

# Prevention of Harassment and Bullying Policy

## Scope

This policy is applicable to Kaplan Higher Education Pty Ltd, trading as Murdoch Institute of Technology (“School”). This policy applies when a claim of harassment, bullying or discrimination concerns the School’s students and where the conduct complained about occurred on the School’s campus or where the conduct is related to the School’s activities.

## Purpose

This Policy assists the School to meet its responsibilities and obligations under State and Federal anti-discrimination and equal opportunity laws. It provides information and clear guidelines on understanding and preventing unlawful discrimination and harassment and outlines the process for handling behaviour that breaches this Policy.

## Commitment to prevention of harassment and bullying

The School is committed to maintaining a teaching and learning environment that is free of harassment, bullying and discrimination, which values and fosters good working relationships that enable staff and students to be treated with dignity and respect. In some instances, harassment might take place outside the learning and teaching environment, for instance at a graduation ceremony, or when a student makes unwelcome social media comments regarding another student or staff member.

Bullying and harassing behaviour is unacceptable at the School and will not be tolerated. Further, any retaliation against an individual who has complained of harassment, or retaliation against individuals for cooperating with an investigation of a complaint, will not be tolerated. A claim of harassment may also form grounds for complaint under relevant anti-discrimination legislation.

The School takes allegations of bullying and harassment seriously. Allegations of bullying and harassment involving students will be handled with sensitivity and impartiality and in accordance with the complaint process outlined in this Policy. Where it is determined that harassment has occurred, the School will act promptly to eliminate the improper conduct and take corrective action as is necessary, including disciplinary action where appropriate. Australian law prohibits harassment on the basis of race, national or ethnic origin, gender, disability (i.e. physical, intellectual, psychiatric, sensory, neurological or learning disabilities and illnesses such as HIV/AIDS), sexual orientation, religious background, marital status, pregnancy or potential pregnancy, political belief, family status, criminal record and age. While the definition of sexual harassment is described in detail, this policy applies to all forms of harassment.

## Definitions

### What is Harassment?

Harassment is unwelcome conduct that a reasonable person would consider offensive, humiliating or intimidating. Harassment:

- May be verbal, psychological, written, visual, physical or by electronic means e.g. by email
- Will be uninvited and unwelcome. Readers should take into account that behaviour, words and gestures have different meanings in different cultures. What may be acceptable in one culture may not be in another.

- May occur as a single incident or as a series of incidents
- May be subtle and implicit rather than explicit
- Frequently involves an abuse of power or trust and is often directed at a person who is unable to stop the behaviour.

### **What is Bullying?**

Bullying is repeated behaviour that a reasonable person would consider to be humiliating, intimidating, offensive, undermining or threatening. Many people interchangeably refer to bullying as harassment or discrimination. However, bullying may not be covered under anti-discrimination legislation unless the bullying is linked to, or based on, one of the attributes covered by various anti-discrimination legislation (such as age, sex, race and disability).

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. Bullying behaviour may include, repeated:

- physical or verbal abuse
- yelling, screaming or offensive language
- excluding or isolating others
- persistent teasing, joking or holding a person up to ridicule
- repeatedly addressing others in a manner which is sarcastic or designed to humiliate
- deliberately changing class times to inconvenience particular students
- deliberately withholding information that is vital for effective performance
- sabotaging others' work.

### **What is Discrimination?**

Discrimination is the singling out of a person or group for special favour or disfavour. In Australia, discrimination based on certain grounds may form the basis for complaint by an individual under relevant State or Federal anti-discrimination legislation or under unlawful termination provisions. Unlawful grounds include sex, marital status, pregnancy, parental status or family responsibilities, sexuality, race, colour, descent, national or ethnic origin, disability or medical condition, religion, age, criminal record or political belief or activity.

Unlawful discrimination may be direct or indirect. Indirect discrimination occurs where a rule, practice or policy, which on its face appears to be neutral, in effect has a disproportionate impact on members of a certain group. A student not being able to undertake a subject because they have a disability and cannot access the lecture room where classes are being undertaken is an example of indirect discrimination. Indirect discrimination is however, not unlawful when the rule, practice or policy is reasonable, having regard to the circumstances of the case.

