



# Anti-Discrimination and Anti-Bullying Policy and Procedure

## 1. Purpose

This policy underscores Oak Leaf'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 at Oak Leaf; 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 Oak Leaf 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 1995
- Occupational Health and Safety Act 2004
- Racial and Religious Tolerance Act 2001
- Anti-Discrimination Act 1977 (VIC)

## 5. Policy

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



**5.2** Oak Leaf 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** Oak Leaf 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, Oak Leaf 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** Oak Leaf aims to prevent bullying and discrimination at Oak Leaf 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

In order to deal with bullying, harassment or discrimination there are procedures in place for reporting, investigating and providing appropriate penalties.

### Reporting bullying, harassment or discrimination

Bullying, harassment or discrimination can be reported in many ways. It can come as a formal or informal complaint. It can be in verbal or written form. Informal complaints of bullying, harassment or discrimination can be made to anyone connected with the Institute. A person that has received a complaint of bullying, harassment or discrimination in any form is required to report it to the Student Support Officer. All complaints should be as complete as possible and include any information that can be used to understand and resolve the issue. This includes the parties involved, dates and times of bullying, harassment or discrimination incidents, any actions that occurred that were considered to be bullying, harassment or discrimination and any physical evidence of the bullying, harassment or discrimination.

Formal complaints should be in writing and should include all information that is needed. The formal complaints should be directed to the Student Support Officer. Formal complaints should include the date that they are submitted along with who they are being submitted to. It is not required, but suggested, that a copy of all formal complaints be kept by the person making the complaint.

### Investigating the Complaints

The Institute takes all complaints, whether they are formal or informal, seriously and will act on any complaint that is received. Investigations will be done as quickly as possible and will include gathering information from all of the parties involved including the person making the complaint and the person that the complaint is being made about.

### Steps in Complaint Investigation and Resolution

1. A complainant consults the Student Support Officer for advice and addresses the matter with the alleged respondent; or the complainant composes a letter to the alleged respondent describing the grievance and requesting cessation of the specific acts. Student Support Officer may assist in the composition of such letter.
2. Assistance from the Student Support Officer, if needed, to accompany the complainant to address the issues with the alleged respondent; or, the Student Support Officer may him/herself compose the letter to the alleged respondent detailing the complainant's concerns and requesting to cease the actions.
3. The complainant or a Student Support Officer approaches the appropriate authority with a request for an intervention; or the Student Support Officer, at the request of the complainant, requests the appropriate authority to take measures to intervene by either speaking or writing to the alleged respondent.
4. A designated party acts as an intermediary between the parties with a goal of reaching an agreed upon solution. This process can be defined as mediation.
5. If necessary, a request for conciliation is submitted by the Student Support Officer. The following principles apply to this process:
  - A conciliator is appointed by the Management Team.

- The Student Support Officer may not take on the role of a conciliator in any matter that he/she was initially consulted for.
- Either party in the matter can request the presence of the Student Support Officer, other staff member, student or colleague during the conciliation conference.
- If necessary, the alleged respondent may be instructed to appear before the conciliator. Should the respondent fail to appear, an investigation may be initiated.
- The role of the conciliator is to provide each party with the opportunity to state his/her case and not to imply that there is a case to answer to.
- Both parties will be provided the opportunity to state their views in the presence of one another. Separate interviews may be required by the conciliator at any time during this process.
- At the end of the conciliation conference, both parties will be required to sign a written record of the conference which shall remain confidential.
- A confidential record containing the names of both parties, the dates of any meetings and a summary of outcomes and agreements is lodged with the Management Team. The record is to be made available to the designated individuals who are responsible for monitoring the adherence to such agreement.

6. If needed, a staff member or student who feels he/she has been subject to bullying harassment or discrimination or has been victimized as a result of an action taken under these procedures may submit a written request through the Student Support Officer to the Management Team. The Management Team will initiate an investigation regarding this and the following statements are related to this process:

- Should the Management Team feel options for resolution are inappropriate, or if the options have proved to be unsatisfactory, the Management Team will approve a formal investigation to be conducted.
- Any requests for an investigation must be lodged with the Management Team within twelve (12) months of the date of the last occurrence which is the subject of the complaint. Any requests will not be accepted outside this period of twelve (12) months unless the Management Team considers the circumstances to be appropriate.
- Any request for investigation must be supported by a written statement which describes the actions causing the complaint along with any evidence or supporting documentation which may be in the form of emails, text messages etc.
- A complainant may seek the assistance from any individual in the preparation of the required written statement. It is recommended that when composing such statements, caution should be exercised to avoid defamation.

