

HARASSMENT, VICTIMISATION AND BULLYING POLICY

PREAMBLE

This Policy aims to promote a safe, flexible and respectful environment in the College. An environment that values diversity for staff and students and is free of Harassment, Victimisation and Bullying. All students and staff are required to treat each other with dignity, courtesy and respect which helps create an environment within the College where the most beneficial learning, teaching and administration duties can be carried out.

DEFINITIONS

“**Bullying**” occurs when a person or a group of people **repeatedly** behave unreasonably towards a worker or a group of workers and the behaviour creates a **risk to health and safety**. Bullying **does not include reasonable management action** carried out in a reasonable manner.

“**College**” means Australian Pacific College, English Unlimited and Australian Pacific Travel and Tourism.

“**Harassment**” means any type of behaviour that a person does not want and does not return and may offend embarrass, or scare them, and is either sexual or targets them because of their race, sex, pregnancy, marital status, carer’s responsibilities, transgender, homosexuality, disability or age.

“**National Code**” means the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

“**Order**” means an order made by the Fair Work Commission under the Fair Work Act 2009 (Cth).

“**Policy**” means this Harassment, Victimisation and Bullying Policy.

“**Student**” means any person undertaking a course of study at the College,.

“**Victimisation**” is any situation where a person is threatened because they are making or proposing to make a complaint under equal opportunity laws.

“**Worker**” means an employee, a contractor or subcontractor or a person employed by a labour hire company who is working at a particular business or organisation, an outworker, an apprentice or a trainee, a work experience student, a volunteer. *Only people who are considered to be 'workers' may apply for an Order to stop workplace*

bullying (refer to the Fair Work Act 2009 (Cth) and the Workplace Health and Safety Act 2011 (Cth)).

1. MANAGERS AND SUPERVISORS RESPONSIBILITIES

All managers and supervisors must take all reasonable steps to try and prevent or minimise unlawful Harassment, Victimization or Bullying from happening within their area of responsibility. Managers and supervisors should:

- a) follow the standards of behaviour outlined in this Policy and be a good role model;
- b) treat everyone with dignity, courtesy and respect;
- c) ensure that all staff under your supervision, understand and have ready access to this Policy and know how to deal with Harassment, Victimization or Bullying if it happens to them, other staff or students;
- d) make it clear to those you supervise that Harassment, Victimization or Bullying behaviour will not be tolerated and encourage the reporting of any behaviour that breaches this Policy;
- e) intervene quickly if you witness or are privy to information about any Harassment, Victimization or Bullying;
- f) offer support to people who experience Bullying, Harassment or Victimization including informing them how to make a complaint;
- g) ensure that any reported behaviour is followed up and resolved in a fair, timely and confidential manner and ensure that the person making the complaint is not victimised for doing so and respect their privacy and confidentiality at all times;
- h) help staff and/or students resolve complaints informally, if that is the resolution of choice of the victim;
- i) ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; and
- j) ensure that the working environment is free of sexist, racist or any other type of stereotyping material.

2. EMPLOYEES RESPONSIBILITIES

2.1 If you are an employee of the College, you must not:

- a) Display material that is racist, sexist, sexually explicit, or discriminatory in any form – this means electronically (through computer-based activities or emails) or in videos or lesson plans and so on;
- b) Use verbal abuse or comments that put down, or stereotype people because of their race, sex, pregnancy, marital status, age disability or sexual preference;

- c) Initiate physical contact with any student. This includes slapping, pinching, kissing or touching (the top of the head included).

2.2 In all matters employees are expected to:

- a) Be a good role model and show respect, dignity and courtesy to all other people;
- b) Be careful about anything that might be interpreted as sexual or stereotyping people because of the group they happen to belong to;
- c) Be careful of the words you use, the tone you use, and how you say things;
- d) Avoid sexual or stereotyping jokes;
- e) Avoid the use of sexual or stereotyping pictures, cartoons, verse – on paper, walls, boards, faxes or computers;
- f) Refrain from any type of touching of other people;
- g) Refrain from standing too close to staff or students;
- h) Be aware of the complexities of language (and how it is spoken, i.e volume, tone etc) and how they could be misinterpreted as being threatening, harassing or having sexual connotations, and avoid using such language; and
- i) Refrain from teaching sexual language or showing any material of a sexual nature.

3. STUDENT RESPONSIBILITIES

3.1 In all matters students should endeavour to:

- a) Show respect, dignity and courtesy to all other people;
- b) Be careful about anything that might be interpreted as sexual or stereotyping people because of the group they happen to belong to;
- c) Be careful of the words you use, the tone you use, and how you say things;
- d) Avoid sexual or stereotyping jokes;
- e) Avoid the use of sexual or stereotyping pictures, cartoons, verse – on paper, walls, boards, or computers;
- f) Refrain from any type of touching of other people;
- g) Refrain from standing too close to staff or students;
- h) Be aware of how gestures and contact could be misinterpreted as being threatening, harassing or having sexual connotations, and avoid using such gesture and contact; and
- i) Refrain from using language that is threatening, harassing or sexual.

