



# **DUNMORE LANG COLLEGE**

A Residential College affiliated  
with Macquarie University

## **Discrimination and Harassment Policy**

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<b>Policy Title:</b>	Discrimination and Harassment Policy
<b>Prepared by:</b>	Dunmore Lang College Management team
<b>Approved by:</b>	Dunmore Lang College Board
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## CONTENTS

1.	INTRODUCTION	4
2.	PURPOSE	4
3.	DEFINITIONS	5
4.	SCOPE	6
	4.1 The Dunmore Lang College community	6
	4.2 Active Bystander	6
	4.3 Breaches	7
5.	COMPLAINTS PROCEDURE	8
	5.1 Who to contact	8
	5.2 Procedure	8
	5.3 Informal Internal Resolution	9
	5.4 Formal Internal Investigation	9
	5.5 Complaints against the Principal	10
6.	OTHER GUIDING DOCUMENTS RELATED TO THIS POLICY	10
7.	REVIEWING AND UPDATING THE POLICY	10

## 1.0 INTRODUCTION

Dunmore Lang College is committed to providing all residents and staff with a learning and living environment free from all forms of discrimination, harassment, and bullying.

Members of the Dunmore Lang College community and all visitors are also bound by Macquarie University Policy Guidelines, State and Federal Laws. Dunmore Lang College values diversity and difference within the student and staff communities and believes this strengthens and enhances the community experience for students.

## 2.0 PURPOSE

The College is committed to providing an environment and community in which people can live, study and work free from discrimination and bullying. Discrimination and bullying cause harm to the person harassed but also damage the College environment and community. The College does not tolerate any form of discrimination, harassment, or bullying as outlined in this policy.

The College:

- is committed to ensuring students, staff and visitors are able to live, study and work in an environment and community that is free from discrimination and bullying.
- will not tolerate discrimination, harassment or bullying.
- will not condone the victimisation of a person for making a complaint of discrimination or harassment.
- will implement awareness-raising and communication strategies to ensure that all members of the College community are aware of their rights and responsibilities in relation to the prevention of discrimination or harassment.
- will deal promptly and effectively with all complaints of discrimination or bullying from staff, students, and visitors.
- will ensure there are trained staff/student mentors available to assist with advice and facilitating external assistance, and
- will ensure the names and contact details of those staff/student mentors are displayed throughout the College.

Dunmore Lang College is committed to ensuring students, staff and visitors are able to live, study and work in an environment that is free from discrimination, harassment and bullying; and will not tolerate discrimination on the basis of a person's:

- age
- sex

- sexual orientation
- gender identity
- race, colour, nationality, descent and ethnic, ethno-religious or national origin
- disability or presumed disability
- religious or political belief or activity
- marital or relationship status
- responsibilities as a carer
- pregnancy or potential pregnancy

### 3.0 DEFINITIONS

An **active bystander** is someone who becomes aware of the situation where discrimination, harassment or bullying has the potential to occur, is occurring or has occurred, and intervenes or takes action in response.

**Bullying** is repeated intimidation, over time, of a physical, verbal or psychological nature of a less powerful person by a more powerful person or group of persons.

**Cyber bullying** is a form of bullying carried out using social media, the internet (e-mails, social media platforms, discussion groups and instant messaging), mobile phones (texting or short messaging service (SMS)) and other devices. Cyber bullying does not necessarily involve a more powerful person (as normally understood) bullying a less powerful person as the technology used may reverse the usual pattern. Social media, the internet, mobile phones and other devices allow the bully (or a group of bullies) to intimidate others, for example, by:

- teasing and making fun of them;
- spreading rumours about them;
- insulting and ridiculing them;
- posting photos of them, sometimes accompanied by nasty comments;
- tricking them into sharing private information and then sharing it online;
- sending unwanted messages.

Cyber bullying includes what is often called “cyber stalking” which is where the bully harasses or stalks another person by e-mail or some other electronic messaging system, usually very frequently and intrusively, and often involving threats.

