



# Mannix College Discrimination, Harassment, Hazing, Bullying and Intimidation Policy

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## **1.About**

- 1.1. Mannix College is committed to its responsibility for maintain an environment that is free from discrimination, harassment, hazing, bullying and intimidation.
- 1.2. All persons associated with Mannix College - residents, guests, staff and volunteers - share the responsibility to maintain an environment that is free from discrimination, harassment, hazing, bullying and intimidation.
- 1.3. This policy should be read in conjunction with other College policies, particularly the Conditions of Residency.
- 1.4. The list of problematic behaviours associated with this policy below is not exhaustive and meant only as a guide.

## 2. Jurisdiction

- 2.1. This policy applies to all Mannix College residents, guests, staff and volunteers.
- 2.2. Every person covered by this policy is responsible for familiarising themselves with and adhering to this policy.

## 3. Definitions

### 3.1. *Consent*

Consent is when the person engaging in conduct of a sexual nature reasonably believes that the other person has freely agreed to it.

A person does not freely agree to an act when they:

- submit because of force, or the fear of force, to themselves or someone else
- submit because they fear harm of any type to themselves or someone else
- submit because they are unlawfully detained
- are asleep, unconscious, or so affected by alcohol or another drug that they are incapable of freely agreeing
- are incapable of understanding the sexual nature of the act
- are mistaken about the sexual nature of the act or the identity of the person
- mistakenly believe that the act is for medical or hygienic purposes.

### 3.2. *Bullying*

Bullying implies intent and is the repeated unreasonable treatment of an individual or group. It has been defined in a number of ways including the following: Bullying may include behaviour that can intimidate, degrade and humiliate another person, sometimes in front of other people or alone. It may include abuse of power, isolation, alienation, or be the result of conflicts of opinion or personality. It can include inappropriate comments about personal appearance, physical or verbal abuse.

Bullying is harassment which is directed at an individual person or group of people; and is offensive, intimidating, humiliating or threatening; and is unwelcome and unsolicited; and a reasonable person would consider it to be offensive, intimidating, humiliating or threatening for the individual person or group of people. Examples:

- Physical violence, pushing or shoving
- Imitating someone's accent or disability
- Repeated, unwelcome questions about someone else's personal life
- Damaging a person's personal property

- Continually ignoring or dismissing someone's contribution in a meeting or discussion
- Staring and glaring at a person.

Any initiation or similarly coercive practice is absolutely forbidden; 'tradition' or past practice is not an acceptable excuse or ameliorating factor. If you attempt to conduct, or participate in, any kind of initiation rite of any sort, including any act of humiliation or bastardisation.

### **3.3. *Discrimination***

Discrimination occurs when one party intentionally or unintentionally treats a group or individual differently on the basis of ethnicity, gender, disability, age, personal appearance, sexual preference, religious beliefs or political beliefs without a legitimate, or justifiable reason so as to interfere with or limit the ability of that individual or group from participating in or benefitting from the services, activities or privileges afforded to members of the residential community.

A discriminatory act is one that treats a person less favourably than another because of one of the following attributes, and may result in heavy penalties:

- Sex
- Relationship status
- Pregnancy
- Parental status
- Breastfeeding
- Age
- Race
- Impairment
- Religious belief or activity
- Political belief or activity
- Trade union activity
- Lawful sexual activity
- Gender identity
- Sexuality
- Family responsibilities

### **3.4. *Harassment***

Harassment refers to behaviour towards an individual or group of individuals that may or may not be based on the attributes listed above, and could be defined as less favourable treatment of a person by another or others which may be considered unreasonable or inappropriate practice. It includes behaviour that intimidates, offends, degrades or humiliates in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. It covers a range of unwelcome, unsolicited and non-reciprocated behaviour. This may constitute deliberate or unintentional communication, verbal or otherwise, or physical contact of a sexual nature.

Some practical examples of these behaviours have been defined as follows:

- Offensive posters
- Chauvinistic comments
- Offensive and/or libellous emails or social media posts
- The influence of pack mentality
- Rumours and malicious gossip
- Peer pressure
- Making fun of someone because of their race, disability, and/or age
- Exploiting people in an intoxicated state
- Excluding behaviour
- Comments about weight or personal appearance
- Insensitivity towards cultural differences
- Defamatory statements and making false accusations

### **3.5. *Hazing***

Hazing includes any action or situation (e.g. initiation ceremony, ritual, challenge or other activity) with or without the consent of participants, for the purpose of admission into, affiliation with, or as a condition for, continued membership or acceptance into a group (e.g. a club, team, hall, society).

