

STUDENT WELLBEING AND SAFETY POLICY

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Name of Policy:	Student Wellbeing and Safety Policy (Issue One)
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Contact Person:	University Registrar
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Related policies:	Student Charter Student Code of Conduct (Schedule B of Discipline Regulations) Safety.Respect.Care.Consent Student Support Strategy Discipline Regulations Sexual Exploitation, Abuse, Assault and Harassment Policy (COR 4.07) Privacy Policy (COR 1.01) Social Media Policy (COR 4.03) Disability Policy (COR 1.07)

1. OVERVIEW

In keeping with the spirit and provisions of Commonwealth and State legislation, Bond University (BU) and the Bond University Student Association (BUSA) are jointly committed to a healthy culture of respect and responsibility that provides for a safe and supportive campus by promoting and safeguarding equality and inclusion for all students.

2. THE POLICY

These principles reflect the University's commitment to a safe and supportive campus:

- 2.1. The University will ensure that our values of respect, equality, diversity and inclusion are embedded within all aspects of our University life, including our academic and extracurricular pursuits, and our events, activities and messages, both within the University and externally.
- 2.2. The University will not tolerate [Sexual Misconduct](#), [Bullying and Harassment](#), [Discrimination](#), [Vilification](#), or violence, or any behaviour that puts the wellbeing or safety of our community at risk.
- 2.3. The University will not tolerate [Victimisation](#). Adverse action taken against a [Discloser](#) may be unlawful under the *Fair Work Act 2009 (Cth)* and the *Whistleblowers' Protection Act (QLD)*. The University will not tolerate Victimisation of a Discloser, [Respondent](#) or person legitimately associated with the resolution of a [Disclosure](#).
- 2.4. The University has in place a number of strategies to assist and promote the wellbeing of our diverse community, including:
 - The [Bond University Ally Network](#) for the LGBTIQ community
 - The [Safety.Respect.Care.Consent Student Support Strategy](#) ensure the safety of students and staff when confronted by [Sexual Harassment](#), [Sexual Assault](#), [Discrimination](#) or threatening behaviour
 - The [Accessibility & Inclusion Action Plan for Students 2019-2022](#) for students with physical and mental health disabilities.
 - [Gender Equality Statement of Commitment & Strategy](#)
- 2.5. The University will coordinate and align the advisory and support services available to students, including counselling, medical services, interpreter services, emergency accommodation for students experiencing [Domestic Violence](#), and [Security Services](#), whilst remaining respectful of students' rights to privacy and confidentiality.

- 2.6. The safety, welfare and [Support](#) of the Bond Community is paramount. BU recognises that any [Serious Misconduct](#) is likely to have an adverse impact on members of the Bond Community and is committed to appropriately supporting those affected including the coordination of [Reasonable Measures](#).
- 2.7. Members of the Bond Community, particularly supervisors, managers, and residential care staff are informed of the advisory and support systems available and are expected to respond in a respectful, supportive and sensitive manner when they are made aware of information regarding Serious Misconduct.
- 2.8. The University acknowledges that Serious Misconduct may include criminal behaviours and may be unlawful. The University does not have jurisdiction over criminal acts but can take action in respect of breaches of its rules, policies and procedures. The University will work with the Queensland Police Services and other external agencies to ensure that individuals who are reporting incidents are treated with sensitivity and professionalism.
- 2.9. Procedures supporting this Policy aim to adopt a respectful, supportive and sensitive approach and afford [Procedural Fairness](#).
- 2.10. The University Student Wellbeing & Safety Advisory Committee aims to monitor the de-identified information collected and respond to identified problems with action.

3. DEFINITIONS

Attribute The *Anti-Discrimination Act, Queensland (1991)* and the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* prohibit discrimination on the basis of the following attributes:

- sex
- relationship status
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- sexual orientation
- intersex status
- association with, or relation to, a person identified on the basis of any of the above attributes.

Bond Community Means current students (enrolled and visiting), alumni, staff, other workers, volunteers, official visitors, recognised individuals, honorary position holders, adjunct academic and support position holders, suppliers of academic placements or official suppliers of academic-related activity, and anyone else contractually bound to comply with this Policy.

