



# Bullying, Discrimination and Harassment Prevention Policy

## Purpose

This policy affirms Victorian School of Commerce (VSC) commitment in providing a study and work environment that is characterised by respect, collegiality and the provision of a diverse, equitable, inclusive and safe environment, free from any bullying, unlawful discrimination, harassment and violence for all staff and students. The policy confirms VSC's commitment in eliminating any behaviour that does not conform with its standards of respect as well as professional and responsible behaviour.

## Scope

This policy applies to:

- all students enrolled in VSC who are studying any course
- all staff including permanent, sessional, casual, visiting, honorary, adjunct, conjoint appointments and volunteers at VSC
- people external to VSC including employers supervising work experience.

This policy extends to all functions and places that are work-related which are on campus, in transit to/from campus, off campus and online (e.g. student events, work lunches, conferences, Christmas parties, client functions, external meetings etc.).

## Definitions

**Direct Discrimination** - occurs when a person or group of people, is treated less favourably than another person or group because of their background or personal characteristics e.g. refusing to give an interview to a person of Indigenous or other ethnic background.

**Bullying** - repeated or unreasonable behaviour directed toward individuals or groups within the Institute, that creates a risk to their health or safety. This also includes workplace bullying. Bullying includes but is not limited to, conduct via the internet, email or other electronic means. Workplace bullying may include:

- Abusive, insulting offensive language or comments
- Criticism or complaints that are unjustified
- Withholding information that is vital for effective work or study performance.
- Setting unreasonable times or deadlines for work or study or setting tasks beyond or below a person's ability
- Denying access to information, supervision or consultation resources that would be detriment to a student or worker's performance
- Spreading misinformation or malicious rumors

**Harassment** - any type of repeated behaviour, explicit or implicit, verbal or non-verbal, that is unwelcome, unsolicited, offensive, abusive, belittling or threatening. Workplace harassment may include:

- Sending explicit or sexually suggestive emails



- Telling insulting jokes about particular racial groups, sexual preferences etc.
- Displaying offensive or pornographic posters or screen savers
- Asking intrusive questions about someone's personal life including their sex life
- Making derogatory comments or taunts about someone's race or religion

**Indirect discrimination** - applies when a policy or practice which applies to everyone has an unequal or disproportionate effect or result on particular groups, such as women or a person who is disabled.

**Unlawful discrimination** - less favourable discrimination or treatment of a person based on their:

- Sex and intersex status
- Pregnancy or potential pregnancy
- Responsibilities as a carer
- Marital or domestic status
- Race, colour, nationality, descent or ancestry, and ethnic, ethno-religious or national origin
- Age
- Disability or presumed disability or impairment
- Sexual orientation
- Gender identity or expression
- Religious or political belief or activity

**Sexual harassment** - making an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or, engaging in other unwelcome conduct of a sexual nature, including making statements to that person or in the presence of another person. This may be a single incident or a persistent pattern. *The Sex Discrimination Act (2013)* includes examples:

- Unwelcome touching
- Staring or leering
- Sexually explicit posters or pictures
- Unwanted invitations to go out on dates
- Requests for sex
- Intrusive questions about a person's private life or body
- Unnecessary familiarity, such as deliberately brushing up against a person
- Insults or taunts based on sex
- Sexually explicit physical contact, and
- Sexually explicit emails or SMS text messages

## Policy

VSC is committed to fostering the right of individuals to be free from bullying, discrimination and harassment, while engaged in activities undertaken as part of their employment or study and has zero tolerance for any such behaviour. VSC is also committed to providing a learning and working environment where staff and students are able to work and study free from any unlawful discrimination, bullying and/or harassment and where the dignity and self-esteem of every student and employee is recognised.

