



## Bullying, Harassment and Discrimination Policy

Date: October 2021  
 Last Amendment: September 2022  
 Owner: Student Programs

### PURPOSE

The purpose of this Policy is to:

- a. Protect the safety and welfare of USU members, workers, and guests; and
- b. Provide guidance to USU workers and affiliated student groups on the process to be followed when a member, worker or guest makes a report of bullying, harassment, or discrimination.

### SCOPE

1. This Policy applies to all reports of bullying, harassment, or discrimination by USU members, workers and guests that relate to activities run by the USU and its affiliated student groups, including:
  - a. Reports about conduct by other USU members, affiliated student groups and workers
  - b. Reports about conduct that occurred at a program, space, event, or function; and
  - c. Anonymous reports.
2. This Policy applies to all USU members, affiliated student groups and workers (which includes any employees of the USU).

### DEFINITIONS

Word/Term	Definition
<b>active bystander intervention</b>	means seeing and recognising a potentially harmful situation and choosing to respond in a safe and reasonable way that could prevent or stop the harm from happening or continuing.
<b>affiliated student group</b>	includes but is not limited to a USU registered club or society, a USU volunteer group, a USU revue or a USU debates team.
<b>Apprehended Personal Violence Order</b>	means an ADVO (Apprehended Domestic Violence Order) or an APVO (Apprehended Personal Violence Order) made by a court.
<b>Complainant</b>	means any person who makes a report of bullying, harassment, or discrimination to the USU, or in the case of complaints made on

	behalf of another person, the person who is alleged to have been the subject of bullying, harassment or discrimination.
<b>Complaint</b>	means as defined in the USU's Complaints and Discipline Procedure (Student Groups) 2021
<b>Constitution</b>	means the <a href="#"><i>Constitution of the University of Sydney Union</i></a> .
<b>Governing body of the USU</b>	A USU Committee or the USU Board of Directors
<b>guest</b>	means a member of the public who is not a member of the USU and is visiting a USU space, or attending an activity, event, or function, or participating in a program, run by USU or an affiliated student group.
<b>Head of Department</b>	means: <ul style="list-style-type: none"> <li>• the Head of Department of Programs</li> <li>• the Head of Department of People and Culture or any other Head of Department nominated by the CEO to perform functions in accordance with this policy.</li> </ul>
<b>member</b>	means a person who is a current student and a registered member of the USU.
<b>program</b>	includes but is not limited to programs, activities and events run by affiliated student groups, and activities and events run by the USU.
<b>report</b>	means a disclosure or Complaint of bullying, harassment, or discrimination.
<b>Respondent</b>	means a person whose conduct is the subject of a report or Complaint of bullying, harassment, or discrimination.
<b>bullying</b>	has the meaning given by the University's <a href="#"><i>Bullying, Harassment and Discrimination Prevention Policy 2015</i></a>
<b>harassment</b>	has the meaning given by the University's <a href="#"><i>Bullying, Harassment and Discrimination Prevention Policy 2015</i></a>
<b>discrimination</b>	has the meaning given by the University's <a href="#"><i>Bullying, Harassment and Discrimination Prevention Policy 2015</i></a>
<b>space</b>	has the meaning given in the <i>USU Space Allocation Policy</i> .
<b>USU worker</b>	means USU employees, contractors, outworkers, apprentices, work experience students and volunteers.
<b>student</b>	has the meaning given by the University's <a href="#"><i>Bullying, Harassment and Discrimination Prevention Policy 2015</i></a>
<b>University</b>	means the University of Sydney.
<b>USU</b>	means the University of Sydney Union.

## SECTION 1 - POLICY

### PRINCIPLES

The USU is committed to celebrating and harnessing the diversity of ideas and backgrounds in our communities and to creating an environment of involvement, respect, and inclusion for everyone.

Accordingly, the USU requires all students who engage with its programs, events, spaces, and services to conduct themselves in accordance with this Policy and with the University of Sydney's [Student Charter 2020](#) and [Bullying, Harassment and Discrimination Prevention Policy 2015](#).