### **What is Sex-based Harassment?**

Sex-based harassment is unwelcome conduct of a sexual nature, which a reasonable person would expect to cause the harassed person, offence, humiliation or intimidation, or would give that person any reason to believe that she or he would be disadvantaged in any way by refusing to accept or tolerate the sexual harassment.

Sexual harassment may include (but is not limited to):

- physical contact (for example, touching, patting or unnecessary familiarity)

- demands for sexual favours or persistent demands for out of study social activities
- offensive or demeaning comments, jokes and innuendo such as leering
- unwelcome or uncalled for remarks or insinuations about a person's sexual activities or private life
- name calling, physical threats or offensive gestures
- campaigns of hate or silence.

## Policy statements

It is unacceptable at the School for any staff member or student to harass (including sexually harass), bully or discriminate against others. Employees and students guilty of engaging in harassing, bullying or discriminating behaviour will be subject to disciplinary action, which may include termination of their employment/study with the School.

Further to specific harassment and discrimination legislation, under Occupational Health and Safety Acts, employers and employees and education providers have a legal responsibility to comply with any measures that promote health and safety in the workplace. Because of this duty, employers need to eliminate or reduce the risks to employees' health and safety caused by workplace harassment, bullying and discrimination.

## Complaint Process

To ensure that the School's learning and teaching environment is free of harassment, bullying and discrimination, the School has established the following complaint process to address such complaints.

Any person who believes that they have been the subject of harassment by a student or believe that they have witnessed a student harassing another should:

- Immediately report the situation in confidence to Student Services or the College Director. The report may be done orally or in writing. Where a formal, written complaint is received, the [Complaints and Appeals Policy](#) will be followed.

Students will **not** be required to report the perceived issue to an individual whom the student believes is causing or condoning the issue. If the particular circumstances make reporting the conduct to the above listed individuals inappropriate, the student can report the situation to the Vice President, Academic.

- All harassment complaints will be promptly and confidentially investigated to the extent practicable in the circumstances. The investigation may include a private interview with the person filing the complaint, witnesses, and the person alleged to have committed the harassment. Victimisation of any party will not be tolerated. Each situation will be assessed on a case-by-case basis and the investigative process will follow procedural fairness guidelines.
- At the completion of the investigation, to the extent appropriate in the circumstances, the investigator(s) will inform the person filing the complaint and the person alleged to have committed the harassment of the results of the investigation.

Complainants are assured that they will not be victimised or disadvantaged for making a complaint.

## Corrective or Disciplinary Action

Where it is determined that harassment, bullying or discrimination has occurred; prompt action will be taken to eliminate the offending conduct. Corrective or disciplinary action will be taken, as appropriate and may include:

- Actions ranging from counselling to termination of employment or study, or
- Other forms of disciplinary/ corrective action as deemed appropriate in the circumstances.

The School also recognises that there may be false accusations of harassment and retaliatory conduct

resulting from a report of harassment. In such circumstances, disciplinary action may extend to the person deemed to have made a false complaint or a person responsible for retaliatory action.

## Accountable Officers

The accountable officers for the implementation and relevant training of this policy are listed below.

<b>Policy Category</b>	Academic			
<b>Responsible Officer</b>	Vice President, Academic			
<b>Implementation Officer</b>	College Director			
<b>Review Date</b>	March 2020			
<b>Approved by</b>				
KHE Academic Board				
<b>Change and Version Control</b>				
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved:</b>	<b>Effective Date:</b>
1.0	Quality & Standards Group	Unpacking of one document into existing document	01.01.2014	01.01.2014
1.1	Quality & Standards Group	Format and wording changes to align across all businesses	22.05.2015	15.06.2015
1.2	Academic Governance and Quality Team	Policy reviewed for currency as per policy review cycle. Changes include: <ul style="list-style-type: none"> <li>• Policy retitled to 'Prevention of Harassment and Bullying Policy to better reflect policy content.</li> <li>• Clarification that this policy should be used when students are involved in bullying, harassment or discrimination claim.</li> <li>• Changes to policy structure and language to improve coherency.</li> <li>• Introduction of Implementation Officer.</li> </ul>	02.03.2017	16.03.2017