UMSU ACCEPTABLE CONDUCT POLICY

INTRODUCTION
UMSU is committed to maintaining a workplace that promotes equal opportunity for all job applicants, staff, student representatives, students, contractors, visitors and customers/clients.

The purpose of this policy is to provide guidance to student representatives and staff employed to work with and for UMSU on how to identify and prevent unlawful discrimination, sexual harassment, victimisation and vilification. It is also a framework for the reporting and handling of such complaints in our workplace.

UMSU recognises its obligations to ensure all staff, student representatives and affiliated Clubs and Societies are familiar with their rights and responsibilities as established by this policy and the mutual obligation to promote a workplace and organisation that supports an environment that is free from discrimination and harassment.

SCOPE
This policy applies to all UMSU staff, elected student office bearers and other elected student representatives when they are engaged in activities that are reasonably connected to that role, UMSU affiliated clubs and societies as entities, contractors, agents, customers, clients, visitors, and volunteers engaged in activities reasonably connected with UMSU. Such activities may extend beyond the Student Union or University premises. For example, this Policy applies during:

- Official UMSU events;
- Attendance at conferences.

This policy applies at all times when a staff member is representing UMSU, or doing work on behalf of or for UMSU, whether on UMSU premises or off-site. Off-site work includes attendance at conferences and working at clients’ sites.

It applies to after hours and off-site activities and functions that are organised by UMSU, or which are attended on behalf of UMSU. This includes team lunches, Christmas parties and other work-related entertainment.

This policy only applies to students when they are engaged in activities reasonably connected to their role as a staff member or elected student representative of UMSU. Students not otherwise covered by this policy may be covered by the University of Melbourne Equal Opportunity Policy (MPF1241).

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1 This means that whereas individual students who are not otherwise included in this policy are beyond its scope, a club as an entity may bear liability under this policy and be subject to sanction.
The policies of the University of Melbourne “applies to all staff and students of the University engaged in activities reasonably connected with the University.” (Discrimination, Sexual Harassment and Bullying Procedure (MPF1230)). For an activity to be deemed to be reasonably connected with the University the student’s participation or attendance must be linked to their status as a student.2

WHAT WE EXPECT FROM YOU

We expect everyone to:

- treat everyone at work, or at a work-related activity - workmates, visitors, clients or anyone else - with respect, courtesy and dignity;
- value the diversity of people and respect cultural differences;
- not engage in unlawful discrimination, sexual harassment, victimisation or vilification;
- not encourage others to engage in unlawful discrimination, sexual harassment, victimisation or vilification;
- report any unlawful discrimination, sexual harassment, victimisation or vilification that you witness, to a manager or Contact Officer;
- participate in any training required by UMSU;
- co-operate with any investigation of complaints; and
- familiarise yourself with workplace policies and understand your obligations under those policies.

2 “Student” has the same meaning as in s 3 of the University of Melbourne Act 2009 (Vic).
If you are a manager or supervisor, you have additional obligations to those outlined above. If you are a manager or supervisor, we expect you to:

- ensure people in your area or team understand their obligations;
- be a leader and role model for others in the workplace and ensure that you behave appropriately at all times;
- treat all complaints seriously and confidentially and seek advice from Human Resources if unsure;
- where unlawful discrimination, sexual harassment, victimisation or vilification is observed or reported by others, take appropriate action. A formal complaint is not required to instigate action; and
- encourage people in your work area or team to treat each other with respect and value difference.

WHAT WE WILL NOT TOLERATE

We will not tolerate unlawful discrimination, sexual harassment, victimisation and racial or religious vilification. These terms are explained below.

UNLAWFUL DISCRIMINATION

Unlawful discrimination means direct or indirect discrimination on the basis of a Protected Attribute. Protected Attributes are specifically listed in anti-discrimination legislation.

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3 A person with management and/or supervisory responsibility which is recognised within the divisional structure of UMSU, and includes those with delegated responsibility for staff and resources. Supervisory responsibility means supervision of UMSU staff and casual employees.
A Protected Attribute is a person’s:

- age
- breastfeeding
- disability or impairment
- employment activity
- gender identity
- industrial activity
- lawful sexual activity
- marital status
- status as a parent or carer
- physical features
- political belief / activity
- pregnancy
- race
- religious belief/ activity
- sex
- sexual orientation

A Protected Attribute also includes a person’s association with someone who is identified by reference to a Protected Attribute.

Direct discrimination occurs if a person treats or proposes to treat a person with a Protected Attribute unfavourably because of that Protected Attribute. Some examples of direct discrimination are:

- Not offering computer training to an older employee because of their age.
- Excluding a workmate from a work-related event at a pub because she is pregnant.

Indirect discrimination occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same ends up either actually or potentially disadvantaging someone with an attribute protected by law. Some examples of indirect discrimination are:

- Scheduling team meetings before the start of working hours when they could just as easily be scheduled at lunchtime. Parents who have to drop their children at school may not be able to attend.
- Holding a team building event at a sporting venue that does not permit access or participation by an employee with a disability.

Unlawful discrimination can occur even if you do not intend to discriminate.
SEXUAL HARASSMENT

Sexual harassment means unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Conduct may be sexual harassment regardless of the intention of the harasser.

Some examples of sexual harassment are:
- Repeatedly asking your workmate to go on a date when that person has already declined.
- Sending an email from your work computer to your workmates that contains an attachment with a semi-naked person in a sexual pose.

