

ANTI-BULLYING AND HARASSMENT PROCEDURE

Approving Authority	Executive Management Team
Purpose	To provide a fair and supportive environment free from all forms of bullying and harassment, that promotes personal respect and respect for others, as well as providing physical and emotional safety for all.
Responsible Officer	President and CEO
Next Scheduled Review	September 2026
Document Location	http://www.ozford.edu.au/higher-education/policies-and-procedures/
Associated Documents	<ul style="list-style-type: none"> Anti-Bullying and Harassment Policy Anti-Discrimination Policy and Procedure Diversity and Equity Policy and Procedure Human Resources Policy and Procedures (Manual) Privacy Policy and Procedure Sexual Assault And Sexual Harassment Policy and Procedure Student Code of Conduct Policy and Procedure Staff Code of Conduct Policy and Procedure Social Media (Students) Policy and Procedures Social Media (Staff) Policy and Procedure Student Grievances and Appeals Policy and Procedure Student Support and Services Policy and Procedure Student Safety and Wellbeing Framework

1. PRINCIPLES

This policy aims to ensure that Ozford Institute of Higher Education (the “Institute”) complies with *the Higher Education Standards Framework (Threshold Standards) 2021* (HES Framework) which requires the Institute to promote and foster safety in all Institute environments. Legally, the Institute has a positive duty to eliminate discrimination, sexual harassment, and victimisation as far as possible. This means that, instead of simply reacting to complaints of discrimination or sexual harassment, the Institute is proactive about discrimination and take steps to prevent it from occurring.

Everyone has a right not to be bullied or harassed.

The Institute believes that all staff and students should be able to work and study in an environment free from discrimination, victimisation, sexual harassment, vilification, and the seeking of unnecessary information on which discrimination might be based. The Institute considers such behaviours unacceptable, and they will not be tolerated.

The Institute expects all staff members or students who experience bullying or harassment to report it.

It is important to note that it is irrelevant whether or not the inappropriate behaviour was intended. It is the person subjected to the behaviour who determines whether the behaviour is welcome or unwelcome.

The Institute recognises that comments and behaviour that do not offend one person may offend another. The Institute accepts that individuals may react differently and expects this right to be generally accepted. The Institute will refer serious matters of harassment and/or bullying to relevant authorities.

Inappropriate personal behaviour can lead to breaches of the organisation's duty of care provisions under Occupational Health and Safety Legislation, e.g., persistent bullying.

This procedure will ensure that the Institute has:

- Appropriate training and information resources provided to students and staff in preventing, reporting, and responding to bullying and harassment.
- An effective approach in response to misconduct incidents as they occur;
- Appropriate support and counselling services available to those affected;
- Appropriate disclosure and reporting of any bullying and harassment incidents.

2. SCOPE

This procedure applies to all Institute staff, voluntary position holders, students, volunteers, visitors and members of advisory and governing bodies, across the Institute, and at all times whilst engaged in Institute business or otherwise representing the Institute. The scope encompasses affiliates, contractors, and consultants, appointed or engaged by the Institute, to perform functions and/or recognised for their contribution to the Institute.

It applies to all Institute-related interactions. It applies while on or off campus, at Institute-related functions (including social functions and celebrations), while on trips and attending conferences.

3. DEFINITIONS

Bullying

Bullying is repeated unreasonable behaviour directed toward a staff member, or a group of staff members, or student that creates a risk to health and safety. Examples of behaviour that could be bullying include, but are not limited to:

- excluding someone from workplace/learning activities;
- giving someone the majority of unpleasant tasks;
- verbal abuse;
- humiliating someone through sarcasm or insults;
- intimidation;
- initiation practices;
- sabotaging someone's work; or
- "practical jokes".

Cyber Bullying

Cyberbullying is bullying that's done by means of technology - for example, using the internet or a mobile phone to hurt, harass or embarrass someone.

Harassment

Harassment is a type of discrimination and can take many forms. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or cause offence.

Harassment may be seen to have occurred if the behaviour makes the victim feel:

- offended and humiliated;
- intimidated or frightened; or
- uncomfortable at work.

For the definition of sexual harassment please refer to the ***Sexual Assault and Sexual Harassment Policy and Procedure***.

4. PROCEDURE

Prevention, Training and Awareness

- 4.1 It is inappropriate that physical or emotional violence should be used or tolerated in any context at the Institute. In this respect, it is inappropriate and **expressly forbidden** that **corporal punishment** is used in any way at the Institute.
- 4.2 The Institute will take all reasonable steps to prevent or minimise unlawful Discrimination, Bullying, Harassment, Victimization and Vilification against staff or students in the workplace and learning environment. All staff are expected, when carrying out their duties, to show respect towards all persons.
- 4.3 Anti-bullying and harassment information will be included in the Institute's policies, procedures, code of conduct, and frameworks.
- 4.4 Anti-bullying and harassment information will be included in student orientation, staff induction, training, briefings and communications.
- 4.5 The Institute conducts regular awareness training.
- 4.6 Information will be made publicly available on the Institute website and Moodle.
- 4.7 Managers have responsibility to:
 - take reasonably practicable steps to ensure that their workplace or learning environment both on-campus and online, is free from Discrimination, Bullying and Harassment;
 - providing training or advice to staff to eliminate Discrimination, Bullying and Harassment and develop cross-cultural awareness and sensitivity among professional and academic staff and students;
 - encourage due recognition to the history and experiences of the Aboriginal and Torres Strait Islander Peoples of Australia and other ethnic groups;

- inform staff or students who experience Discrimination, Bullying and Harassment of their rights and provide them with the appropriate policy and procedures to resolve their concerns;
- ensure that staff or students who make a complaint are not victimised for doing so and respect their privacy and confidentiality at all times;
- maintain a confidential database of complaints.

