



Fact Sheet #2 for Students

# Discrimination and sexual harassment

## Sexual harassment

Sexual harassment is an unwelcome sexual advance, an unwelcome request for sexual favours or any other unwelcome conduct of a sexual nature. The intention is irrelevant to the definition. Sexual harassment may be a single incident or a series of incidents.

### ***This Fact Sheet covers:***

- Sexual harassment
- Sex discrimination
- Pregnancy and breastfeeding
- Carer or parental status

Examples of sexual harassment include:

- ✎ sexual propositions or persistent requests for dates
- ✎ unwelcome or improper remarks or insinuations about a person's sex life or private life
- ✎ suggestive comments about a person's appearance or body
- ✎ sexually explicit conversations
- ✎ persistent unwelcome social invitations or telephone calls from a student or staff member at university or home
- ✎ display or distribution of offensive messages or material either on hard copy or electronically
- ✎ displaying sexually suggestive pictures or pornography, screen savers and internet sites
- ✎ sexually explicit emails or SMS messages
- ✎ pinching, stroking, touching in a sexual way, or brushing against a person.

Relationships based on mutual attraction or friendship do 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.

### ***Example***

Breanna goes out with Troy for a while but ends the relationship, telling Troy that she doesn't want to see him anymore. Troy finds this difficult to accept, and continues to send text messages to Breanna. As she ignores his messages 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.

Breanna feels harassed by this constant messaging but assumes that there is nothing she can do. One of her friends suggests that she talks to a Harassment and Discrimination Contact Officer. When she does this she is surprised to find that Troy's behavior constitutes sexual harassment and there are a number of options that she can take.

### **What can you do?**

Sometimes someone's harassing behaviour may be unintentional, but the effect on the person being harassed can be quite profound. If you notice anyone being sexually harassed, speak up or report it to a supervisor or Contact Officer. Make sure that you are not participating in any harassing behaviour. If you witness behaviours that constitute sexual harassment you should report it to a supervisor or the Equity and Diversity Unit.

## Discrimination

Discrimination occurs if a person treats or proposes to treat a person with one of the attributes covered by the legislation unfavourably because of that attribute or personal characteristic.

It is unlawful to discriminate against people on the basis of age, breastfeeding, carer status, employment activity, family responsibilities, disability, gender identity, industrial activity, marital status, parental status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex and sexual orientation.

## Sex discrimination

Sex discrimination is being treated unfairly because of your gender.

### **Example**

Karli is the only female student in a research group undertaking field work that involves heavy physical work and accessing some remote sites across rugged terrain. She is surprised when the leader of the group, Matt, suggests that it may not be appropriate for her to undertake the field work as he feels that she may not be physically able to carry out some of the tasks.

Karli points out that this is discrimination on the basis of sex, and suggests that Matt call a meeting of the group to discuss allocation of tasks. At the meeting, tasks are allocated according to all the group member's abilities and everyone feels confident that they, and their fellow team members, can carry these out safely and to a high standard. Matt is surprised to learn that other members of his team identified that they would have difficulties in carrying out some of the tasks. He realises that his perception of Karli's abilities based her on her sex were unfounded.

### **What can you do?**

Be aware of not discriminating against other students on the basis of their sex, and make sure that you don't make assumptions about someone's capabilities or their beliefs based on their sex.

## Pregnancy and breastfeeding

It is against the law to discriminate against a woman who is pregnant or might become pregnant or who is breastfeeding a child or expressing milk.

### **Example**

Lisa has returned to study while breastfeeding her child. When she breastfeeds in a public area she is asked by a staff member if she would mind using the parenting room as other students are finding it distracting. This is unlawful discrimination on the basis of breastfeeding. Lisa points out that she doesn't want to move and that she is legally entitled to feed her child in a public area. The staff member acknowledges this and apologises to Lisa.

### **What can you do?**

Be aware that women have the right to breastfeed in public and that a woman who is pregnant or breastfeeding may have special needs associated with this. If you are a student who is pregnant or breastfeeding, make sure that your needs are met by discussing these with your lecturer, tutor or another member of staff. Don't assume that others will know what you require, you may need to let people know.

There are parent rooms on all campuses. See [www.deakin.edu.au/current-students/services/parent-rooms/index.php](http://www.deakin.edu.au/current-students/services/parent-rooms/index.php) for more information.

## Carer or parental status

A carer is a person on whom another person is totally or substantially dependent for ongoing care and attention. This does not include paid care. Carers provide care and support to family members and friends with a disability, mental illness or disorder, chronic condition, terminal illness or who are frail. Care giving may occur occasionally, continuously, in the short-term or over the long-term.

Parent refers to biological parent, step-parent, adoptive parent, foster parent or guardian.

### **Example**

Bruce enrolled in a class that was scheduled to start at 9:00 am, but after the first week the start time is changed to 8:30 am. He is unable to start at this time as he is responsible for caring for his mother and can't leave home until her personal care attendant arrives. He will usually be 10 to 15 minutes late for class, and explains his position to his tutor. The tutor feels that it will disrupt the class and set a bad example to others if Bruce arrives late every week and says that she will give him a low grade for class participation if he arrives late.

Bruce feels this is unfair and he speaks to the Unit Chair. The Unit Chair discusses his case with the tutor who agrees to consider some alternative options so that Bruce can complete the unit.



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### ***What can you do?***

As a student with parental or carer responsibilities, discuss these with your lecturer or tutor to determine what accommodations need to be made, if any. You may need to work out alternative ways to make up time or to meet the requirements of your unit of study.

### **Getting Help**

The University encourages all students to report any incidents of discrimination. If you think you have been discriminated against or have witnessed discrimination talk to a Harassment and Discrimination Contact Officer. See <http://www.deakin.edu.au/current-students/services/complaints/index.php>

The University has trained Contact Officers who can provide advice, support and information for people with discrimination complaints.

It is against the law to victimise someone because they have made an allegation or formal complaint of discrimination or sexual harassment. People who believe they have been discriminated against, sexually harassed or victimised can contact the Victorian Equal Opportunity and Human Rights Commission.

These, and further examples of discrimination are listed on the Equity and Diversity Unit's website.