Bond University Ally Network The [Bond University Ally Network](#) provides support to LGBTIQ staff and students. Members of the Ally network act as a point of contact for staff and students to discuss LGBTIQ issues and concerns.

Bullying/ Harassment Behaviour towards an individual or group of individuals that may or may not be based on the [attributes](#) referred to in the *Queensland Anti-Discrimination Act (1991)*. Bullying and/or harassment is defined as the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace 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.

Bullying/harassment may occur between people of any gender. It can also occur between supervisor and staff, co-workers, students and between students and staff.

Bullying/harassment may be subtle or overt and includes, but is not limited to, the

following forms of behaviour:

- Abusive and offensive language or shouting,
- Constant unreasonable criticism about work or academic performance, often about petty or insignificant matters,
- Deliberate exclusion, isolation or alienation of a staff member or student,
- Allocation of humiliating or demeaning tasks, or sabotaging a person's work,
- Setting of impossible deadlines with unrealistic expectations of work,
- Spreading gossip or false and malicious rumours with an intent to cause harm to a person,
- Sarcasm or ridicule,
- Threatening gestures or actual violence,
- Inappropriate comments about personal appearance,
- Electronic harassment such as through email or social media,
- Hazing or bastardisation (such as harmful or humiliating initiation rituals).

Except in the case of [Sexual Harassment](#), a single incident of bullying or harassing type behaviour does not, of itself, constitute workplace bullying or harassment. Nevertheless, such behaviour is unacceptable at Bond University.

A reasonable and lawful direction of a supervisor undertaken in a reasonable way will not constitute bullying/harassment for the purpose of this Policy.

Appropriate provisions of guidance, conducting performance counselling, invoking diminished performance procedures, unsatisfactory performance procedures or misconduct procedures does not constitute harassment. Managers and lecturers are expected to offer constructive and legitimate advice and comment as a legitimate aspect of their role.

Consent

Consent can only be freely and voluntarily given by a person with the cognitive capacity to do so.

“Consent” is the voluntary agreement to the act or acts in question and to continue to engage in the act or acts. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct.

- Consent can be withdrawn at any time during the act or acts in question.
- Consenting to a sexual activity with an individual or individuals does not mean that consent is given for another sexual activity with an individual or individuals, and consent only applies to each specific instance of sexual activity.
- Circumstances in which a person does not consent to an act or acts include:
 - a) the person is asleep or unconscious;
 - b) the person is incapable of consenting, such as where they are affected by alcohol or another drug;
 - c) the person submits to the act because of: force or the fear of force; threats or intimidation; fear of harm; exercise of authority; or false or fraudulent representations about the nature or purpose of the act; or
 - d) the person submits to the act because of false or fraudulent representation of identity.
- Consent cannot be given by a person under the age of 16 years.

Discloser

A person who makes a Disclosure or a [Formal Report](#) on their own behalf. It also includes a person on whose behalf a Disclosure or Formal Report is made by a [Third-Party Reporter](#).

Disclosure

The sharing of information regarding Serious Misconduct either verbally or through the “Report an incident” button on the Bond [University Safety and Security](#) website.

Discrimination

Discrimination on the basis of an [Attribute](#) happens if a person treats, or proposes to treat, a person with an Attribute less favourably than another person without the Attribute is or would be treated in circumstances that are the same or not materially different.

Domestic Violence

Domestic violence can be any behaviour used to exert power and control over a person through fear. Types of domestic violence behaviours include: financial abuse, stalking, verbal abuse, sexual abuse, spiritual/cultural abuse, damage to personal property, digital abuse, social abuse and psychological/emotional abuse.

Domestic and family violence takes place in the context of an intimate partner relationship; against a previous intimate partner, within a family relationship, or in an informal care relationship. It is not exclusive to heterosexual relationships.

Domestic violence can occur with same-sex couples and other intimate relationships that exist in the [LGBTIQ+ community](#).

