

# Workplace Behaviour Policy

## Section 1 - Purpose

(1) The purpose of this policy is to:

- a. make clear RMIT's position that discrimination, sexual harassment, bullying and victimisation are unacceptable, may be unlawful and will not be tolerated under any circumstances;
- b. explain staff obligations in relation to professional and respectful behaviour when interacting with others in the workplace;
- c. support the maintenance of academic freedom as a principle value of the University, through the description of expectations consistent with the collegial and community nature of a university.

## Section 2 - Overview

(2) RMIT University is a public institution under Victorian law and stands on Aboriginal Country of the Kulin Nation.

(3) RMIT sets standards of behaviour based on the law, as well as RMIT's organisational values. Everyone is expected to behave in a way that is consistent with the expectations set out in this policy.

(4) Behaviour that is inconsistent with these expectations is unacceptable and may also be unlawful. Staff should be aware that behaviour may breach this policy even if there is no intention to do so. The key concern is how affected parties experience unacceptable or unlawful behaviour in the workplace.

## Section 3 - Scope

(5) This policy applies to RMIT University Council members and all staff - including employees, researchers, contractors and volunteers of the RMIT Group, both in Australia and overseas (subject to the relevant legislation) - where there is a connection with the workplace.

(6) The principles of this policy apply to RMIT Vietnam as an entity of the RMIT Group. Otherwise this policy does not apply to RMIT Vietnam employees, who must follow the relevant RMIT Vietnam Workplace Behaviour Policy.

(7) Maintenance of academic freedom is a principle value of the University, as supported by the [Intellectual Freedom Policy](#). The provisions in this Workplace Behaviour Policy do not seek in any way to limit academic freedom. In conduct between members of the University, this policy establishes expectations consistent with the collegial and community nature of a University which is itself the foundation of academic freedom.

## Section 4 - Policy

### Principles

(8) RMIT is committed to creating a culture where all people can participate in a workplace free from harassment

(including sexual harassment), discrimination, bullying, and victimisation. Behaviour of this kind is unacceptable and may be unlawful.

(9) RMIT values and commits to encouraging positive values-based behaviour. RMIT will not tolerate unacceptable or unlawful behaviour by staff, or directed at staff, or behaviour that undermines the right of all people to feel safe, respected and valued.

(10) Standards and expectations of professional and respectful workplace behaviour will apply to all interactions between staff, students and third parties where there is a connection with the workplace.

(11) RMIT will recognise the existence of a connection with the workplace where the behaviour has some link to the workplace. This includes:

- a. when staff are in the workplace physically or operating in the online work environment
- b. when staff are performing work even though not physically in the workplace (such as at home or at a conference or in a hotel whilst travelling for work)
- c. when staff are attending functions or events related to work (even if they are purely social and informal, like after work drinks)
- d. outside of work behaviour if the behaviour can negatively impact on RMIT or its reputation (such as involvement with criminal activity)
- e. where the conduct creates issues within the workplace (for example stalking an employee or student outside of work).

(12) Conduct permitted under the [Intellectual Freedom Policy](#) does not constitute a breach of this policy.

## **Standards and Expectations**

(13) Staff must not discriminate against anyone in the workplace because that person has, may have or had one or more of the following protected attributes:

- a. identity as an Aboriginal and/or Torres Strait Islander person
- b. age
- c. physical features
- d. race (including colour, nationality, ethnicity, ethnic or social origin);
- e. gender identity or expression
- f. pregnancy or potential pregnancy
- g. breastfeeding
- h. disability or impairment
- i. employment activity
- j. industrial activity
- k. sex or intersex status
- l. political belief or activity
- m. marital and relationship status
- n. parental status, status as a carer or family responsibilities
- o. sexual orientation
- p. lawful sexual activity
- q. religious belief or activity
- r. personal association (as a relative or otherwise) with a person who is identified by reference to any of the above attributes

s. any other protected attribute defined by law.

(14) Staff must not sexually harass anyone in connection with the workplace.

(15) Staff must not bully anyone they have contact with in connection with the workplace. Reasonable performance management, and the setting and management of reasonable performance goals, does not constitute bullying.

(16) Staff must not victimise anyone they have contact with in connection with their employment or engagement with RMIT.

(17) There are other types of workplace behaviour which do not meet the definitions of discrimination, sexual harassment, bullying, or victimisation but still amount to unprofessional or disrespectful conduct are inappropriate and unacceptable. This includes:

- a. unreasonable behaviour that creates a risk to health and safety or causes another person to feel unsafe
- b. behaviour that takes improper advantage of a power imbalance or relationship which exists between individuals
- c. behaviour that involves deceit, fraud, theft or malicious damage to RMIT property.

