supporting the policy at all times when on NIDA property or engaged offsite on NIDA related activities
- Reporting any behaviors that contravene this policy and or that pose a potential risk to students, staff, NIDA reputation

### 4. POLICY

**4.1** NIDA is committed to providing a learning and teaching environment that is free from discrimination, bullying and harassment.

**4.2** NIDA recognises its responsibilities under a range of Commonwealth and State Acts and will apply the principles of natural justice when investigating claims of discrimination, bullying and/or harassment.

**4.3** Investigations into allegations of discrimination, bullying and harassment will be dealt with as per the NIDA Grievance, Complaints and Appeal - Student Policy, the Non-Academic Grievances, Complaints and Appeals procedure and the NIDA Misconduct Policy and Procedure.

**4.4** NIDA encourages any student who believes they have been discriminated against, bullied or harassed to raise the issue in line with this policy.

**4.5** NIDA will treat reports of discrimination, bullying, and harassment seriously and confidentially.

**4.6** NIDA will respond promptly and impartially, and students who are found to have either committed or condoned discrimination, bullying or harassment will be subject to disciplinary action as per the Misconduct Procedure.

**4.7** Vexatious Complaints

- a) No student is to knowingly make a false accusation, vexatious or malicious complaint
- b) No student is to make a complaint without reasonable cause.

## 4.8 No Victimisation

- a) Individuals shall not victimise or harass other parties involved in the matter
- b) Complainants will not suffer detriment or disadvantage as a direct result of making a complaint.

## 4.9 Breach of this policy

- a) Disciplinary action may be taken against any student who is knowingly in breach of this policy. Any action taken will be consistent with NIDA's Misconduct Procedure.

## 5. CHANGE HISTORY

Date	Change Description	Reason for Change	Author	Version
October 2019			SELQA Manager	2.0
April 2018	Creation		L and T Manager from the Executive Director of People and Culture's policy and procedure	1.0

## 6. BENCHMARKING and ACKNOWLEDGEMENTS

Benchmarked against policies and practice from a number of higher education providers and other sources.

Relevant policy documents from the following are gratefully acknowledged:

- UNSW
- Wollongong University

Consultation: NIDA's Executive Director responsible for WHS

<b>Legislation and Regulatory Frameworks</b>	<p>The Commonwealth Acts include:</p> <ul style="list-style-type: none"><li>• Age Discrimination Act 2004: <a href="http://www.austlii.edu.au/au/legis/cth/consol_act/ada2004174/">http://www.austlii.edu.au/au/legis/cth/consol_act/ada2004174/</a></li><li>• Disability Discrimination Act 1992: <a href="http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/">http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/</a></li><li>• Racial Discrimination Act 1975: <a href="http://www.austlii.edu.au/au/legis/cth/consol_act/rda1975202/">http://www.austlii.edu.au/au/legis/cth/consol_act/rda1975202/</a></li><li>• Sex Discrimination Act 1984: <a href="http://www.austlii.edu.au/au/legis/cth/consol_act/sda1984209/">http://www.austlii.edu.au/au/legis/cth/consol_act/sda1984209/</a></li></ul> <p>The NSW Act is:</p> <ul style="list-style-type: none"><li>• New South Wales Anti-Discrimination Act 1977 (NSW): <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/aa1977204/">http://www.austlii.edu.au/au/legis/nsw/consol_act/aa1977204/</a></li></ul> <p><b>Grounds of unlawful discrimination under the NSW Act are:</b> Race (including colour, nationality and national or ethnic origin), sex (including pregnancy), marital status, disability, homosexuality, age (compulsory retirement only), transgender, carer's responsibility.</p>
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