

POLICY C5.0

BULLYING, HARASSMENT AND DISCRIMINATION (STAFF AND STUDENTS)

1.0 INTRODUCTION

1.1 Context

In the provision of their business, including higher education, vocational education and bespoke courses for industry, Scentia and its subsidiaries, the Australasian College of Health and Wellness Pty Ltd (ACHW), the Australian Institute of Management Education and Training Pty Ltd (AIM) operating as AIM Business School (ABS), and AIM VET, a Registered Training Organisation (RTO), (collectively ‘the Scentia Group’).

The Scentia Group recognises its legal and regulatory obligations, including work health and safety and anti-discrimination legislation, and the rights of individuals to feel safe and be treated fairly. Scentia has a zero-tolerance approach to bullying, harassment and discrimination - and is committed to providing a safe work and learning environment.

1.2 Purpose

This policy defines bullying, harassment and discrimination, sets out the responsibilities and expectations of staff and students, and outlines Scentia’s support and prevention strategies.

This policy should be read in conjunction with the Bullying, Harassment and Discrimination procedure. As Scentia responds to issues of bullying, harassment and discrimination through its grievance process, this policy should also be read in conjunction with the Staff Grievances policy and procedure, or the Student Grievances and Complaints policy and procedure.

1.3 Scope

This policy applies to:

- all students.
- all non-academic and academic staff of Scentia whether full-time or fractional, continuing, fixed-term, contractors or casual.
- members of Scentia, AIM and ACHW Boards.
- volunteers who contribute to Scentia’s activities or who act on behalf of Scentia.

It applies to incidents that occur:

- at any of Scentia's or third-party partner premises.
- on any of its online learning platforms and online environments (for staff and students).
- during Scentia business, when representing Scentia or during events affiliated with Scentia.

This includes work outside normal working hours and covers all methods of communication through which bullying, harassment and discrimination can take place including, but not limited to, face to face, email, text messaging and social media platforms.

1.4 Scope Exceptions

Sexual harassment is covered by the Sexual Harassment and Assault Prevention and Response policy and procedure.

2.0 RESPONSIBILITIES

1. Staff and students must comply with, and demonstrate active commitment to this policy and procedure, engage with related prevention programs and understand how to report bullying, harassment and discrimination (outlined in the Staff Grievances policy and procedure and the Student Grievances and Complaints policy and procedure).
2. All staff and students must behave respectfully towards others and abide by the standards of behaviour outlined in the Staff and Student Code of Conducts. This includes:
 - acknowledging the rights of others, by treating everyone with respect, dignity and courtesy;
 - valuing difference;
 - treating everyone equitably irrespective of gender, race, cultural and religious background, disability, age and sexual orientation;
 - showing consideration for the opinions and views of peers, staff, and faculty; and
 - avoiding all forms of bullying, harassment and discrimination.
3. All staff involved in recruitment must ensure appointments are based on merit and best fit for the position.

4. All Managers must:
 - role model appropriate, respectful behaviour;
 - ensure all staff members are treated fairly and equally in all aspects of the employment relationship;
 - ensure their staff are aware of their obligations under this policy; and
 - intervene to address any inappropriate behaviour observed, even without a formal report being made.
5. The Director of Education (for academic staff and students) and the Head of People and Culture (for non-academic staff) are responsible for:
 - providing, reviewing, and updating evidence-based education and awareness campaigns on bullying and harassment as part of prevention efforts, and.
 - providing accurate and accessible information to staff and students on how to seek support and report incidents.
6. The Head of People and Culture (for non- academic staff), the Director of Education (for academic staff) and Head of Schools/ Head of Academic Delivery VET (for students) are responsible for supporting individuals affected by bullying, harassment or discrimination, and alleged offenders. This includes informing individuals on their rights and responsibilities, helping them make work/study adjustments and how to navigate the formal reporting process.
7. All staff involved in informal resolution and formal reporting processes must:
 - treat all disclosures seriously, confidentially, and impartially.
 - ensure procedures for responding to reports are conducted in accordance with the principles of natural justice and procedural fairness.
8. The Student Grievance and Complaints policy and Staff Grievances policies outline who is responsible for ensuring effective measures are in place for reporting and resolution of grievances.
9. Roles and responsibilities for investigating incidents of bullying, harassment and discrimination are outlined in the Staff Grievances policy and procedure and the Student Grievances and Complaints policy and procedure.

