

## Bullying, Harassment and Discrimination Policy

<b>Purpose</b>	This policy outlines the approach of the Australian Institute of Technology & Commerce (AITC) to address Bullying and Harassment in its workplace, following TEQSA Guidance Notes: <i>Grievance and Complaint Handling and Diversity and Equity</i> .
<b>Location</b>	The policy is maintained on owncloud
<b>Responsible executive</b>	CEO
<b>Responsible office</b>	CEO's Office
<b>Contact officer</b>	TBA
<b>Effective date</b>	05 January 2021
<b>Review date</b>	TBA
<b>Modification history</b>	Version 1.1
<b>Related documents</b>	<p>AITC Student Code of Conduct            AITC Student Grievance Mediation Policy            AITC Staff Grievance Mediation Policy            AITC Staff Code of Conduct            AITC Non-Academic Misconduct Policy and Procedure            AITC Student Support, Welfare and Wellbeing Policy            AITC Equal Employment Opportunity (EEO) Policy            AITC Workforce Plan</p>
<b>Authority</b>	Approved by Council

### 1. Purpose

This policy outlines the approach of the Australian Institute of Technology & Commerce (AITC) to address Bullying and Harassment in its workplace and/or learning environment.

### 2. Scope

This policy refers to AITC, its staff, students and contractors.

### 3. Definitions

**Bullying** means repeated and unreasonable behaviour directed towards a person or a group of people that creates a risk to their health and safety. The act of Bullying causes the recipient/s to have a sense of intimidation, fear, offence and/or humiliation, irrespective of the intention of the person/people committing the Bullying. Bullying can include a range of behaviours over time. Bullying can be carried out verbally, physically or in writing (for example, via email, internet chat rooms, instant messaging, social media, and mobile phone technologies such as text messaging and messaging apps).

**Discrimination** means when a person or group of people are treated differently or unfairly because they belong to a group that have characteristics. In Australia it is unlawful to discriminate based on the following characteristics: Age. Disability. Industrial activity. Employment activity.

Marital status. Physical features. Political belief or activity. Gender identity. Religious belief or activity. Pregnancy. Irrelevant criminal record. Breast feeding. Sex. Sexual orientation. Social origin. Parental status or status as a carer. Race (including colour, nationality, ethnicity and ethnic origin). Personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the previous attributes.

**Harassment** means unwelcomed, unsolicited or unreciprocated behaviour which makes a person feel sexualised, intimidated, offended, or belittled. Harassment is a form of unlawful discrimination. Harassment based on sex, race, or disability is also unlawful under Commonwealth laws and harassment such as physical assault can be a criminal offence. Harassment in the context of this policy covers any form of Sexual Misconducts; Sexual Misconduct: includes sexual assault, sexual harassment, or any form of:

- unwanted behaviour of a sexual nature such as repeated sexist jokes,
- exhibiting pornographic material,
- repeated unwelcome physical contact,
- sexual extortion or bribery.

#### **4. Policy Intent**

All staff, students, contractors or visitors to AITC have a right to enjoy an environment free from Bullying, Harassment or Discrimination while engaging in their work or when undertaking academic endeavours. AITC does not condone or accept any form of Bullying, Harassment or Discrimination. Any allegations of Bullying, Harassment or Discrimination will be investigated and appropriate action will be taken.

This Policy outlines how AITC will uphold its responsibility to students, staff, contractors and visitors to ensure that they are not subject to any form of Bullying, Harassment or Discrimination. The Policy also outlines how AITC will deal with any allegations of Bullying, Harassment or Discrimination.

AITC responds to Bullying, Harassment or Discrimination through the Staff Grievance Mediation Policy and the Student Grievance Mediation Policy and related staff or student grievance processes.

If a claim of bullying is raised or observed by someone other than the injured party then the grievance processes will not be triggered, however the bullying case will still be investigated, by a process outlined by the Academic Dean.

AITC understands that a person may feel that they are a victim of Bullying, Harassment or Discrimination, even if it was not the intention of the person who allegedly committed the act.

Examples of Bullying includes, but is not limited to:

- Intimidation.
- Threats or threatening remarks or gestures.
- Verbal abuse, including yelling, screaming or offensive language.
- Excluding or isolating people from workplace or teaching activities.
- Constant unreasonable and unconstructive criticism.
- Deliberately excluding, isolating or alienating someone.
- Placing unreasonably high work or academic demands on one person but not others.
- Undermining responsibility.
- Withholding information essential to do a task properly.
- Spreading malicious rumours.

