

PP71 BULLYING AND HARASSMENT POLICY

PURPOSE

The purpose of this policy is to outline Southern Cross Education Institute's approach to addressing concerns or complaints about workplace bullying, unlawful discrimination and harassment within the SCEI community.

SCOPE

This policy applies to all staff and students of Southern Cross Education Institute.

DEFINITIONS

Bullying	Defined as repeated and unreasonable behaviour directed towards a person or a group of people that creates a risk to health, safety and well-being. Bullying can take place between: <ul style="list-style-type: none"> • staff members • a student and a staff member • a student or staff member and another person on campus • students
Discrimination	Treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by law
Harassment	It is unlawful to treat a person less favourably on the basis of particular protected attributes such as a person's sex, race, disability or age. Anti-discrimination law defines harassment as any form of behaviour that: <ul style="list-style-type: none"> • you do not want • offends, humiliates or intimidates you • creates a hostile environment
Repeated behaviour	The persistent nature of the behaviour and can involve a range of behaviours over time.
SCEI	Southern Cross Education Institute
Sexual harassment	Defined under the Sex Discrimination Act as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.
Student	Active, on-campus student with a current course of enrolment with Southern Cross Education Institute. Includes a person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations
Unreasonable behaviour	Behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

POLICY

1. Policy Principles

- 1.1. Southern Cross Education Institute is committed to providing a workplace that is free from bullying, discrimination and harassment.
- 1.2. All Staff and students have a right to work and study in an environment free from bullying, discrimination and harassment and be treated with dignity, courtesy and respect.
- 1.3. All managers are responsible for actively intervening to prevent and stop any bullying, discrimination and harassment behaviour that is occurring in their workplaces, whether or not a complaint is received.
- 1.4. Southern Cross Education Institute provides procedures by which all staff and students can have any complaint of workplace bullying, discrimination and harassment addressed in a sensitive, fair, timely and confidential manner.

2. What is Bullying?

- 2.1. Bullying is defined as repeated and unreasonable behaviour directed towards a person, or a group of people, that creates a risk to health, safety and well-being.
- 2.2. Bullying includes behaviour that intimidates, offends, degrades or humiliates another person, including by electronic means such as email, notice boards, blogs and social networking websites.

2.3. Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- 2.3.1. verbal abuse, insults or offensive language or comments
- 2.3.2. aggressive and intimidating behaviour
- 2.3.3. belittling or humiliating comments
- 2.3.4. victimisation
- 2.3.5. deliberately excluding someone from work-related activities
- 2.3.6. withholding information that is vital for effective work performance
- 2.3.7. setting unreasonable timelines or constantly changing deadlines
- 2.3.8. undermining responsibility and leadership
- 2.3.9. spreading malicious rumours or misinformation
- 2.3.10. unjustified criticism or complaints
- 2.3.11. denying access to information, supervision, consultation or resources to the detriment of the worker
- 2.3.12. setting tasks that are unreasonably below or beyond a person's skill level
- 2.3.13. practical jokes

3. What is not Bullying?

- 3.1. A single incident of unreasonable behaviour is not workplace bullying, however it may be repeated or escalate and so should not be ignored.
- 3.2. The following behaviours do not constitute bullying:
 - 3.2.1. reasonable management practices, including performance management and disciplinary procedures
 - 3.2.2. a direction to carry out reasonable duties and instructions
 - 3.2.3. a direction to comply with SCEI policies and procedures, code of conduct and guidelines

4. What is Unlawful Harassment?

- 4.1. Unlawful harassment is defined under federal and state legislation, as any form of behaviour where a person is made to feel intimidated, or humiliated because of a particular characteristic(s) e.g., race, sex as specified under anti-discrimination or human rights legislation.
- 4.2. Unlawful harassment can be verbal, written or physical, and has the intent or effect of creating an intimidating, hostile or offensive work and/or learning environment.
- 4.3. Harassment can be a single incident, or repeated behaviour, and can occur even if the behaviour is not intended to offend.
- 4.4. Examples of behaviours that may be considered harassment include:
 - 4.4.1. asking intrusive questions about someone's personal life
 - 4.4.2. making derogatory comments or taunts that put down or stereotype people
 - 4.4.3. offensive communications including digital communications (Facebook, twitter, e-mails), written, images and telephone
 - 4.4.4. telling derogatory, demeaning or insulting jokes intended offend on the basis of stereotyping e.g. race, religion
 - 4.4.5. sending explicit or sexually suggestive emails or text messages
 - 4.4.6. displaying racially offensive or pornographic posters or screen savers

