



RAGGING, BULLYING, HARASSMENT AND DISCRIMINATION PREVENTION POLICY 2018

On the recommendation of the Senate, the Council of the Wayamba University of Sri Lanka, as the governing authority of the Wayamba University of Sri Lanka, by resolution adopts the following policy.

Dated: 26.07.2018

Last amended: Not applicable

Signature: Signed

Position: Vice Chancellor, Wayamba University of Sri Lanka

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PART 1 - POLICY

1 Name of policy

This is the Ragging, Bullying, Harassment and Discrimination Prevention Policy 2018.

2 Commencement

This policy commences on the day after the day on which it is approved.

3 Policy is binding

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

4 Overview

This policy:

- (1) affirms the University's commitment to:
 - (a) provide a safe and healthy workplace and learning environment that is free from ragging, bullying and unlawful discrimination and harassment; and
 - (b) provide students and workers with awareness, information and training in relation to ragging, bullying, unlawful discrimination and harassment;
- (2) reflects the University's values of respect, diversity and integrity;
- (3) supports the University's strategic goal of inculcating human values respecting diversity and commitment for equality/equity and social justice.

5 Application

This policy applies to the University and any staff member, worker, affiliate or student in relation to the University related conduct:

- (a) between staff members;
- (b) between affiliates;
- (c) between staff members and affiliates;
- (d) by staff or affiliates towards students;
- (e) between students;
- (f) by students towards staff, affiliates or workers;
- (g) between workers,
- (h) between workers and affiliates, by workers towards students; and
- (i) in respect of unlawful discrimination and harassment, by staff and affiliates towards members of the public.



6 Definitions

Affiliate	means Clinical title holders; adjunct, conjoint and honorary appointees; consultants and contractors to the University; holders of offices in University entities; members of Boards of University; members of University Committees; and any other persons appointed or engaged by the University to perform duties or functions on its behalf.
Bullying	means any repeated unreasonable behaviour, in any environment, that is directed towards a person, or group of people, that creates a risk to their mental or physical health and safety. This includes cyberbullying .
Characteristic	means a feature or quality that identifies a particular person or group of people, that is protected by applicable legislation. For the purpose of this policy these characteristics include: <ul style="list-style-type: none">• race, colour, religious belief, ethnic or ethno-religious background, descent or nationality;• sex;• pregnancy, child birth and breastfeeding;• marital, relationship or domestic status;• carers' responsibilities;• disability, which includes physical, intellectual, psychiatric or psychological, learning or cognitive disabilities, and disease (eg. Polio). It also includes any disability a person had in the past, has now, or may have in the future;• age
Complainant	means the person who made the complaint, or in the case of complaints made on behalf of another person, the person who is alleged to have been the subject of ragging, bullying, harassment or discrimination.
Complaint	includes all the ways in which any instances of ragging, bullying, harassment and discrimination might be identified, raised or reported including orally and in writing (including email). General inquiries, feedback and comments (including on social media sites) will not normally be considered a complaint, unless the relevant officer, delegate or the Student Affairs Division deem otherwise.
Cyberbullying	means the use of electronic communication to bully, harass or frighten a person, typically by sending messages of an intimidating or threatening nature.
Discrimination	can occur directly or indirectly, and can be unlawful when relating to particular legislative requirements: direct discrimination occurs when a person is treated less favourably than another person, in the same or similar circumstances, because of a prohibited ground such as their sex, colour, religious belief, race, marital status, ethnic or national



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origin, family status, ethical belief, sexual orientation, political opinion, age, employment status or disability.

indirect discrimination occurs when there is a requirement, rule, policy, practice or procedure that is the same for everyone, but has an unequal effect on particular groups. This type of requirement is likely to be indirect discrimination unless the requirement is reasonable in all the circumstances

unlawful discrimination occurs when one person is treated less favourably than someone else is treated, or would be treated, in the same or similar circumstances, because that person has a particular attribute, such as sex, colour, religious belief, race, marital status, ethnic or national origin, family status, ethical belief, sexual orientation, political opinion, age, employment status or disability that is specifically listed in Human Rights legislation

