

Discrimination, Bullying and Harassment Prevention Policy

1. Purpose and Scope

- 1.1 The Discrimination, Bullying and Harassment Prevention Policy sets out AIAT's:
 - 1.1.0 Commitment to providing a learning and workplace environment that is free from discrimination, bullying and harassment (including sexual harassment) for all students, staff and members of its community.
 - 1.1.1 Expectations of professional, responsible and respectful behaviour by students, staff and other members of its community.
- 1.2 This policy applies to all students and to all staff (including academics, non-academics, Board or committee members):
 - 1.2.1 on an AIAT campus;
 - 1.2.2 on a digital platform used for AIAT study, learning or work purposes;
 - 1.2.3 while representing AIAT anywhere in Australia or overseas; or
 - 1.2.4 in relation to a class, function or event sanctioned or organised by AIAT.
- 1.3 This policy applies to all visitors, volunteers and contractors when they are engaged in AIAT activities including those set out in clause 1.2.

2. Definitions

Refer to *Glossary of Terms*. Other terms relevant to this Policy include:

Bullying is repeated and unreasonable behaviour directed towards a person or group of persons including that which creates a risk to health and safety, contrary to South Australian and Commonwealth laws. Unreasonable behaviour includes behaviour that is victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances. Bullying can be overt or covert.

Discrimination occurs when a person is treated less favourably than another person because of certain attributes (direct discrimination) or when a requirement that is the same for everyone has an unfair effect on some people because of a defined attribute (indirect discrimination). Under South Australian and Commonwealth laws, it is against the law to discriminate against people in a place of study and work. This includes on the basis of a person's sex, pregnancy and breastfeeding (including bottle feeding), chosen gender, sexuality, marital or domestic partnership status, race, age, disability (and use of an assistance animal), association with a child, caring responsibilities, religious appearances or dress, and spouse or partner's identity.

Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to intimidate, offend, or humiliate an individual or group of people. Harassment can be on the basis of, but is not limited to, race,

colour, sex, age, sexual orientation, disability or other attributes protected by South Australian and Commonwealth anti-discrimination laws.

Nominated officer is the CEO and/or other staff member/s designated by the CEO charged with responsibility for receiving and responding to complaints made pursuant to this Policy. The contact details of nominated officer/s will be publicly available on the AIAT website.

Sexual harassment is one form of harassment and is unlawful based on South Australian and Commonwealth laws. See clause 4.7.

Racial vilification is a public act that could incite or encourage hatred, serious contempt or severe ridicule towards people because of their race (including colour, country of birth, ancestry or ethnic origin).

3. Policy Statement

- 3.1 AIAT is committed to providing a learning and work-place for all students, staff and other members of the AIAT's community that:
 - 3.1.1 Respects their right to study or work in an environment free from discrimination, bullying, harassment and racial or other vilification.
 - 3.1.2 Supports a culture of shared responsibilities (clause 3.3).
 - 3.1.3 Respects the right of individuals to make a complaint internally and externally providing that the complaint is not vexatious or frivolous and for AIAT to respond to complaints promptly.
- 3.2 Discrimination, bullying, harassment and vilification by any member of the AIAT community is unacceptable. It can:
 - 3.2.1 Create an intimidating hostile, offensive or distressing study or work environment.
 - 3.2.2 Adversely affect the health and performance of a person or group of people, adversely affecting their progression opportunities as a student or as a staff member.
 - 3.2.3 Lead to increased absenteeism and reduced staff productivity and motivation.
 - 3.2.4 Adversely affect a student's capacity to fully participate in their study and learning.
 - 3.2.5 Adversely reflect on the integrity of AIAT and increase its risk as a higher education provider and employer.
- 3.3 Shared responsibilities to prevent discrimination, bullying, harassment and victimisation means that:
 - 3.3.1 AIAT provides appropriate orientation, induction, and professional learning opportunities appropriate for a learning environment and a workplace.
 - 3.3.2 AIAT ensures that up-to-date and relevant information about security contacts, complaint processes and support services are easily accessible to students and staff in different formats.
 - 3.3.3 There is a responsive complaint mechanism in place for students and staff, and sanctions applied when necessary.