## **Disciplinary Action**

(18) RMIT will usually address concerns and allegations involving discrimination, sexual harassment, bullying, victimisation and other forms of unacceptable workplace behaviour by applying any relevant enterprise agreement procedure and/or procedures under this policy.

(19) Behaviour found to be in breach of this policy will be treated as misconduct or serious misconduct.

(20) A breach of this policy may result in disciplinary action, up to and including summary termination of employment. Unlawful behaviour may also result in criminal or civil liability.

(21) Staff should also refer to the following related policy documents:

- a. [Intellectual Freedom Policy](#)
- b. [Code of Conduct](#)
- c. [Commitment Statement on Staff/Student Relationships](#)
- d. [Health Safety and Wellbeing Policy](#)
- e. [Sexual Harassment Policy](#)
- f. [Conflict of Interest Policy](#)
- g. [Anti-Corruption and Fraud Prevention Policy](#)
- h. [Acceptable Use Standard - Information Technology](#)
- i. Managing Conduct Procedure
- j. Staff and Staff-Related Complaints Procedure.

## **Responsibilities**

(22) All staff who work for, or with, the RMIT Group:

- a. must be aware of their obligations under this policy
- b. must ensure their behaviour complies with this policy
- c. should identify and report unacceptable workplace behaviour to a manager or a member of the People team, or through other designated complaints or disclosure avenues.

(23) RMIT managers have a leadership role and are responsible for taking prompt action if suspected or actual breaches of this policy occur.

(24) Policy and Workplace Relations, on behalf of the Chief People Officer, will manage conduct matters arising from alleged breaches unless determined otherwise.

(25) HR Directors of RMIT entities will investigate or refer to Policy and Workplace Relations for investigation conduct matters arising from alleged breaches by entity employees.

(26) The Chief People Officer approves, and may delegate authority to approve and review, divisional policies, procedures and resources under this policy.

## Review

(27) This policy will be reviewed every three years in accordance with the [Policy Governance Framework](#).

## Section 5 - Schedules

(28) [Schedule 1](#) provides some non-exhaustive examples of sexual harassment, discrimination, behaviours that (if repeated) may constitute bullying and other forms of unacceptable workplace behaviour under this policy which may be updated by the Chief People Officer from time to time.

## Section 6 - Procedures and Resources

(29) Refer to the following documents which are established in accordance with this policy:

- a. [Managing Conduct Procedure](#)
- b. [Staff Complaints Procedure](#)
- c. [Staff-Student Personal Relationships Procedure](#).

## Section 7 - Definitions

(Note: Commonly defined terms are in the RMIT Policy Glossary. Any defined terms below are specific to this policy).

Bullying	Bullying occurs when an individual or group of individuals repeatedly behave unreasonably towards an employee and that behaviour creates a risk to health and safety.
Discrimination	Discrimination means: 1. treating someone less favourably or subjecting them to a detriment because they have a protected attribute 2. applying an unreasonable rule or process or requirement that appears the same for everyone but disadvantages people with a particular protected attribute.
Victimisation	Victimisation occurs when an employee is punished, subjected to a detriment or retaliated against because they make a complaint or are involved in a complaint process (or propose to do so) under this or another RMIT policy or a legal process. Victimisation can also be grounds for a public interest disclosure (see <a href="#">Anti-Corruption and Fraud Prevention Policy</a> ).

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	2nd November 2020
<b>Review Date</b>	27th August 2023
<b>Approval Authority</b>	Vice-Chancellor's Executive
<b>Approval Date</b>	27th August 2020
<b>Expiry Date</b>	1st June 2023
<b>Policy Owner</b>	Bridgid Connors Chief People Officer
<b>Policy Author</b>	Stephen Morrison Director, Policy and Workplace Relations
<b>Enquiries Contact</b>	People Connect

## Glossary Terms and Definitions

**"RMIT Group"** - The University, its controlled entities and strategic investment vehicles (known as the RMIT Group).

**"Sexual harassment"** - Sexual harassment is: any unwanted or unwelcome sexual advance, any unwanted or unwelcome request for sexual favours or any other unwanted or unwelcome conduct of a sexual nature, which, in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated, or intimidated. Sexual harassment also includes sexual assault and other offences associated with unwanted or unwelcome conduct of a sexual nature, such as indecent exposure, stalking and obscene communications. Any form of sexual misconduct involving a person under the age of 18 years is a crime.