



Bullying, Discrimination and Harassment

United Institute are committed to ensuring that our practices, systems, policies and procedures support an environment that is free from bullying, discrimination and harassment. We do not tolerate any kind of harm, be it physical, emotional or mental harm, regardless of the circumstances. We encourage our students, staff members and visitors to report any discriminatory or harassment behaviours they experience or witness.

General Bullying, Discrimination and Harassment Principles

We aim to provide a safe, inclusive and secure environment through training, awareness campaigns and implementing practices, policies and procedures that are effective to achieve our aim. We endeavour to promote appropriate standards of conduct at all times and build an environment which is safe from any form of discrimination and harassment, where our students, staff members and visitors are treated with kindness, respect and fairness. We strive to treat all complaints in a sensitive and just manner, as well as guaranteeing protections by the complainant or appellant from any victimisation or reprisals.

The Australian Human Rights Commission defines bullying as any verbal, physical, social or psychological abuse by an employer (or manager), another person or group of people. That includes behaviour that intimidates, offends, degrades or humiliates someone. Whilst it can happen to anyone, United Institute are committed to do our best to stem out any bullying behaviours within our community. It is important to note that some types of bullying are criminal offences and suspected criminal behaviour will be reported to the local police authorities immediately.

Bullying can include:

- Repeated hurtful remarks or attacks; making fun of one's work;
- Making fun of something someone has done or their personality;
- Sexual harassment, particularly unwelcome touching and sexually explicit comments;
- Excluding behaviours and playing mind games;
- Ganging up on someone and intimidation;
- Deliberately holding back information so that one cannot get their work done properly;
- Pushing, shoving, tripping, and grabbing;
- Attacking or threatening with knives or any type of weapon; and
- Initiation or hazing where one is made to do humiliating or inappropriate things in order to be accepted as part of a team.



Discrimination happens when a person, or a group of people, is treated less favourably than another person or group because of their background or because of their:

- Race, colour, nationality or ethnicity (Racial Discrimination Act 1975);
- Gender orientation, sexual preference, pregnancy or marital status (Sex Discrimination Act 1984);
- Age (Age Discrimination Act 2004);
- Disability (Disability Discrimination Act 1992); or
- Some other characteristic such as one's political affiliations or religion (Human Rights and Equal Opportunity Act 1986).

Harassment can be against the law when a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, age, disability, sexual orientation, gender identity or intersex status.

Harassment does not need to be a chain of continuous and related incidents; one-off incidents can also constitute as harassment. Examples of harassment include joking about a racial group in an insulting manner, sending sexually suggestive messages to a colleague or student, displaying racially offensive material making derogatory comments about someone's race, and asking intrusive questions about someone's personal life, including their sex life.

Responsibilities

The CEO has the responsibility:

- To ensure that our Bullying, Discrimination and Harassment policy, expectations and standards is covered in the induction programs of all students and staff members; and
- To review the policy periodically to ensure it is operating effectively and contains up-to-date information.

The Student & Administration Support personnel is responsible for:

- Monitoring the environment to ensure it is free from any material that is likely to offend, such as those with sexual, racial or even political messages; and
- Working cooperatively with other staff members to promote an environment free from bullying, discrimination and harassment.

Trainers and Assessors should:

- Ensure that all training and assessment programs, materials, resources and tools encourage inclusivity and is free from discrimination and harassment; and



- Monitor students' behaviours and engage with students casually to get a feel as to whether they feel safe at United Institute, how they are doing and whether there is anything they are experiencing that they are uncomfortable or feel threatened by.

All staff members:

- Have a responsibility in familiarising themselves with this policy and our expectations;
- Should be a role model of appropriate conduct for others and provide support to individuals who may be experiencing bullying, discrimination or harassment; and
- Are also expected to respect individual differences and encourage others to maintain an inclusive environment that is supportive and understanding.

Rights

Every person has the right to make a report about any bullying, discrimination or harassment experienced or witnessed, with no prejudice or repercussions. United Institute will provide the reporter as well as any other person(s) involved with protection from any victimisation or reprisal and will treat any and all information shared by the complainant with the strictest of confidentiality. We will also endeavour to address and investigate all claims thoroughly and where there are opportunities for improvement, implement systems and processes to reduce the risk of the event occurring again.

Principles of Natural Justice

United Institute will handle all incidents of bullying, discrimination or harassment identified by applying the principles of natural justice and will result in actions which reflects the seriousness of the individual circumstances. Criminal or unlawful behaviour will be reported to the police immediately and will result in immediate dismissal of one's employment or enrolment with United Institute. Actions taken by United Institute may include counselling, re-training, apology, conciliation, re-assigning of duties, transfer of class, suspension of employment or enrolment, warning, dismissal of employment or termination of enrolment.

