1. **Context**

Consistent with its mission and global perspective, Torrens University Australia celebrates the diversity of its community. It supports the principles of fair treatment, respect of persons, integrity and procedural fairness and aims to produce graduates who are future leaders committed to social justice and human rights. The University actively discourages behaviours and actions that are inconsistent with a safe, equitable and respectful environment in which to work and study. It expects all members of the University community to comply with anti-discrimination and equal opportunity laws and the Fair Treatment Policy. Breaches of this Policy may result in disciplinary action or other appropriate penalties or sanctions.

2. **Definitions**

**Bullying:** the persistent and ongoing ill treatment of a person that victimises, humiliates, undermines or threatens that person.

**Discrimination:** occurs when a person treats, or proposes to treat, someone unfavourably because of a personal characteristic.

**Harassment:** is repeated, unwelcome and unsolicited behaviour or comments aimed at a person or group that makes that person or group feel offended, humiliated or threatened.
Procedural fairness: a fair and proper procedure appropriate to the circumstances, where decisions are made without bias and are supported by evidence and communicated with reasons.

Sexual harassment: is unwanted, unwelcome sexual behaviour that makes a person feel offended, humiliated or intimidated.

University Community: students, staff, agents, titleholders, alumni, officers, contractors, volunteers, and other people who are formally involved in a University–related activity, regardless of the location of that activity.

Victimisation: is subjecting a person to some form of detriment because that person has lodged a complaint or is associated with a person who has lodged a complaint under this Policy, or has had a complaint made against them or is associated with a person who has had a complaint made against them under this Policy.

Vilification: occurs when a person speaks or writes in an insulting, abusive or defamatory way about or to a person or group. Vilification is commonly associated with the incitement of hatred towards a person due to their race, religion, or beliefs.

3. Scope

This Policy sets out the behavioural standards and compliance with anti-discrimination and equal opportunity laws required of all members of the University community while undertaking University activities.

Complaints of discriminatory behaviour by or against students, staff, or other members of the University community are dealt with under this Policy.

Complaints by members of the general public against students, staff and other members of the University community are not covered by this Policy.

4. Principles

Torrens University Australia:

- will make every endeavour to provide all members of the University community with a fair, safe and productive work and study environment;
- expects that all members of the University community will abide by relevant State and Federal legislation, University policies and Codes of Conduct;
- acknowledges the right of any member of the University community to make a complaint without suffering any victimisation, harassment, recrimination or detriment as a result;
- will treat grievances promptly, confidentially and according to the principles of procedural fairness;
• will provide every opportunity to resolve grievances informally and quickly at the local level through mediation and negotiation, and
• will ensure that this Policy and related documents are accessible to all members of the University community, and are included in induction, orientation and staff training programs.

5. **Prohibited behaviours**

The University actively fosters a climate where courtesy, fairness and equity are applied at all times. It specifically prohibits members of the University community from engaging in the following behaviours while on University grounds or undertaking University activities, regardless of the location of these activities:

• harassment, bullying or vilification;
• racial vilification or racist behaviour;
• sexual harassment;
• discrimination on the basis of a personal characteristic such as age, gender, relationship status, pregnancy, sexuality or race;
• discrimination on the grounds of disability or medical condition;
• discrimination on the grounds of religion, political opinion, criminal record (when irrelevant) or trade union activity;
• discrimination on the grounds of family responsibilities;
• discrimination because of an association with someone identified on the basis of a personal characteristic;
• victimisation of any member of the University community who makes a complaint under this Policy.

For the purposes of this Policy, harassment and bullying do not include:

• the reasonable direction from a manager or supervisor;
• the fair application of appropriate guidance and performance counselling, and
• the implementation, with procedural fairness, of unsatisfactory performance procedures or misconduct procedures.

Special measures taken for the lawful purpose of securing adequate advancement of certain groups or individuals are not deemed to be discriminatory under this Policy.

Further information about what constitutes harassment and discrimination and examples of behaviour that is not condoned by the University can be found in the [Fair Treatment Guidelines](#).

6. **Grievance resolution**

The University acknowledges the right of all members of the University community to make a complaint and aims to resolve such complaints fairly with an emphasis on resolving
conflict at the local level and maintaining working relations. Nothing in this Policy prevents complaints of unfair treatment being made directly to an external body such as the Equal Opportunity Commission (SA), the Commonwealth Equal Opportunity Commission or the Office of Ombudsman (SA) though the University would expect members of the University community to attempt to resolve complaints internally in the first instance. If the University receives notification that a grievance is the subject of formal external enquiry or legal action, the internal resolution process will be suspended until the external action is completed.

6.1 Complaints by students
Complaints of any breach of this policy made by students against other members of the University community are made by following the Fair Treatment Procedures for Students.

6.2 Complaints by staff
Complaints of any breach of this policy made by staff against other members of the University community are made by following the Fair Treatment Procedures for Staff.

6.3 Complaints by other members of the University community
Complaints of any breach of this policy made by non-staff and student members of the University community against other members of the University community are made by following the Fair Treatment Procedures for Staff.

6.4 Complaints by the general public
As members of the general public do not have a formal relationship with the University, they cannot use internal complaint procedures. Instead, complaints should be made in writing addressed to the relevant Head of School or the Chief Operating Officer. Such complaints will be investigated promptly, confidentially and according to the principles of procedural fairness.

7. Misconduct

The University considers discrimination, harassment, bullying, vilification or victimisation to be misconduct. Such behaviour may lead to disciplinary action under the Student Misconduct Policy or the Staff Misconduct Policy if complaints are not resolved by the University’s grievance procedures. Complaints that are malicious, or intended to intimidate or harass can also lead to disciplinary actions under the University’s misconduct policies.

8. References

Commonwealth Sex Discrimination Act 1984
Commonwealth Equal Opportunity for Women in the Workplace Act 1999
Commonwealth Age Discrimination Act 2004
Commonwealth Disability Discrimination Act 1992
South Australian Equal Opportunity Act 1984
South Australian Occupational Health, Safety and Welfare Act 1986
South Australian Racial Vilification Act 1996
South Australian Whistleblowers Protection Act 1993
South Australian Workers Rehabilitation and Compensation Act 1986

Please note that this list is not exhaustive and other Acts may apply in some circumstances.