



Discrimination, Bullying and Harassment Policy

Policy Category	Administration
Policy Code	ADM-HE-21
Policy owner	Principal Executive Officer
Responsible Officer	Principal Executive Officer
Approving authority	Board of Directors
Approval date	28 September 2022
Commencement date	29 September 2022
Review date	3 years
Version	2022.2
Related Documents	Discrimination, Bullying and Harassment Procedure (Staff) Discrimination, Bullying and Harassment Procedure (Students) Sexual Harassment and Sexual Assault Policy and Procedure Staff Code of Conduct Student Code of Conduct
HESF (Threshold Standards) 2021	N/A

1. Purpose

The intent of this Policy is to ensure, as far as is reasonably possible, that staff and students at the Australian Institute of Higher Education ('the Institute') are not subjected to any form of bullying or harassment in the course of their duties or studies.

2. Principles

This Policy and the associated Procedures are informed by the principle that all employees and students of the Institute, including those who perform their work at the direction of, in connection with, or on behalf of the Institute, are entitled to be treated fairly, equally, and with dignity and respect. Discrimination, bullying, and/or harassment constitute a risk to the health and safety of all workplace participants, the student body, and the Institute as a whole. The Institute holds such behaviour to be unacceptable, and as such it will not be tolerated.

The Institute will assist those affected by unlawful discrimination, bullying and/or harassment, and take all reasonable steps to protect them from any further incidents.

3. Context

This Policy and the associated Procedures have been developed in support of the Institute's commitment to a safe workplace/educational environment, and to outline the processes that may apply and avenues of complaint available in the event of discrimination, bullying and/or harassment. The Institute has the primary duty and responsibility to minimise and/or eliminate, so far as is reasonably practicable, the risks to health and safety of all its members. This Policy will assist the Institute to comply with its legal responsibilities through the development and implementation of strategies to prevent and deal with discrimination, bullying and harassment.

4. Scope

This Policy applies to all workplace participants and affiliates of the Institute and all students. It extends to all functions and places that are work-related (e.g. work lunches, conferences, Christmas parties, client functions, external meetings, etc.)

5. Definitions

See the *AIH Glossary of Terms* for definitions.

6. Policy Details

6.1 Examples of Bullying

Bullying behaviour can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying:

Direct bullying:

- abusive, insulting or offensive language
- public humiliation and intimidation
- cyber bullying - using technology to deliberately and repeatedly bully someone
- teasing negatively, making rude gestures, calling names, and being rude and impolite
- interfering with a person's personal property or equipment
- making false insinuations that attack the individual's dignity, integrity, or self-image
- intentionally stalking someone

Indirect bullying:

- unjustified criticism or complaints
- spreading misinformation, malicious rumours or lies about another
- deliberately excluding someone from workplace/student activities
- withholding information that is vital for effective work/educational performance
- deliberately and willfully denying access to resources or benefit and entitlements, for example training, learning opportunities, leave
- deliberately changing arrangements, such as rosters, leave, or scheduled timetables, to inconvenience a particular individual or group of individuals.
- unreasonably overloading a staff member with work, or not providing enough work
- setting timeframes that are difficult to achieve, or constantly changing them
- setting tasks that are unreasonably below, or above, a person's skill level

6.2 Examples of harassment

Examples of harassing behaviour include, but are not limited to:

- telling insulting jokes about particular racial groups, sexual preferences, etc.
- sending explicit or sexually suggestive emails
- displaying offensive or pornographic posters or screen savers

- making derogatory comments or taunts about someone's race or religion
- asking intrusive questions about someone's personal life, including their sex life.

6.3 What is not considered to be Discrimination, Bullying or Harassment?

Under the Legislation, managing staff and students does not constitute bullying and harassment, if it is done in a reasonable way. The managers, immediate supervisors or lecturers should manage these processes with sensitivity.

Examples of reasonable management practices include but are not limited to:

- 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 staff or students about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- taking disciplinary action, including suspension or terminating employment of staff/student's enrolment
- a direction to comply with the Institution rules, protocols, policies and procedures

6.4 Rights and responsibilities

All staff, affiliates and students have:

- an entitlement to work or study in a safe and healthy environment free of bullying, harassment and discrimination;
- the right to make a complaint about any bullying, harassing or discriminatory behaviour they are subjected to, or witness, in accordance with the associated procedure
- a responsibility to not knowingly misuse this policy, including making a false or malicious accusation of bullying, harassment or discrimination
- a responsibility to ensure they do not promote or engage in bullying, harassment or discrimination
- a responsibility to comply with any reasonable instruction given by the Institution regarding the prevention of bullying, discrimination and harassment including complying with this policy
- a responsibility not to victimise any person who raises a complaint of bullying, harassment or discrimination.

6.5 Breach of this Policy

The Institute takes very seriously its commitment to providing a safe and healthy work and educational environment, free from discrimination, bullying and harassment. All staff and students are required to comply with this Policy.

If an individual breaches this Policy, they may be subject to the relevant disciplinary action as outlined in either the **Staff Code of Conduct Policy** and **Student Code of Conduct Policy**. In serious cases this may include termination of employment or suspension for staff or suspension or expulsion for students. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Institute terminated or not renewed.

If a person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

7. Legislation

All Federal and State anti-discrimination legislation

Age Discrimination Act 2004 (Cwth)

Anti-Discrimination Act, 1977 (NSW)

Australian Human Rights Commission Act 1986 (Cwth)

Community Relations Commission and Principles of Multiculturalism Act 2000 (NSW)

Defamation Act 2005 (NSW)

Disability Discrimination Act 1992 (Cwth)

Equal Opportunity for Women in the Workplace Act 1999

Fair Work Act 2009 (Cwth)

Human Rights and Equal Opportunity Commission Act 1986

Privacy Act 1998 (Cwth)

Racial Discrimination Act 1975 (Cwth)

Sex Discrimination Act 1984 (Cwth)

Workplace Relations Act 1996

8. Version Control

This Policy has been endorsed by the Australia Institute of Higher Education Board of Directors as at September 2022 and is reviewed every 3 years. The Policy is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2016-2	Registrar	Updated template	6 July 2016	6 August 2016
2017-1	Ms. McCoy	Restructured document, added box to beginning Revised/edited content Revised to include students	1 March 2017	6 March 2017
2020-1	Alison McPhee	Reviewed and updated policy, and a few grammar corrections	2 December 2020	3 December 2020
2022.1	Registrar	Updated Higher Education Standards Framework [Threshold Standard] 2021	25 May 2022	26 May 2022
2022.2	CEO/Dean	3-year review cycle, no recommended changes	28 September 2022	29 September 2022