Responding to Incidents

- 4.8 The starting point to resolving a complaint is to talk with an Ozford staff member. For staff this can be their supervisor and for students, the Student Experience staff can offer support. The complainant will be encouraged to advise their concerns, explain what has happened and how it has affected them.
- 4.9 If the staff member or student feels confident and wants to deal with the situation themselves, self-help techniques can be used. However, it is not necessary. This option involves approaching the person responsible for the behaviour. The person should be advised what and why the complainant is unhappy about the incident and what they would like to happen. Taking a person for support may be helpful.
- 4.10 If the complainant is unable to resolve the matter himself/herself or is of the belief that it is unsafe to do so, he or she may approach President and CEO in the first instance, and then follow the Institute Complaints and Appeals process.
- 4.11 The Institute will provide confidential assistance to staff or students in the form of wellbeing support and professional counselling.
- 4.12 The Institute may take immediate action (e.g. removing offensive materials/communications).
- 4.13 The Institute may provide a range of options. One approach is to centre on the resolution of the issue, without deciding fault. The person may be spoken to about the incident, to see if the situation can be resolved simply.
- 4.1. Some matters are not resolved so easily, especially if the person being complained about denies or disputes the allegations, or the issues are complex. A manager (or another manager if appropriate) may handle the complaint or refer it to specialist human resource staff or engage an independent external agency. This option will involve an investigation, collecting evidence and witness statements, and making findings and recommendations which will be implemented by the Institute. The following person is available to discuss these options:

Name	Ms. Rong LIU
Position	President and CEO
Location	Level 6, 123 Lonsdale Street
Telephone	03 8663 7198
Email	rongliu@ozford.edu.au

- 4.14 Once all the information is gathered, the President and CEO, acting as the internal investigator will determine whether, 'on the balance of probabilities', the complaint can be substantiated. If the complaint is substantiated, appropriate discipline needs to be applied.
- 4.15 Irrespective of the findings of an internal investigation, the decision will be communicated to the relevant parties, together with an appropriate explanation.
- 4.16 Substantiated bullying or harassment of staff or students by students may result in withdrawal or termination of services, or facilities.

Reporting and monitoring of incidents

- 4.17 The Institute keeps all records of all incidents involving students in the student management system and any incidents involving staff in staff files.
- 4.18 All incidents will be reported to the Audit and Risk Committee and the Governing Board. The Audit and Risk Committee and the Governing Board will have a standing agenda item for each meeting to confirm whether or not there have been any incidents.
- 4.19 The data about any potential or actual incidents or concerns will be collated and a report will be prepared and presented to the Governing Board at a minimum, every 6 months. Confidentiality and information privacy will be upheld, in accordance to the legislative requirements and the Institute *Privacy Policy and Procedure*.
- 4.20 Any improvements required to enhance campus safety will be discussed and implemented as appropriate.

5. QUALITY ASSURANCE

To ensure that this procedure is fit for purpose and meet the requirements of the HES Threshold Standards the procedure will be:

- 5.1 internally approved by the Executive Management Team on development or review
- 5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier); and
- 5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulation.

6. FEEDBACK

Feedback or comments on this procedure is welcomed by the listed responsible officer(s) of the Institute.

7. ACKNOWLEDGEMENT

This policy was developed with reference to the following:

- Australian Human Rights Commission, Information and resources ([Employers \(humanrights.gov.au\)](http://Employers.humanrights.gov.au))
- Fair Work Commission, Bullying information and Resources ([Issues we help with | Fair Work Commission \(fvc.gov.au\)](http://Issues we help with | Fair Work Commission (fvc.gov.au)))
- Victorian Department of Justice and Community safety, Bullying information (Bullying - Brodie's Law | Department of Justice and Community Safety Victoria)
- Victorian Equal Opportunity and Human Rights Commission, Information and resources (<https://www.humanrights.vic.gov.au/for-organisations/>)
- Victorian Department of Education, Bully Stoppers resources ([Bully Stoppers | Victorian Government \(www.vic.gov.au\)](http://Bully Stoppers | Victorian Government (www.vic.gov.au)))
- the Ozford College of Business policy of the same name and purpose.

8. VERSION CONTROL

Version	Date approved	Description	Approved by
2.0	September 2018	Initial issue	EMT
3.0	June 2023	Internal review	EMT
3.1	September 2023	Internal review – minor formatting changes and add external referencing	EMT
Related legislation/ regulation/standard	Tertiary Education Quality and Standards Act 2011 Higher Education Standards Framework (Threshold Standards) 2021 Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Disability Discrimination Act 1992 (Cth) Disability Standards for Education 2005 (Cth) Australian Human Rights Commission Act 1986 (Cth) Workplace Gender Equality Act 2012 (Cth) Age Discrimination Act 2004 (Cth) Fair Work Act 2009 (Clth) Victorian Legislation Equal Opportunity Act 2010 Racial and Religious Tolerance Act 2001 (VIC) Spent Convictions Act 2021		

Note. EMT = Executive Management Team.