**Discrimination** means less favourable treatment of persons on the basis of certain attributes

prescribed by law including age, race, disability, sex, sexual orientation and gender identity (the attributes). Discrimination can be direct or indirect:

**Direct discrimination** is treating or proposing to treat someone less favourably because of an attribute.

**Indirect discrimination** is imposing or intending to impose a requirement, condition or practice that is the same for everyone, but which has the effect of disadvantaging persons who share an attribute.

**Harassment** is any type of behaviour, explicit or implicit, verbal or non-verbal that is unwelcome, and in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated would cause the person the subject of the behaviour to be offended, intimidated or humiliated.

**Victimisation** is any unfavourable treatment (such as threats or retribution) of a person who has made or proposes to make or who supports the making of a discrimination or harassment/bullying complaint.

**Vilification** is a public act or expression of hatred intended to offend or hurt and/or may give a negative image of the other person.

## 4.0 SCOPE

### 4.1 The Dunmore Lang College community, includes:

- students
- staff (whether full time, part time and casual)
- Board members
- sub-contractors working on the Dunmore Lang College site
- visitors to the College
- volunteers
- external mentors, and
- conference guests

### 4.2 Active Bystander

All members of the College community are urged to be active bystanders against all forms of discrimination, harassment and bullying when safe to do so.

An active bystander is someone who becomes aware of the situation where discrimination, harassment or bullying has the potential to occur, is occurring or has occurred, and intervenes or takes action in response. Such actions include:

- in an emergency, contacting the NSW Police by calling 000

- speaking out against discrimination or harassment (when safe to do so)
- recognising, addressing and/or reporting situations which have the potential for discrimination or harassment
- challenging attitudes and language that promote discrimination or harassment
- supporting those who have been affected by discrimination or harassment
- leading by example – all members of the College community have a responsibility to make the College a safe place in which to live, study and work
- contacting an external agency such as Anti-discrimination NSW on 1800 670 812.
- contacting a member of the College staff, a Resident Adviser or a College Harassment Officer<sup>1</sup>
- contacting Macquarie University Student Wellbeing or reporting an incident via the Macquarie University [portal](#).<sup>2</sup>

### 4.3 Breaches

If a member/members of the College community breach this policy by discriminating against, harassing or bullying another person, the College, after taking into account the wishes of the person who has been harassed and the College's legal obligations, will:

- commence complaint procedures as outlined below in the procedure section
- engage support/assistance from specialist providers such as Anti-discrimination NSW

Disciplinary actions, depending on the severity of the breach, may include one or more of the following:

- referral to counselling and/or support services
- warning the person about their behaviour
- education and training for the student or the College

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<sup>1</sup> <https://www.dunmorelangcollege.nsw.edu.au/who-can-i-talk-to>

<sup>2</sup> <https://students.mq.edu.au/support/care-reporting/inappropriate-behaviour>

- suspension of a student or an employee
- exclusion from the College as a student, visitor or conference guest
- termination of employment
- removal from office
- cancellation of contract

## 5.0 COMPLAINT PROCEDURES

### 5.1 Who to Contact

#### **College Harassment Officers:**

Dr Alasdair Murrie-West, Principal 0420 622 181

Mrs Emily Itto, Dean of Students 0449 252 051

Ms Aimee Woods, Assistant Dean 0409 423 702

Ms Melissa Clohesy, Director – Operations & Finance, [cfo@dlc.nsw.edu.au](mailto:cfo@dlc.nsw.edu.au)

#### **Student Harassment Contacts**

Appointed each year after completing training. Names are advertised on College noticeboards and Resident Adviser doors.

If the complaint is first made to a Resident Adviser or Student Harassment Contact, the Resident Adviser or Student Harassment Contact must report to a College Harassment Officer within 48 hours. However, the report need not identify the complainant if they have asked not to be identified.

