



BULLYING, HARRASSMENT AND DISCRIMINATION POLICY

POLICY: BULLYING, HARASSMENT AND DISCRIMINATION POLICY

POLICY NUMBER:	HR001	VERSION:	6.2
DATE ADOPTED:	29 August 2012	DATE LAST REVIEWED:	16 January 2019
DATE OF NEXT REVIEW:	16 January 2021	REVIEW FREQUENCY:	Two years
AUTHORISED BY:	Chief Executive Officer	REVIEWED BY:	English Program Manager
RESPONSIBLE FOR REVIEW:	English Program Manager		
DOCUMENT MANAGEMENT:	<u>U:\POLICY AND PROCEDURES</u>		
Policy context: This policy relates to:			
HE STANDARDS FRAMEWORK 2015	2.3; 6.2.1		
ESOS	National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standards 5.2; 6.1; 6.9 ELICOS Standard P2; P8.1 NEAS Quality Principle B2; B3; G6.5		
NVR STANDARDS 2015	8.5		
LEGISLATION OR OTHER REQUIREMENTS	Tertiary Education Quality and Standards Agency Act 2011 The Education Services for Overseas Students (ESOS) Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018 ELICOS National Standards 2018 NEAS Quality Assurance Framework 2018 National Vocational Education and Training Regulator Act 2011 Fair Work Act 2009 Educational Service (Post-secondary Education) Award 2010		



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	<p>Equal Employment Opportunity Act 1987</p> <p>Equal Opportunity Act 1984</p> <p>Minimum Condition of Employment Act 1993</p> <p>Disability Discrimination Act 1992</p> <p>Privacy Policy 1988</p> <p>Racial Discrimination Act 1975</p> <p>Sex and Age Discrimination Legislation Amendment Act 2011</p> <p>Occupational Health and Safety Act 1984</p> <p>Workplace Health and Safety Act 2011 (effective in WA from 2013)</p>
OTHER POLICIES	<p>Equal Employment Opportunity Policy</p> <p>Human Resource Management Policy</p> <p>Performance Management Policy</p> <p>Privacy Policy</p> <p>Record Management Policy</p> <p>Student Support Policy</p> <p>Younger Students (Under 18) Policy</p>
FORMS AND OTHER DOCUMENTS	<p>Employment Contract</p> <p>Job Description Form</p> <p>Complaints and Appeals Form</p>
KEY WORDS (META DATA)	<p>Human Resource Management, staff recruitment, NES, staff qualification verification, Job description form, Enterprise agreement, CTE</p>
DEFINITIONS	<p>Bullying: refers to repeated, unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety. “Unreasonable Behaviour” is behaviour that a reasonable person, having regard to all the circumstances, would expect to humiliate, undermine or threaten. Bullying behaviour may occur in one-on-one interactions or it may take place in front of others. Bullying may be verbal, written or computer mediated (cyberbullying).</p> <p>Harassment: covers a wide range of behaviours including, intimidation, bullying, coercion; which may reasonably be expected to offend, humiliate,</p>



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	<p>embarrass, disturb or in some way threaten the person at whom it is directed. Harassing conduct includes:</p> <ul style="list-style-type: none"> • Offensive, threatening, intimidating or demeaning behaviour directed at an individual or a group of people; • Any requirement that a person accept or engage in any form of sexual behaviour to gain an employment benefit or avoid some employment detriment; • Communication of a spoken or written nature and computer mediated material that shows hostility or aversion to individuals or groups in the community. <p>Discrimination: may be direct or indirect. It occurs when a person treats or proposes to treat another person with a protected characteristic unfavourably because of that characteristic. It includes treating another person unfavourably or in an offensive manner based on disability, impairment, age, gender, sexual orientation, marital status, race, colour, religion, culture, pregnancy, family or carer responsibilities, political opinion, national extraction, social origin and lawful associations.</p>
EVIDENCE	<p>Evidence and all relevant forms and documents are stored in locked drive under U:\HUMAN RESOURCES and access will be limited to HR officer only;</p>

