

POLICY AND PROCEDURE



Ref. to Legislative Frameworks:

HESF2021:
Standard
2.1- 2.4/3.1/3.3/7.2-3/6.2

SRTO2015:
Standard
1.3/1.7/2.1/2.5/4.1/5.1/6.3

National Code 2018:
Standard 6 / 8.8 / 8.9

Bullying, Harassment, and Discrimination Prevention

Version: 1

Approved by:
Chief Executive Officer

Approved on: 31/10/2024
Review by: 31/10/2026

Revision History

Current Version	Description of Change	Policy Developer	Effective Date
1	New - Adopted from Discover English Workplace Bullying policy and procedure	CEO	10/10/2024

PURPOSE

This policy:

- a) Affirms the College's commitment to cultivating a diverse, inclusive, and equitable environment, free from unlawful discrimination, bullying, and harassment.
- b) Outlines the procedures for effectively managing and resolving behaviours that breach this policy.
- c) Ensures protection for individuals who are affected by, or report, violations of this policy.
- d) Promotes awareness of individual rights and responsibilities and provides clear guidance on how to seek help when needed.

POLICY STATEMENT

AAPoly upholds the principles of dignity, respect, and inclusion, maintaining zero tolerance for adverse behaviours.

We will take proactive steps to prevent and address such behaviours, raise awareness of individual rights and responsibilities, and provide support on how to seek help. Complaints will be managed with fairness and confidentiality, and individuals who report violations will be protected from retaliation.

SCOPE

This policy applies to all members of the College community, including employees, students, contractors, volunteers, visitors, those with formal affiliations with the College, and external individuals who interact with students or staff as part of their study or work (e.g., student placement supervisors, agents).

This policy should be read in conjunction with the **Sexual Assault and Sexual Harassment (Prevention and Response) Policy** to ensure a comprehensive understanding of the College's approach to addressing and preventing such behaviours.

DEFINITIONS

- a) **Adverse behaviours** are actions or conduct that are negative, harmful, or disruptive to individuals or groups, that create hostility, intimidation, or distress among students, staff, faculty, or the College community. This may include bullying, harassment, or discrimination and can manifest as verbal or physical aggression, exclusion, or other forms of mistreatment that undermine the dignity and well-being of individuals.
- b) **Bullying** is a repeated, unreasonable behaviour directed toward an individual that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. Behaviour can include an individual's or group's actions or practices that victimise, humiliate, undermine or threaten.

What are examples of bullying?

The following types of behaviour where directed towards an individual and repeated, or occurring as part of a pattern of behaviour, could be considered to be bullying:

- Demeaning language or verbal abuse
- Threats, physical or verbal intimidation
- Outbursts of anger or aggression
- Excluding or isolating a person
- “Ganging up” on an individual
- Psychological harassment or intimidation
- Assigning impossible tasks or assignments
- Deliberately changing schedules to inconvenience specific individuals while favouring others
- Intentionally withholding information that is vital for effective performance

The above list is not exhaustive. Other types of behaviour may also constitute bullying.

What is not considered bullying?

- Providing constructive criticism
 - Normal disagreements or differences of opinion
 - Isolated incidents of inappropriate behaviour that do not form a pattern or are not repeated over time.
 - Misunderstanding arising from cultural differences in communication styles
 - Reasonable actions carried out fairly are respectfully do not constitute bullying. It is reasonable for individuals in positions of authority to take actions to allocate and manage work within a group or educational environment. This may include:
 - setting performance goals, standards and deadlines
 - assigning tasks and allocating responsibilities
 - rostering and scheduling working hours
 - transferring an individual to a different role or location
 - deciding not to select an individual for promotion/leadership roles or opportunities
 - providing feedback on unsatisfactory performance or conduct
 - addressing inappropriate behaviour
 - implementing changes to programs or policies
 - conducting assessment or evaluation of performance
 - offering constructive feedback
 - downsizing or restructuring
- c) Discrimination** refers to the unfair or unequal treatment of an individual or group based on characteristics such as race, gender, age, sexual orientation, disability, religion, or any other individual attribute. Discrimination occurs when decisions, actions, or policies disadvantage someone because of these characteristics, resulting in exclusion, limited opportunities, or unfavourable outcomes.
- d) Harassment** is any unwelcome behaviour, whether verbal, physical, or visual, that demeans, humiliates, or intimidates an individual or group. Harassment can occur as a single serious incident or as repeated behaviour and creates an environment that is hostile, offensive, or detrimental to a person.
- e) Sexual Harassment** is any unwelcome behaviour of a sexual nature that creates a hostile, intimidating, or offensive environment. This includes, but is not limited to, inappropriate comments, jokes, gestures, physical contact, or the sharing of explicit

materials. Sexual harassment can occur in various contexts, and can affect individuals regardless of their gender, sexual orientation, or relationship to the harasser.