### 5.2 Procedure

A student or staff member who has been harassed or experienced discrimination may complain to:

- the Australian Human Rights Commission: 02 9284 9600 and 1300 656 419 or
- the NSW Anti-Discrimination Board: 02 9268 5544 and 1800 670 812 (for regional NSW only).

Complaints may also be dealt with internally and the steps outlined below will be followed:

A person who believes they have been bullied, harassed, or faced discrimination (the complainant) should:

- if they are comfortable doing so and it is safe to do so, tell the harasser to stop the

behaviour

- make a note of what happened and the date, time, and location of the incident/s.
- if it is not appropriate to tell the harasser to stop, or if the harassment continues, inform a College Harassment Officer, a Resident Adviser or a Student Harassment Contact.

A member of the College community who believes that another member of the College community has been discriminated against or harassed should encourage that person to inform a College Harassment Officer or raise their concerns personally with a Contact Harassment Officer, Resident Adviser, or Student Harassment Contact.

At any time, the complainant has the right to discontinue this process.

### 5.3 Informal Internal Resolution

Where a complainant has chosen informal resolution, the College Harassment Officer will:

- inform the alleged assailant or harasser (the respondent), in person or in writing or both, of the complaint and provide them with an opportunity to respond and, at the same time, inform the respondent of the support services available both inside the College and externally
- ensure both parties understand their rights and responsibilities under the College's policy, including the importance of maintaining confidentiality
- if possible, mediate an outcome that is satisfactory for the complainant
- where appropriate, refer the complaint to an external mediator
- ensure as far as possible that confidentiality is maintained

follow up, implement additional training or education, and monitor the situation at College to ensure as far as possible that such behaviour does not recur

### 5.4 Formal Internal Investigation

If a formal internal investigation is requested by the complainant, or if an informal resolution fails, the College Harassment Officer will escalate the matter to the Principal who will investigate further and/or appoint a person to investigate.

That person (the investigator) will:

- afford natural justice to all involved
- separately interview all directly concerned
- separately interview witnesses

- keep records of the interviews and investigation
- ensure confidentiality and minimise disclosure
- make a determination (a finding) as to whether or not, based on the available evidence, the investigator is reasonably satisfied on the balance of probabilities (i.e. it's more likely than not) that the alleged incident/incidents of sexual harassment occurred
- in such a case, recommend appropriate action, which may include a change of duties for the harasser, change to working or living arrangements or, where the incidents were frequent and/or severe, dismissal (if a staff member) or exclusion (if a student)

At the completion of the investigation, the investigator will provide a written investigation report including findings and recommendations to the Principal or, where the Principal is the subject of the allegations or where there could be a perception of bias should the Principal make final decisions in the matter, to the Chair of the College Board.

The Principal (or the Chair of the Board) is to:

- make final findings in relation to the allegations
- where the findings are that the allegations have been sustained, determine the appropriate disciplinary action (see above in section 6.0)
- review the College procedures and the investigation to learn from the situation and to take whatever action is necessary to ensure the ongoing proper functioning of the College as a place in which people can live, study and work free from all cases of discrimination, bullying and harassment
- continue to monitor the situation and provide retraining to members of the College community where required
- check to ensure the action taken meets the reasonable needs of the complainant.

## 5.5 Complaints against the Principal

If a complaint is made against the Principal, the procedures in this Policy apply, except that the matter will be referred to the Chair of the Board for determination and any power to be exercised by the Principal will instead be exercised by the Chair. While an investigation is being conducted, at the discretion of the Chair of the Board, the Principal may be stood down from any duties involving direct contact with students and may be required to shift from living onsite.

## 6.0 OTHER GUIDING DOCUMENTS RELATED TO THIS POLICY

- Action Chart – Discrimination and Harassment

## 7.0 REVIEWING AND UPDATING THE POLICY

Unless legislative changes demand otherwise, this policy is to be reviewed on a two-year basis

and any issues identified in the effectiveness of the processes and procedures under this policy are to be rectified promptly.