3.0 POLICY

3.1 Principles

1. Scentia recognises the rights of individuals and groups to be free from bullying, harassment and discrimination on any grounds such as gender, marital status, pregnancy, family responsibilities, sexuality, race, disability, political or religious belief or age.
2. Staff and students have the right to access support, raise issues and make a formal report, in a reasonable and respectful manner, without being victimised.
3. All incidents of bullying, harassment or discrimination will be treated seriously, handled confidentially, and addressed in a prompt and objective manner in accordance with the relevant grievance policy and procedure.
4. Staff or students found to have engaged in behaviour constituting bullying, harassment or discrimination will be counselled, warned, disciplined, or dismissed/expelled.

3.2 Bullying

1. Bullying is defined in section 4 of this policy. It may be one-on-one or carried out by a group; be overt or subtle; and done privately or in front of others.
2. Bullying can take place between students, staff members (including between members with unequal levels of authority), between a staff member and a student, or between a staff member/student and a volunteer, representative or affiliate.
3. Examples of bullying include, but are not limited to:
 - yelling, screaming, abusive or offensive language, behaving aggressively, insults, inappropriate comments about a person's appearance, personal life or lifestyle, defamation of individuals or their family or associates;
 - behaviour or language that intends to, or has the impact of frightening, intimidating, humiliating, belittling or degrading another person;
 - deliberately marginalising a person (for example, persistently excluding and ignoring colleagues);
 - unwelcoming questions around one's sexuality, gender or intersex status;
 - offensive terms and stereotyping;
 - requesting someone to be 'normal' or conform to gender stereotypes;
 - unconstructive criticism or spreading rumours about others;
 - impeding a person's capacity to fulfil their duties;
 - excluding individuals from normal work interaction without justification;

- unrealistic demands within the framework of existing work unit standards, which includes normal work peaks and troughs;
 - threatening a staff member's job security;
 - deliberately withholding work/study related information or resources, or supplying incorrect information to an individual;
 - teasing or regularly being made the brunt of pranks/practical jokes, particularly after an objection has been made known;
 - constant and unwelcome jokes in relation to sexuality or gender;
 - displaying written or pictorial material which degrades or offends an individual;
 - deliberately harmful and punitive 'administrative sanctions' (for example the deliberate delay in processing/marking an individual's work, applications for training, leave or payment of wages);
 - creating unexplained job changes, setting meaningless tasks or tasks well beyond a persons' normal range of duties;
 - sending abusive or offensive e-mails or text messages;
 - using digital and online social networks to make inappropriate comments which humiliate, slander, intimidate or degrade a person; or
 - collective accusations, humiliation, general harassment or emotional abuse by a group (known as 'mobbing').
4. Bullying can also be a form of unlawful harassment if it is based on personal characteristics covered by anti-discrimination legislation (see definition of Discrimination in section 4 of this policy).
5. Bullying is not:
- a single incident of unreasonable behaviour (see clause 3.2.6 of this policy);
 - situations where colleagues or other students point out professional differences or difficulties they have with others, provided that it is done in an appropriate manner;
 - controlled release of study information;
 - occasional differences of opinion, conflicts and problems in work/study relationships;
 - a situation where an authorised individual commences proceedings for unsatisfactory performance, misconduct or a grievance in line with relevant policies and procedures;
 - reasonable staff performance management or disciplinary action; or

- reasonable management action carried out in a reasonable way (see clause 3.2.7 of this policy).
6. While single incidents and low-level conflict between colleagues or students may not be bullying, it may become bullying if unreasonable behaviour is repeated. The level of risk to health and safety and the reasonableness of the behaviour is what differentiates single incidents and low-level conflict situations from bullying.
7. Examples of reasonable management action may include:
- setting reasonable performance goals, standards and deadlines;
 - rostering and allocating working hours (where the requirements are reasonable);
 - transferring a staff member for operational reasons (where undertaken in line with relevant employment agreements and/or policies and procedures);
 - deciding not to promote a staff member (where Scentia's policies and procedures are followed and decisions documented);
 - informing a staff member about unsatisfactory work performance (where done in line with the relevant employment agreement and/or policies and procedures);
 - informing a staff member about inappropriate behaviour in an objective and confidential way; and
 - implementing changes in the workplace, either structural or operational (where done in line with the relevant employment agreement and/or policies and procedures).