Harassment	means unwelcome conduct that is offensive, humiliating or intimidating to any other person and is either repeated, or of such significant nature that it has a detrimental effect on the person, their performance or their work and study environment. It includes racial, and sexual harassment.
Programme	means a course approved by the Senate, on the recommendation of the relevant Faculty Board, that leads to the award of a degree, diploma or certificate.
Respondent	the person who is alleged to have engaged in conduct inconsistent with this policy
Staff or staff member	means an employee of the University, including academic, administrative and non-academic members.
Student	means a person who: <ul style="list-style-type: none">• is currently admitted to candidature in a programme at the University;• is currently enrolled in a course offered by the different Centres of the University;
Student Affairs Unit	means the specialist staff who assist with the resolution of student issues in the University policies and procedures.
University entity	means any entity established by or with the authority of the Senate.
University lands	this includes: any land or roads occupied or used in connection with the University, including the whole or any part of any building or structure and any land or roads occupied or used in connection with the whole or part of any building or structure.
University related conduct	means any conduct that is connected to the University, including conduct that: <ul style="list-style-type: none">• refers or relates to the University, its activities, or its workers or affiliates or students in their status as a worker, affiliate or student of the University;



- occurs on, or in connection with, University lands or other property owned by the University;
- occurs using, or is facilitated by, University ICT resources or other University equipment;
- occurs during, or relates to, the performance of duties for the University;
- occurs during or in connection to any University related function or event (whether sanctioned or organised by the University or not) or when representing the University in any capacity.

Worker

means a person who carries out work in any capacity for the University including work as:

- a staff member;
- a contractor or subcontractor;
- an employee of a contractor or subcontractor;
- an employee of a labour hire company who has been assigned to work in the University or a University entity;
- an apprentice or trainee;
- a student gaining work experience or performing work on a voluntary basis; or
- a volunteer

An affiliate of the University may, in relevant circumstances, be a worker under this policy.

7 Policy

- (1) All members of the University community have a responsibility to ensure that they:
 - (a) do not rag, bully, harass, discriminate against or victimise any person.
 - (b) discourage any form of ragging, harassment, bullying or discrimination by making it clear that such behaviour is unacceptable.
 - (c) support any member of the University that feels they have been subject to ragging, harassment, bullying or discrimination, including supporting them to make a formal complaint if appropriate
- (2) In addition to the above obligations, all administrators, supervisors, academic heads, and the senior management team are to take all reasonable steps to:
 - (a) ensure that the environment is free from ragging, harassment, bullying and discrimination.
 - (b) ensure that all staff members reporting to them are familiar with, and understand their obligations under this policy.
 - (c) treat all complaints seriously and take prompt steps to resolve any complaints made under this policy.
 - (d) protect and support the right of all members of the University Community to use the resolution procedure in this policy and supporting guidelines.
- (3) All complaints made under this policy must be made in good faith and not be of a frivolous or vexatious nature.
- (4) The University may take disciplinary action against an individual who makes a complaint of a frivolous or vexatious nature.
- (5) Confidentiality
 - (a) All information relating to alleged or proven breaches of this policy must be treated strictly.
 - (b) Information must not be disclosed without the complainants consent, unless the complaint is serious and an academic head, manager, Proctor, or administrative



- officer believes that action needs to be taken. In such a situation it may not be possible to maintain absolute confidentiality even if a complainant does not wish the matter to be taken further, however the complainant is to be advised of the disclosure.
- (c) The obligation of confidentiality does not prevent the University from using or disclosing any material necessary to instigate or defend any legal proceedings, or make submissions in relation to any enquiry or complaint or to refer a matter to the police.
 - (d) Information must only be disclosed to those people who the University believes need to know about the complaint.
- (6) The Vice Chancellor or Registrar (and the Proctor, if the complaint involves a student) are to be consulted about the correct filing and retention of all notes and documents related to complaints under this policy.

PART 2 - GUIDELINES

8 Ragging

- (1) Ragging and / or hazing means the practice of using rituals and any other acts, conduct or practices by which the dominant power of senior students, former students or alumni, is brought to bear on students who are in any way considered junior by other students. Ragging and / or hazing includes individual or collective acts or practices which include, but are not limited to:
- (a) Involvement in physical or psychological assault or threat or use of force or wrongful confinement or restraint;
 - (b) Violating the status, dignity and honour of such students;
 - (c) Exposing students to ridicule and contempt and affect their self-esteem;
 - (d) Verbal abuse and aggression, indecent gestures and obscene behaviour

9 Bullying

- (1) Bullying is **repeated** and **unreasonable behaviour** directed towards a person or group of people that creates a risk to health and safety.
- (a) Repeated behaviour is behaviour which occurs more than once and may involve a range of behaviours over time.
 - (b) Unreasonable behaviour is behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- (2) If the criteria in sub-clause 9 (1) are met, the following may be considered to be examples of bullying:
- (a) verbal abuse or threats, including yelling, insulting or offensive language;
 - (b) unjustified criticism or complaints;
 - (c) deliberately excluding someone from activities;
 - (d) withholding information that is essential to perform a task properly;
 - (e) assigning impossible tasks, or meaningless tasks unrelated to the job or unit of study, or giving someone the majority of unpleasant tasks;
 - (f) spreading misinformation or rumours;
 - (g) denying access to information, supervision, consultation or resources to the detriment of a person;
 - (h) physical abuse.