Lines of Assistance

The following agencies can provide assistance to United Institute in the management of bullying, discrimination and harassment, and in maintaining an inclusive and supportive environment:

- **Human Rights and Equal Opportunity Commission**

General line: 1300 369 711

Complaints line: 1300 656 419



Website: www.humanrights.gov.au

- **Australian Capital Territory Human Rights Office**

General line: 02 6207 0576

Website: www.hrc.act.gov.au

- **New South Wales Anti-Discrimination Board**

General line: 1800 670 812

Website: www.lawlink.nsw.gov.au/adb

- **Northern Territory Anti-Discrimination Commission**

General line: 1800 813 846

Website: www.nt.gov.au/adac

- **Queensland Anti-Discrimination Commission**

General line: 1300 130 670

Website: www.adcq.qld.gov.au

- **South Australia Equal Opportunity Commission**

General line: 1800 188 163

Website: www.eoc.sa.gov.au

- **Tasmania Anti-Discrimination Commission**

General line: 03 6233 4841

Website: www.antidiscrimination.tas.gov.au

- **Victoria Equal Opportunity Commission**

General line: 1800 134 142

Website: www.humanrightscommission.vic.gov.au

- **Western Australia Equal Opportunity Commission**

General line: 1800 198 149

Website: www.equalopportunity.wa.gov.au

Bullying, Harassment, and Discrimination Investigation Procedure



The following procedure is to be followed:

- 1 Provide support** – it is important that any staff member approached regarding an incident of bullying, discrimination or harassment handle the situation with sensitivity and care. Individuals who approach you about their experience may feel a range of emotions such as anger, distress, vulnerable, frustration, and powerless. Support them by reassuring them that they are safe and have done the right thing by approaching you. Take them seriously and inform them that no form of bullying, discrimination or harassment is acceptable, and it is their right to feel safe and secure. It is imperative that the staff member not pass off the student's complaint to another staff member, as the student may not feel comfortable sharing this information with others.
- 2 Listen to the reporter and explain the process** – ask them how they want the situation handled. Listen to their point of view and clarify the situation with them. Explain the process and discuss options and outcomes with the reporter.
- 3 Record and document** – all information provided must be recorded in our Complaint Form and scanned into the student's file. The information should also be entered into the Complaints and Appeals register on RTO Manager.
- 4 Investigate the claim** – it is important to investigate the claim(s) made and speak to all parties involved to verify the claims. When speaking to the reportee, clarify expectations, what is acceptable and unacceptable behaviour, and inform them that if the alleged behaviours did occur, they would be in breach of the organisation's policy and/or state or federal law. It is important to not disclose any personal information or the identities of the complainant and any witnesses that have been identified. Remember to apply the principles of natural justice during the course of the handling of the complaint and anyone interviewed during the course of the investigation should be provided with a support person during their interviews.
- 5 Consider the evidence** – a formal complaint should not be dismissed on the ground that no one saw or heard the incident(s) occurring. Given the nature of the offence, these are often no direct witnesses to alleged acts of bullying, discrimination and harassment. Those responsible for investigating complaints should consider all available evidence, including any surrounding evidence such as:
 - 6** Supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-worker;
 - 7** Managerial or Trainer and Assessor's reports and personnel records;
 - 8** Complaints of information provided by others about the behaviour of the alleged reportee;



- 1 Records kept by the person claiming to have been discriminated against or harassed;
- 2 Whether the evidence was presented by the parties in a credible and consistent manner; and
- 3 The absence of evidence where it should logically exist.
- 4 **Notify the CEO and discuss options for action(s)** – a meeting is to be set with the CEO to discuss the matter and bring the complaint to their attention. Options and outcomes discussed with the complainant, and findings of the investigation should be discussed with the CEO. In determining the appropriate actions, management may consider factors such as:
 - 5 The severity and frequency of the discrimination or harassment;
 - 6 That the actions will not disadvantage the reporter;
 - 7 The weight of the evidence;
 - 8 The wishes of the person who was discriminated against or harassed;
 - 9 Whether the harasser could have been expected to know that such behaviour was a breach of policy; and
 - 10 Whether there have been any prior incidents or warnings.

If there is insufficient proof to decide whether or not discrimination or harassment has occurred, everyone involved should be reminded of the expected standards of conduct, further training and awareness raising sessions should be conducted, and the situation should be monitored carefully.

The CEO may need to seek professional or legal guidance when making a decision.

- 1 **Discuss outcome and findings** – it is important to sit down with the reporter and reportee to discuss the outcome, the findings and the action(s) to be undertaken. If appropriate, advise the reportee of potential penalties if the behaviour continues and advise of the need for confidentiality and the prohibition of victimisation.
- 2 **Undertake the approved or agreed upon action(s)** – implement the approved or agreed upon action(s) and prepare a report for the CEO.
- 3 **Record the information** – the discussions, interviews, findings, options and outcomes must be recorded on the Complaints and Appeals register on RTO Manager and reviewed for continuous improvement purposes.
- 4 **Monitor the situation** – this is to ensure that the behaviour does not re-occur and that the complainant is not victimised.



Bullying, Harassment and Discrimination Investigation Flow-Chart

Discrimination or harassment issue raised or identified

Listen to the reporter and explain the process

Record and document the information on RTO Manager

Investigate the claim

Monitor the situation

Record the information on RTO Manager

Provide support to the reporter

Consider the evidence

Notify the CEO and discuss options for action(s)

Discuss outcome and findings with the reporter and reportee

Undertake the approved or agreed upon action(s)

Discrimination or harassment issue raised or identified

Listen to the reporter and explain the process

Record and document the information on RTO Manager

Investigate the claim

Monitor the situation

Record the information on RTO Manager

Provide support to the reporter

Consider the evidence

Notify the CEO and discuss options for action(s)

Discuss outcome and findings with the reporter and reportee

Undertake the approved or agreed upon action(s)