3.3 Discrimination

1. Discrimination is defined in section 4 of this policy. It may involve:
- Offensive jokes or comments about a person's racial or ethnic background, gender, sexual preference, age, disability or physical appearance;
 - Display of pictures, cartoons or posters that may be offensive or derogatory;
 - Expressing negative stereotypes for a particular group;
 - Judging someone on their religious beliefs rather than their work performance;
 - Using stereotypes or assumptions to guide decision making about someone's career; and

- Undermining a person's authority or work performance because you dislike one of their personal characteristics.
2. Special measures that aim to help certain vulnerable groups or individuals advance is not discriminatory.

3.4 Harassment

1. Harassment is defined in section 4 of this policy.
2. Examples of unlawful harassment includes, but is not limited to, derogatory comments or jokes about an individual's particular personal characteristic (such as race, sex, age, gender, disability or sexuality), directly or indirectly.

3.5 Prevention

1. Scentia will prevent bullying, harassment and discrimination by:
 - providing clear standards of behaviour in the Student Code of Conduct and Staff Code of Conduct;
 - educating all staff and students on what constitutes bullying, harassment and discrimination, the support services available, reporting options and how to be a 'first responder';
 - requiring all managers and student-facing staff to complete targeted training so they can respond in a compassionate and culturally respectful way to any disclosures of bullying, harassment and discrimination;
 - celebrating diversity through organised events; and
 - ensuring all employment decisions - recruitment, promotion, benefits, conditions of employment, remuneration, transfer, discipline, training, work environment, supervision, and termination of employment - are based upon merit, fit, fact and circumstance.

3.6 Support

1. Bullying, harassment and discrimination can affect the health and wellbeing of individuals, regardless of when and where the incident occurred. Staff and students can access support at any time, even if the incident occurred beyond the scope of this policy.
2. Information on support available is detailed in the Bullying, Harassment and Discrimination procedure.
3. Affected individuals may disclose - tell someone about - their experience and seek support, but not informal or formal resolution. All staff should be able to refer the affected individual to support services.
4. Affected individuals and alleged offenders can have a support person with them at any time when discussing incidents of bullying, harassment or discrimination, and throughout the informal resolution and formal reporting process.

3.7 Responding to bullying, harassment, and discrimination

1. Individuals affected by bullying, harassment or discrimination can take the following action:
 - Informal - disclose the incident to a trusted person and seek support and/or attempt to address the incident(s) directly with the person(s) or area involved (if it is appropriate and safe to do so);
 - Informal - seek to resolve the incident(s) via informal resolution. This is not a formal report; however, it involves the intervention of a third party; or
 - Formal - make a formal report through Scentia's grievance process. Scentia will assess whether the incident constitutes misconduct.
 - Formal - lodge a critical incident for a more immediate response. The incident(s) must be 'traumatic, or the threat of such, causes extreme stress, fear or injury and results in psychological and/or physical trauma' as defined by the Critical Incident Management policy.
2. An individual can seek independent advice from:
 - Head of People and Culture - non-academic staff
 - Head of Education - academic staff
 - Student Services - studentsif they are unsure of their options or need support to make a formal report.
3. All disclosures will be treated seriously, confidentially, and impartially.
4. No individual will be disadvantaged by seeking informal or formal resolution. Those accused of incident(s) of bullying, harassment or discrimination will be treated without bias while claims are investigated.
5. The Bullying, Harassment and Discrimination procedure, Staff Grievances policy and procedure, and the Student Grievances and Complaints policy and procedure provide further detail of the above processes.

