



Mannix College

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Sexual Harm, Discrimination, Harassment, Hazing and Bullying Policy

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1. About

- 1.1. Mannix College is committed to fostering an environment that is free from discrimination, harassment, sexual harassment, victimisation, hazing, bullying and intimidation.
- 1.2. All persons associated with Mannix College are responsible for maintaining an environment where such unlawful conduct does not occur.
- 1.3. This Policy is to be read in conjunction with other College policies, including but not limited to the Conditions of Residency.

2. Jurisdiction

This Policy applies to all persons associated with Mannix College, including residents, guests, staff, volunteers or other workers engaged by the College.

Every person covered by this Policy is responsible for always complying with this Policy.

3. Definitions

3.1. *Sexual Consent*

Sexual consent is an ongoing and freely given agreement to engage in sexual activity. Sexual consent involves communication between participants and can be withdrawn at any point.

A person does not freely agree to sexual activity when:

- they submit because of force, or the fear of force, to themselves or someone else;
- they submit because they fear harm of any type to themselves or someone else;
- they submit because they are unlawfully detained;
- they are asleep, unconscious, or incapacitated by alcohol or drugs;
- they are incapable of understanding the sexual nature of the act;
- they are mistaken about the sexual nature of the act or the identity of the person;
- they mistakenly believe that the act is for medical purposes; or
- it is assumed that there is permission for someone to engage in a sexual act because they have done so in the past

Engaging in sexual conduct with a person who does not give consent may constitute sexual assault or rape. Such actions will not be tolerated at the College and may result in disciplinary action, other penalties or legal action (including criminal proceedings).

Mannix College advocates for affirmative sexual consent, which places the responsibility on **each individual person participating in a sexual act to take steps to say or do something to check that the other person(s) involved are consenting to sexual activity**, rather than relying on the other person to give their consent. This means that sexual consent can never be assumed and involves ongoing and mutual communication and decision-making between each person involved.

3.2. *Sexual Harm*

Sexual harm includes 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, intimidating, or compelling another person to have such contact, and can involve anything from sexual touching through to rape.

'Sexual assault' may be referred to as sexual abuse, rape, indecent behaviour, indecent assault, sexual molestation, incest, child sexual abuse, child sexual assault, touching,

'feeling up' and/or 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 may offend, intimidate, insult or humiliate a person. A single incident can amount to sexual harassment. It could be physical, verbal or written. A person can be sexually harassed by being exposed to or witnessing this kind of behaviour.

Examples of sexual harassment include:

- Unwelcome and unnecessary physical contact
- Requests for sexual favours
- Dirty jokes
- Intrusive questions or remarks about a person's private life or appearance
- Discussing your own or others' sexual behaviour
- Sexually suggestive jokes, comments, phone calls, emails or messages
- Sexually suggestive behaviour, such as staring or leering
- Brushing up against someone, touching, fondling or hugging
- Displays of sexually graphic or derogatory material, including posters, screensavers, photos and calendars
- Unwanted repeated requests to go out
- Sexually explicit emails, posters, text messages or social media posts.

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

Sexual harm will not be tolerated at the College and may result in disciplinary action, other penalties or legal action (including criminal proceedings).

3.3. *Bullying*

Bullying is repeated unreasonable behaviour directed towards a person or a group of persons, that causes a risk to health and safety.

Examples include but are not limited to:

- physical violence, pushing or shoving;
- unfairly picking on someone or making them the subject of practical jokes;
- swearing, shouting at, or abusing a person;
- intimidation;
- making hurtful comments about a person verbally or in writing, including posting comments/messages on social media, including Facebook, Instagram, Snapchat and TikTok;
- damaging a person's personal property;
- continually ignoring or dismissing someone's contribution in a meeting or discussion;
- deliberately refusing to speak to someone, ignoring them or not including them in social activities;
- spreading gossip or false, malicious rumours; and
- staring and glaring at a person.

Behaviour that amounts to bullying will not be tolerated and may result in disciplinary action, other penalties or legal action.

3.4. *Discrimination*

Discrimination occurs when one party treats an individual or group less favourably because of an attribute protected by law, including:

- Gender
- Sexuality
- Age
- Race (including colour, nationality, ethnic or ethno-religious origin)
- Lawful sexual activity
- Marital or relationship status
- Pregnancy and breastfeeding
- Family and carer responsibilities
- Disability
- Religious belief or activity
- Political belief or activity
- Trade union activity

- An association with someone who has, or is assumed to have a protected attribute.

Discrimination does not have to be intentional to be unlawful.

Discriminatory behaviour will not be tolerated at the College and may result in disciplinary action, other penalties or legal action.

