

Harassment, Bullying and Unlawful Discrimination Prevention and Response Policy

Fact box

- **Policy owner:** Vice President Operations
- **Policy category:** Management: HR
- **Policy status:** Approved
- **Approval body:** Council
- **Endorsement body:** Executive
- **Related policies:**
 - [Accessibility and Disability Policy](#)
 - [Child and Young Person Protection Policy](#)
 - [Code of Conduct Policy](#)
 - [Sexual Assault and Sexual Harassment \(SASH\) Prevention and Response Policy](#)
 - [Staff Grievance Resolution Policy](#)
 - [Staff Termination Policy](#)
 - [Student Complaint, Grievance Resolution, and Appeals Policy](#)
 - [Support for Students Policy](#)
 - [Workplace Health and Safety Policy](#)
- **Defined terms:** Bullying, Consent, Force, Harassment, Hazing, Incapacitation, Indecent Exposure, Sexual Assault, Sexual Exploitation, Sexual harassment, Sexual Violence, Unlawful Discrimination.
- **Last amended:** 31st March 2023
- **Relevant HESF:** 2.3

Purpose

The purpose of the policy is to provide protection against discrimination, harassment, bullying, vilification, victimisation, and other wrongful, unlawful, or inappropriate conduct at Alphacrucis University College (AC).

Scope

This policy applies to all AC students (current and applying), staff and visitors

Policy

AC aims to:

- provide a work and study environment that is safe and pleasant for staff, students and visitors, which is free from harassment, bullying and unlawful discrimination;
- provide a work and study environment where staff, students and visitors are treated with dignity, courtesy and respect;
- provide an effective procedure for complaints;
- treat all complaints in a sensitive, fair, timely and confidential manner;
- guarantee protection from any victimisation or reprisals;

- encourage the reporting of behaviour which breaches this policy;
- promote appropriate standards of conduct at all times.

AC recognises that harassment, bullying, unlawful discrimination may involve comments and behaviours that offend some people and not others. AC accepts that individuals may react differently to comments and behaviour. That is why a minimum standard of behaviour is required of students, staff, and volunteers.

Engaging in harassment, bullying, unlawful discrimination in the workplace constitutes a breach of this policy and may result in disciplinary action up to and including exclusion from the student's course of study or dismissal. In some instances, this may also amount to a criminal offence or a breach of relevant legislation. If an international student engages in harassment, bullying and/or unlawful discrimination, their Confirmation of Enrolment (CoE) may be cancelled which may lead to their student visa being revoked.

HARASSMENT, BULLYING AND UNLAWFUL DISCRIMINATION

Harassment, bullying and/or unlawful discrimination will not be tolerated in any form or under any circumstance at AC, including: campuses, work-related functions, study excursions, unwelcome phone calls, or following someone home from work. What constitutes bullying at work is defined by the Fair Work Act 2009. Harassment and/or discrimination occurs when a person is harassed or discriminated against in the workplace and in certain areas of public life:

- because of their race, colour, descent or national or ethnic origin, as defined under the Racial Discrimination Act 1975;
- or because of their sex, marital status, pregnancy as defined under the Sex Discrimination Act 1984;
- or because of a disability as defined under the Disability Discrimination Act 1992;
- or because of age as defined under the Age Discrimination Act 2004.

AC has a responsibility under Occupational Health and Safety and anti-discrimination laws to ensure the health, safety and welfare of employees and others in the workplace. Individual employees may be liable to prosecution for failure to provide a safe workplace. Harassment, bullying and/or unlawful discrimination may result in injury to staff, which may be compensable under the Safety, Rehabilitation and Compensation Act 1998.

Sexual Discrimination

In line with relevant national and international legislation, AC holds that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity. Discrimination on the basis of sex can include sexual discrimination, sexual harassment, sexual assault/sexual violence, and sexual exploitation. Sexual discrimination that deprives a person of the ability to participate in or benefit from AC's education program or activities is prohibited. For more information on the prevention and response of Sexual Assault and Sexual Harassment, please refer to AC's [Sexual Assault and Sexual Harassment \(SASH\) Prevention and Response Policy](#).