		Responsibility
<b>1. Prohibition of bullying, harassment, and discrimination</b>		
<b>1.1</b>	The USU does not tolerate any unlawful conduct, including bullying, harassment, or discrimination. Behaviour that is intimidating, abusive, disrespectful, or threatening, including bullying, harassment or discrimination is prohibited.	
<b>2. Emergency Contacts</b>		
<b>2.1</b>	USU members, workers and guests who have experienced bullying, harassment or discrimination are encouraged to seek assistance and support from a trusted USU staff member.	<b>All</b>
<b>2.2</b>	In an emergency, USU members, workers and guests should contact <b>emergency services</b> by dialling <b>triple zero (000)</b> .	<b>All</b>
<b>2.3</b>	USU members, workers and guests who feel unsafe on campus or are concerned about someone else's safety can also contact <b>Campus Security</b> on <b>9351 3333</b> , 24 hours a day.	<b>All</b>
<b>2.4</b>	USU members workers and guests who have experienced bullying, harassment or discrimination can contact: <ul style="list-style-type: none"> <li>• Lifeline: 13 11 14 or <a href="http://lifeline.org.au">lifeline.org.au</a></li> <li>• beyondblue: 1300 224 636 or <a href="http://beyondblue.org.au">beyondblue.org.au</a></li> <li>• Kids Helpline: <a href="http://kidshelpline.com.au">kidshelpline.com.au</a> or 1800 55 1800 (5-25 years)</li> <li>• ReachOut: <a href="http://reachout.com.au">reachout.com.au</a> (under 25 years)</li> <li>• SANE Australia: <a href="http://sane.org">sane.org</a> or 1800 187 263 (18+ years)</li> </ul>	<b>All</b>
<b>3. USU response to reports of bullying, harassment, and discrimination</b>		
<b>3.1</b>	Subject to clause 6, the USU may forward reports of bullying, harassment, or discrimination to the University for handling in accordance with its <a href="#">Bullying, Harassment and Discrimination Prevention Policy 2015</a> .	<b>Programs</b>
<b>3.2</b>	Any Complaint of bullying, harassment or discrimination will be dealt with in accordance with the procedures set out in the USU's Complaints and Discipline Procedure (Student Groups)	<b>All</b>

<p><b>3.3</b></p>	<p>The USU will support and facilitate the University’s handling of reports of bullying, harassment, and discrimination by:</p> <ul style="list-style-type: none"> <li>a. encouraging Complainants to report bullying, harassment, and discrimination to the University via its online reporting portal</li> <li>b. referring Complainants and respondents to the University’s support services</li> <li>c. implementing interim measures, as appropriate</li> <li>d. implementing recommendations and findings from University investigations, as appropriate.</li> </ul>	<p><b>All</b></p>
<p><b>3.4</b></p>	<p>The USU may take disciplinary action against any USU member or worker who is found guilty of bullying, harassment, or discrimination, following an investigation conducted in accordance with the principles of procedural fairness as determined by the USU.</p> <ul style="list-style-type: none"> <li>a. In the case of USU workers, disciplinary action will follow the relevant employee policies.</li> <li>b. Matters concerning contractors will be referred to their employer.</li> <li>c. Members may be subject to disciplinary action outlined in the Complaints and Discipline Procedure (Student Groups) 2021 or any other appropriate disciplinary action as determined appropriate by the USU at its absolute discretion.</li> </ul> <p><b>Note:</b> In accordance with clause 9.2 of the Constitution, the USU Board may expel a member from membership of the USU, if in the opinion of the Board, the member is guilty of misconduct.</p>	<p><b>All</b></p>
<p><b>4. Temporary removal of members</b></p>		
<p><b>4.1</b></p>	<p>The leader of an affiliated student group may require a member to temporarily leave a space, event or function, or discontinue a member’s involvement in a program, where, in the reasonable opinion of the leader, the temporary removal of the member is necessary to:</p> <ul style="list-style-type: none"> <li>a. protect the health and safety of another member, worker, or guest; or</li> <li>b. protect the health and safety of the member; or</li> <li>c. prevent serious damage to property; or</li> <li>d. prevent serious disruption to an event, function, or program.</li> </ul>	<p><b>Club Leader</b></p>