First Responders	A group of individuals who are trained to assist students and staff to access Support and Reasonable Measures and make Disclosures or Formal Reports of Serious Misconduct. First Responders include student-facing staff, residential care staff and Security Officers.
Formal Report	Providing a formal statement regarding Serious Misconduct. A formal statement regarding Serious Misconduct given to the police or another external agency is a Formal Report, provided that the University is also made aware of its existence and it is referred by the Discloser or Third-Party Reporter to the First Responders or the Serious Misconduct Report Group (SMRG).
Misconduct	Is any breach by a student of Schedule B or Schedule C of the Discipline Regulations.
Procedural Fairness	Respondents are entitled to Procedural Fairness including: (a) a fair opportunity to participate in the investigation and to understand and respond to adverse material which emerges in the investigation; (b) if the investigation reaches adverse findings against the respondent, a fair opportunity to respond to those allegations before a final decision is made in relation to disciplinary action.
Reasonable Measures	Arrangements or adjustments (as detailed on the <i>Interim Measures, Investigation, and Resolution</i> tab on the Response to Sexual Misconduct website) that may be implemented on a case-by-case basis where a Disclosure or Formal Report has been made.
Respondent	A person about whom a Disclosure of Serious Misconduct is made as part of a Formal Report.
Serious Misconduct	Unacceptable behaviour that causes serious and imminent risk to the health or safety of a person including Sexual Misconduct, Bullying, Harassment, Discrimination, and violence.
SMRG	The Serious Misconduct Report Group is a group of senior staff who are responsible for coordinating the University's responses to Disclosures or Formal Reports of Serious Misconduct within the Bond Community.
Sexual Offence	Any criminal offence of a sexual nature under the criminal law, including the <i>Criminal Code 1899</i> (Qld) and the <i>Summary Offences Act 2005</i> (Qld).
Sexual Assault	Sexual assault includes a range of behaviours, all of which are unacceptable and constitute a crime. Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their Consent , including when they have withdrawn their Consent.
Sexual Harassment	The 14 behaviours considered to be sexual harassment by the Australian Human Rights Commission are: <ul style="list-style-type: none">▪ Unwelcome touching, hugging, cornering or kissing;▪ Inappropriate staring or leering that made you feel intimidated;▪ Sexual gestures, indecent exposure or inappropriate display of the body;▪ Sexually suggestive comments or jokes that made you feel offended;▪ Sexually explicit pictures, posters or gifts that made you feel offended;▪ Repeated or inappropriate invitations to go out on dates;▪ Intrusive questions about your private life or physical appearance that made you feel offended;▪ Inappropriate physical contact;▪ Requests or pressure for sex, or other sexual acts;▪ Other unwelcome conduct of a sexual nature (excluding online);▪ Sexually explicit emails or SMS messages;▪ Repeated or inappropriate advances on email, social networking websites or internet chat rooms;

- Inappropriate commentary, images or film of you distributed on some form of social media without your consent;
- Other unwelcome conduct of a sexual nature that occurred online.

Sexual harassment is unlawful when it falls within the relevant statutory definition under the *Anti-Discrimination Act 1991* (Qld) and/or the *Sex Discrimination Act 1984* (Cth).

Sexual harassment may also in certain circumstances be a criminal offence.

Sexual Misconduct

A broad term encompassing any unwelcome behaviour of a sexual nature without [Consent](#). It includes behaviour that could amount to a [Sexual Offence](#), [Sexual Assault](#), [Sexual Harassment](#). Sexual Misconduct also includes alleged Sexual Misconduct.

‘Sexual Misconduct’ as defined in this Policy may amount to ‘misconduct’ or ‘serious misconduct’ for the purposes of the *Discipline Regulations* or the Bond University *Code of Conduct Policy*.

Support

All reasonable steps to support all parties affected by Serious Misconduct, which will normally be coordinated by the SMRG.

Third-Party Reporter

A person who makes a Disclosure or Formal Report on behalf of or in relation to another person.

Victimisation

Happens if when a person does an act, or threatens to do an act against a person because:

- they have made a Disclosure (Discloser), or are associated with a person who has made a Disclosure, under this Policy, or
- they have had a Disclosure made against them (Respondent) or are associated with a person who has had a Disclosure made against them, under this Policy.