**The following principles apply to the Institute's manner in the handling of complaints related to bullying, harassment and discrimination:**

#### Positive Duty

- The Institute recognises its positive duty to ensure all staff makes themselves aware of the potential for bullying, harassment, discrimination, vilification and victimization and the need to take appropriate action to prevent them.

- The Institute reserves the right to act in a manner that addresses any potential incidents of sexual harassment and unlawful discrimination which leads to the conduction of an investigation. All sexual harassment incidents will be dealt according to the Sexual Harassment Policy.

#### Procedural Fairness

- The process of complaint resolution will be equitable and fair. Parties involved in such process must not be biased or affected by conflict of interest and must act only in a manner that is perceived fair and impartial. Alleged respondents must be given the opportunity to be aware of the accusations against them and have the opportunity to be heard.

#### Confidentiality

- Wherever possible, confidentiality will be maintained in the management of bullying, harassment or discrimination complaints.

#### Frivolous Complaints

- If necessary, appropriate actions will be taken to address complaints received under this policy that subsequently prove to be frivolous in intent and nature, which may include disciplinary action.

#### Self-Managed Resolution

- Any individual who makes a claim that he/she has experienced bullying, harassment, discrimination, or victimization is encouraged to discuss the matter directly with the alleged party as long as the circumstances are appropriate.

#### Protection Against Victimization

- Individuals who make complaints in accordance with this policy will not suffer any adverse consequences from the Institute as a result. Should, victimization occur, the Institute will take necessary action to appropriately address the situation.

### **The Institute's Actions Related to Breaches of This Policy**

- All complaints received alleging behaviours of bullying, harassment or discrimination will be treated seriously and acted upon in a timely fashion.
- Consequences for a substantiated breach of this policy will vary depending on the seriousness of the actions related to the complaint. Disciplinary action is a potential outcome in such complaints.
- Penalties can be assessed at any time during the process depending on what is discovered. Actions that can be taken as a result of the investigation include:
  - Determination of any disciplinary action against the parties that are involved
  - Steps taken to prevent bullying, harassment or discrimination in the future
  - Decision about any restitution that may be due to the person making the complaint
  - Determination of any further action that should be taken to benefit/discipline the victim, the person that has committed the bullying, or the Institute.

### **Managing bullying, harassment or discrimination**

- The Institute will take steps to assess potential areas of bullying, harassment or discrimination even if they are not occurring. Regular assessments of the practices of the academic staff and students along

with the employees of the Institute will be conducted to make sure that bullying, harassment or discrimination does not occur.

- Regular education regarding the problem of bullying, harassment or discrimination and the impact of bullying, harassment or discrimination will be held by the Institute to help create an atmosphere that does not accept bullying, harassment or discrimination. Programs may be created that are designed to prevent bullying, harassment or discrimination from occurring in the first place.
- All incidents of bullying, harassment or discrimination that are investigated will be further reviewed to determine the underlying cause of the problem. The information that is gathered will be used to put into place policies that can help prevent any bullying, harassment or discrimination in the future. The Institute will work to be proactive in its approach to prevent bullying, harassment or discrimination to limit the amount of complaints that are received.

### **Responsibility of Reporting**

- Anyone that witnesses, is a party in, or is the victim of bullying, harassment or discrimination has a duty to report it. A person that receives a report of bullying, harassment or discrimination has the duty to make sure that it is passed on to the Student Support Officer. Not reporting bullying, harassment or discrimination will be looked upon in the same way that the acts of bullying, harassment or discrimination are and will not be tolerated.

## **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 Oak Leaf'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 Oak Leaf'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 Manager 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: [info@oakleaf.edu.au](mailto:info@oakleaf.edu.au)

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