3.8 Responding to a formal report

1. All formal reports of bullying, harassment and discrimination will be responded to in accordance with the relevant grievance policy and procedure. This is the Student Grievances and Complaints policy and procedure for students, and the Staff Grievances policy and procedure for staff.
2. The assessment or investigation of incidents will be undertaken in a fair, impartial and equitable way. This includes ensuring that the alleged offender(s) is:
 - provided with details of any reports about them,

- provided with the opportunity to make representations in the matter, and
 - is treated without bias.
3. Anyone found to have engaged in bullying, harassment or discrimination, following a review, will be disciplined. They may be counselled, warned, dismissed/expelled, or be refused further services offered by Scentia.
 4. Scentia will not take any action that will compromise a police investigation or the resolution process of a regulatory authority.
 5. If the incident cannot be addressed or resolved by Scentia, the individual will be advised of their options for external review by the relevant external agencies.

3.9 Privacy, Confidentiality and Record Keeping

1. Allegations of bullying, harassment and discrimination have the potential to damage to an individual's reputation, even if the allegation is found to be unsubstantiated. Only those with a legitimate need to know, such as relevant managers, will be notified of any allegations of bullying, harassment or discrimination.
2. When an incident is formally reported, only those directly involved in assessing, investigating or resolving the grievance will have access to information, subject to legal requirements for disclosure.
3. There may also be cases where certain information may need to be shared with key personnel to ensure the individual's safety, the safety of others or to provide support.
4. The relevant grievance policies and procedures outline how confidentiality will be maintained throughout the investigation, including how records will be managed and accessed.
5. The Bullying, Harassment and Discrimination procedure outlines how incidents will be reported internally.

4.0 DEFINITIONS

- **Affected individual** - An individual who has experienced an incident or incidents of bullying, harassment or discrimination.
- **Bullying** - is repeated and unreasonable behaviour - such as victimising, humiliating, intimidating or threatening - directed towards an individual or a group that creates a risk of physical and/or psychological harm.
- **Disclosure** - when an affected individual or witness tells someone about an incident(s) of bullying, harassment or discrimination. Disclosing is not the same as reporting but enables the victim/survivor to be provided with support and options.

- **Discrimination** - is any practice that makes distinction between individuals or groups so as to arbitrarily advantage one and disadvantage the other. Discrimination occurs when somebody is treated less favourably on grounds such as: gender, imputed characteristics (stereotypes), parental status, sexual orientation, gender identity, marital status, race, age, impairment (physical or intellectual), religion, political belief or activity, trade union activity, pregnancy or breastfeeding.
- **First responder** - Anyone who receives a disclosure of an incident of bullying, harassment or discrimination.
- **Grievance** - An official statement of a complaint or appeal over something believed to be wrong or unfair.
- **Harassment** - is considered to be any form of behaviour that is unwanted; offends, humiliates or intimidates a person or a group of people because of a particular personal characteristic (such as race, sex, age, gender, disability or sexuality); or creates a hostile environment.
- **Inappropriate behaviour** - behaviour that does not respect the rights and sensitivities of all people in the organisation's work and learning environment.

5.0 REFERENCES AND ASSOCIATED INFORMATION

- Bullying, Harassment and Discrimination (Staff and Students) Procedure
- Student Grievances and Complaints Policy and Procedure
- Staff Grievances Policy and Procedure
- Critical Incidents Policy and Procedure
- Sexual Harassment and Assault Prevention and Response Policy and Procedure
- Grievance Form
- Grievance Register
- Privacy of Student Information and Records Policy
- Privacy of Staff Information and Records Policy

6.0 POLICY OWNERSHIP

Policy Owner	Director of Education
Status	Reviewed on August 2021
Approval Authority	Scentia Corporate Board, with endorsement by ACHW and AIM Corporate Boards
Date of Approval	21/10/2021
Effective Date	21/10/2021
Implementation Owner	Director of Education
Maintenance Owner	Senior Policy and Compliance Officer
Review Due	October 2024
Content Enquiries	<p>Janene Barrett - Director of Education Email: jbarrett@scentia.com.au</p> <p>Liz Douglas - Head of People and Culture Email: ldouglas@scentia.com.au</p>

7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
C5.0	21 October 2021	Director of Education	<p>Rewrite.</p> <p>Incorporated clauses from previous Equal Opportunity and Discrimination policy.</p> <p>Included examples of 'bullying', 'harassment' and 'discrimination'.</p> <p>Added prevention and support sections and clauses.</p>