- Cyber bullying.
- Physical violence or abuse.
- Interfering with personal property or work equipment.

Examples of what would not be considered Bullying:

- Expressing differences of opinion in an appropriate manner.
- Requiring students to perform a task or assessment which is reasonable and places the same demands on all students.
- Giving lawful and reasonable instructions to employees.
- Exercising reasonable supervision of an employee.
- Reasonable performance or behavioural counselling in the right forum and in an appropriate manner.
- Allocating work in accordance with operational or business needs.
- Legitimate disciplinary action.

Examples of what would be considered Harassment, incorporating sexual harassment, includes, but is not limited to:

- Uninvited and unreciprocated physical contact.
- Persistent following (stalking).
- Persistent verbal abuse or threats.
- Persistently disrupting someone's work, work space, equipment or interfering with their personal property.
- Jokes, derogatory or dismissive comments.
- Gestures that are insulting or belittling.
- Circulating, displaying written or pictorial material that is offensive or belittling.
- Sexual jokes, offensive telephone calls and email messages, displays of obscene or pornographic photographs, pictures, posters, screen savers and internet sites, reading matter or objects.
- Suggestive looks implying a sexual interest.
- Sexual propositions or persistent requests for dates.
- Making promises or threats in return for sexual favours.
- Unwelcome or improper remarks or insinuations about a person's sex life or private life.
- Suggestive comments about a person's appearance or body.
- Leering, wolf whistles, catcalls, obscene gesture.
- Indecent exposure.
- Requests for sex.
- Sexually explicit conversation, insults, taunting or comments.

Examples of what would be considered Discrimination includes, but is not limited to:

- Treating someone differently because of their sexual orientation;
- Giving a student a higher mark because their parents are influential political figures;
- Not promoting a staff member because they may be pregnant or breastfeeding;
- Stereotyping, belittling or treating someone differently because of their ethnic background;
- Making fun of someone due to a physical attribute or disability;
- Giving a larger workload to someone because they are single.

## **5. Sexual Assault and Sexual Harassment (SASH)**

The prevention of SASH and the response by AITC to any matter involving SASH is to be guided by the 9 principles contained in the TEQSA Good Practice Note: Preventing and responding to

sexual assault and sexual harassment in the Australian higher education sector: July 2020. AITC subscribes to the importance of preventative actions including orientation programs and student information (including who to report a SASH matter to), resources and support services.

Attachment A of this policy lists the 9 principles referred to in the TEQSA Guidance Note with the relevant AITC response and relevant implementation actions.

## **6. Reporting an Incident of Bullying, Discrimination or Harassment**

Reports of sexual misconduct may be made in person, by phone, or in writing to AITC staff, i.e. Registrar and any member of the Senior Management Team.

Reports may be made by another person on behalf of a victim, subject to their consent.

Reports are kept strictly confidential and information on the incident is provided to staff only where required to respond effectively to the report.

AITC provides support to students who report an incident and ensures that they are not victimised for doing so.

Reports may be made anonymously or for incidents which happened in the past. In these circumstances, AITC may be unable to respond effectively beyond offering support, for lack of information or evidence.

Investigations into reports of Bullying, Discrimination or Harassment are conducted by a dedicated committee composed of adequately trained and independent staff members.

AITC will only refer cases to NSW Police with the consent of the victim or where legally required to do so.

## **7. Consequences of Bullying, Discrimination or Harassment**

AITC will treat all reported allegations of Bullying, Harassment or Discrimination seriously and impartially. The consequence of breaching this Policy will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- Action to redress the breach of this Policy.
- Requiring an apology to the affected person or persons.
- Providing mediation between the parties, if both parties agree to mediation process and to the mediator.
- Providing targeted training regarding prevention of unacceptable behaviours.
- Offering support to the person making the complaint.
- Offering support to the person against whom the complaint is made.
- Disciplinary action, up to and including dismissal or expulsion of the person found in breach of this Policy.
- Disciplinary action, up to and including dismissal or expulsion of the person making a complaint of a Breach of this Policy if, after investigation, the complaint is found to have been malicious or vexatious.
- Disciplinary action may be taken against anyone who retaliates against a person who has made a complaint.