Vilification

Vilification on the grounds of race, religion, sexuality or gender identity is unlawful. Vilification is a public act which incites hatred towards, serious contempt for, or severe ridicule of a person or a group on any ground covered by Equal Opportunity legislation.

4. RELATED PROCEDURES AND GUIDELINES

[Prevention of Discrimination, Bullying & Harassment Procedures](#)

[Accessibility & Inclusion Action Plan for Students 2019-2022](#)

[A Guide to Reasonable Adjustments for Students with Disability – Staff Use Only](#)

[Supporting Students with Disabilities and Medical Conditions: Guide for Staff](#)

[Appeals Against Decisions](#)

Student Wellbeing & Safety Advisory Committee [Terms of Reference](#)

[Student Housing Handbook](#)

PREVENTION OF DISCRIMINATION, BULLYING & HARASSMENT PROCEDURES

Bond University has a legal and moral responsibility to ensure that students are not subjected to behaviours or practices that may constitute [Discrimination](#), [Bullying or Harassment](#).

This Procedure confirms the University's commitment to eliminating behaviour that does not conform with the University's acceptable behaviour standards and aims to promote the principles of responsible and respectful behaviour to ensure a productive learning, teaching and research environment, and their life as a student.

1. DEFINITIONS

Words or phrases used in these procedures are defined in the *Student Wellbeing and Safety Policy*.

2. PRINCIPLES

The University is committed to fostering the right of individuals to be free from bullying, discrimination and harassment while engaged in activities undertaken as part of their study and as their life as a student.

The University will not tolerate discrimination, bullying, or harassment under any circumstances and the University will take all reasonable steps to eliminate such behaviours or actions towards students in reference to the *Student Charter*, or by students in accordance with the *Discipline Regulations*.

The *Work Health and Safety Act 2011 (Qld)* imposes an obligation on all students (as visitors to a workplace) to take reasonable care of their own health and safety, and to take reasonable care that their acts or omissions do not adversely affect the health and safety of others.

Discrimination, bullying, and harassment may adversely affect the health and wellbeing of students and may adversely affect a person's access to and/or their participation in educational opportunities provided by the University.

The University will use educative approaches for the prevention of discrimination, bullying, and harassment, ensuring students know their rights and responsibilities, and to encourage the reporting of behaviour that breaches this policy. The University will actively seek to adopt and promote inclusive and non-discriminatory language in all academic programs and in all communications to students, staff and the community.

Students who believe they are being discriminated against, bullied, or harassed may address their concerns through the [Report an Incident](#) button or via the informal and formal steps outlined on the [Appeals & Complaints Resolution](#) web page. Normally decision makers should seek to resolve grievances of this nature through conciliation/mediation between the parties involved. However, there may be circumstances where this initial step is not appropriate.

If the discrimination, bullying, or harassment persists without resolution through conciliation/mediation or more formal grievance processes, the respondent's behaviour may constitute misconduct. The University will take timely and appropriate action through the following procedures:

- in the case of a student making an allegation against a member of staff – the Staff Code of Conduct Policy.
- in the case of a student making an allegation against another student – the *Discipline Regulations*.

As set out in the *Student Wellbeing and Safety Policy*, the principles of [Procedural Fairness](#) apply. This means that before a decision is taken, the Respondent to a Formal Report (i.e. the person accused of potential misconduct) has the right to:

- be informed about the nature and content of the issue;
- be heard;
- have an unbiased decision maker.

Grievance resolution is carried out in good faith. A grievance found to be vexatious may be dismissed by the University and may constitute misconduct under the *Discipline Regulations*.

If discriminatory behaviour, bullying, or harassment involves physical assault or the threat of physical assault, it should be reported to Security or Police, and support is available through the Serious Misconduct Report Group ([SMRG](#)).

The University will not tolerate [Sexual Misconduct](#) and will take all reasonable steps to prevent behaviour that does not conform with the University's acceptable behaviour standards. In the event that an incident occurs, the University will provide support to students, who should refer to the *Sexual Assault and Sexual Harassment Policy*.