- 3.3.4 Individuals ensure their personal conduct meets the appropriate standards in line with this policy, Codes of Conduct and relevant laws.
 - 3.3.5 Individuals act to support their colleagues and peers who are subject to conduct that is contrary to this policy.
- 3.4 To support its commitment to preventing behaviour or conduct contrary to this policy, AIAT expects its managers and supervisors (including teaching staff supervising students in any capacity) to:
- 3.4.1 Ensure that acceptable standards of conduct are observed at all times, including taking a zero-tolerance approach to behaviour that constitutes bullying, harassment, vilification or discrimination. This includes any behaviour that is facilitated by technology or involves image-based abuse.
 - 3.4.2 Take early corrective action to deal with any behaviour that is inappropriate, offensive or intimidating, even if a complaint has not been made.
 - 3.4.3 Providing appropriate support services (including academic and non-academic support for students) and/or referral to a nominated officer for students or staff or members of the community as appropriate.
- 3.5 AIAT encourages prompt reporting of incidents of discrimination, bullying and sexual and other forms of harassment as a means of identifying inappropriate behaviour, preventing its escalation and eliminating this behaviour from the learning and work environment. Anonymous reports will be responded to where it is necessary to protect the safety and wellbeing of any member of the AIAT community.

4. Policy Principles

- 4.1 A student or staff member who feels that they have been bullied, harassed, vilified or discriminated against contrary to this policy has the right to take reasonable action and make a complaint in order to resolve the matter. The action that may be taken includes:
 - 4.1.1 Talking to the person directly, advising them that their behaviour is unacceptable and must stop. This action should be taken only where it is safe and appropriate to do so.
 - 4.1.2 Seeking advice and/or support from a senior manager or other staff member. These staff will be able to assist in considering resolution options.
 - 4.1.3 Making a complaint in writing to the CEO or nominated officer. All reports and complaints of harassment, bullying, vilification and unlawful discrimination will be treated seriously and dealt with promptly, impartially and confidentially.
- 4.2 Complaints about:
 - 4.2.1 sexual assault are managed in accordance with the Responding to Sexual Assault Policy and related procedure; and
 - 4.2.2 behaviour that may constitute a crime (such as assault or sexual assault) may be reported by AIAT to the Police or other relevant authorities.
- 4.3 Students and staff may make complaints externally to:

- 4.3.1 the Australian Human Rights Commission;
- 4.3.2 the South Australian Office of the Commissioner of Equal Opportunity; or
- 4.3.3 the Fair Work Ombudsman (staff only).

Harassment

- 4.4 Harassment, including sexual harassment, is determined by reference to the nature and consequences of the behaviour, not the intent of the offender. It occurs in circumstances where a reasonable person would have expected the behaviour to be offensive, humiliating or intimidating.
- 4.5 Examples of harassment includes but is not limited to:
 - 4.5.1 Telling insulting jokes about particular racial groups.
 - 4.5.2 Verbal abuse or comments that put down or stereotype certain groups.
 - 4.5.3 Personal insults, comments, name calling or innuendo.
 - 4.5.4 Offensive communications including digital communications on any social media such as Facebook, Twitter and emails.
 - 4.5.5 Making derogatory comments or taunts about a person's disability.

Sexual Harassment

- 4.6 Sexual harassment is one form of harassment.
- 4.7 Sexual harassment is unlawful under South Australian and Commonwealth law. It:
 - 4.7.1 Includes an unwelcome advance, an unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature that a reasonable person would find offensive, humiliating or intimidating. The conduct can be:
 - a. spoken or written words, pictures or actions (physical contact, verbal comments and non-verbal actions such as leers or displaying sexually explicit material); and
 - b. can include a single incident.
 - 4.7.2 May, in some forms, also be a criminal offence, such as matters involving:
 - a. sexual assault;
 - b. physical molestation or assault;
 - c. indecent exposure;
 - d. stalking; and
 - e. obscene communication.
- 4.8 Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect. If the behaviour is consensual, welcome and reciprocated, it is not sexual harassment. However, relationships can change and behaviour that was previously consensual and welcome, may become sexual harassment if it is non-consensual, unwelcome and not reciprocated.