- (3) If the criteria in sub clause 9 (1) are met, the following may also be considered to be examples of workplace bullying in relation to workers:
- (a) setting unreasonable timelines or constantly changing deadlines;
 - (b) assigning too much or too little work;
 - (c) making threats or comments about job security without foundation;
 - (d) changing work arrangements, such as rosters or leave, to deliberately inconvenience a worker;
 - (e) excessive scrutiny at work.
- (4) The behaviours referred to in sub clause 9 (2) and sub clause 9 (3) may:
- (a) occur through any form of contact or communication, including:
 - (i) in person;
 - (ii) by telephone or email;
 - (iii) through another person; or
 - (iv) by any other means provided that, in connection to workplace bullying in relation to workers, the alleged conduct must occur at work;
 - (b) be directed at a single person or group of people and be carried out by one or more person;
 - (c) occur from managers to workers, between workers or students, or from workers or students to managers.
- (5) The following behaviours are not considered as bullying.
- (a) A single incident of unreasonable behaviour. However, single or one-off incidents of unreasonable conduct can also cause a risk to health and safety and may breach other University policies and should not be ignored.
 - (b) Reasonable management practices.
 - (c) Low-level conflict such as interpersonal conflict or disagreement which is not sufficient to constitute bullying. People can and will disagree with each other.
 - (d) Reasonable management practices include (but are not limited to):
 - a direction to carry out reasonable duties and instructions;
 - a direction to comply with University rules, protocols, policies and procedures;
 - setting reasonable goals, standards and deadlines;
 - providing reasonable comment and advice (including relevant negative comment or feedback) on the work or academic performance of an individual or group;
 - rostering and allocating reasonable working hours;
 - transferring a worker for operational reasons;
 - deciding not to appoint or promote a worker for reasonable reasons;
 - performance managing workers or instituting action against students in accordance with the University's policies and procedures;
 - providing informal and formal feedback about behaviour and conduct in a reasonable way;
 - implementing organisational change or restructuring; or
 - terminating a worker's employment or instituting other disciplinary measures in accordance with the Agreement and the University's policies and procedures.

10 Unlawful direct discrimination

- (1) Unlawful direct discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of one or more characteristics.



- (2) If the criteria in subclause 10 (1) are met, direct discrimination can occur in decisions such as those relating to:
 - (a) recruiting, selecting, nominating or promoting staff;
 - (b) offering particular terms, conditions, facilities or benefits as part of employment;
 - (c) offering and providing training, including selecting who is offered training and the kind of training offered;
 - (d) offering redundancy;
- (3) Direct discrimination can also occur if assumptions are made which result in a person or group being treated differently on the basis of one or more characteristics. The following examples of assumptions may be considered to constitute direct discrimination:
 - (a) that an older worker won't 'fit in' with a predominantly younger team;
 - (b) that a woman should not be sent on a training programme because she might get pregnant soon and leave;
 - (c) consideration of the gender at the recruitments and nominations

11 Unlawful indirect discrimination

- (1) Indirect discrimination occurs when there is a rule or requirement that disadvantages one group more than another on the basis of one or more characteristics, unless it can be shown that the particular rule or requirement is reasonable in all the circumstances or is required to perform the inherent requirements of the job.
- (2) If the criteria in subclause 11 (1) are met, indirect discrimination can occur in decisions such as those relating to:
 - (a) having a particular height restriction when this is not related to the inherent requirements of the job, as a height restriction may discriminate against women and some ethnic groups;
 - (b) Requiring an applicant to speak and write fluent native language when this is not required to carry out the essential requirements of the job or course.

