

ANTI – BULLYING & 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	Vice President
Next scheduled review	September 2021
Document Location	http://www.ozford.edu.au/higher-education/policies-and-procedures/
Associated documents	Position Descriptions Anti-Bullying & Harassment Policy Anti-Discrimination policy and procedures Diversity and Equity policy and procedures

1. PRINCIPLES

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;
- “practical jokes”.

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.

Unlawful harassment may relate to any of the characteristics covered by Equal Opportunity Legislation. The Ozford Institute of Higher Education (hereinafter referred to as ‘the Institute’) expects all staff members or students who experience bullying to report it. When bullying is reported it will be seen as a serious matter and will be investigated in a timely manner. Allegations of bullying will be investigated in accordance with our procedures. Where necessary, a formal investigation will be undertaken and disciplinary action may result.

The Academic Dean and all staff members and students have a responsibility to comply with this policy and treat everyone who works with or studies with the Institute with dignity and respect.

It is important to note that it is irrelevant whether or not the inappropriate behaviour was intended.

In Victoria, co-staff can be named as sole respondents in cases of alleged sexual harassment. It is important to understand that it is the person subjected to the behaviour who determines whether the behaviour is welcome or unwelcome.

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

- offended and humiliated
- intimidated or frightened; or

- uncomfortable at work

It is also important to note that inappropriate personal behaviour outside the attributes listed above can lead to breaches of the organisation's duty of care provisions under Occupational Health and Safety Legislation, e.g., persistent bullying.

2. SCOPE

This anti-bullying procedure applies to all students and staff at the Institute.

3. DEFINITION

Sexual Harassment

Sexual harassment occurs when a person makes an unwelcome sexual advance or an unwelcome request for sexual favours, directed at another person, or in the presence of another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person.

Sexual harassment has nothing to do with mutual attraction or private consenting friendships, whether sexual or otherwise.

Examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings
- Leering, patting, pinching, touching or unnecessary familiarity
- Offensive comments on physical appearance, dress or private life
- The public display of pornography
- Unwanted comments about a person's sexual activities.

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.

It is the responsibility of the relevant Head to ensure that:

- professional standards of behaviour apply at all times;
- staff/students who wish to make enquiries or complaints are supported and assisted in a professional and fully informed manner;
- all complaints are treated impartially, confidentially, seriously and sympathetically;
- both parties are protected and given fair treatment throughout the process;
- appropriate action is taken whenever harassment has been substantiated;
- disciplinary action is taken against anyone found to have harassed another staff member.

Having made a complaint, a person is legally protected from further harassment or victimisation.

4. PROCEDURES

The Institute will take all reasonable steps to prevent or minimise unlawful Discrimination, Bullying, Harassment, Victimisation 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.

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.

If a staff member or student who believes that she/he is being harassed, and is unable to resolve the matter herself/himself, or is of the belief that it is unsafe to do so, he or she may approach Vice President in the first instance, and then follow the Institute Complaints and Appeals process.

- 4.1 Once all the information is gathered, the Vice President, 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.
- 4.2 Irrespective of the findings of an internal investigation, the decision needs to be communicated to the relevant parties, together with an appropriate explanation.
- 4.3 Harassment of staff by students may result in withdrawal or termination of services, or facilities.
- 4.4 All staff will be made aware of the legislative requirements relating to bullying and harassment. Refer to <http://www.hreoc.gov.au/> the Australian Human Rights Commission;
- 4.5 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.
- 4.6 The Institute is committed to ensuring that staff, students and visitors are equally valued and treated with respect;
- 4.7 All claims of bullying and harassment are taken seriously and will be treated confidentially, documented, and promptly and constructively addressed by the Vice President;
- 4.8 All forms of bullying and harassment are not tolerated. Any person who had encountered these at the Institute are encouraged to report the incident to the Vice President, with any documentary evidence (if available) and a formal complaint to be lodged in writing;
- 4.9 The Vice President is responsible for addressing the behaviour of the alleged perpetrator and to provide support services for the victim within the Institute.

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).
- 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 officers of the Institute.

7. ACKNOWLEDGEMENTS

This procedure is consistent with the Oxford College of Business procedure of the same name and purpose.

8. VERSION CONTROL

Version	Date approved	Description	Approved by
2.0	September 2018	Initial issue	EMT
Related legislation/ regulation/standard	HES Threshold Standards 2015- Standard 2		