Bullying, Harassment and Discrimination Policy

Policy Owner	CEO
Approving Authority	Governing Council
Implementation Responsibility	CEO
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1. Purpose

This policy outlines the approach of the Sydney Polytechnic Institute (SPI) to address Bullying and Harassment in its campus and workplace.[1]

2. Scope

2.1 This Policy outlines how SPI will uphold its responsibility to students, staff, contractors, and visitors to ensure that they are not subject to any form of Bullying, Harassment or Discrimination. The Policy also outlines how SPI will deal with any allegations of Bullying, Harassment or Discrimination.

2.2 This policy applies to SPI and any staff member, worker, affiliate or student in relation to SPI related conduct:

(a) between staff members;
(b) between affiliates;
(c) between staff members and affiliates;
(d) by staff or affiliates towards students;
(e) between students;
(f) by students towards staff or affiliates;
(g) in respect of bullying, between workers, between workers and affiliates, by workers towards students, between students and by students towards workers; and
(h) in respect of unlawful discrimination and harassment, by staff and affiliates towards members of the public.

3. Definitions

Affiliates mean any individual, entity, or corporation appointed or engaged by SPI to provide services independently on its behalf. An affiliate is not an employee of SPI.

Bullying means repeated and unreasonable behaviour directed towards a person or a group of people that creates a risk to their health and safety. Unreasonable behaviour includes behaviour that is victimising, humiliating, intimidating or threatening.

[1] Following TEQSA *Guidance Notes: Grievance and Complaint Handling, and Diversity and Equity;* Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector.

Discrimination means when a person is treated less favourably than another person because of certain attributes (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of a defined attribute (indirect discrimination).
Harassment means unwelcomed, unsolicited or unreciprocated behaviour which makes a person feel sexualised, intimidated, offended, or belittled. Harassment based on sex, race, or disability is a form of unlawful discrimination under Commonwealth laws and harassment such as physical assault can be a criminal offence.

Staff *means all persons employed by the SPI, including full-time or part-time, fixed-term and casual staff.*

4. Principles

4.1 Any form of Bullying, Harassment or Discrimination are not condoned or accepted.

4.2 SPI will adopt the nine principles as referred to in Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector (July 2020).

4.3 Any allegations of Bullying, Harassment or Discrimination will be investigated, and appropriate action will be taken.

4.4 SPI understands that a person may feel that they are a victim of Bullying, Harassment or Discrimination, even if it was not the intention of the person who allegedly committed the act.

4.5 SPI will be proactive in reducing the likelihood of bullying, harassment and discrimination through the establishment of appropriate general education programs to be used during orientation programs.

5. Entitlements

5.1 In SPI, all staff, affiliates, students or visitors have an entitlement to work or study in a safe and healthy environment free of bullying, harassment and discrimination;

5.2 All staff, affiliates and students have an entitlement to make a complaint about any bullying, harassing or discriminatory behaviour through the *Complaint and Grievance Resolution Policy and Procedure*.

- However, if the allegation of bullying is raised or observed by someone other than the injured party, then the grievance processes will not be triggered; however, the bullying case will still be investigated through a process outlined by the Academic Dean or CEO.

6. Responsibilities

In SPI, all staff, affiliates, students or visitors undertake the responsibility of:

- not knowingly misuse this policy, including making a vexatious accusation of bullying, harassment or discrimination;

- ensuring they do not promote or engage in bullying, harassment or discrimination;

- complying with any reasonable instruction given by SPI regarding the prevention of bullying, discrimination and harassment including complying with this policy

7. Unacceptable Behaviour: Bullying

7.1 Bullying can be overt or covert. Examples of behaviour that may be considered to be bullying if they are repeated, unreasonable and create a risk to health and safety may include, but is not limited to:

- Deliberately excluding, isolating or alienating someone.
- Placing unreasonable work or academic demands on one person but not others
- Withholding information that is vital to do a task properly.
- Threats or threatening remarks or gestures.
- Intimidation.
- Spreading malicious rumours or misinformation.
- Interfering with personal property or work equipment
- Physical or verbal abuse
- yelling, screaming or offensive language
- Constant unreasonable and unjustified criticism or complaints.
- Physical violence

7.2 Bullying requires reasonable management action taken in a reasonable and timely way, including but not limited to：

- Requiring students to perform a task or assessment and demands are placed on all students.
- Reasonable performance or behavioural counselling in the right forum and in an appropriate manner.
- Rostering and allocating work hours in accordance with operational or business needs.
- informing a person about inappropriate behaviour in an objective and confidential way;
- Exercising reasonable supervision of an employee and informing the employee about unsatisfactory performance.
- Legitimate and appropriate disciplinary action.

8. Unacceptable Behaviour: Harassment

Examples of what would be considered Harassment, incorporating sexual harassment, includes, but is not limited to:

- Actions that create an intimidating hostile, offensive or distressing work or study environment;
- Actions that adversely affect the health and performance of a person or groups of employees;

- Inappropriate jokes, derogatory or dismissive comments.
- Inappropriate comments about a person's appearance or body.
- Gestures that are insulting or belittling.
- Leering, wolf whistles, catcalls, obscene gestures.
- Indecent exposure and Suggestive looks implying a sexual interest.
- Sexually explicit conversation, insults, taunting or comments.
- Uninvited physical contact.
- Sexual propositions, requests for sex or persistent requests for dates.
- Making promises or threats in return for sexual favours.
- Circulating, displaying written or pictorial material that is offensive or belittling.
- Unwelcome or improper remarks or implications about a person's sex life or private life.
- Stalking

9. Unacceptable Behaviour: Discrimination

It is against this policy and the law to discriminate against people, in various areas of public life because of their:

- race;
- colour;
- sex;
- sexual orientation, gender identity or intersex status;
- pregnancy;
- age;
- marital status;
- physical or mental disability;
- family or carers' responsibilities;
- religion;
- political opinion;
- national extraction;
- social origin; and/or
- any other attribute defined in New South Wales or federal legislation.

10. Breach of Policy

10.1 SPI will treat all reported allegations of Bullying, Harassment or Discrimination seriously and impartially.

10.2 The consequence of breaching this policy will depend on the seriousness of the case:
(a) For staff or affiliates: disciplinary action, up to and including termination of employment, engagement or affiliation.

(b) For students: breach of this policy may constitute student misconduct.

10.3 Outcomes may include, but are not restricted to the following:

- Offering support
  - to the person making the complaint or grievance.
  - to the person against whom the complaint or grievance is made.
- Requiring an apology to the affected person or persons.
- Providing mediation between the parties, if both parties agree to the mediation process and to the mediator.
- Providing targeted training aims for the prevention of unacceptable behaviours.

Notes

Related legislation:

Anti-Discrimination Act 1977 (NSW)
Australian Human Rights Commission Act 1986 (Cth)
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Disability Discrimination Act 1992 (Cth)
Age Discrimination Act (2004) (Cth)
Fair Work Act 2009 (Cth)
Workplace Gender Equality Act 2012 (Cth)

Related documents:

SPI Student Code of Conduct
SPI Staff and Affiliates Code of Conduct
SPI Student Complaint and Grievance Resolution Policy and Procedure
SPI Non-Academic Misconduct Policy and Procedure
SPI Student Support Policy
SPI Student Consultation Policy
SPI Workforce Plan
TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector (July 2020).

Amendment History:

Version No.	Approved by	Effective date	Amendments
1.0	Governing Council	27/08/2021	New Policy