12 Unlawful harassment

- (1) Unlawful harassment occurs when a person, or a group of people, is intimidated, insulted or humiliated because of one or more characteristics. Unlawful harassment can arise as the result of a single incident as well as repeated incidents.
- (2) If the criteria in subclause 12 (1) are met, harassment can occur through behaviour such as:
 - (a) telling jokes about particular racial groups; personal characteristics physical disabilities
 - (b) sending explicit or sexually suggestive emails or texts; posts
 - (c) displaying offensive or pornographic websites or screen savers;
 - (d) making derogatory comments or taunts about someone's race or religion, gender or sexual orientation, cast, social strata;
 - (e) asking intrusive questions about someone's personal life, including their sex life;
 - (f) produce anonymous letters, display anonymous posters and boards



13 Unlawful sexual harassment

Sexual harassment occurs if a person:

- (a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

14 Application of other laws and policies

- (1) Incidents of physical abuse or assault may also be illegal under Code of Criminal Procedure Act Sri Lanka and the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act, No.20 of 1998. They should be reported to the Vice-Chancellor, Dean and Proctor, as appropriate.
- (2) Conduct constituting ragging and bullying, and a person's response to allegations of ragging and bullying, may also breach work, health and safety legislation.
- (3) Where ragging, bullying, discrimination or harassment leads to a diagnosed injury or ill health, this may give rise to an entitlement under Workmen's compensation I - Labour Law Sri Lanka.

15 Entitlements and responsibilities

- (1) All workers, affiliates and students have:
 - (a) an entitlement to work or study in a safe and healthy environment free of ragging, bullying, harassment and discrimination;
 - (b) an entitlement to make a complaint about any ragging, bullying, harassing or discriminatory behaviour they are subjected to, or witness.
Staff: to the Vice Chancellor, Dean or Registrar
Students: to the Dean, Proctor, Deputy Proctors
 - (c) a responsibility not knowingly to misuse this policy, including making a vexatious or malicious accusation of ragging, bullying, harassment or discrimination;
 - (d) a responsibility to ensure they do not promote or engage in ragging, bullying, harassment or discrimination;
 - (e) a responsibility to comply with any reasonable instruction given by the University regarding the prevention of ragging, bullying, discrimination and harassment including complying with this policy;
 - (f) a responsibility not to victimise any person who raises a complaint of bullying, harassment or discrimination.
- (2) In respect of workers, managers have an additional responsibility to;
 - (a) treat staff members and affiliates under their supervision fairly and reasonably.
- (3) In respect of workers, Registrar, Dean, Head of Department, Senior Assistant Registrars and Assistant Registrars are responsible for:
 - (a) monitoring patterns of absenteeism, sick leave, staff turnover, grievances, injury reports and other such records to establish any regular patterns or sudden unexplained changes;



- (b) recognising any changes in workplace relationships between workers and or managers.

16 Training

Proctor and Registrar are responsible for implementing training to students and workers, respectively in relation to this policy.

17 Breach of policy

- (1) Breach of this policy may have the following consequences.
 - (a) For staff or affiliates: disciplinary action, up to and including termination of employment, engagement or affiliation.
 - (b) For students: disciplinary action according to By-laws of prevention of ragging and related regulations.
 - (c) All are subject to the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act. 1998.
- (2) Other actions that may result from a breach of this policy include, but are not limited to:
 - (a) the complainant receiving an oral or written apology from the respondent with a commitment to cease the bullying behaviour;
 - (b) the parties being required to participate in some form of counselling, mediation or conciliation;
 - (c) the respondent undertaking training in relation to their behaviour; and
 - (d) drawing up a management plan to document agreed or proposed actions by the parties.

18 Procedure

- (1) The Vice Chancellor is the administrator of this policy as it relates to complaints initiated by or about University staff, workers and affiliates and the Proctor is the administrator of this policy as it relates to complaints initiated by or about students and complaints made by applicants.
- (2) The Vice-Chancellor may determine procedures relating to complaints initiated by or about University staff, workers and affiliates.
- (3) The Proctor may determine procedures relating to complaints initiated by or about students and complaints made by applicants.

19 Rescissions and replacements

This document replaces the following, which are rescinded as from the date of commencement of this document:

Not applicable



NOTES

Ragging, Bullying, Harassment and Discrimination Prevention Policy 2018

Date adopted: 26.07.2018

Date commenced: 01.10.2018

Administrator: Vice Chancellor / Proctor / Registrar

Review date: 30.09.2023

Rescinded documents: Not applicable

Related documents: Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act. 1998

Workmen's compensation I - Labour Law Sri Lanka

Code of Criminal Procedure Act Sri Lanka

Student discipline by-laws

Prevention of Bullying, Harassment and Discrimination Guidelines

AMENDMENT HISTORY

Provision	Amendment	Commencing
	Not applicable	