Retaliation

AC strictly prohibits retaliation against a member of the AC community who opposes the practices prohibited by this policy against harassment, bullying or unlawful discrimination, who brings forth a complaint, against whom a complaint is brought, or who otherwise is a participant in a complaint resolution process. Such prohibited retaliatory conduct includes, but is not limited to:

- reducing a student's grade;
- decreasing an employee's pay; or
- downgrading a person's performance evaluation.

RIGHTS AND RESPONSIBILITIES

AC is responsible to ensure that the wishes of the complainant are respected in relation to reporting harassment, bullying, unlawful discrimination. The complainant always has the right to contact the police directly. AC is also responsible for responding promptly and effectively to all reports by taking immediate action to eliminate the harassment, bullying, unlawful discrimination, prevent its recurrence and address its effects.

The complainant also has the right to anonymous or third party reporting. AC will retain an anonymous report the Incident Register. However, AC may not be able to take further action arising out of anonymous reports, including but not limited to where limited or no information is available to identify the parties involved or the subject of the report.

Confidentiality and Privacy

If a person makes a complaint, it will be taken very seriously and will be dealt with sympathetically and in a confidential manner. Staff and student confidential and personal information will only be released with the consent of the person involved, next of kin or where it may be necessary to protect the health and wellbeing of others.

Managers' and supervisors' role

Managers and supervisors must ensure they and their staff understand and adhere to this policy. If a person approaches them with a complaint, they should take appropriate steps to resolve it. If this is not possible or is inappropriate, then the Human Resources Department should be informed.

The reporting person may bring a support person with them to any meetings.

Employees' role

Each employee must adhere to this policy and should be aware that they can be held legally responsible for their unlawful acts. Employees who aid, abet or encourage other persons to harass, bully or unlawfully discriminate can also be held legally liable.

Procedural Fairness

Procedural Fairness is the procedural requirement to ensure that a standard of fairness is applied in the investigation and adjudication of a dispute at AC. This involves:

- fully informing a person of any allegation/s made against them;
- giving them the opportunity to state their case, provide an explanation or put forward their viewpoint;

- conducting a proper investigation of the allegations, ensuring that all parties are heard and that all
- relevant submissions are considered, with reasons given for any decision;
- acting fairly, impartially and without bias; and
- declaring any real or potential conflict of interest.
- False or misleading allegations will be investigated and action may be taken.

Responsible for implementation

Vice President Operations

Key stakeholders

All Staff

Related legislation

Sex Discrimination Act 1984: <https://www.legislation.gov.au/Details/C2014C00002>

Violence Against Women Act (VAWA) 1994: <https://www.congress.gov/bill/103rd-congress/house-bill/3355>

Title IX of the Education Amendments Act 1972: <https://www.justice.gov/crt/title-ix-education-amendments-1972>

Crimes Act 1900 (NSW): http://www5.austlii.edu.au/au/legis/nsw/consol_act/ca190082/

Procedures

Harassment, Bullying, and Unlawful Discrimination

HARASSMENT, BULLYING AND UNLAWFUL DISCRIMINATION PROCEDURES

Notifying and Reporting Breaches

If a staff member, student or volunteer believes that they are being harassed, bullied, unlawfully discriminated or sexually discriminated against, there are a number of important steps they should take:

- the individual is encouraged to seek support from a trusted source such as a family member, counsellor, campus pastor, student support or external provider before taking any formal action. The reporting person is advised to limit the number of people they inform about the incident/s so as not to jeopardise the impartiality of any future investigation;
- report the behaviour or incident to their manager, or the Human Resources Department; the individual can lodge a grievance under AC's Grievance Policies;

If the alleged perpetrator is a manager then the report about the manager should be directed to a senior manager, and if this is not available, to the VPO;

- when made aware of such a matter under these procedures, an authorised officer for grievances may assist the person to make a report to police. A criminal investigation into allegations does not relieve AC of its duty to resolve complaints promptly and equitably. If a matter is reported to police and it will interfere with the police investigation/action to

continue to deal with the matter under AC procedures, AC will suspend action. If there is no risk of interference with a police investigation the matter may be dealt with under AC's grievance procedures.

The first priority is the wellbeing of the individual. As such, the reporting person will not be victimised or treated unfairly for reporting an incident. If the reporting person is not satisfied with the way in which AC has dealt with a complaint, the reporting person can seek further advice from an outside agency such as the Human Rights Commission or the Equal Opportunity Commission or other relevant government agency.
