

Anti-Discrimination Policy

Purpose

The Sydney International School of Technology and Commerce (SISTC) has a legal and moral responsibility to ensure that staff, students and visitors are not subjected to behaviours or practices that may constitute discrimination or harassment.

Scope

This Policy applies to all staff, students, members of SISTC Committees, visitors and contractors.

Key Definitions

Discrimination means to treat an individual less favourably because of an attribute they possess or to impose unreasonable terms or conditions with which individuals with a particular attribute are unable to comply. Attributes include:

- parental status;
- pregnancy;
- breastfeeding;
- religious belief or activity;
- political belief or activity;
- relationship status;
- gender;
- lawful sexual activity;
- sexual preference;
- age;
- race, nationality or ethnic origin;
- disability or impairment;
- trade union activity;
- family responsibilities;
- physical appearance (e.g. body shape and size).

Discrimination can be either *direct* or *indirect*:

- *direct* discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Direct discrimination can occur regardless of the discriminator's motive and whether or not he or she is aware of the discrimination or considers the treatment less favourable;
- *indirect* discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

Harassment means any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination.

Sexual harassment means any unsolicited, unwelcome and unreciprocated behaviour or act or conduct of a sexual nature that embarrasses, humiliates or offends other persons. It can be a single incident or a persistent pattern, and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault and including but not limited to the following examples:

- inappropriate jokes or comments with sexual connotations;
- the display of offensive material;
- comments and questions about another person's sexual conduct and/or private relationships;
- persistent unwelcome invitations or advances;
- requests for sexual favours;
- offensive written, telephone or electronic mail or other computer system communications;
- unnecessary close physical proximity including persistently following a person;
- unwelcome physical contact such as brushing against or touching a person.

Victimisation means treating someone unfairly because they have made, or intend to make, a discrimination, harassment or bullying complaint. This also includes those who have supported another person in making a complaint.

Workplace bullying means repeated and unreasonable intimidatory behaviour which is considered to be inconsistent with the requirements of the SISTC staff supervision provisions, is directed towards a worker or a group of workers, or a student or a group of students, and creates a risk to health and safety.

Principles

SISTC recognises the diversity of students and staff and other stakeholders. Discrimination, harassment, workplace bullying and other forms of practice that disadvantage staff and students are not tolerated at SISTC.

SISTC is committed to fostering the right of individuals to be free from discrimination, harassment and workplace bullying while engaged in activities undertaken as part of their study and employment. All members of the SISTC community are to be treated with courtesy and respect.

Policy Statement

SISTC will ensure that from the highest level, discriminatory practices are both discouraged and eliminated, and strategies are developed and sustained to establish an inclusive place to work and

study. SISTC will take all reasonable steps to prevent and deal with discrimination and harassment of, or by, staff, students, visitors and other members of SISTC.

SISTC will use educative approaches for the prevention of discrimination, harassment and workplace bullying, ensuring staff and students know their rights and responsibilities, and to encourage the reporting of behaviour that breaches this Policy.

SISTC will integrate anti-discriminatory practices within its management and academic activities. All students and staff will be informed of what constitutes discriminatory, harassing or bullying behaviour. SISTC will ensure that all managers and supervisors are informed of their responsibility to maintain an environment free of discrimination and harassment. The School will also include anti-discrimination, equality of opportunity and the promotion of a diverse community topics in all levels of training. This will include during induction of new staff, during supervisor and management training programs for staff, and into key student activities during orientation, enrolment and at other times of the academic year.

SISTC will actively encourage staff and students to report behaviour that breaches this Policy. SISTC will provide avenues for reporting discrimination, harassment or bullying and support any staff member or student who reports any of these; they will be dealt with confidentially with the assistance of external professionals if required.

SISTC will ensure that complaints are dealt with in a sensitive, impartial, efficient and confidential manner. Persons against whom complaints have been made will be accorded natural justice through the use of procedures that are transparent and open.

SISTC will do everything practicable to protect persons making complaints from victimisation and will ensure such persons are not penalised for reporting discrimination or harassment. Any individual who is found to have victimised a person who has made or intends to make a complaint, or to have victimised a witness or associate of the person who has made, or intends to make a complaint, will be considered to have breached this policy.

If a complaint of discrimination, harassment or bullying arises, SISTC will take timely and appropriate action through the following procedure:

- in the case of a student making an allegation, it will be managed through the *SISTC Student Complaints, Appeals and Grievances Policy*;
- in the case of a staff member making an allegation, it will be managed through the *SISTC Staff Complaints, Appeals and Grievances Policy*;
- in the case of a customer, contractor, service provider or visitor making an allegation concerning SISTC staff or students, it will be managed by the relevant senior manager, having regard to appropriate separation of responsibility provisions.

Roles and Responsibilities

All staff and students must report any form of discrimination they have experienced. Complaints and reporting on such incidents should be directed to the Director of Operations (staff) or Academic Registrar or Student Support Officer (students). These officers will assess the nature of the case and discuss the facts with the relevant parties in order to reach a resolution. Matters where resolution is proving to be difficult will be escalated to the Chief Executive Officer (CEO) or Dean (respectively) if/as required. Assistance of external professionals may be sought. As a routine requirement, the CEO and Dean will be kept informed confidentially of developments and progress with individual cases.

The Board of Directors will periodically review the nature and scope of complaints to identify opportunities for improvements and eliminate inappropriate behaviour.

Consequences for Breaches of This Policy

SISTC will treat all allegations of discrimination, harassment and bullying seriously and impartially. The consequences for breaching this policy will depend on the seriousness of the case. Outcomes may include, but are not limited to the following:

- obtaining a commitment from a person to cease, and not to repeat, the behavior;
- giving an apology to the person who made the complaint;
- mediating between the parties, if both parties agree to a mediation process and the mediator;
- offering support to the person making the complaint;
- offering support to the person against whom the complaint is made;
- disciplinary action;
- removing the parties from, or limiting the capacity, for on-going contact with each other;
- dismissal, suspension or expulsion of the person found responsible for discrimination, harassment or bullying where serious and/or repeated misconduct in this regard has been established;
- disciplinary action, up to and including dismissal, suspension or expulsion, of the person making a complaint of discrimination, harassment or bullying if the complaint is found to have been vexatious or malicious;
- disciplinary action against anyone who victimises or penalises a person who has made a complaint.

Monitoring and Review

The *SISTC Compliance, Quality Assurance and Review Strategy and Plan 2020-2024 (Attachment A)* shows how SISTC continuously monitors the application of this Policy to achieve ongoing regulatory compliance and process improvement.

Relevant Legislation and Standards

Anti-Discrimination Act 1977 (NSW)

Higher Education Standards Framework (Threshold Standards) 2021 Domains 1 and 6

Key Related Documents

SISTC Compliance, Quality Assurance and Review Strategy and Plan 2020-2024 (Attachment A)

SISTC Equity and Diversity Policy

SISTC Staff Rights and Obligations Policy.

SISTC Student Complaints, Appeals and Grievances Policy

Notes

Responsible Officer	Chief Executive Officer
Approval Authority /Authorities	Board of Directors
Date Approved	6 March 2019
Date of Commencement	
Date for Review	2023
Documents Superseded by this Policy	None
Amendment History	V1.0 updated with SISTC logo July 2020 V1.1 updated with approved changes to the senior management structure 28 April 2021 V1.2 updated with the changes to the HESF 21 1 July 2021