## **8. Relevant Legislation**

**Australian Institute of Technology & Commerce Pty Ltd**

ABN 47 634 668 214 CRICOS Code: 03996D

Head Office: Level 6, 8 Quay Street, Haymarket NSW 2000

Website: [www.aitc.nsw.edu.au](http://www.aitc.nsw.edu.au) Email: [info@aitc.nsw.edu.au](mailto:info@aitc.nsw.edu.au)

Phone: 02 9211 4958



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*Anti-Discrimination Act 1977 (NSW)*

*Australian Human Rights Commission Act 1986 (Cth)*

*Racial Discrimination Act 1975 (Cth)*

*Sex Discrimination Act 1984 (Cth)*

*Disability Discrimination Act 1992 (Cth)*

*Age Discrimination Act (2004) (Cth) Fair Work Act 2009 (Cth)*

*Workplace Gender Equality Act 2012 (Cth)*

Attachment A:

SASH Principles and AITC Actions

	Principle	AITC Response	Implementation of AITC Response
1	Wellbeing and safety of the students and staff members who experience sexual assault or sexual harassment are the focus of prevention and response	All responses are focused on kindness, care, compassion, respect and empathy regardless of gender, culture or background	<ul style="list-style-type: none"> <li>• Students have a responsibility to not harass or assault others</li> <li>• A person who experiences any experience of SASH may choose to share information or make a formal complaint</li> <li>• Formal complaints will proceed in accordance with AITC's Non-Academic Misconduct Policy and Procedure</li> <li>• Students who experience SASH are entitled to support in relation to special consideration processes.</li> </ul>
2	Leadership and governance ensure institution-wide action	Leaders prioritise the provision of a safe learning environment	<ul style="list-style-type: none"> <li>• The responsibility for coordination of the prevention and response to SASH (SASH Coordinator) is delegated to the AITC Registrar</li> <li>• The SASH Coordinator is to report on SASH prevention and response routinely to the AITC Governing Body routinely</li> </ul>
3	Policies and procedures are comprehensive, inclusive and implemented by well trained staff	A framework of related policies and procedures. Related policies are noted in the policy templates and specified in the AITC Policy on Policies	<ul style="list-style-type: none"> <li>• A student may be accompanied and assisted, but not represented, by another person</li> <li>• SASH policies and procedures and related documents are to be regularly reviewed</li> <li>• Regular training programs that foster respect for each persons role and contribution to the learning environment</li> </ul>
4	A safe environment is provided for all staff and students	AITC is to emphasise that personal safety is the responsibility of everybody associated with AITC.	<ul style="list-style-type: none"> <li>• Personal safety tips are to be included into AITC materials, resources and activities. For example, in orientation information</li> <li>• Direct access is to provided to security staff in case of an emergency (such as a emergency phone contact and number)</li> <li>• Online environments are to be monitored and moderated to ensure well being of students and reported by the SASH Coordinator</li> </ul>

5	Comprehensive education and information materials are widely available and regularly updated	Provision of education and information to raise awareness of response to, and prevention of, SASH	<ul style="list-style-type: none"> <li>Information relevant to SASH to be incorporated in the Student Handbook</li> <li>SASH information and support to be incorporated in all orientation programs</li> <li>The AITC website to have dedicated SASH pages with provision for education and support of students</li> </ul>
6	Staff and students are trained to confidently recognize, prevent and respond to SASH	Training to be focused on targeted student leaders and staff whom students are likely to make contact with initially if encountering SASH	<ul style="list-style-type: none"> <li>Students and staff are to be provided simple steps to safely intervene when they encounter instances of SASH (online and in relevant student information materials such as student handbook)</li> </ul>
7	Support is accessible and timely for all parties involved	Relevant SASH support information materials to be displayed prominently both online and other areas established to display information on the campus	<ul style="list-style-type: none"> <li>The AITC web site is to have SASH support information displayed prominently including access to Counselling and student liaison services and organization of appointments with relevant services.</li> </ul>
8	Incident reporting options and responses to reports of SASH are fair, timely and effective	Incidents of SASH are recorded, investigated appropriately, records and data are monitored and securely stored, and the AITC governing body actively responds to issues that arise	<ul style="list-style-type: none"> <li>Ensure that information on reporting pathways is available and accessible to students and staff</li> <li>Relevant policies and procedures are accessible and links to related policies are clear</li> <li>Access to records of SASH is to be regulated with approval for access restricted to the CEO or SASH Coordinator.</li> </ul>
9	Ongoing innovation, evaluation and improvement of SASH prevention and response measures	SASH prevention and response measures to be annually reviewed and reported to the AITC governing body on an annual basis	<ul style="list-style-type: none"> <li>Relevant policies are subject to a review timeline as set out in the policy information header</li> <li>An independent audit of counselling services every two years be undertaken and considered by the AITC governing body</li> <li>The SASH Coordinator to identify opportunities for improvement of SASH measures and incorporate in their report to the AITC governing body.</li> </ul>