RESPONSIBILITIES

1) All members of the College community, including staff, students, contractors, and visitors, are responsible for contributing to a safe, respectful environment free from bullying, harassment, and discrimination. This includes:

- treating others with respect, dignity, and courtesy at all times
- complying with the College's Bullying, Harassment, and Discrimination Prevention Policy & Procedures
- reporting any incidents of bullying, harassment, or discrimination to an appropriate authority, such as a manager, supervisor, or designated officer
- actively participating in investigations of reported incidents, while maintaining confidentiality and professionalism
- promoting a positive and inclusive environment by challenging inappropriate behaviour when it is safe to do so.

2) Complaints Liaison Officer (CLO)

Nominated staff responsible for the administration of complaints under this Policy. The CLO does not decide complaints but is responsible for recording and tracking all complaints on a confidential and securely stored Complaints Register. Parties involved in a complaint investigation may seek advice or assistance from the CLO at any stage of the process. The CLO can be reached via email at incidenthazard@aapoly.edu.au for guidance or support throughout the investigation.

3) Nominated Complaints Officer (NCO)

An appointed staff member responsible for investigating formal complaints under this policy.

4) Individuals in leadership or supervisory roles hold additional responsibility for ensuring that appropriate standards of conduct are observed and upheld. They must implement measures to prevent bullying, harassment, and discrimination, monitor the environment to ensure it remains supportive and respectful, and promptly address any breaches of conduct. Leaders must also foster a culture of accountability and ensure that their teams understand and comply with relevant policies and procedures.

5) AAPoly Management

If an individual brings an allegation of bullying, harassment, or discrimination to management's attention, the management must respond appropriately.

DO NOT

- Ignore the complaint.
- Tell the person making the complaint to handle it themselves.
- Suggest that the person should tolerate the behaviour.
- Discuss the issue with anyone other than those directly involved in the investigation and resolution process.
- Make any judgment about the complaint's truth or merits without a fair investigation.

DO

- Act in accordance with the College's Bullying, Harassment, and Discrimination Prevention Policy.
- Address the complaint as promptly as possible.
- Show sympathy, sensitivity, and seriousness toward the person making the complaint. If they are raising the issue, it is serious to them.
- Investigate the matter in a timely manner and work toward resolution as soon as possible.
- Take preventative measures such as education and awareness initiatives, to promote a respectful environment.
- The manager must:
 - Notify the CEO immediately.
 - Document the complaint.
 - In consultation with the CEO or their delegate, determine who will investigate, and if appropriate, arrange for mediation to resolve the issue.

PROCEDURE

1) Raising a Concern

Individuals who believe they have experienced or witnessed bullying, harassment, or discrimination should take the following steps to ensure the matter is addressed appropriately:

- **Direct Resolution (Where Appropriate):**
Where it is safe and appropriate to do so, individuals are encouraged to address the issue directly with the person involved. In some cases, the person may not have been aware of their actions or the impact of their behaviour, and a direct conversation may resolve the matter.
- **Seeking Assistance:**
If direct resolution is not appropriate or the individual does not feel comfortable addressing the issue directly, they should seek assistance from their immediate Supervisor, Manager, or an appropriate representative of the College (e.g., Student Services, Counsellor, or a trusted College official).
- **Formal Reporting:**
Formal complaints should be made using the [Incident and Hazard Reporting Form](#). The complaint should provide all pertinent details, including specific examples of the alleged behaviour, relevant dates, times, locations, and the names of individuals involved. The individual making the complaint must provide all the facts relevant to the complaint and cooperate fully with the investigation and resolution process. The complaint must be made honestly and in good faith.

