

MAKING UNSW AN HARASSMENT FREE ZONE FOR STAFF

This leaflet has information on what harassment is, what UNSW says about harassment, and what you can do about it. If you have any concerns, please call the Equity and Diversity Unit on 9385 4734.

What is UNSW's position about harassment

No one wants to be harassed, no one enjoys being harassed, and harassment can be very serious and destructive. At UNSW harassment will not be tolerated.

UNSW is obliged under anti-discrimination law to take action to eliminate and prevent unlawful harassment, and to deal with any complaints of unlawful harassment sensitively, confidentially and speedily.

It also has a responsibility to inform staff and students of their rights and responsibilities in this regard.

At UNSW all harassment is seen as unacceptable behaviour, and the University is committed to its prevention. The UNSW [Code of Conduct](#) for staff notes that every member of staff

- has a duty of care to observe standards of equity and justice in dealing with every member of the University community, and
- should treat students and other staff with respect, and refrain from all forms of harassment.

The [Code of Conduct](#) covers both unlawful harassment and general 'workplace harassment' which is not necessarily unlawful. UNSW's position on the unacceptability of such behaviour is further outlined in its [Workplace Bullying Policy](#).

UNSW's commitment to freedom from unlawful harassment is also outlined in its [Equity and Diversity Policy Statement](#) and [Discrimination and Harassment Grievance Policy and Procedures](#).

What is harassment?

Generally, harassment is any behaviour which

- is uninvited, unwelcome, unreciprocated, and
- embarrasses, offends, humiliates or intimidates the recipient.

All harassment is unacceptable, but some harassment is also made unlawful under [NSW and Federal laws](#).

When is harassment against the law?

When a person, or a group of people, is targeted because of their

- age,
- responsibilities as a carer,
- disability (actual or presumed, or disability of a relative or associate),
- homosexuality (actual or presumed),
- marital status,
- political affiliation, views or beliefs,
- pregnancy or potential pregnancy,
- race or ethno-religious background,
- religious affiliation, views or beliefs,
- sex (male or female),
- transgender status (actual or presumed).

These are the major grounds of unlawful harassment at UNSW.

Is sexual harassment the same as other types of harassment?

Yes, for the most part. It's behaviour that the person harassed

- didn't want, and
- that offended, humiliated or intimidated them,

but also, behaviour that a reasonable person would have expected would offend, humiliate or intimidate someone in the circumstances.

What types of behaviour might be unlawful harassment?

This depends on the circumstances, but here are some common examples.

- Displaying material that is ageist, racist, sexist, sexually explicit, pornographic, homophobic (anti-gay), anti-disability, anti-transgender, and so on in the work or study environment, including in colleges of residence. Also circulating such material, putting it in someone's workspace or belongings, on a computer or fax machine, or on the internet. The material could include posters, cards, graffiti, email, letters, videos, cartoons, and screensavers.
- Making demeaning, belittling or abusive comments, or otherwise 'putting someone down' because of their sex, gender, sexuality and so forth.
- Jokes (including practical jokes) or taunts based on disability, gender, homosexuality, race, and so on. Remember, even if you think it's harmless, others might be offended.
- Ignoring, isolating or segregating a person or group because of their sex, disability, homosexuality, race, and so forth.
- Sexually or racially offensive gestures.
- Initiation ceremonies that involve unwelcome sexual, sexist, racist, and so on, behaviour.
- Sexual harassment can happen to either women or men, but most often happens to women. It includes a wide range of behaviour of a sexual nature, from

suggestive comments through to explicit demands for sexual activity. Examples are

- o staring or leering in a sexual manner,
- o unwelcome wolf whistling,
- o intrusive questions about sexual activity,
- o unwanted sexual or physical contact, such as patting, kissing, hugging or other touching of a sexual nature,
- o repeated sexual invitations or propositions when similar invitations or propositions have been previously refused,
- o an unwelcome sexual advance or request for sexual favours, which may be accompanied by offers of benefits or by threats, and
- o sexual assault (a crime under the Crimes Act).

Where is harassment against the law?

It is unlawful to harass someone

- at their work, including at social functions linked to work,
- in the classroom or any part of the study environment including on field trips and at social functions linked to study, or
- when providing or obtaining goods or services on campus, or when renting accommodation.

The harassment may be by staff, by people on campus providing services to or for UNSW, or by students.

Does the harassment have to be deliberate?

No. Sometimes the 'harasser' doesn't think other people will be offended by the behaviour. However sometimes it is deliberate, to upset the target person or group, to make them feel excluded, or to embarrass or humiliate them.

What can I do if I'm being harassed, and I want to know if it's unlawful harassment?

When you feel you are being harassed, it's often difficult to know what to do, or even to be clear about what is happening. What you can do is

- talk to your immediate supervisor or your head of school or work unit, or
- if that's not appropriate, you can contact the Equity and Diversity Unit (9385 4734) to discuss the matter confidentially.

Before you contact anyone, make notes about

- what happened,
- when and where it happened,
- who did it,
- who saw it, if anyone,

- how it made you feel, and
- what action you would like to be taken.

What can I do if I'm being unlawfully harassed?

You can take any of the following actions.

- You can tell the person harassing you that you find it offensive, that you think it's against the law, and that you want them to stop whatever it is that they are doing. You may want to have a friend or support person with you.
- If the offender doesn't stop, or if for some reason you feel unable to ask them to stop, you can use [UNSW's Discrimination and Harassment Grievance Policy and Procedures](#).
- You can contact the Equity and Diversity Unit on 9385 4734 for advice and information.
- You can contact your union for help.
- You may be able to complain to the [NSW Anti-Discrimination Board](#) or to the [Human Rights and Equal Opportunity Commission](#).

What can I do if I'm being harassed, but it's NOT unlawful harassment?

- You can tell the person harassing you that you find it offensive, and you would like them to stop doing whatever it is.
- For information on your rights, consult UNSW's staff [Code of Conduct](#) and [Workplace Bullying Policy](#).
- You can take action through [UNSW's Staff Grievance Policy and Procedures](#).
- You can contact Human Resources on 9385 2711 for further advice and information.
- You can contact your union for help.

What can I do if I see someone else being harassed?

- You can encourage them to talk to the offender, and ask the person to stop doing whatever it is.
- You can tell the person being harassed about [UNSW's grievance procedures](#), and their rights under these procedures.
- If the person being harassed doesn't do anything, you should tell your immediate supervisor about what you have observed.

What can I do if I'm a staff supervisor, and I see one of my staff being harassed?

You should take appropriate action, having first sought advice from the Human Resources (tel: 9385 2711) if you think it's unlawful harassment, or from the Industrial Relations Unit if it's not unlawful harassment.