Deakin University is strongly committed to the principles of equity and fairness in education and employment. Deakin will not tolerate unlawful discrimination, sexual harassment or victimisation.

**As a student or a staff member:**

**You have a right to:**
- work and study in an environment free from discrimination and sexual harassment
- be respected and valued at Deakin regardless of your personal characteristics or background
- have opportunities to reach your full potential and participate in all aspects of university life.

**You have a responsibility to:**
- treat your fellow students and colleagues with dignity and respect
- avoid any behaviour that may be unlawful or discriminatory
- avoid any behaviour that may offend, humiliate or cause injury to others
- ensure that everyone can participate fully in all aspects of university life.

**What is discrimination?**

Direct discrimination occurs when a person treats, or proposes to treat, someone with a protected personal characteristic unfavourably because of that personal characteristic.

Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed that disadvantages a person or group because of a personal characteristic.

Discrimination is unlawful under the *Equal Opportunity Act (Vic)* 2010. Individuals who engage in behaviour that constitutes discrimination not only put the University at risk of liability, but also expose themselves to possible legal action.

It is unlawful to discriminate against someone on the basis of personal characteristics such as:
- age
- employment activity
- family responsibilities
- disability
- gender identity
- physical features
- industrial activity
- marital status
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sex
- sexual orientation.
Case study: Discrimination based on carer and family responsibilities

Bruce enrolled in a class that was scheduled to start at 9:00 am, but after the first week the start time was changed to 8:30 am. He was responsible for caring for his mother and couldn’t leave home until her personal care attendant arrived.

Bruce explained to his tutor that this responsibility meant he would usually be 10 to 15 minutes late for class. The tutor said that Bruce arriving late every week would disrupt the class and set a bad example to others. She also said Bruce would receive a low grade for class participation if he continued to arrive late.

Bruce felt this to be unfair and he spoke to the Unit Chair. The Unit Chair discussed his case with the tutor who agreed to consider some alternative options so that Bruce could complete the unit.

Sexual harassment

Sexual harassment is defined as:

- an unwelcome sexual advance
- an unwelcome request for sexual favours
- any other unwelcome conduct of a sexual nature.

Sexual harassment may be a single incident or a series of incidents. Intention is irrelevant to the definition.

A relationship based on mutual attraction or friendship does not constitute sexual harassment. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

Behaviour that constitutes sexual harassment will not be tolerated under any circumstances.

Sexual harassment incidents include:

- sexual propositions
- improper remarks of a sexual nature
- suggestive comments about a person's appearance or body
- sexually explicit conversations
- leering
- pinching, stroking, touching in a sexual way, or brushing against a person
- persistent unwelcome social invitations
- displaying sexually suggestive pictures
- sending sexually explicit messages
- distributing sexually offensive messages or material.

Case study: Sexual harassment

Anne goes out with Peter for a while and then ends the relationship, telling Peter that she doesn’t want to see him anymore. Peter finds this difficult to accept, and continues to send Anne text messages. When she doesn’t respond he becomes more insistent, sending sexually-explicit and suggestive texts to her. Some of his friends also start to text her, asking her to go out with them.

Anne feels harassed by this constant messaging but assumes that there is nothing she can do. One of her friends suggests that she talk to a Harassment and Discrimination Contact Officer. When she does this she is surprised to find that Peter’s behaviour constitutes sexual harassment and there are a number of options that she can take to stop the unwelcome behaviour.

Victimisation

It is against the law to victimise someone because they have made, or intends to make, an allegation or formal complaint of discrimination or sexual harassment. People who believe they have been discriminated against, sexually harassed or victimised should contact Equity and Diversity as a first step.

What to do if you think you are experiencing sexual harassment or discrimination

Sometimes someone’s harassing behaviour may be unintentional, but the effect on the person being harassed can be quite profound. The University encourages students and staff to report any incidents of harassment or discrimination. If you think you have been harassed or discriminated against or have witnessed these behaviours, talk to a Harassment and Discrimination Contact Officer (HDCO). HDCOs are trained to provide support and information.

More information: Contact Equity and Diversity deakin.edu.au/equity
To lodge a complaint: For staff members: deakin.edu.au/about-deakin/administrative-divisions/equity-diversity/fair-community/complaints
For students: deakin.edu.au/students/student-complaints