4. STEPS FOR DEALING WITH HARASSMENT, VICTIMISATION OR BULLYING

- 4.1 **SELF HELP** - You can discuss your concerns with the individual who is causing you distress. You can tell the person to stop. You can do this in writing.
- 4.2 **SEEK ASSISTANCE** - If self help fails (see clause 4.1), or you don't feel you can personally deal with the problem, or they don't stop, please seek immediate help from your supervisor, teacher, manager or Student Care.
- 4.3 **ASSISTED RESOLUTION** - The person you seek help from will listen to you, discuss options for resolution and assist you with taking the next step in resolving the problem. These discussions should be recorded and filed in the student's/staff file. A resolution will only occur when the person seeking help is satisfied that the unacceptable behaviour has stopped and the issue is resolved.
- 4.4 **FORMAL COMPLAINT USING THE COMPLAINTS AND APPEALS POLICY**
If the person being Harassed, Victimised or Bullied has tried self help (see clause 4.1), or sought assistance (see clauses 4.2 and 4.3) and all efforts have failed to stop the unacceptable behaviour then they should use the College's Complaints and Appeals Policy so that it can be resolved.
- 4.5 Help to prevent Harassment, Victimisation or Bullying by offering to support someone else if you think they are being harassed, victimised or bullied. Suggest they refer to this Policy and the Student Complaints and Appeals Policy.
- 4.6 Always respect and maintain the confidentiality of all people involved in these matters. This is essential to avoid compromising any investigation which may take place.
- 4.7 Workers who are being Bullied at work may apply to the Fair Work Commission for an Order to stop the Bullying. The Fair Work Commission must start dealing with the matter within 14 days.

If you have a problem and suspect it may be harassment, victimisation or bullying of some type, please contact Reception to arrange an appointment with one of the following staff:

<i>Carolyn Long</i>	<i>NSW Campus Director</i>	<i>clong@apc.edu.au</i>
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<i>Marta Setkowicz</i>	<i>Campus Manager (Melbourne)</i>	msetkowicz@apc.edu.au
<i>Livia Cruz</i>	<i>Campus Manager (Brisbane)</i>	lcruz@apc.edu.au
<i>Sharon Luhr</i>	<i>Principal Academic Director</i>	sluhr@apc.edu.au
<i>Youngeun Song</i>	<i>Student Experience Director QLD Campus Director</i>	youngeun@apc.edu.au

Further help can be obtained from the following departments:

Fair Work Commission	www.fwc.gov.au
NSW Anti-Discrimination Board	www.antidiscrimination.justice.nsw.gov.au
Anti-Discrimination Commission Queensland	www.adcq.qld.gov.au
Victorian Equal Opportunity and Human Rights Commission	www.humanrightscommission.vic.gov.au
Human Rights Commission	www.humanrights.gov.au

POLICY REVIEW

This policy will be reviewed as part of the College's three year policy review cycle or as required by regulatory changes.

RELEVANT LEGISLATION

This document references the following legislation, regulations, codes and standards:

Relevant Legislation/codes/standards	
Commonwealth	Fair Work Act 2009 (Cth) Work Health and Safety Act 2011 (Cth) Australian Human Rights Commission Act 1986 (Cth) Disability Discrimination Act 1992 Sex Discrimination Act 1984 (Cth) Racial Discrimination Act 1975 (Cth)

	Age Discrimination Act 2004 (Cth)
New South Wales	Anti-Discrimination Act 1977 (NSW)
Queensland	Anti-Discrimination Act 1991 (Qld) Workplace Health and Safety 2011 (Qld)
Victoria	Equal Opportunity Act 2010 (Vic) Racial and Religious Tolerance Act 2001 (Vic)

RELATED POLICIES AND PROCEDURES

This document references the following College policies and/or procedures:

Related Policies and Procedures	
Policies	STUDENT COMPLAINTS AND APPEALS POLICY

KEYWORDS

Keywords	harassment, victimisation, bullying, diversity, tolerance, discrimination, anti-discrimination, human rights, equal opportunity
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POLICY OWNER

Owners	Director of Student Experience and Director of Business and Innovation.
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POLICY/PROCEDURE HISTORY

Policy History			
Current version	Current version release date	Author	Description of changes
Harassment, Victimisation and	16 April 2015	Sharon Luhr	Original document

Bullying Policy v2.8R			
Harassment, Victimization and Bullying Policy v2.9R	July 2018	Sara Gaudry	Full update in accordance with the Policy and Procedure Template v1.0, Guidelines for Drafting Policies and Procedures v1.0 and current legislation.