2) Management of Complaints

Upon receiving a complaint, the following steps will be followed:

- **Acknowledgment and Preliminary Review**

The CLO will acknowledge the complaint in writing within 5 days. A preliminary review will then be conducted to determine whether the complaint falls within the scope of this policy. If it does not, the individual will be informed of alternative resolution options. Complaints that fall under this policy's scope will be referred to the NCO for further investigation.

- **Referral to the Nominated Complaints Officer (NCO)/Investigator**

Depending on the nature of the complaint and the identities of the complainant and respondent, the CLO will make appropriate referrals. The CLO may also consult with the CEO or pertinent supervisors or executives to designate the NCO for managing the case.

- **Confidentiality**

All parties involved in the investigation, including the complainant, the respondent, and any witnesses, must maintain confidentiality throughout the process. Information will be shared only with individuals directly involved in resolving the complaint.

3) Investigation Process

The investigation process will follow these steps:

- **Initiate the Investigation**

Upon receipt of the formal complaints from the CLO, the NCO will initiate the investigation normally within 10 working days.

- **Interview with the Complainant**

The NCO will meet with the complainant in a confidential setting. The complainant may bring a support person if desired. The NCO will gather all relevant facts, including specific details of the alleged behaviour, any witnesses, and supporting evidence. The complainant will also be asked what outcome they seek.

The following guide is provided to assist the NCO in conducting the interview with the complainant. Adhering to these guidelines will help ensure that the process is fair, respectful, and thorough:

- Determine whether an interpreter is required.
- The complainant may bring a support person with them (e.g. colleague, family member, friend).
- Arrange an appropriate venue to meet with the complainant. The venue should be private and free of interruptions, and wherever possible put the complainant at ease. The venue must be conducive to maintaining confidentiality.
- Allocate enough time to discuss the complaint in full.
- Explain how the investigation process is conducted, and the possible outcomes.
- Advise the complainant that the matters discussed are confidential, and that the complainant must only discuss the issue with those persons investigating the complaint, or who are formally supporting them through the process.
- Obtain a broad outline of the complaint, followed by a detailed description of what is alleged to have occurred, when it is alleged to have occurred (including dates and times), where it is alleged to have happened and by whom. Obtain and record all relevant facts.
- Ask the complainant whether there are any witnesses, or other evidence that supports their version of events. Record the names of any witnesses to the alleged

bullying and obtain copies of any documentation provided to support the allegations. Advise the complainant that witnesses will be interviewed, and that the complainant should not speak to the witnesses about the issues.

- Explain any other action that will be taken, e.g. speaking to the alleged bully.
- Ask the complainant what they want done in regard to the alleged bullying. It is at this point that mediation should be offered as a means of resolving the complaint. If mediation is accepted, the mediation should be arranged to occur as soon as possible.
- Counselling should be offered to the complainant. If accepted, this may be arranged through the Employee Assistance Program provider.
- Advise the complainant when they can expect to be advised of an outcome to their complaint.
- Ensure all documentation is signed and dated.

- **Interview with the Respondent**

The NCO will meet with the respondent to discuss the allegations. The respondent will have the opportunity to present their version of events and provide any supporting evidence. As with the complainant, the respondent may bring a support person to the meeting.

The following guide is provided to assist the NCO in conducting the interview with the respondent. Adhering to these guidelines will help ensure that the process is fair, respectful, and thorough:

- Determine whether an interpreter is required.
- The respondent may bring a support person with them (e.g. colleague, family member, friend).
- Arrange an appropriate venue to meet with the respondent. The venue should be private and free of interruptions, and wherever possible put the respondent at ease. The venue must be conducive to maintaining confidentiality.
- Allocate enough time to discuss the allegation(s) in full.
- Explain to the respondent your role in the investigation of the complaint against them, and that it is important that their version of events is obtained.
- Advise the respondent that the matters discussed are confidential, and that the respondent must only discuss the issue with those persons investigating the complaint, or who are formally supporting them through the process.
- Explain to the respondent exactly what it is that they have been accused of saying or doing, including names, dates, times and locations.
- Provide the respondent with a written documentation stating the allegations.
- Ask the person to respond, either verbally or in writing, to the allegations.
- Document the respondent's account of events and gather all pertinent facts for accurate record-keeping.
- Ask the respondent whether there are any witnesses, or other evidence that supports their version of events. Record the names of any witnesses and obtain copies of any documentation. Advise the respondent that witnesses will be interviewed, and that the respondent should not speak to the witnesses about the issues.