Bullying behaviour

- 4.9 Bullying behaviour may be displayed by students and staff and may be between students, between staff, and between students and staff in both directions. It can occur:
- 4.9.1 From individuals or groups who are in a position of power or authority over another person or group or a peer of the person or group.
 - 4.9.2 Towards a person they report to or are taught by. This type of bullying may also be experienced as a group action, where more than one person acts together in the bullying behaviour.
 - 4.9.3 Towards colleagues and peers at the same level.
 - 4.9.4 As a result of discriminatory reasons (for example, prompted by a bias such as the person's race, gender, sexuality or disability status).
- 4.10 Schedule A sets out examples of behaviour that may be considered to be bullying and those actions that are not usually considered to be bullying.

Vexatious allegations and victimisation

- 4.11 AIAT expects that any complaint of discrimination, bullying or harassment is made in good faith. Students and staff must not make vexatious allegations, being allegations:
- 4.11.1 without merit;
 - 4.11.2 where the substance of the complaint has already been considered by AIAT;
 - 4.11.3 based on dishonest or contains intentionally misleading information; or
 - 4.11.4 that are pursued with undue persistence.
- 4.12 AIAT does not tolerate victimisation, or threatened victimisation of individuals involved in reported incidents, those supporting individuals involved in a complaint or witnesses providing information in any capacity.

Disciplinary action

- 4.13 AIAT may take disciplinary action against any person who breaches this policy:
- 4.13.1 where the person is a student, this may include disciplinary action under the Student General Misconduct Procedure; and
 - 4.13.2 where the person is a staff member, this may include disciplinary action under the Dealing with Unsatisfactory Performance & Misconduct (Staff) Procedure.

Continuous improvement

- 4.14 De-identified data on complaints will be collected and reported to the Board of Directors and Academic Board by the CEO and used for identifying risks and facilitating continuous improvement of AIAT's response processes.

5. Roles and responsibilities

- 5.1 The Board of Directors and the Executive Management Group are responsible for facilitating a safe learning and workspace by:

- 5.1.1 modelling respectful behaviours among peers, colleagues and the student body; and
 - 5.1.2 ensuring training and/or best practice examples are available for staff and students in terms of the obligations of their own behaviours.
- 5.2 The CEO is responsible for:
- 5.2.1 ensuring accountability of the Executive Management Group in implementing this policy and adhering to applicable laws;
 - 5.2.2 overseeing mandatory and other reports made to external agencies such as the Police;
 - 5.2.3 designating one or more staff members as a nominated officer for the purpose of managing complaints submitted pursuant to this policy and ensuring that such officers are appropriately skilled for undertaking that role;
 - 5.2.4 Imposing interim measures to protect the safety of students and staff if required; and
 - 5.2.5 monitoring and reporting to the Board of Directors and Academic Board de-identified data on complaints for the purpose of identifying risks and facilitating continuous improvement of AIAT's response processes.
- 5.3 Nominated officers are responsible for:
- 5.3.1 facilitating a safe learning and workspace by providing training and/or best practice models for staff about the obligations of their own behaviours and in respect of modelling respectful behaviours across the AIAT student body;
 - 5.3.2 managing requests for information and support in a timely and professional manner;
 - 5.3.3 ensuring staff and student orientation information incorporates information about this policy, AIAT's expected standards of behaviour and an overview of Australian anti-discrimination, harassment and sexual harassment laws;
 - 5.3.4 responding to reports of complaints in line with policy, keeping appropriate de-identified data for reporting purposes and retaining confidential information in line with the Privacy Policy;
 - 5.3.5 ensuring their contact details and availability are kept up-to-date and readily accessible by students and staff; and
 - 5.3.6 ensuring the CEO and other relevant staff members (such as the Campus Manager) is kept informed about serious matters, including for the purpose of taking disciplinary action against a student or staff member.
- 5.4 All students and staff are responsible for:
- 5.4.1 ensuring their own behaviours comply with the policy and relevant South Australian and Commonwealth laws ;
 - 5.4.2 where possible, calling out inappropriate behaviour early or reporting such behaviour to a nominated officer;
 - 5.4.3 participating in orientation or training sessions if required as part of a person's enrolment or employment; and

- 5.4.4 participating in investigations, when directed, in a professional and honest manner, respecting the confidentiality of the proceedings.

