



THE UNIVERSITY
of ADELAIDE
COLLEGE

Prevention of Bullying and Harassment Policy

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Scope

This policy applies to all staff employed and students enrolled with the University of Adelaide College (“the College”) operated by Kaplan Higher Education Pty Ltd under the terms of the Preferred Pathway Provider Agreement entered into with the University of Adelaide (“the University”).

This policy applies when a claim of harassment, bullying or discrimination concerns a staff employed or student enrolled with the College and where:

- the conduct complained about occurred on the College’s campus or where the conduct is related to the College’s activities.
- involves any form of contact or communication, whether initiated in person, by phone, cameras, social networking or media, email, SMS communication or any other means; and
- occurs in connection with the employment or enrolment status of a student or staff member.

Breaches of this policy will be treated seriously and dealt with under the relevant student policies and legislation.

Students enrolled at the **Melbourne Campus** in University of Adelaide **Award programs** delivered by the College (e.g. Bachelor of Information Technology / Master of Accounting) are bound by University of Adelaide policies.

Purpose

This Policy assists the College to meet its responsibilities and obligations under State and Federal anti-discrimination and equal opportunity laws. It provides information and clear guidelines on understanding and preventing unlawful discrimination and harassment and outlines the process for handling behaviour that breaches this Policy.

Commitment to Prevention of Harassment and Bullying

The College is committed to maintaining a teaching and learning environment that is free of harassment, bullying and discrimination, which values and fosters good working relationships that enable staff and students to be treated with dignity and respect. In some instances, harassment might take place outside the learning and teaching environment, for instance at a student event, or when a student makes unwelcome social media comments regarding another student or staff member.

Bullying and harassing behaviour is unacceptable at the College and will not be tolerated. Further, any retaliation against an individual who has complained of harassment, or retaliation against individuals for

cooperating with an investigation of a complaint, will not be tolerated. A claim of harassment may also form grounds for complaint under relevant anti-discrimination legislation.

The College takes allegations of bullying and harassment seriously. Allegations of bullying and harassment involving students will be handled with sensitivity and impartiality and in accordance with the complaint process outlined in this Policy. Where it is determined that harassment has occurred, the College will act promptly to eliminate the improper conduct and take corrective action as is necessary, including disciplinary action where appropriate.

Australian law prohibits harassment on the basis of race, national or ethnic origin, gender, disability (i.e. physical, intellectual, psychiatric, sensory, neurological or learning disabilities and illnesses such as HIV/AIDS), sexual orientation, religious background, marital status, pregnancy or potential pregnancy, political belief, family status, criminal record and age. While the definition of sexual harassment is described in detail, this policy applies to all forms of harassment.

The College expects its staff and students to act in a courteous manner that involves treating others with respect and dignity in interpersonal dealings. Staff and students are also expected to raise issues of concern, where they are apparent.

Definitions

What is Harassment?

Harassment is unwelcome behaviour that intimidates, offends or humiliates an individual, or group of people, on the basis of race, colour, sex, age, sexual orientation, disability or other attribute protected by any state of federal anti-discrimination legislation.

Harassment, including sexual harassment, is determined by reference to the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances where a reasonable person would have expected the behaviour to be offensive, humiliating or intimidating.

Harassment may be repeated or a one-off incident.

Harassment includes but is not limited to:

- telling insulting jokes about particular racial groups;
- verbal abuse or comments that put down or stereotype certain groups or individuals;
- personal insults, comments, name calling or innuendo;
- offensive communications via electronic media including but not limited to: sharing or dissemination of offensive/hurtful messages and images, impinging personal space/stalking on Facebook, Twitter and emails; and
- making derogatory comments or remarks about a person's disability.

What is Sexual Harassment?

Sexual harassment is unwelcome, unwanted or uninvited behaviour of a sexual nature which makes a person feel offended, humiliated and/or intimidated and where that reaction is reasonable in the circumstances. Some forms of sexual harassment including sexual assault, indecent exposure, stalking and obscene communications may constitute a criminal offence.

The Commonwealth Sex Discrimination Act 1984 and the NSW Anti-Discrimination Act 1977 declare sexual harassment to be unlawful.