Policy Information:	
POLICY	<p>IIBT is committed to take all reasonable steps necessary to minimise the likelihood of bullying, harassment or discrimination occurring at the Institute and assist staff, students and related parties to deal with incidents when they occur. This includes special attention to and sensitivity towards under-aged students who may experience these behaviours.</p> <p>IIBT will communicate this policy to staff, students and related parties and train key staff in managing cases of suspected or reported bullying, harassment or discrimination.</p>
SCOPE	<p>This policy applies to bullying, harassment and discrimination claims:</p> <ol style="list-style-type: none"> a. Made by students, staff or related parties against a student or staff member. b. Made by students, staff or related parties against one of the Institute's policies or processes.



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	<p>The policy applies whether the reported harassment or discrimination occurred on or off- campus.</p>
<p>PROCEDURES</p>	<p>IIBT will achieve this policy by</p> <ul style="list-style-type: none"> • Acknowledging that all IIBT staff and students have the right to a learning/working environment free from bullying, discrimination and harassment. • Taking all claims of bullying, harassment and discrimination seriously, regardless of whether the alleged harasser is at fault, was acting with good intent or is aware of any wrong doing. • Giving advice to the persons alleging bullying, harassment or discrimination that the process in place for managing reported harassment and the potential challenges they may face as a result of pursuing allegations. • Early intervention will be taken where incidents are reported, suspected and/or evident by IIBT staff. • Where possible and appropriate, attempts will be made to resolve matters informally. • The IIBT representative managing such complaints must be impartial. Where this is not possible, another impartial and appropriate party must be identified to manage and/or consider the claim. • Persons against whom formal claims are made will be given the opportunity to hear and respond to the allegations against them. • IIBT reserves the right to report an incident to the relevant authorities and continue to deal with the matter in part or whole according to the Institute’s process and policies. • Staff found to be carrying out bullying, harassment or discrimination against other staff or students may be subject to performance management or disciplinary action. • Students found to be carrying out bullying, harassment or discrimination against a member of staff or other student(s) may be subject to disciplinary action under the Student Misconduct Policy.



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- Where a reported case of bullying, harassment or discrimination is deemed by IIBT to be a critical incident, it will be managed in accordance with the Critical Incident Policy.
- Under the Privacy Act 2012, individuals are entitled to the protection of their personal and private information. IIBT is committed to maintaining this right to privacy in line with legal requirements, however, the Institute may exercise its discretion and disclose information as necessary to prevent or lessen a serious and imminent threat to the life or health of a student, staff member or other person. This includes informing and involving parents of under-aged students as deemed appropriate.
- All parties have a right to representation by union officials if appropriate or a support person of their choice. Neither party, except with agreement of all parties, may be represented by a legal practitioner.

Advice for Complainants

- Persons who feel they are being subjected to harassment should consider the following:
- Whether the behavior would reasonably be considered as bullying, harassment or discrimination.
- Communicating clearly to the person that their behavior is unwelcome or unacceptable and may be reported if it continues.
- Taking steps to avoid being alone with the harasser.
- Keeping a detailed written record (with dates) of the events upon which a claim might be made.
- Limiting discussion of the matter to trusted persons who can provide support or assistance. This may also include legal, medical professionals or counselors.

Informal Reporting of Bullying, Harassment or Discrimination - Stage I

Informal action is usually appropriate when:

- The complainant wants to address the matter informally.
- The allegations are less serious.



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- There is a possibility of stopping the problem quickly before it escalates.
- The persons involved are likely to have an ongoing working relationship

Students experiencing harassment or discrimination should contact or be directed to the Student Advisor or in their absence an IIBT Counsellor.

IIBT Staff or related parties experiencing bullying, harassment or discrimination should consult the Campus Manager or a trusted senior member of staff to discuss their situation.

At this stage the complainant may choose not to reveal the name(s) of the alleged harasser(s) or other details.

The staff member receiving the complaint will counsel the student or staff member whilst clarifying the claim and desired outcomes. They will explain IIBT's process for dealing with bullying, harassment and discrimination and discuss options to address the situation.