Hazing can look like:

- singing songs or chants which denigrate, are abusive, use obscene language or are sexist, contravenes state and federal laws
- being made to participate in drinking games or consume large amounts of alcohol
- being made to sit on the floor, while others in the group sit on chairs
- being forcibly woken up at an early hour
- being made to wear clothes that are embarrassing

### **3.6. *Racism and Racial Vilification***

Racism is the expression of attitudes, or behaviours, based on an assumption of the superiority of one race or group of persons of colour, ethnic origin, or culture, over another. Racism may also be expressed by what is not done as well as what is done. Racial vilification is a public act done in whole or in part because of the race, colour, nationality or ethnic origin of a person or group which is reasonably likely in all the circumstances to offend, insult, humiliate or intimidate that person or group.

Racial harassment can involve:

- Non-verbal threats, verbal remarks or non-verbal contact relating to race
- Jokes or comments denigrating a racial group
- Displays of racist graphic material including posters, pinups, cartoons, graffiti or messages left on notice boards, desks or common areas or on computer screens

- Race-based insults, taunts, teasing or name-calling; offensive phone calls or letters
- Threatening violence against an individual or group because of their race
- Racist gestures made in public
- Mimicking a person's accent
- People wearing racist symbols (such as badges) or clothing with racist slogans in public
- Offensive e-mail messages or computer screensavers

### 3.7. **Sexual Harm**

Sexual harm covers a range of sexual misconduct, including sexual assault, sexual harassment, and any other form of unwanted contact of a sexual nature.

**Sexual assault** - Sexual assault is any contact of a sexual nature made without the other person's consent. It includes threatening, intending, or compelling another person to have such contact, and can involve anything from sexual touching through to rape.

'Sexual assault' is often called other names like: sexual abuse, rape, indecent behaviour, indecent assault, sexual molestation, incest, child sexual abuse, child sexual assault, touching, 'feeling up', sexual harassment. The legal term for all these kinds of offences is 'sexual assault'.

**Sexual touching** - Sexual touching is touching another person with any part of the body, or with anything else considered sexual. This includes touching through another person's clothing.

**Rape** - Rape is forced sexual penetration (by a body part or object) of the vagina, anus or mouth without consent. Rape is a form of sexual assault, but not all sexual assault is rape.

**Sexual harassment** - Sexual harassment is any unwelcome conduct of a sexual nature that might intimidate, insult or humiliate. It could be physical, spoken or written, and includes:

- comments about a person's private life or appearance
- sexually suggestive behaviour such as staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive jokes or comments
- unwanted requests to go out or engage in sex
- sexually explicit emails, posters, text messages or social media posts.

Sexual harassment is different from an interaction that's consensual, welcome or reciprocated.

A single incident can amount to sexual harassment – the behaviour doesn't have to occur more than once.

## 4. Reporting an Incident

- 4.1. If you see, experience or hear about concerning behaviour, we encourage you to report it immediately.
- 4.2. You can discuss your options with:
  - a) A Resident Advisor;
  - b) The Principal, Dean of Students & Wellbeing or Dean of Studies & Careers;
  - c) the Monash University Safer Community Unit:
    - i) Phone: +61 3 9905 1599
    - ii) Email: safercommunity@monash.edu
    - iii) Hours: Mon–Fri, 9am – 5pm

The above will offer help, advice and support while you consider what you'd like to do. The final decision is an important personal choice, and yours alone to make.

- 4.3. Mannix College takes allegations seriously, and will provide a swift and coordinated response to limit any further risk to the victim or College members. Incidents will be treated in accordance with the Conditions or Residency and other College policies.
- 4.4. Victims and those who are the subject of a complaint should be assured that they will be protected, that confidentiality will be respected and that the College is there to provide support.
- 4.5. The safety and support needs of all parties involved in a report will be considered and addressed as part of any process undertaken in response to an incident.

## 5. General

- 5.1. Mannix College reserves the right to change this Policy at any time by publishing such changes or revised documents on the Mannix website. All changes take effect immediately, or such later date specified by Mannix College.

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