



HARASSMENT, VILIFICATION, AND VICTIMISATION PREVENTION POLICY

AL-AHLYIYA AMMAN UNIVERSITY

2023

Deans' council Decision No. : 1/21/2018-2019
Revision Date : 9/10/2023
Revision Version : C



Equal Opportunity And Non-Discrimination Policy



SECTION 1 - PURPOSE AND CONTEXT

(1) Al-Ahliyya Amman University is committed to providing an environment that is free from unlawful harassment, vilification, victimisation and unlawful adverse action, as required by the laws and associated regulations, standards, and codes of practice. This commitment is reflected in the University Employment Agreements' Dignity and Respect clauses.

(2) All university employees and students are responsible for the creation of a University environment that eliminates, unlawful harassment, vilification, victimisation and unlawful adverse action.

(3) The policy applies to all members of the University community: in attendance at University premises;

- a) using University equipment, be it owned or leased (e.g. communications technologies, vehicles, facilities);
- b) in attendance at a University event, function or activity;
- c) participating in any activity as a representative or student of the University (e.g. field trips inter-University events, conferences, practicum, clinical placements, etc).

(4) The policy also applies to any form of contact or communication that is relevant to University business activities, whether initiated in person, by telephone, fax, e-mail, SMS or social networking sites, through another person, agent or any other means.

(5) Matters that arise away from the University and that have no association with the University would not normally be covered by this policy except where there is a clear impact on the University's ability to fulfil its objectives in terms of this policy.



SECTION 2 - DEFINITIONS

(6) For the purpose of this policy:

- a) Adverse Action refers to action taken to discriminate against an employee or potential employee because of their race, colour, sex (including intersex), gender identity, sexual orientation, age, disability, relationship status, family or carer's responsibilities (including same sex partnered family and/or carer responsibilities), pregnancy, religion, political opinion, national extraction or social origins.
- b) Adverse Behavior refers to behavior that a reasonable person would not consider appropriate and includes, but is not limited to, bullying, discrimination, harassment, sexual harassment, vilification and victimisation (see Discrimination, Harassment, Vilification and Victimisation Prevention Guidelines and Bullying Prevention Guidelines for examples);
- c) Aggrieved person refers to a person who perceives that they have been targeted and detrimentally affected by the conduct of another.
- d) Equal Opportunity refers to people having equal access to opportunities in work and study.
- e) Unit head refers to any person who holds any of the following positions:
 - I. President
 - II. Vice-President or nominee
 - III. Dean or nominee
 - IV. Director or nominee
 - V. Manager, Security and Campus Services or nominee
 - VI. Any other position designated by the relevant Vice-President as a unit head for the purposes of this policy.
- f) Unlawful behaviour refers to unlawful discrimination, unlawful harassment, victimisation, vilification and unlawful adverse action.
- g) Unlawful discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex (including intersex), gender



identity, pregnancy, breastfeeding; relationship status; carers' or family responsibility;; age; disability; religion; sexual orientation; trade union activity; or some other characteristic determined under discrimination or human rights legislation (see Discrimination, Harassment, Vilification and Victimisation Prevention Guidelines for further explanation and examples).

- h) Unlawful harassment occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex (including intersex), gender identity, pregnancy, breastfeeding; relationship status; carers' or family responsibility; age; disability; religion; sexual orientation; trade union activity; or some other characteristic determined under discrimination or human rights legislation (see Discrimination, Harassment, Vilification and Victimisation Prevention Guidelines for further explanation and examples).
- i) Vilification refers to a public act that could incite others to hate, have serious contempt for, or severely ridicule a person or a group of people. Under NSW legislation, perceived or actual vilification because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, sexual orientation, gender identity, HIV or AIDS status is illegal.
- j) Victimisation refers to less favourable treatment of a person or persons for their participation in making, supporting or resolving a complaint of discrimination, harassment or vilification covered under the NSW Anti-Discrimination Act 1977, whether that participation was actual, intended or presumed. This includes a person or persons who have agreed to be witnesses in relation to a complaint.

SECTION 3 - POLICY STATEMENT

(7) The University is committed to providing an environment free from unlawful discrimination, unlawful harassment, vilification, victimisation, and unlawful adverse action and ensuring that employees and students are treated with integrity and respect.

(8) Unlawful discrimination, unlawful harassment, vilification, victimisation and unlawful adverse action are unacceptable at Al-Ahliyya Amman University



and such behaviour by a member of the University community will not be tolerated under any circumstances.

(9) All members of the University have the right to work and study in an environment free from unlawful discrimination, unlawful harassment, vilification, victimisation and unlawful adverse action.

(10) Everyone at the University has a responsibility not to participate in discriminatory, harassing, vilifying, or victimising behaviour.

(11) The University will take action, in accordance with the procedures outlined in this policy, against any employee, agent or student when a breach of this policy is identified or reported.

(12) Managers and supervisors have a primary role for ensuring that unlawful discrimination and unlawful harassment, victimisation, and vilification does not occur at the University.

(13) This policy only covers behaviours that are contrary to anti-discrimination laws such as unlawful discrimination, unlawful harassment, vilification, victimisation and unlawful adverse action.

(14) Adverse Behaviours not covered by law such as harassment, incivility, and some types of unprofessional conduct are against the University's policy and the Code of Conduct and are covered by the Respect and Inclusion in Learning and Working Policy.

