

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, Discrimination Prevention and Response

Version: 2.1

Approved by:
Chief Executive Officer

Approved on: 28/02/2025
Review by: 28/02/2027

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 |
| 2 | Updated the title with "response". Incorporated antisemitism and Islamophobia within the definition of racism. Updated the sections 'Management of Complaints,' 'Investigation Process,' and 'Appeals Process' to simplify the procedure. | CEO | 26/02/2025 |
| 2.1 | Updated URL of Incident and Hazard Reporting Form | CEO | 28/02/2025 |

PURPOSE

This policy:

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

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 AAPoly community, including employees, students, contractors, volunteers, visitors, those with formal affiliations with AAPoly, 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 AAPoly's approach to addressing and preventing such behaviours.

DEFINITIONS

- a) **Adverse behaviours:** 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 AAPoly 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:** 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.

Examples of bullying:

The following types of behaviour, when 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.

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: 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: any unwelcome behaviour, whether verbal, physical, or visual, that demeans, humiliates, or intimidates an individual or group. This includes incidents of antisemitism, Islamophobia, and racism. 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 (please refer to AAPoly’s Sexual Assault and Sexual Harassment Policy and Procedure): 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.

f) **Psychosocial hazard:** Any hazard that arise from or in relation to:

- i. the design or management of work,
- ii. a working environment, and
- iii. workplace interactions or behaviours,

that may cause psychological and physical harm.

Psychosocial Risk: A risk to the health or safety of a staff or another person arising from a psychosocial hazard.

g) **Racism:** Discriminatory or prejudiced treatment of others because of their imagined “inferiority”. The examples of racist behaviours can include but are not limited to:

Antisemitism: hostility towards Jews as a religious or minority group often accompanied by social, economic, and political discrimination¹.

Islamophobia: refers to prejudice, fear, hatred, or hostility toward Islam and Muslims.

RESPONSIBILITIES

1) **All members of the AAPoly 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)**

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

3) **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

¹ <https://www.coe.int/en/web/compass/discrimination-and-intolerance>

breaches of conduct. Leaders must also foster a culture of accountability and ensure that their teams understand and comply with relevant policies and procedures.

4) 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 adverse behaviour, including bullying, harassment, discrimination, psychosocial hazards or risks, a form of intimidation, racism or hate speech should take the following steps to ensure the matter is addressed appropriately:

1.1 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.

1.2 Seeking Assistance:

For cases where a direct resolution is not appropriate or the individual does not feel comfortable addressing the issue directly, seek the following avenues of assistance:

For students: the Student Counsellor or a trusted AAPoly staff member.
For employees, contractors, volunteers, and visitors: your immediate Supervisor, Manager, or appropriate AAPoly representative.

2) 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. Any complaint must be made honestly and in good faith.

3) Management of Complaints

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

3.1 Acknowledgment and Preliminary Review

- The complaint will be acknowledged in writing within 5 working days.
- A preliminary review will be conducted to determine whether the complaint falls within the scope of this policy.
- If it does not, the complaint will be forwarded to a designated representative/body depending on the nature of the incident:
 - **CEO** will receive reports on Critical Incidents. This includes incidents that are traumatic or threats that cause extreme stress, fear, or injury. Refer to the Critical Incident Policy and Procedure for how such cases will be managed)
 - **Student Counsellor** will receive reports of Sexual Assault Sexual Harassment (refer to the [Sexual Assault Sexual Harassment Procedure](#) for how such cases will be managed)
 - **WHS Campus Representative** will receive reports of injury or illness, damage to property/equipment; or damage to the environment, Refer to 'Cases reported to the WHS Officer' below for how such cases will be managed.
- Complaints that fall under this policy's scope will be referred to the CLO for further action.

3.2 Determining the CLO

- For complaints from students, the CLO will be a Student Counsellor.
- For complaints from staff the CLO will be designated by the CEO to handle the case. The CLO must be impartial and have no conflict of interest in the matter.

3.3 Confidentiality

- All parties involved (complainant, respondent, and witnesses) must maintain confidentiality.
- Retaliation against complainants, witnesses, or participants in the process is strictly prohibited and will result in disciplinary action.
- Affected individuals will be provided with access to support services, including counselling if required.

4) Immediate Action

Materials breaching Australian law or AAPoly's policies, including hate speech and symbols, will be promptly removed from AAPoly property - both physical and digital.

5) Investigation Process

Should an investigation be required the following steps will be taken:

5.1 Initiate the Investigation

- Upon receipt of the formal complaints the CLO will initiate the investigation normally within 5 working days.
- The investigation should aim to conclude within **20 working days**. If delays occur, the complainant will be notified with a revised timeline.

5.2 Interview with the Complainant

- An interview with the complainant will be conducted in a confidential setting with the option for a support person.
- Counselling support will be offered.
- An interpreter will be provided if necessary.
- The complainant will be asked to provide a detailed account of the incident and supporting evidence.
- A discussion of possible resolutions, including mediation or formal disciplinary action will take place, and a resolution will be determined.
- The complainant will be advised to maintain confidentiality.

5.3 Interview with the Respondent

- An interview with the respondent will be conducted in a confidential setting with the option for a support person.
- Counselling support will be offered.
- An interpreter will be provided if necessary.
- The respondent will be presented with the allegations and given the opportunity to respond.
- Written documentation of allegations will be provided to the respondent.
- The respondent will be advised that retaliation will result in disciplinary action.

5.4 Interview with Witnesses

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

5.5 Evaluation of Evidence

- The CLO 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.

6) Conclusion and Outcome

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

Following the investigation, the following steps will be taken:

6.1 Report and Recommendations

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

6.2 Communication of Outcome

- Upon reaching a decision, the CEO or their delegate will inform the CLO.
- The CLO will inform both the complainant and the respondent of the outcome of the investigation in writing.
- If the complaint is substantiated, AAPoly 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

7) 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 AAPoly determines otherwise due to exceptional circumstances.

8) Unsubstantiated or Frivolous Complaints

AAPoly 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 AAPoly, depending on the severity of the situation.

9) Alternative External Avenues for Lodging Complaints

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

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

- [Australian Human Rights Commission](#)
- [Commonwealth Ombudsman](#)
- **Overseas Student Ombudsman** (Vocational Students) The OSO offers a free and independent service for vocational students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. The student may initiate the external appeals process to OSO by telephone, in writing, by fax, or using OSO's online complaint form. Refer to OSO's contact information below.

Tel: 1300 362 072 Fax: 02 6276 0123

Email: ombudsman@ombudsman.gov.au

Website: <https://www.ombudsman.gov.au/complaints/international-student-complaints>

Online Complaint Form: <https://www.ombudsman.gov.au/>

- **National Student Ombudsman** (Higher Education Students) The NSO offers a free and independent service for higher education students who have a complaint or want to lodge an external appeal about a decision made by their higher education provider. The student may initiate the external appeals process to NSO by telephone, in writing, by fax, or using NSO's online complaint form. Refer to NSO's contact information below.

Tel: 1300 395 775

Email: nsooutreach@ombudsman.gov.au

Website: <https://www.nso.gov.au/>

Online Complaint Form: <https://www.ombudsman.gov.au/>

10) 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 10 working days of having received the outcome, providing clear reasons for the appeal.

Refer to AAPoly's [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 |