Schedule A: Examples of Bullying – What it is and what it is not

Examples of behaviour that may be considered to be bullying in learning or work situations include:

- Physical or verbal abuse including yelling, screaming or offensive language.
- Unjustified criticism or complaints about a person's work or academic performance.
- Intimidation or psychological harassment.
- Deliberately excluding or isolating someone at work or in the learning environment.
- Deliberately withholding information or resources that are vital for effective work or study performance.
- Setting unreasonable timelines, constantly changing deadlines, denying appropriate breaks / leave.
- Setting tasks that are unreasonably below or unreasonably beyond a person's skill level.
- Spreading misinformation or malicious rumours.
- Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular staff member.
- Unjustified or exaggerated negative discussion about individual academic staff or programs on any social media platform.
- Excessive scrutiny.

Not all actions that others may find annoying or unpleasant is bullying. For example, bullying does not include:

- A single incident of unreasonable behaviour (although a single incident of unreasonable or disrespectful behaviour may still constitute misconduct that is inconsistent with AIAT values and expectations).
- Disagreements, when appropriately expressed, between people.
- Reasonable management action, such as:
 - setting reasonable performance goals, standards and deadlines;
 - rostering and allocating working hours where the requirements are reasonable;
 - transferring a staff member for operational reasons;
 - deciding not to select a staff member for promotion where a reasonable process is followed.
- Informing a person about unsatisfactory performance (for example, critiquing work or performance) when undertaken in a reasonable manner and in accordance with relevant policies and procedures.
- Informing a person about inappropriate behaviour in an objective and confidential way.
- Implementing organisational changes or restructuring.
- Investigating complaints made against students or staff and/or instituting disciplinary action where appropriate, including suspension or termination of employment.
- Assessing student work fairly, even when this results in a fail grade.

- Applying student progress or academic integrity procedures or enforcing assessment due dates.

6. Policy Details

Institution	Australian Institute of Advanced Technologies (AIAT)
Policy name	Discrimination, Bullying and Harassment Prevention Policy
Policy Reference No.	POL – 38
Policy Approval	Board of Directors
Policy Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	HESF 2021: 2.3 and 2.4
Related Documents	<p>Privacy Policy</p> <p>Staff Code of Conduct</p> <p>Student Access and Equity Policy</p> <p>Responding to Sexual Assault Policy</p> <p>Responding to Sexual Assault Procedure</p> <p>Student Code of Conduct</p> <p>Student Complaint and Appeals Policy</p> <p>Student General Misconduct Procedure</p> <p>Dealing with Unsatisfactory Performance & Misconduct (Staff) Procedure</p>
Related Legislation	<p>Commonwealth Higher Education Support Act 2003 (HESA)</p> <p>Commonwealth Education Services for Overseas Students Act 2000 (ESOS)</p> <p>Higher Education Standards Framework (Threshold Standards) 2021 (HESF)</p> <p>National Code of Practice for Providers of Education and Training to Overseas Students 2018</p> <p>Racial Discrimination Act 1975 (Cth)</p> <p>Disability Discrimination Act 1992 (Cth)</p> <p>Sex Discrimination Act 1984 (Cth)</p> <p>Human Rights and Equal Opportunity Commission Act 1986 (Cth)</p> <p>Age Discrimination Act 2004 (Cth)</p> <p>Workplace Gender Equality Act 2012 (Cth)</p> <p>Disability Standards for Education 2005 (Cth)</p> <p>Equal Opportunity Act 1984 (SA)</p> <p>Racial Vilification Act 1996 (SA)</p> <p>Fair Work Act 2009 (Cth)</p> <p>Work Health and Safety Act 2012 (SA)</p>

References	<p>AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy:</p> <p>Legal Services Commission of South Australia “Legal Help for all South Australians” https://lawhandbook.sa.gov.au/print/ch17s01.php accessed November 2021</p> <p>Flinders University (July 2019), Bullying Prevention and Management Policy</p> <p>Flinders University (July 2019), Bullying Prevention and Management Guidelines</p> <p>Southern Cross University (April 2020), Harassment, Bullying and Discrimination Prevention Policy</p> <p>Western Sydney University (February 2017), Bullying Prevention Policy</p> <p>University of the Sunshine Coast (February 2020), Anti-Discrimination and Freedom from Bullying and Harassment (Staff) – Governing Policy</p>
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6. Document Version Control

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Version No	1.0	NA	Initial version approved by Board of Directors
	1.01	8/4/2022	Modified policy number
Created Date	Feb 2022		