

Anti-Discrimination and Anti-Bullying Policy and Procedure

1. Purpose

This policy underscores States College's commitment for providing a safe and healthy learning environment free from discrimination and bullying.

2. Scope

This policy applies to all the current staff members and students of States College; and any person engaged under a contract for services.

3. Definitions

Bullying: Long-standing violence, physical or psychological conducted by an individual or a group that includes threats, verbal abuse, sarcasm, coercion and ostracism that humiliates or intimidates individuals or groups of workers that are not able to defend themselves in actual situation

Discrimination: Refers to unfair or less favourable treatment based on the following actual or assumed personal characteristics as defined under Commonwealth and State laws

Staff or Staff Member: A person employed or contracted by States College in any are of operation including "honorary" positions

Unreasonable Behaviour: Means behaviour that a person, having regard to all the circumstances, would expect to humiliate, intimidate, undermine or threaten

4. Legislative Context

The legislative base for this policy is as follows:

- Commonwealth Age Discrimination Act 2004
- Commonwealth Disability Discrimination Act 1992
- Commonwealth Equal Employment Opportunity for Women in the Workplace Act 1999
- Commonwealth Human Rights and Equal Opportunity Commission Act 1986
- Commonwealth Racial Discrimination Act 1975
- Commonwealth Racial Hatred Act 1995
- Commonwealth Sex Discrimination Act 1984
- Commonwealth Workplace Relations Act 1996
- Equal Opportunity Act 2010
- Occupational Health and Safety Act 2004
- Racial and Religious Tolerance Act 2001
- Anti-Discrimination Act 1977

5. Policy

5.1 Bullying is totally unacceptable at States College. All students, staff members and other members of States College are expected to treat each other with respect.

5.2 States College is an equal opportunity employer and education provider. All employees, potential employees and students are treated as fundamentally equal, without regard to race, sex, marital status or any other factor not applicable to their situation.

5.3 States College does not tolerate any form of discrimination or bullying. We believe all employees and students have the right to work and study in an environment free of discrimination and bullying. Accordingly, States College staff members and students will not;

- Participates in harassing, discriminatory or bullying behaviour; or
- Victimises or retaliates against an employee who has lodged a complaint about harassment, discrimination or workplace bullying.

5.4 Examples of behaviour that could constitute bullying for both staff and students include:

- Physical or verbal abuse
- Yelling, screaming or offensive language
- Excluding or isolating a staff member or student
- Spreading rumours or innuendo about someone
- Psychological harassment
- Unjustified criticism or complaints
- Intimidation
- Assigning staff members meaningless tasks unrelated to their job
- Giving staff members impossible jobs
- Interfering with someone's personal property or equipment
- Deliberately changing work arrangements, such as rosters and leave, to inconvenience particular staff members

5.5 Discrimination occurs when someone is treated unfavourably because of one of their personal characteristics. Discrimination may also involve:

- Offensive 'jokes' or comments about another worker's racial or ethnic background, sex, sexual preference, disability or physical appearance
- Display of pictures, computer graphics or posters which are offensive or derogatory
- Expressing negative stereotypes of particular groups
- Judging someone on their political or religious beliefs rather than their work or study performance
- Using stereotypes or assumptions to guide decision-making about a person's career or study
- Undermining a person's authority, work performance or ability to study because you dislike one of their personal characteristics

5.6 States College aims to prevent bullying and discrimination at States College through the following preventive measures;

- Creating awareness of this Policy and Procedure
- Informing, and instructing staff members
- Encouraging reporting
- Fair and timely procedures for managing incidents of bullying

6. Bullying and Discrimination Complaint Procedure

Step 1: Consider resolving it yourself

- Determine and identify the nature of bullying or discrimination
- Confront the offender and let them know that you will not tolerate this behaviour
- Make note of the incident and gather as much details as possible
- Keep a diary of the alleged bullying if the behaviour is repeated
- Assemble, where practical, any objective evidence of the bullying, including the names of witnesses

Step 2: Report bullying or discrimination

- Contact your immediate academic or administrative authority or your immediate manager or supervisor, or someone from the management team with whom you can confide with
- Report the incident and provide as much information as possible and try to relieve any initial distress you may be feeling
- Explore information options such as someone from the management speak to the alleged offender on your behalf
- Consider a face-to-face meeting with the alleged harasser to resolve the complaint through constructive steps

Step 3: Lodge a formal complaint

If the complaint is not able to be resolved informally through steps 1 & 2, you can lodge a formal complaint, seeking an investigation.

- If the problem is not resolved through informal processes as described above, a formal complaint will need to be made in writing to the Campus Director
- The Campus Director will undertake a preliminary investigation of the complaint and will then submit a confidential written report to the CEO
- The CEO (or CEO's delegate) may carry out further investigations if necessary, including referral to an external mediator/conciliator
- The CEO will then take appropriate remedial and/ or disciplinary action
- All parties to the complaint will be advised of the outcome

7. External Complaint

If the affected parties believe that their complaint is not effectively or timely managed, they have an option to access the Equal Opportunity Commissioner for advice at;

Equal Opportunity Commissioner
Level 3, 204 Lygon Street,
Carlton, VIC 3053
Tel: 1300 292 153 (toll-free)

Further information is available at: <https://www.humanrightscommission.vic.gov.au/>

8. Responsibility

Managers and supervisors have a responsibility to:

- Monitor the working environment to ensure that acceptable standards of conduct are observed at all times
- Model appropriate behaviour themselves
- Promote States College's harassment policy within their work area
- Treat all complaints seriously and take immediate action to investigate and resolve the matter
- Refer a complaint to another officer if they do not feel that they are the best person to deal with the case (for example, if there is a conflict of interest or if the complaint is particularly complex or serious).

All staff have a responsibility to:

- Comply with States College's Anti-Discrimination and Bullying Policy and Procedure
- Offer support to anyone who is being harassed and let them know where they can get help and advice
- Maintain complete confidentiality if they provide information during the investigation of a complaint

The Campus Director is responsible for effective implementation and management of this policy as well as provision of information on ways to resolve complaints of breaches of this policy.

The CEO has overall responsibility for the implementation and review of this policy.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: ceo@states.edu.au

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