



FIJI NATIONAL
UNIVERSITY

STUDENT ANTI-BULLYING, HARASSMENT, DISCRIMINATION AND VICTIMISATION POLICY

The Senate of Fiji National University, by
resolution adopts the following Policy.

STUDENT ANTI-BULLYING, HARASSMENT, DISCRIMINATION AND VICTIMISATION POLICY

Name of Policy

Student Anti-Bullying, Harassment, Discrimination and Victimisation Policy

Commencement

This Policy commences on 30 April 2021.

Adopted

This Policy is adopted from the University of Lincoln Student Anti-Bullying and Harassment Policy

Policy is binding

Except to the extent that a contrary intention is expressed, this Policy binds the University and all students, staff, workers and affiliates.

Policy Statement

- 5.1 Fiji National University is committed to a working and learning environment that is free from harassment, including discrimination, victimisation and bullying, and in which no student feels under threat or intimidated. Allegations of bullying, harassment, discrimination and victimisation by students against other students will be taken seriously by the University.
- 5.2 If substantiated, allegations of bullying, harassment, discrimination and victimisation will provide grounds for action under Part VII of University Academic & Student Regulation (UASR).
- 5.3 The University recognises that bullying, harassment, discrimination and victimisation can affect a 'person's work, morale, physical and mental health. Therefore, all complaints (informal or formal) will be dealt with promptly, following discussion with the student(s) affected. Information shall only be shared with others on a need to know basis and with the complainant's knowledge.

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- 5.4 This procedure applies to all students and relates to those who are being bullied, harassed, discriminated and victimized by another student. Allegations of bullying, harassment, discrimination and victimisation against a staff member must be dealt with through the Part VII of University Academic & Student Regulation (UASR). This Policy highlights the actions a student should take if they believe they are being subjected to behaviour that may be considered harassment and/or bullying.
- 5.5 All communication with any student under the age of 18 (who are classified as a child under 'FNU's Child Protection Policy) should be done in the presence of their parent/guardian or a mature student of the same gender and known to the child.
- 5.6 This policy must be read in conjunction with Part VII pages 55 to 67 of UASR.

Application

- 6.1 This Policy applies to the University and any student, staff member and affiliate concerning University-related conduct:
- 6.1.1 between students;
 - 6.1.2 between students and staff;
 - 6.1.3 between students and affiliates

Definitions

In this Policy:

Affiliate means any other persons appointed or engaged by the University to perform duties or functions on its behalf.

Staff means an employee of the University, including a casual

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Student	employee. means a person who is: <ul style="list-style-type: none">• Currently admitted to candidature in an award course at the University ;• A non-award student• Exchange student
Constitution	is the supreme law of the State.
Dean	means the head of a college

Description of Bullying/Harassment/Discrimination/Victimisation

- 8.1 Bullying can be defined as "behaviour which is offensive, intimidating, malicious or insulting, an abuse or misuse of power through means intended to undermine, humiliate denigrate or injure the recipient."
- 8.2 Bullying takes on a discriminatory aspect and becomes harassment when the behaviour is directed at a person or group because of age, gender, race, disability, religion or beliefs, sexual orientation or nationality, and the behaviour is unwanted by the recipient(s). In these circumstances, the recipient(s) of such behaviour is protected under the range of anti-discrimination regulations and has recourse to the relevant laws.
- 8.3 Discrimination may be direct, or indirect as follows:
- 8.3.1 **Direct discrimination** occurs when a person receives less favourable treatment by comparison to another person in the same or similar circumstances as themselves on any of the grounds stated in clause 8.6. This includes discrimination that applies because of a characteristic that applies, or is assumed to apply, to the group to which that person belongs.
- 8.3.2 **Indirect discrimination** occurs when any rule, policy or practice is implemented that is not reasonable in the circumstances and which may, in effect, have a negative impact on a particular

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- person or group of people.
- 8.4 **Victimisation** is defined as any unfavourable treatment or threat of unfavourable treatment of a person because they have made, intend to make or have been involved in levelling a complaint of harassment or discrimination against a staff or student.
- 8.5 The University regards harassment as:
- 8.5.1 unwanted conduct affecting the 'recipient's dignity;
 - 8.5.2 unwanted conduct related to age, gender, race, disability, religion and belief,
 - 8.5.3 sexual orientation, nationality, reassignment of gender, or any personal characteristic of the individual;
 - 8.5.4 creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 8.6 The University regards an action as **discrimination** when a person is treated less favourably than others because of a protected characteristic such as age, disability, gender, race, religion, sex, sexual orientation, marriage, Civil Partnership, pregnancy, terminal illness and have contracted Corona virus.
- 8.7 The University regards **Victimisation** as
- 8.7.1 Penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person unrealistic or impossible deadlines.
 - 8.7.2 Excluding a person from study or work-related activities or \ discussions in which they have a right or legitimate expectation to participate because they have made a complaint of discrimination, harassment or bullying.

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- 8.7.3 Creating a difficult or oppressive environment for an individual because they have made a complaint – whether informal or formal – of discrimination, harassment or bullying. This might involve, for example, talking negatively about the person behind their back or making disparaging, ridiculing or mocking comments or remarks.
- 8.8 Freedom from cruel and degrading treatment is mentioned in 2013 Constitution under **Chapter 2 Bill of Rights section 11 (1) & (2)**.
- 8.8.1 Chapter 2 Bill of Rights section 11 (1): Every person has the right to freedom from torture of any kind, whether physical, mental or emotional, and from cruel, inhumane, degrading or disproportionately severe treatment or punishment.
- 8.8.2 Chapter 2 Bill of Rights section 11 (2): Every person has the right to security of the person, which includes the right to be free from any form of violence from any source, at home, school, work or in any other place
- 8.9 Cyberbullying is defined as bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Cyberbullying is mentioned in section 24 (1) & (2) of Online Safety Act 2018.
- 8.9.1 Online Safety Act 2018 section 24 (1): A person who –
- (a) posts an electronic communication with the intention to cause harm to an individual;
 - (b) posts an electronic communication where posting the electronic communication would cause harm to an ordinary

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reasonable individual in the position of the individual; and

- (c) posts an electronic communication where posting the electronic communication causes harm to the individual, commits an offence.