The complainant should be supported to identify and access appropriate avenues for coping with the situation, resolving the problem and/or preventing further harassment (this may include accessing an independent conciliator at any stage in the process).

Where the complainant is considering proceeding to a formal harassment claim, they should be referred to the Campus Manager (or nominee) or Student Advisor to discuss the process and possible outcomes of a formal complaint.

The staff member in receipt of the complaint must schedule a follow-up appointment with the complainant within five working days of the allegations being discussed with them.

Making a Formal Harassment claim - Stage II

To formally report bullying, harassment or discrimination the claim must be sent in writing and in confidence to the Student Advisor (for students) or Campus Manager (for staff) or other trusted senior staff member detailing the incident(s) of harassment or discrimination, providing the name of the alleged harasser(s) or discriminating policy or process and the outcome they desire.



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IIBT must acknowledge receipt of the letter in writing within in three working days, advising the complainant of the process and time frames involved.

Within five working days, the staff member in receipt of the claim will organise a meeting with the complainant to gather further information on the nature of the claim and assess whether the complainant is in need of immediate assistance/support.

Within five working days of the meeting, the person or persons accused of bullying, harassment or discrimination (the respondent) will be informed of the claims made against them and be given a timeframe of 10 working days within which to respond to those claims.

After 10 working days the Institutes' CEO or nominee will convene a meeting to consider the claim, the respondent's response and decide on actions to be taken.

Both the complainant and respondent will be advised of the outcome within five working days of the decision.

Options for resolving/addressing formal harassment claims

Depending on the nature and seriousness of the claim any of the following processes may be initiated as an outcome of a formal harassment claim:

- ✓ Conciliation
- ✓ Mediation
- ✓ Mentoring
- ✓ Counselling
- ✓ Independent Investigation
- ✓ Student Misconduct
- ✓ Performance Management (including formal warnings) – staff only Reporting to Police
- ✓ Relocation – staff only
- ✓ Termination – staff or students
- ✓ Policy / Process Review

This list is provided as a guide only and does not limit other processes or actions being taken as a result of a formal harassment claim.



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Both the complainant and respondent can appeal the outcome of a formal harassment claim in accordance with the Complaints and Appeals Policy.

Privacy and making a Bullying, Harassment or Discrimination claim - Record Keeping, Retention and Disposal of Records

IIBT will take all steps required to ensure the confidentiality of any claim. Internal disclosure should be limited strictly to those employees who need to have access for official purposes.

Once formal procedures are invoked, details of allegations and investigatory notes are to be kept in confidential files separate to either the complainant's or respondent's personal files.

Where a claim is proven, or where the outcome impacts on enrolment status (students) or employment status /arrangements (staff and related parties) of the complainant or respondent, the outcome may be recorded on the staff member's or student's file.

Records of claims will normally be kept for an initial period of two years. If no further complaints have occurred during this period the records will normally be destroyed.

Procedures for dealing with alleged Cyberbullying

Cyberbullying is bullying that is done through the use of technology. For example, using the Internet, a mobile phone or a camera to hurt or embarrass someone is considered cyberbullying. It can be shared widely with a lot of people quickly, which is why it is so dangerous and hurtful.

Students are advised to deal with cyberbullying by taking the following steps:

- Talk to someone they trust straight away – like a parent, sibling, uncle/aunt, teacher or friend
- Don't retaliate or respond – it might be used against them
- Block the bully and change privacy settings
- Report the abuse to the service and get others to as well
- Collect the evidence – keep mobile phone messages, take screen shots and print emails or social networking conversations
- Do something they enjoy – catch-up with friends, listen to good music, watch a good show or chat online to trusted people

If the cyberbullying escalates, students should take the following steps:

1. Report the cyberbullying material to the social media service it happened on



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	<ol style="list-style-type: none">2. Collect evidence of the cyberbullying material3. Report cyberbullying to the Office of the Children's eSafety Commissioner4. Block the person
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