5. What is Sexual Harassment?

- 5.1. Sexual harassment is defined under the Federal Sex Discrimination Act 1984 as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.
- 5.2. Examples of behaviours that may be considered sexual harassment include:
 - 5.2.1. inappropriate remarks with sexual innuendos, smutty jokes or lewd comments

- 5.2.2. suggestive remarks about a person's body or appearance
- 5.2.3. persistent, unwanted requests for dates
- 5.2.4. offensive hand or body gestures
- 5.2.5. uninvited physical contact such as patting, pinching, touching, hugging or putting an arm around another person
- 5.2.6. staring or leering in a sexual manner
- 5.2.7. unwelcome wolf whistling
- 5.2.8. intrusive questions about sexual activity

6. What is not Harassment?

- 6.1. The following behaviours do not constitute harassment:
 - 6.1.1. reasonable management practices, including performance management and discipline processes
 - 6.1.2. a lawful and reasonable instruction to carry out reasonable duties and instructions
 - 6.1.3. a direction to comply with SCEI policies and procedures
 - 6.1.4. a poor assessment of a student's work or an employees work is not discriminatory, provided the feedback is reasonable and constructive

7. What is Discrimination?

- 7.1. Discrimination may be direct or indirect:
 - 7.1.1. Direct discrimination means treating someone unfairly or less favourably because of one of the personal characteristics listed above or because of their association with someone identified with one of those characteristics. Examples: refusing to enrol a student because he has Hepatitis C, refusing to allow a Muslim student to wear the hijab as part of her Institute uniform or failing to hire a suitably qualified teacher because of his or her sexual orientation.
 - 7.1.2. Indirect discrimination happens when a rule, policy or requirement unnecessarily or unreasonably disadvantages a person or group of people because of a protected personal characteristic they share. Example: Imposing a requirement that all students take notes from the whiteboard without assistance may unreasonably disadvantage a student with vision impairment.

8. Complaints and Complaints Resolution

- 8.1. All complaints of bullying or harassment will be treated with confidentiality, sensitivity and promptly in accordance with PP11 Complaints and Appeals Policy and Procedure
- 8.2. Fairness and impartiality prevail throughout the appropriate complaint and complaint resolution process
- 8.3. Appropriate records are maintained throughout the complaint and complaint resolution process
- 8.4. A person who notifies of a bullying or harassment complaint are:
 - 8.4.1. protected from victimisation or reprisal
 - 8.4.2. regularly informed of the progress of the matter and of the consequences of any finding

9. Confidentiality

- 9.1. The parties to a bullying or harassment complaint are required to maintain confidentiality in relation to the concern or complaint.
- 9.2. The parties must not disclose, by any form of communication, either the fact or the substance of the allegations or issues to anyone other than those directly involved in the complaint resolution process.
- 9.3. A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint under these procedures.
- 9.4. Any breach of either the confidentiality or non-victimisation requirements will be treated seriously and may result in disciplinary action.

RELATED DOCUMENTS

PP11 Complaints and Appeals Policy and Procedure
PPXX Staff Complaints and Grievance Policy and Procedure
Safe Work Australia. Guide for preventing and Responding to workplace bullying. May 2016

LEGISLATIVE CONTEXT

Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Age Discrimination Act 2004 (Cth)
Disability Discrimination Act 1992 (Cth)
Human Rights and Equal Opportunity Commission Act 1986 (Cth)
Equal Opportunity Act 2010 (VIC)
Equal Opportunity Act 1984 (SA)
Protected Disclosure Act 2012 (VIC)
The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 6

RESPONSIBILITIES

Responsibilities of the Chief Executive Officer and Managing Director:

- Support a working and learning environment that is free from bullying and harassment
- take all reasonable steps to prevent bullying and harassment in the workplace
- actively implement precautionary measures such as policies and procedures and training for staff to minimise the risk occurring
- hold managers and staff to the relevant responsibilities

Responsibilities of Managers

- Make all reasonable efforts so that acceptable standards of conduct and behaviour are displayed at all times in the workplace and classroom
- Ensure complaints are addressed promptly, fairly, sensitively and in accordance with the Complaints and Appeals Policy and Procedure

All staff members, students and contractors have a responsibility to:

- ensure that at all times their behaviour is consistent with the expectations outlined under this policy, PP79 Student Rules Policy and Staff Code of Conduct
- follow and engage in the complaints process to achieve resolution of the complaint
- respect cultural and social differences of other staff and students
- treat all members of the SCEI community with dignity, courtesy and respect

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