- If the allegations are denied, ask the respondent if they can think of a reason why these allegations have been made.
- Ask the respondent what they believe may resolve the matter.
- Inform the respondent that they must not victimise or bother the complainant in any way. Doing so will result in immediate action against them, e.g. being stood down pending the outcome of the investigation.
- Counselling services should be offered to the respondent. If accepted, arrangements can be made through the College counselling team to provide support and assistance.
- Advise the respondent when they can expect to be advised of an outcome of the investigation.
- Ensure all documentation is signed and dated.

- **Interview with Witnesses**

If there are witnesses to the alleged behaviour, the NCO will speak to them confidentially to gather additional facts. Witnesses will be asked not to discuss the matter with other parties.

- **Evaluation of Evidence**

The NCO will review all collected evidence, including interview notes, documentation, and any other relevant materials. A determination will be made based on the balance of probabilities regarding whether the allegations are substantiated.

4) **Conclusion and Outcome**

The investigation will be concluded, typically within 20 working days of receiving the complaint. If this timeframe cannot be met, the NCO must inform both the complainant and the CLO of the reasons for the delay and provide an expected completion date.

Following the investigation, the following steps will be taken:

- **Report and Recommendations**

The NCO will prepare a report summarising their findings and providing recommendations for action. This report will be submitted to the CEO or their delegate.

- **Communication of Outcome**

Upon reaching a decision, the CEO or their delegate will inform the CLO and NCO. The CLO will inform both the complainant and the respondent of the outcome of the investigation in writing. If the complaint is substantiated, the College will take appropriate action, which may include disciplinary measures, changes in work or study arrangements, or other corrective actions as deemed necessary.

If the complaint is not substantiated, the matter will be closed, and no further action will be taken unless new evidence arises.

Appropriate actions based on the findings of the investigation may include, but are not limited to:

- An apology or reconciliation between parties
- Changes to work or study arrangements
- Disciplinary action, up to and including dismissal for employees or suspension or cancellation of enrolment for students
- Mandatory training for individuals or teams
- Placement of formal warnings or documentation in personnel or student files

5) Record Keeping

The CLO is responsible for ensuring that all records related to complaints of bullying, harassment, and discrimination are stored securely and confidentially. Access to these records will be restricted to individuals directly involved in the investigation and resolution process. No notes of unsubstantiated complaints will be retained in personnel or student files unless the College determines otherwise due to exceptional circumstances.

6) Unsubstantiated or Frivolous Complaints

The College will not support complaints that are frivolous, vexatious, or malicious in nature. Complaints made in bad faith may result in disciplinary action against the complainant, including dismissal or exclusion from the College, depending on the severity of the situation.

7) Alternative External Avenues for Lodging Complaints

Complainants are encouraged to adhere to the procedures outlined in this Policy and to act in good faith to resolve any actual or potential complaints.

However, the complainant may refer their complaint to an external agency at any time, including those listed below. In such cases, the College may discontinue any internal processes. If the College becomes aware that a complaint has been filed externally, the CLO will record the complaint.

- [Australian Human Rights Commission](#)
- [Commonwealth Ombudsman](#)

8) Appeals Process

If either the complainant or respondent is dissatisfied with the outcome of the investigation, they may submit a formal appeal. Appeals must be submitted in writing to the CEO within a specified timeframe, providing clear reasons for the appeal. Refer to the Complaints and Appeals Policy and Procedures.

FEEDBACK

Please email the CEO through suggestionstotheceo@aapoly.edu.au if you have any questions or feedback about this procedure. The CEO will respond to your written question or feedback within two weeks of receipt, unless extenuating circumstances require an urgent response. The query or feedback will be recorded in the Continuous Improvement or Corrective Action register for quality assurance purposes.

REFERENCES

Source	Document Title
Internal	Diversity and Equity Policy
	Critical Incident Management Policy & Procedure
	Sexual Assault and Sexual Harassment Procedure
	Staff Performance Review Policy and Procedure
	Staff Induction Policy and Procedure
External	Higher Education Standards Framework (Threshold Standards) 2021
	National Code of Practice for Providers of Education and Training to Overseas Students 2018
	Standards for Registered Training Organisations 2015
	eSafety Commisioner: Cyberbullying
	Australian Human Rights Commission: Complaints
	Australian Law Reform Commission: Proposal 16-3