(15) In order to prevent unlawful discrimination and unlawful harassment, victimisation, vilification and unlawful adverse action the University aims to:

- a) adopt a risk management approach to unlawful discrimination and unlawful harassment, victimisation, vilification, and unlawful adverse action which identifies hazards, assesses risk, and eliminates or controls the source of the problem;
- b) create a working and learning environment that is free from unlawful discrimination and unlawful harassment, victimisation, vilification, and



- unlawful adverse action, and one where all members of the university community are treated inclusively and with respect;
- c) promote appropriate standards of conduct at all times;
 - d) implement training and awareness raising strategies to ensure that all employees and students know their rights and responsibilities with regards to unlawful discrimination and unlawful harassment, vilification, victimisation, and unlawful adverse action;
 - e) encourage the reporting of behaviour that breaches this policy;
 - f) provide protection from any victimisation or reprisals for being involved in a complaint under this policy;
 - g) provide an effective procedure for unlawful discrimination and unlawful harassment, vilification and victimisation complaints based on the principles of natural justice;
 - h) treat all complaints in a sensitive, fair, timely, and confidential manner; and
 - i) engage in a process of regular policy and procedural review and improvement.

SECTION 4 - PROCEDURES

Part A - Procedures for Dealing with Unlawful Discrimination, Unlawful Harassment, Vilification and Victimisation

(16) Any person who experiences or witnesses unlawful behaviour at the University, may take action and make a complaint within the University according to the procedures set out below.

Preliminary Actions by Aggrieved Person

(17) The aggrieved person or witness is encouraged to:

- a) seek support and advice (see Guidelines for suggestions); and
- b) record the behaviour(s) in writing, making notes of dates, time, witnesses, and instances that describe the behaviour and where it occurred.



Informal Procedures

Direct Action

(18) If able to do so, the aggrieved person is encouraged to directly approach the person allegedly committing the unlawful behaviour, either face-to-face or in writing, and request that the unlawful behaviour be stopped immediately.

(19) If the aggrieved person is unable to approach the person allegedly committing the unlawful behaviour directly due to intimidation, the procedures below are available to deal with the matter.

Reporting of Unlawful Discrimination, Unlawful Harassment, Vilification and Victimisation

(20) The aggrieved person or witness of the alleged unlawful behaviour is strongly encouraged to promptly report the behaviour to the relevant unit head. For example, if you are an employee report the behaviour to your manager or if you are a student report it to your Dean.

(21) In cases where the person allegedly committing the unlawful behaviour is the Unit Head, the matter should be reported to the next level of management. Where the allegation is about a Dean, the matter should be reported to the Vice-Chancellor.

If the Unlawful Behaviour is Being Perpetrated by a Student

(22) All allegations of unlawful behaviour by a student should be dealt with in accordance with the Student Misconduct Rule.

If the Unlawful Behaviour is Being Perpetrated by an Employee

Informal Action by Unit Head

(23) Once the alleged unlawful behaviour has been reported, the Unit Head must take immediate action to address the complaint.



(24) If the unlawful behaviour is reported by a witness the Unit Head has a duty of care to meet with the aggrieved person to discuss the allegation.

(25) The Unit Head is to provide information to the aggrieved person on the definitions of unlawful behaviours and options available to deal with the situation, including a copy of this policy and the associated Guidelines.

(26) The Unit Head is encouraged to seek advice from the Office of People and Success and Equity, Diversity and Wellbeing to determine the seriousness of the matter and the options available to address the complaint.

(27) The Unit Head must also consider the severity of the behaviour and decide whether to proceed according to the Misconduct provisions in the relevant employment agreement.

(28) Unlawful behaviour including physical or sexual assault, violent threats and severe intimidation, are criminal matters and should be reported to the police for investigation.

(29) The role of the Unit Head is to address the concerns expressed by the aggrieved person and take action to stop the unlawful behaviour. It is not the role of the Unit Head to formally investigate the matter by gathering statements from other team members but rather gather information relevant to the resolution of the situation.

(30) There are several options available to the Unit Head to informally address the allegations of unlawful behaviour, and they include:

- a) Raise concerns about the incidence of unlawful behaviour at the next staff meeting in order to send a general message to the entire team;
- b) Informally speak to other team members about the relationships in the team, without mentioning the allegations;
- c) Meet with the person allegedly committing the unlawful behaviour to discuss concerns about their behaviour without making an allegation;
- d) With the permission of the aggrieved person, discuss the allegations with the person allegedly committing the unlawful behaviour, allowing them to respond, and making it clear that unlawful behaviour is not tolerated at the University;
- e) Recommend mediation and/or counselling to both parties for consideration;
- f) Recommend training to both parties for consideration;



g) Organise training for the whole team on unlawful discrimination, unlawful harassment, vilification and victimisation.

(31) The Unit Head should inform the aggrieved person of any action taken to address the allegations of unlawful behaviour.

(32) The Unit Head must explain to both parties that they both have rights and protection from defamation and vexatious complaints.

(33) If the unlawful behaviour has not stopped two weeks after it was reported, the Unit Head should report it to their HR Business Partner and the Complaints Resolution Unit.

(34) The HR Business Partner will record the unlawful behaviour and support the Unit Head to resolve the matter within their work or study unit, making recommendations as to possible actions to resolve the situation, including possible action under the misconduct provisions of the relevant employment agreement.

(35) After two weeks, the Office of People and Success will follow up with the Unit Head on the progress of the matter.

Formal Procedures

(36) If the matter is not resolved two weeks after notification to the HR Business Partner, the Office of People and Success will advise the aggrieved person to make a formal complaint under the Complaint Management Policy procedures for a serious matter which includes formal investigation.

(37) A school or operational unit where an incident of unlawful behaviour has been identified and unresolved through informal procedures will be required to participate in a training/development opportunity on the prevention of unlawful behaviours.

(38) An aggrieved person who alleges that they have experienced unlawful behaviour at the University, has the right to make an external complaint to the following organisations:

