



MISCONDUCT: STATEMENT & DEFINITIONS (RA/STAFF BRIEFING NOTES)

INTRODUCTION

St Catherine's College is committed to being a safe living, working and study environment free from any form of harassment, discrimination, bullying or assault. The College undertakes to foster an informed culture in which every individual is treated with respect at all times.

INAPPROPRIATE BEHAVIOUR

Behaviour that is contrary to a safe and supportive community is not tolerated by the College and any breach of good conduct will be addressed.

BULLYING

Bullying is repeated, unreasonable behaviour directed towards an individual or group that creates a risk to health, mental welfare and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.

Bullying includes:

- Repeated hurtful remarks or attacks, or making fun of a person (including their family, sex, sexuality, gender identity, race or culture, education or economic background)
- Sexual harassment, particularly unwelcome touching and sexually explicit comments and requests that cause discomfort
- Excluding a person or stopping them from working with people or taking part in activities that relate to their work or full enjoyment of College life
- Psychological harassment
- Intimidation
- Attacking or threatening with any type of object that is, or can be turned into a weapon
- Initiation or hazing - where a person is made to do humiliating or inappropriate things in order to be accepted as part of a team or community. See the St Catherine's College Hazing Policy for more information.

Bullying can:

- Occur face-to-face, by phone, via text message, email, instant messaging and voicemail, and on social networking websites
- Be directed at an individual or a group of people
- Be carried out by one or more people
- Be downwards, from managers to their staff or residents, or sideways, from workers to co-workers or resident to resident, or upwards from staff to managers or residents to staff.

Bullying is not:

Differences of opinion, performance management, conflicts and personality clashes that can happen in the workplace or in College, but usually do not amount to bullying.

A single incident of unreasonable behaviour is not bullying, although it may have the potential to escalate into bullying. Single incidents can still create a risk to health and safety and can be considered inappropriate behaviour as distinct from bullying. Reasonable management action, carried out in a fair way is not bullying.

Managers and Supervisors have a right to direct the way work is carried out and to monitor and give feedback on performance.

Examples of reasonable management action include:

- Setting reasonable performance goals, standards and deadlines in consultation with employees
- Fairly rostering and allocating work hours
- Informing a staff member (including Resident Assistants) about unsatisfactory or unacceptable work performance in a constructive way and consistent with the performance and career development process
- Informing a staff member about unacceptable conduct and/or behaviour in accordance with College policies

HARASSMENT

Harassment is behaviour which offends, humiliates, intimidates, insults or ridicules another person in circumstances which a reasonable person would have anticipated that the victim would be offended, humiliated, intimidated, insulted or ridiculed.

Harassment can:

- be initiated by any gender and may occur among residents, staff, RAs or members of the public in the course of College business
- occur face-to-face, by phone, via text message, email, instant messaging and voicemail, and on social networking websites
- include verbal or written threats, insults, taunts or abuse of a person with regard to their gender, race, age, religion, political beliefs, sexual preference, psychological state, physical impairment or other

Harassing behaviours invade another person's space and privacy and interfere with their right to enjoy the College environment.

SEXUAL HARASSMENT

Sexual Harassment is defined in legislation as conduct with a sexual component which is unwelcome, unsolicited and unreciprocated. Conduct with a sexual component includes physical, visual, verbal and non-verbal behaviour.

Sexual Harassment includes, but is not limited to:

- leering or staring
- obscene sexual communications in any media including social networking
- persistent following or stalking
- persistent unwelcome invitations, telephone calls or emails
- sending of sexually explicit emails or text messages
- sexually suggestive words, gestures or sounds
- unwanted ongoing declarations of affection or approaches for affection, including gifts
- display of sexually suggestive material
- use of College computer systems for the retention and distribution of sexually explicit material
- unwelcome behaviour or contact of a sexual nature which offends, intimidates, embarrasses or humiliates an individual
- unwelcome physical touching or familiarity, including deliberately brushing against someone, patting, kissing and embracing.

Sexual Harassment involving persistent following or stalking, and indecent exposure, may be considered sexual assault and possibly a criminal offence.

Sexual Harassment may be perpetrated or experienced by people of any sexual orientation or gender identity.

Sexual Harassment may be a single incident or a persistent pattern of unwelcome behaviour.

See St Catherine's College Sexual Misconduct Policy and Procedure for more information.

VICTIMISATION

Victimisation occurs when a resident or staff member who has made a complaint or who acts as a witness for a resident or staff member who has made a complaint, is threatened or harassed by others involved in the complaint.

VILIFICATION

Vilification is conduct that incites physical harm, hatred, serious contempt or severe ridicule towards a staff member/student or group of staff members/students on the basis of race, sexuality, disability or religion.

Vilification can take many forms including hate speech, graffiti, websites and distribution of propaganda or other forms of offensive literature. Vilification is conduct that occurs in a public place.

Residents and members of staff member must understand that discussions or jokes in the College that relate to race, sexuality, disability or religion could amount to vilification and will not be tolerated.

VIOLENCE

Violence occurs when a person is abused, threatened or assaulted in circumstances relating to their study or work. Threats to harm someone, violence and damage to property may be criminal matters and referred to the appropriate authorities.

OTHER INAPPROPRIATE BEHAVIOUR

Even where behaviour or conduct does not fit into any of the previous categories it can still amount to inappropriate behaviour.

Inappropriate behaviour is any behaviour that is not reasonably acceptable in the College and may vary from case to case. The College subscribes to the fundamental values of honesty, integrity, responsibility, trust and trustworthiness, respect and self-respect, and fairness and justice. Appropriate College behaviour must be consistent with these values.

It is expected that staff members and students will behave in a manner consistent with a community that:

- Creates and serves a shared purpose
- Nurtures a vital and sustainable community
- Focuses on opportunity
- Works from the strength that diversity brings
- Collaborates in ways that help us be the best we can be

All inappropriate behaviour will be dealt with having regard to the facts and circumstances of each case.

All staff members and residents are expected to:

- be accountable for their own safety, the safety of others and to adhere to lawful and reasonable directions
- respect the rights of others and never encourage acts of misconduct
- intervene, where reasonably practicable, to take corrective action where it is identified that employees or residents are putting themselves or others at risk
- offer support to colleagues.

COMPLAINTS PROCEDURE

St Catherine's College encourages the resolution of complaints as close as possible to their point of origin through timely and informal means.

See the St Catherine's College Bullying Harassment and Discrimination Complaints Policy & Procedure for more information.

Formal complaints need to be lodged within 12 months of the conduct which is the subject of the complaint.

FAIR TREATMENT STAFF

St Catherine's College has designated and trained Fair Treatment Staff who are the first point of contact for staff members and residents wishing to discuss how to have a complaint dealt with policy and associated procedure.

DESIGNATED FAIR TREATMENT STAFF

Ashleigh Benadretti: Deputy Head of College, ashleigh.benadretti@stcatherines.uwa.edu.au

Peter Roberts: Chief Financial Officer, peter.roberts@stcatherines.uwa.edu.au

Mandy McFarland: Director of Advancement, mandy.mcfarland@stcatherines.uwa.edu.au

Ben Lewis: Director of Indigenous Access, ben.lewis@stcatherines.uwa.edu.au