3.5. Harassment

Harassment refers to a single incident or repeated behaviour towards an individual or group that offends, insults or humiliates a person because of their disability, their association with someone with a disability, or their race, colour or national or ethnic origin.

Examples include:

- Imitating or mimicking someone's accent or disability
- Telling insulting jokes or making derogatory comments about someone's race or disability

Harassment will not be tolerated at the College and may result in disciplinary action, other penalties or legal action.

3.6. Hazing

Hazing includes any action or situation with or without the consent of participants (e.g. initiation ceremony, ritual, challenge or other activity), 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 may include:

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

Hazing will not be tolerated at the College and may result in disciplinary action and/or other penalties.

3.7. *Racism and Racial Vilification*

Racism is the process by which systems, policies, actions, attitudes and behaviours create inequitable outcomes for people based on race. Racial vilification is a public act that incites hatred based on the race, colour, nationality or ethnic origin of a person or group which is likely to offend, insult, humiliate or intimidate.

Racial vilification may include:

- 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 computer screens
- Racially offensive comments, 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
- Racially offensive material in a publication, on the internet, in emails or computer screensavers.

Racism and Racial Vilification will not be tolerated at the College and may result in disciplinary action, other penalties or legal action.

4. Telling someone about an incident

- 4.1. At Mannix, there are different ways of telling someone about an incident that may have happened to you or someone else.
- 4.2. If a person behaves in a way that breaches this Policy, you are encouraged to make a report so that the College can take appropriate action and ensure the safety of all persons associated with the College. If you choose not to make a report, the College will still provide you access to support services as needed. It is your choice to report to the College, the Police and/or the University. However, in circumstances where an incident imposes harm or risk to children or young people, you have a legal obligation to report the incident in accordance with the College's Safeguarding Children and Young People Policy.
- 4.3. If you wish to tell someone about an incident, it is encouraged that you consider:
 - **"Disclosing"** - A disclosure involves an individual choosing to tell anyone who is part of Mannix College about their experience of bullying, harassment, or sexual misconduct. Unlike Reporting, Disclosure does not trigger an investigation or

action (unless a child or vulnerable person is involved), but it would lead to support being offered.

- **“Reporting”** - Reporting is sharing information with a College staff member or Resident Advisor regarding an incident of bullying, harassment or sexual misconduct experienced by that individual to initiate the investigation process set out in this Policy and the Conditions of Residency (different from Disclosure).

Residents who make a report may want the alleged perpetrator to know that their behaviour wasn't okay, or may wish the College to apply its structured process of investigation, accountability and action as per the Conditions of Residency. The College will listen and respond to your wishes if you make a report.

- 4.4. Within Mannix, you can disclose or report to an RA or MCSS Committee member, Dean of Students & Wellbeing, Dean of Studies & Careers, or the Principal. These individuals are trained to respond compassionately and effectively to your concerns. They will be able to explain your options and give advice on how you may wish to resolve the problem informally or formally within or beyond College systems or processes.
- 4.5. The College aims to deal with incidents and issues in a confidential manner and in accordance with your wishes unless doing so breaches the College's obligation to provide a safe and supportive environment to residents and staff.
- 4.6. All Mannix staff, including Resident Advisors, must notify the Principal of any disclosures of sexual harm that they become aware of. Information provided to the Principal may be de-identified where appropriate.
- 4.7. You have the right to make disclosures to external bodies at any time, such as:
 - Police 000
 - [Sexual Assault Crisis Line](tel:1800806292): 1800 806 292 or 03 9349 1766
 - [1800 Respect](tel:1800737732): 1800 737 732
 - [Centre Against Sexual Assault \(CASA\)](tel:0396353610): 03 9635 3610
 - [South Eastern Centre Against Sexual Assault \(SECASA\)](tel:0395942289): 03 9594 2289
 - Monash University has a number of reporting options. If you are considering reporting to the University, the College will support your decision and can assist you upon request. The Monash University Safer Community Unit investigates incidences of behaviour on campus that may be concerning, unacceptable or illegal. They can also assist if you are going through a difficult situation and are unsure who to contact.

Opening hours: Mon–Fri, 9am – 5pm
Phone: 03 9905 1599
Email: saferscommunity@monash.edu
- 4.8. Mannix College takes all allegations relating to bullying, discrimination, harassment, racism, racial vilification and sexual harm very seriously, and will provide a swift and coordinated response to such allegations to limit any further risk to victims and others

associated with the College. Incidents will be treated in accordance with the Conditions of Residency and other relevant College policies.

- 4.9. The safety and support needs of all parties involved in a report will be considered and addressed as part of any incident response process.

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.

Last updated: 23 November 2023