4.2	A leader of an affiliated student group who has exercised their power in accordance with clause 4.1 must report the student's removal and the circumstances of the removal to a Head of Department within 12 hours of the removal, or such other time that is reasonable in the circumstances.	<b>Club Leader</b>
<b>5. Interim Measures</b>		
5.1	Interim measures should not be interpreted as anticipating or revealing the outcome of any USU, University or criminal investigation process.	<b>All</b>
5.2	To minimise the potential for harm to any person, a Head of Department may take interim measures against a USU member or worker in response to: <ul style="list-style-type: none"> <li>a. a report or Complaint of bullying, harassment, or discrimination to the USU</li> <li>b. notification by the University of a report of bullying, harassment or discrimination under the University's <a href="#">Bullying, Harassment and Discrimination Prevention Policy 2015</a>;</li> </ul> an Apprehended Personal Violence Order, whether interim or final	<b>HODS</b>
5.3	As an interim measure, the Head of Department may take any of the following actions: <ul style="list-style-type: none"> <li>a. remove a member from a position of authority within an affiliated student group; or</li> <li>b. suspend a member from membership of an affiliated student group; or</li> <li>c. suspend a member or worker from entering or participating in a USU program, space, event, or function; or</li> <li>d. prohibit a member or worker from speaking to or approaching another USU member, worker, or guest (including by social media, email, letter or through a third party).</li> </ul> The above list is not exhaustive, and the USU may at its discretion determine any interim measures as consider appropriate given the relevant circumstances.	<b>HODs</b>
5.4	Interim measures must be: <ul style="list-style-type: none"> <li>a. taken on a case-by-case basis</li> <li>b. set for a fixed period, and</li> <li>c. reasonable and proportionate; having regard to the seriousness and circumstances of the alleged conduct.</li> </ul>	<b>HODs</b>

5.5	Interim measures may be taken summarily, and the Head of Department: <ul style="list-style-type: none"> <li>a. is not required to provide a hearing to the USU member or worker before making a decision; and</li> <li>b. may inform themselves in relation to any matter in any manner that they think fit.</li> </ul>	<b>HODs</b>
5.6	Interim measures once taken will continue to apply until they: <ul style="list-style-type: none"> <li>a. are revoked or varied by the Head of Department or the CEO; or</li> <li>b. expire in accordance with their terms.</li> </ul>	<b>HODs/CEO</b>
5.7	If the Head of Department imposes interim measures against a USU member or worker, they must provide the USU member or worker a written notice within 24 hours: <ul style="list-style-type: none"> <li>a. specifying the terms of the interim measures</li> <li>b. specifying the period of the interim measures</li> <li>c. summarising the reasons for the interim measures; and</li> </ul> providing a copy of, or an electronic link to, this Policy.	
5.8	A USU member or worker who is the subject of interim measures may seek an internal review of those measures by application in writing to the CEO within 20 working days of the date on which written notice of the interim measures was provided.	
5.9	Applications for internal review will be considered by the CEO.	
5.10	Any internal review will be: <ul style="list-style-type: none"> <li>d. conducted based on the written material;</li> </ul> and limited to a review of the term, period, and reasons for taking the interim measures.	
5.11	Where reasonable, the CEO will review the interim measures within 20 working days of the application for review.	<b>CEO</b>
5.12	Where 20 days is not reasonable, the CEO will advise the USU member or worker of the reasons for the delay, and the projected timeframe for completion of the internal review.	<b>CEO</b>
5.13	At the conclusion of the internal review, the CEO will: <ul style="list-style-type: none"> <li>a. provide the USU member or worker with a written statement of the outcome of the review, including reasons; and</li> <li>b. provide a copy of the written statement to the President of the USU Board.</li> </ul>	<b>CEO</b>
5.14	The President may provide a copy of the written statement to the USU Board for further review. A decision of the Board is final.	<b>President Board</b>