- Bullying, discrimination and harassment may:



- Lead to increased absenteeism, reduced employee productivity and motivation
  - Adversely affect the health and wellbeing of workers, students and visitors
  - Create a distressing, intimidating, offensive or hostile work or study environment
  - Result in the resignation of skilled and experienced employees
  - Adversely affect a person's access to and/or participation in educational opportunities provided by VSC
  - Adversely affect a person's recruitment, level of appointment, progression and promotion opportunities
  - Adversely reflect on VSC's reputation.
- Students and staff are made aware of behaviours that could constitute discrimination, bullying, harassment and victimisation and how to respond to these behaviours if observed during orientation and induction, respectively, and receive regular reminders and updates.
- VSC will not tolerate bullying, discrimination or harassment under any circumstances and will take all reasonable steps to eliminate behaviours or action of, or by, workers, students, or visitors in accordance with the *Code of Conduct*.
- VSC expects all members of the VSC community to work together to create a fair, inclusive and safe environment where all forms of discrimination, bullying and harassment are considered unacceptable. All members will behave in a reasonable and respectful way to prevent (as much as is safely possible) such behaviour. Any incidents of bullying, harassment or discrimination will be treated seriously and dealt with promptly.
- VSC staff are made aware of the confidentiality and privacy requirements of complaint handling during induction and that it is unacceptable to talk with other staff members, students or suppliers about any complaint of discrimination or harassment.
- VSC students and staff are entitled to confidential, professional counselling and/or support. Depending on the type of service, students may either benefit from in-house professional service or receive assistance from Student Services for arranging free external counselling services. Staff may also benefit from in-house resources or an external service, such as employee assistance program.
- *The Work Health and Safety Act 2011* imposes an obligation on all workers and visitors to take reasonable care of their own health and safety, and to take reasonable care that their acts or omissions do not adversely affect the health and safety of others.
- *The Fair Work Act 2009* makes workplace bullying unlawful and provides protection for workers who believe they are being bullied where workplace measures have not satisfactorily addressed the behaviour.
- VSC will provide professional development and education strategies across its community to ensure that all members are aware of their rights and responsibilities in relation to the



prevention of and effective response to any unlawful discrimination, bullying and harassment. VSC will ensure that both staff and students are informed of this Policy and that any Supervisory staff are aware of their responsibilities in accordance with this policy.

- All managers and supervisors have a responsibility to ensure this policy is adhered to, and to take appropriate action in circumstances where they become aware of existing or possible bullying, discrimination or harassment.
- Should a complaint of alleged bullying, discrimination or harassment arise, VSC will take timely and appropriate action through the *Staff Complaints and Appeals Policy* and the *Student Complaints and Appeals Policy*.
- The complaint resolution process is carried out in good faith. Complaints that are vexatious will be rejected and may constitute an infringement of the *Code of Conduct*.
- If bullying, harassing or discriminatory behaviour involves violence, for example physical assault or the threat of physical assault, it will be reported to the police.

### **Rights and responsibilities**

VSC staff, students and affiliates 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 VSC 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.

### **Breach of this policy**

If an individual breach this Policy, they may be subject to the relevant disciplinary action as outlined in the *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 VSC 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 subject to the relevant disciplinary action as outlined in the Code of Conduct Policy.

## **Appeals**

Appeals concerning any decision taken in relation to this Policy should be made under the relevant Complaints and Appeals Policy.

## **Related policy instruments**

*Code of Conduct*

*Staff Complaints and Appeals Policy*

*Staff Complaints and Appeals Procedure*

*Student Complaints and Appeals Policy*

*Student Complaints and Appeals Procedure*

*Student Wellbeing and Support Procedure*

*Student Wellbeing and Support Policy*

*Aboriginal or Torres Strait Islander Peoples Policy*

## **Related documents and legislation**

*Age Discrimination Act 2004*

*Charter of Human Rights and Responsibilities 2006*

*Disability Discrimination Act 1992*

*Disability Standards for Education*

*Equal Opportunity Act (Victoria) 2010*

*Fair Work Act 2009* (Amended and superseded in 2019) -

<https://www.legislation.gov.au/Details/C2018C00512>

*Racial and Religious Tolerance Act (Victoria) 2011*

*Sex Discrimination Act – Australian Human Rights Commission 2013*

*Work Health and Safety Act 2011*

*Work Safe Victoria* <https://www.worksafe.vic.gov.au/laws>

*Workplace Relations Act 1996*

*Higher Education Standards Framework (Threshold Standards) 2021*

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## Administration

### Revision History

Version	Approval date	Approval body	Review date
0.1	18/02/2020	Board of Directors	
0.2	14/04/2020	Board of Directors	
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