8.9.2 Online Safety Act 2018 section 24 (2): A person who commits an offence under subsection (1) is liable upon conviction to –

- (a) In the case of an individual, a fine not exceeding \$20,000 or imprisonment for a term not exceeding 5 years or both; and
- (b) In the case of a body corporate, a fine not exceeding \$100,000, and for a director, manager or officer in charge for the time being, to a fine not exceeding \$50,000 or imprisonment for a term not exceeding 7 years or both.

Examples of Harassment

9.1 This list is neither exclusive nor exhaustive, and other forms of behaviour may be regarded as harassment:

9.1.1 Oral or written harassment through derogatory remarks, jokes, insults, offensive language, gossip and slander. Written harassment includes, but is not limited to, letters, emails, postings on websites (including social networking sites) and text messages.

9.1.2 Open aggression, threats, shouting

9.1.3 Physical conduct ranging from personal space invasion and/or

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inappropriate touching to serious physical or sexual assaults.

- 9.1.4 Unjustifiable exclusion, e.g. withholding information, isolation or non-co-operation of colleagues, exclusion from the classroom and social activities.
- 9.1.5 Intrusion by pestering, spying, following and/or stalking.
- 9.1.6 Incitement to commit any of the above.

Examples of victimisation

- 10.1 The list below is neither exclusive nor exhaustive, and other forms of behaviour may be regarded as victimisation:
 - 10.11 Threatening behavior.
 - 10.12 Deliberate insults
 - 10.13 Demeaning treatment
 - 10.14 Withholding of information
 - 10.15 Deliberately grading/marking a student's work lower than it warrants.

Sources of Advice and Help

- 11.1 If a student believes they are being harassed, there are several options to consider. Every situation is different, and the action the student takes depends on their particular circumstances. The student can decide to seek advice or discuss/report the matter with the Office of the Registrar (as per sub-clause 6.1 pg.59 of UASR), their Instructor, 'instructor's supervisor or the college Dean. Students are advised to act promptly and not feel that the unwanted behaviour is their fault or have to wait until the situation becomes frequent or increasingly distressing.

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Informal Approach - Dealing with the Behaviour

- 12.1 Where possible in cases of dispute between students, informal mechanisms should be used where the student primarily wants the behaviour to stop. However, a student is not obliged to attempt to resolve the matter informally.
- 12.2 Using the informal approach, a student should seek to resolve the matter in the first instance as defined in sub-clause 10.1. The lecturer or tutor will listen to the concerns of the student (refer to sub-clause 5.5) and provide them with support and guidance on how they can proceed by:
 - 12.2.1 Providing information about sources of student support, including counselling or other professional support.
 - 12.2.2 Referring to the student to the Office of the Registrar to assist with the resolution of the issue and/or mediation
- 12.3 Brief details of the complaint and any subsequent meetings should be recorded by the lecturer or tutor concerned but will only need to be disclosed if formal proceedings follow.
- 12.4 Whatever action is taken, it is recommended that the lecturer or tutor concerned arranges to meet with the student again (after a suitable period) to monitor the situation and review possible courses of action if the matter remains unresolved.
- 12.5 If the above steps fail to produce a resolution, or if these options are unacceptable to the student, the issue may be raised formally.

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Formal Approach - Dealing with the Behaviour

- 13.1 A formal process will generally be appropriate where the alleged harassment is causing distress if informal resolution fails or if the student concerned does not wish for an informal approach to be used.
- 13.2 The formal process is detailed in Part VII of the University Academic & Student Regulations (UASR). To start the formal process, the student should, in the first instance, contact the Office of the Registrar, who will provide the student with advice and guidance, as well as putting into place any immediate support that is required to keep the student safe. This may involve asking for support from external agencies such as the Police after consulting the Registrar.
- 13.3 Where a student wishes to make a formal complaint about harassment against a fellow student(s) this must be made in writing to the Registrar's Office.
- 13.4 Subsequent action, where appropriate, would be taken under Part VII, sub-clauses 6.1.2 & 6.1.3 of the UASR.
- 13.5 A complaint against a staff member should be made under Part VII clause 6.2 of the UASR.

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Relevant Legislation or Authority

- 14.1 The Constitution of the Republic of Fiji [Chapter 2 Bill of Rights section 11 (1) & (2)] .
- 14.2 Fiji National University's Child Protection Policy
- 14.3 Online Safety Act 2018
- 14.4 University's Academic & Students Regulations

Confidentiality

- 15.1 The University will respect the sensitivity of allegations of bullying, harassment, discrimination and victimisation and the need for confidentiality. As a general principle, confidentiality will be agreed upon and maintained wherever possible; however, in agreeing to maintain confidentiality, the complainant may need to accept that this could limit the university's actions. There may be situations where confidentiality has to be broken and this will be made clear to the student. For example, if a student tells a member of staff in confidence something that constitutes an unacceptable risk to the student, another person or the University, the staff member will be required to take action. The decision on whether a complaint should be progressed normally rests with the student, but action may have to be taken against the 'student's wishes to address an unacceptable risk. (See FNU Child Protection Policy) ,

Monitoring and Review

- 16.1 This Policy will be monitored and reviewed every two years by the Office of the Registrar.



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