VICTIMISATION

Victimisation means unfavourable treatment of someone who reports or complains about any of the conduct covered by this policy.

Some examples of victimisation are:
- Dismissing an employee because she has made a complaint about unlawful discrimination in the workplace.
- Excluding or isolating a workmate because he has made a complaint of sexual harassment against one of your friends at work.

RACIAL OR RELIGIOUS VILIFICATION

Racial or religious vilification means conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, a person or group of persons on the basis of their race or religious belief. Serious racial or religious vilification involves a threat to harm another person or their property, and is a criminal offence.

Some examples of racial or religious vilification are:
- Sending an email to your workmates which ridicules indigenous Australians.
- Making threats to harm a workmate because he is a Muslim (serious religious vilification).
WHAT YOU SHOULD DO IF YOU THINK SOMEONE IS BREACHING THIS POLICY

There are several options for dealing with complaints under this policy:

OPTION 1: ASK THE PERSON TO STOP

You should consider approaching the person or people involved to resolve your concern directly. You may benefit from advice or support from a Contact Officer prior to taking this step.

Ask the person to stop the behaviour. Often people do not realise when their behaviour is upsetting others. Telling the other person that their behaviour is unwelcome and upsetting to you may be enough for the behaviour to cease.

If you do not feel comfortable with this approach, then you should consider further options for action below.

OPTION 2: SPEAK WITH A MANAGER OR CONTACT OFFICER

If a complaint or concern cannot be resolved by informal discussion with the person or people directly, or you do not feel comfortable speaking with them yourself, you should discuss the matter with, and seek guidance from:

- your supervisor/manager; or
- a Contact Officer.

Speaking with a manager or Contact Officer can help you understand whether the behaviour you are being subjected to could be unlawful discrimination, sexual harassment, victimisation or vilification. In this discussion, various options for resolving your concerns will be explored.

A Contact Officer is trained to provide further information in relation to this policy and to discuss options available to you to deal with your concerns. It is not the role of the Contact Officer to investigate complaints. Complaints will be referred to MUSUL Human Resources for investigation and resolution.

Your manager may also be able to intervene on your behalf to alert the person or people that they need to stop the behaviour. In some cases there may be a need for a general educative response to address an organisational culture or systemic issues.
OPTION 3: INFORMAL RESOLUTION

Where a complaint is made, there may be alternative resolution processes available to assist resolution, such as conciliation. Whether these alternative resolution processes are appropriate depends on the nature of each individual complaint.

Upon receipt of the complaint, such options will be considered by consultation between the complainant and the HR representative responsible for handling the complaint.

OPTION 4: LODGE A COMPLAINT WITH AN EXTERNAL ORGANISATION

At any point in the process you may make a complaint to a relevant external organisation. Complaints regarding breaches of equal opportunity and sexual harassment laws may be made to the Victorian Equal Opportunity and Human Rights Commission or the Australian Human Rights Commission. Bullying complaints may be directed to WorkSafe and some discrimination matters can be raised with the Fair Work Commission.

FORMAL INVESTIGATION

A formal investigation may be initiated by UMSU where:

- the informal process requesting the inappropriate conduct to stop and/or informal resolution has been unsuccessful; and
- a formal written complaint is made against an UMSU employee; or
- in any other circumstances where UMSU considers it appropriate.

UMSU will exercise its discretion as to whether to investigate a complaint. Not all complaints are appropriate for investigation. Further, UMSU may conduct an investigation at its own initiative.

OUTCOME

The complainant and the person(s) against whom the complaint is made, will be informed of whether or not the complaint is substantiated. If the complaint is substantiated, UMSU will take appropriate action.
WHAT HAPPENS IF THIS POLICY IS BREACHED?

UMSU staff and student representatives are subject to separate disciplinary processes.

UMSU may consider disciplinary action against a person breaching this policy in accordance with the relevant disciplinary process.

Under anti-discrimination laws, the person in breach of the policy may be personally liable for compensation awarded by a court or tribunal to the person who has been subject to unlawful discrimination, sexual harassment or victimisation.

Under racial and religious vilification laws, a person who engages in serious racial or religious vilification may face a term of imprisonment.

HOW WILL THIS POLICY BE IMPLEMENTED?

Where there is an alleged breach of this policy, all information must be treated confidentially, to the greatest extent possible, by all parties involved.

Where a complaint is serious and/or a manager or Contact Officer believes action needs to be taken, information will be disclosed only to those people who need to know about the complaint.

The obligation of confidentiality does not prevent UMSU from using or disclosing any information necessary to initiate or defend any legal proceedings, or to make any submissions in relation to any inquiry or complaint, or to refer a matter to the police.

A person making a complaint will not be treated detrimentally because they make a complaint. It is unlawful to victimise a person for making a legitimate complaint of unlawful discrimination or sexual harassment.

The UMSU Acceptable Staff Conduct Policy will be reviewed every 12 months. The Operations Sub-Committee in conjunction with the General Manager, UMSU has responsibility for leading the review of this policy. The process for reviewing the policy includes:

- Assessment of policy implementation to date;
- Those covered by the policy are provided with the opportunity to give feedback;
- All feedback and suggestions will be considered by the review of the policy;
- Proposed changes will be presented to UMSU staff to achieve consensus.
- Students’ Council will endorse the finalised policy and UMSU Management will make copies available on the website.