

# Harassment, discrimination and bullying

You have the right to study and work in an environment that is free from harassment, discrimination and bullying. In Australia, there are both federal and state laws that apply to these areas, but in slightly different ways, so if you feel like you're being harassed, discriminated against or bullied at the University, it's best to seek advice from our [legal or casework services](#).

## What is harassment?

Harassment is behaviour towards another person (or a group of people) that could reasonably be expected to make them feel **offended, intimidated, insulted or humiliated**. It can be sexual harassment or it can be targeted behaviour based on a person's: race, sex, sexual orientation, gender identity, intersex status, pregnancy, marital or relationship status, disability, age, carer responsibilities, social origin, political belief or lack of political belief, religious belief or lack of religious belief.

## Sexual harassment

Sexual harassment is unwelcome sexual behaviour or unwelcome conduct of a sexual nature. It can be physical, verbal, or written and can occur in a single or a series of incidents. 'Conduct of a sexual nature' includes: subjecting a person to any act of physical intimacy; making statements of a sexual nature to a person or about a person in their presence; or making any gesture, action or comment of a sexual nature in a person's presence. The intent of the person who engages in the sexual harassment does not matter.

## What is unlawful discrimination?

Unlawful discrimination can be direct or indirect. Unlawful direct discrimination occurs when a person is **treated less favourably than others in a similar situation** because they possess a certain attribute. The attribute may

be a person's race (including the colour of their skin, nationality, descent, and ethnic, ethno-religious or national origin), gender (including pregnancy and breastfeeding), sexual orientation, gender identity, intersex status, marital or relationship status, disability, age, carer responsibilities, social origin, political belief or lack of political belief, religious belief or lack of religious belief.

Unlawful indirect discrimination occurs when there is an unreasonable rule or policy that is the same for everyone but has an unfair effect on people who share 1 of the particular attributes protected by law. For example, including a height requirement, as this could indirectly discriminate against women whose average height is lower than men's.

## Harassment and discrimination

In summary, in Australia **it is unlawful to offend, insult, humiliate or intimidate someone or treat them less favourably than others because of protected attributes such as race or gender**. Even in such a diverse and progressive community as the University of Sydney, everyday subtle forms of racism and sexism take place and can reinforce destructive stereotypes, institutional inequality and even violence. Experiencing racial and gendered harassment and discrimination is extremely hurtful, and at times can be difficult to name and talk about.

## What is bullying and what can I do about it?

Bullying is **repeated, unreasonable behaviour** that is directed towards a person or a group of people, that **may create a risk to their health and safety**. Bullying includes repeated physical or verbal abuse, yelling, screaming or offensive language, exclusion from a community, spreading of personal or false information, psychological harassment, unjustified criticisms and interfering with personal property or equipment. It can also include undermining work performance by deliberately withholding information vital for effective work performance. Although the law emphasises a requirement for the behaviour to be 'repeated' to meet the definition, a single instance of bullying that is sufficiently severe can also be considered bullying.

# Cyberbullying

Cyberbullying involves **harmful, discriminatory and intimidating behaviour through digital platforms**. Cyberbullying could include:

- sending unwanted messages repeatedly
- sending abusive texts and emails (including spreading false or personal information about someone)
- posting hurtful images and videos online
- creating fake profiles
- any other form of digital communication that is intended to cause hurt or make someone fear for their safety.

Australia has laws that apply to serious online harassment and bullying.

[Read more on cyberlaw.](#)

## What are the University's responsibilities?

The University has a **legal obligation to provide an environment free of harassment, discrimination and bullying**, and a responsibility to provide effective procedures for reporting and resolving complaints.

## What can you do?

If you think you or someone you know is being bullied, harassed or discriminated against at the University, whether by a student or a staff member, you can [lodge a complaint](#) with the Student Affairs Unit.

If you require assistance or advice in lodging a complaint or want to discuss the matter, please [contact us](#).

If you've experienced sexual assault, [find out more about your options for making a complaint and seeking support](#).

## Policies

These relevant University policies are available at the University [Policy Register](#):

- [Bullying, Harassment and Discrimination Prevention Policy 2015](#)
- [Bullying, Harassment and Discrimination Resolution Procedures 2015](#)
- [Code of Conduct – Staff and Affiliates](#)
- [Resolution of Complaints Policy 2015](#)
- [Student Charter 2020](#)
- [Student Complaints Procedures 2015](#)
- [Student Sexual Misconduct Policy 2018](#)
- [Student Sexual Misconduct Response Procedures 2018](#)

## Complaint options outside the University

You can make a complaint about unlawful harassment or discrimination to either the [Anti-Discrimination Board of NSW](#) or the [Australian Human Rights Commission](#). As your complaint can't be heard by both bodies, you should obtain advice from [our Legal Service](#) on the best option for you based on the nature of your complaint. You normally have to lodge your complaint within 12 months of the incident.

## Further assistance

If you need further advice or assistance with a harassment, discrimination or bullying matter, or you are the subject of a complaint [contact us](#) to receive assistance from our legal or casework services.

If you'd like to speak with a counsellor about an incident of harassment, discrimination, or bullying contact the University [Counselling and Psychological Services](#) (CAPS) for free and confidential assistance: phone **02 8627 8433** to make an appointment. Or contact the [Mental Wellbeing Support Line](#), available 24/7 and managed by CAPS: phone **1300 474 065** (within Australia) or text **0488 884 429** for sms chat.

Find [more on-campus student support services](#).

## Disclaimer

This information is current as at January 2021 and is intended as a guide to the law as it applies to people who live in or are affected by the law as it applies in NSW. It does not constitute legal advice.