<b>6. Confidentiality</b>		
<b>6.1</b>	Except as provided in this clause 6, the USU will keep confidential all information relating to a report of bullying, harassment, or discrimination, unless the complainant consents to disclosure of part or all the information for a specified purpose.	<b>All</b>
<b>6.2</b>	If a Complainant decides not to report an incident to the Police, the USU will use its best efforts to protect the confidentiality of information relating to the report, while meeting its obligations under the <i>Crimes Act 1900</i> (NSW). <b>Note:</b> The USU is required to report information about the commission of a 'serious indictable offence' to the Police in accordance with sections 316 and 316A of the <i>Crimes Act 1900</i> (NSW).	<b>All</b>
<b>6.3</b>	In some limited circumstances, the USU may need to report an incident of bullying, harassment, or discrimination to the Police against a person's wishes, to ensure their safety or the safety of other USU members, workers, or guests, or to meet its legal obligations.	<b>All</b>
<b>6.4</b>	The USU will endeavor to maintain confidentiality to the extent practical and appropriate in each case. In some circumstances, it may not be possible to keep the complaint, report, information or incident confidential, such as where physical threats are involved or the law otherwise requires it to be disclosed by the USU.	<b>All</b>
<b>6.5</b>	The USU reserves the right to provide all information provided by a complainant to any third party, external investigator or authority as the USU considers necessary for the USU, including to investigate any complaint or report made under this Policy and the USU will not require specific consent from the complainant to do so.	<b>All</b>
<b>7. No Victimisation</b>		
<b>7.1</b>	A USU member or worker must not victimise or otherwise subject another person to detrimental action as a consequence of that person: <ul style="list-style-type: none"> <li>a. making a report or Complaint of bullying, harassment, or discrimination.</li> <li>b. providing information about a report or Complaint of bullying, harassment, or discrimination.</li> <li>c. supporting a person who has made a report or Complaint of bullying, harassment, or discrimination; or</li> <li>d. engaging in reasonable and safe active bystander intervention.</li> </ul> <p>The USU may take disciplinary action against any USU member or worker who breaches this clause.</p> <p>Matters involving USU Workers will be referred to relevant employee policies as is considered appropriate by the USU.</p>	<b>All</b>

	<b>8 – Active Bystander Intervention</b>	
<b>8.1</b>	The USU encourages and values reasonable and safe active bystander intervention by USU members and workers to prevent or bullying, harassment or discrimination from occurring or continuing.	<b>All</b>
<b>8.2</b>	The steps involved in safe active bystander intervention are: <ul style="list-style-type: none"> <li>a. noticing the situation – paying attention to what is going on nearby;</li> <li>b. deciding if it is a problem – investigating whether someone might need help, and checking with people around if unsure;</li> <li>c. accepting responsibility to act – not assuming that someone else will do something</li> <li>d. making a plan to step in – indirectly or directly confronting the issue, without being aggressive or putting oneself or other in danger.</li> </ul>	<b>All</b>
	<b>9 – Absolute Discretion of the USU under this Policy</b>	
<b>9.1</b>	<p>This Policy and the process set out within are not mandatory on the USU, and the USU at its absolute discretion may decide to treat any matter in a certain way based on the individual circumstances of each matter considered on a case by case basis.</p> <p>There may be some circumstances where the USU determines it would be inappropriate to strictly follow the processes set out in this Policy and in such cases, the USU will use best endeavors deal with the matter and consider the interests of all parties involved in order to resolve the matter.</p>	<b>All</b>
	<b>10 – Inconsistencies with this Policy</b>	
<b>10.1</b>	In the event there is any inconsistency between this Policy and any policy of the University, including the University of Sydney's <a href="#">Student Charter 2020</a> and <a href="#">Bullying, Harassment and Discrimination Prevention Policy 2015</a> then the terms of the University's policy will prevail.	<b>All</b>



**SECTION 2- GOVERNANCE****RESPONSIBILITY**

<b>Policy Owner</b>	Student Programs
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**APPROVALS PROCESS**

A new USU Policy and amendments to an existing USU policy must be submitted to Board as a Motion on Notice after being subjected to the following procedure:

Draft Policy > People & Culture/Programs HOD > Governance Committee > Board

All amendments suggested after the submission of the motion shall be noted and submitted to the above procedure before being approved.

**RECORD OF APPROVALS**

Entity	Approval Date	Name	Notes
P&C HOD	12 Oct 2021	RA	
Programs HOD	12 Oct 2021	LA	
Governance Committee	12 Oct 2021		
Board	29 Oct 2021		

Version Number	Amendment Date	Approved by	Amendment
1			
2	21 September 2022		

**RESCISSIONS AND REPLACEMENTS**

This document, in conjunction with the USU Affiliated Student Groups Code of Conduct 2021, USU Complaints and Discipline Policy (Student Groups) 2021, 1, and Sexual Misconduct and Sexual Harassment Policy 2018 replaces the following, which are rescinded as from the date of commencement of this document:

1. Grievance Response Guidelines for Student Groups 2018
2. USU Debating Society - Equity Policy
3. Internal Grievance Guidelines (Student Groups) 2018