Sexual Harassment includes but is not limited to:

- physical contact – e.g. Touching, patting, pinching, kissing or embracing someone, deliberately brushing up against someone, sexual assault or rape;
- verbal comments – e.g. insults or remarks of a sexual nature, offensive jokes, suggestive comments about someone's appearance or body, persistently inviting someone out, intrusive questions about a person's private life, requests for sexual favours; and
- non-verbal actions – e.g. leers, stares, displays of sexually explicit material such as posters, magazines or screen savers, offensive body and hand movements, sending sexually explicit emails or text messages, suggestive letters and drawings, including emails, indecent exposure, stalking and inappropriate advances on social networking sites.

Sexual harassment is not behavior which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. However, relationships may change and behavior that was previously consensual and welcome, may become sexual harassment if it is non-consensual, unwelcome and not reciprocated.

What is Bullying?

Bullying is defined as repeated and unreasonable behavior directed towards a person or a group of persons that creates a risk to health and safety.

Bullying is repeated behaviour that a reasonable person would consider to be humiliating, intimidating, offensive, undermining or threatening. Many people interchangeably refer to bullying as harassment or discrimination. However, bullying may not be covered under anti-discrimination legislation unless the bullying is linked to, or based on, one of the attributes covered by various anti-discrimination legislation (such as age, sex, race and disability).

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. Bullying behaviour may include, repeated:

- physical or verbal abuse;
- yelling, screaming or offensive language;
- excluding or isolating others;
- unjustified criticism or complaints;
- intimidation;
- psychological harassment;

- persistent teasing, joking or holding a person up to ridicule;
- repeatedly addressing others in a manner which is sarcastic or designed to humiliate;
- deliberately changing class times to inconvenience particular students;
- deliberately withholding information that is vital for effective performance;
- sabotaging others' work;
- setting unreasonable timelines or constantly changing deadlines;
- setting tasks that are unreasonable below or beyond a person's skill level;
- denying access to information, supervision, consultation or resources such that it has a detriment to a person;
- spreading misinformation or malicious rumours either verbally or via electronic media.

Conflict, including differences of opinion and disagreements, are generally not bullying. People can have differences and disagreements without engaging in repeated, unreasonable behavior that creates a risk to health and safety. However, in some cases, conflict may escalate to the point where it becomes bullying. It is therefore important that conflict is not ignored and, where possible, resolved to avoid escalation.

What is Discrimination?

Discrimination is the singling out of a person or group for special favour or disfavour. In Australia, discrimination based on certain grounds may form the basis for complaint by an individual under relevant State or Federal anti-discrimination legislation or under unlawful termination provisions. Unlawful grounds include sex, marital status, pregnancy, parental status or family responsibilities, gender identity or intersex status, race, colour, descent, national or ethnic origin, disability or medical condition, religion, age, criminal record or political belief or activity. Unlawful discrimination may be direct or indirect. Indirect discrimination occurs where a rule, practice or policy, which on its face appears to be neutral, in effect has a disproportionate impact on members of a certain group. A student not being able to undertake a subject because they have a disability and cannot access the lecture room where classes are being undertaken is an example of indirect discrimination. Indirect discrimination is however, not unlawful when the rule, practice or policy is reasonable, having regard to the circumstances of the case.

Policy Statements

It is unacceptable at the College for any staff member or student to harass (including sexually harass), bully or discriminate other employees and students guilty of engaging in harassing, bullying or discriminating behaviour will be subject to disciplinary action, which may include termination of their employment/study with the College.

Further to specific harassment and discrimination legislation, under Work, Health and Safety Acts, employers and employees and education providers have a legal responsibility to comply with any measures that promote health and safety in the workplace. Because of this duty, employers need to eliminate or reduce the risks to employees' health and safety caused by workplace harassment, bullying and discrimination.

Corrective or Disciplinary Action

Where it is determined that harassment, bullying or discrimination has occurred; prompt action will be taken to eliminate the offending conduct. Corrective or disciplinary action will be taken as appropriate and may include:

- actions ranging from counselling to termination of employment or study, or
- other forms of disciplinary/ corrective action as deemed appropriate in the circumstances.

The College recognises that there may be false accusations of harassment and retaliatory conduct resulting from a report of harassment. In such circumstances, disciplinary action may extend to the person deemed to have made a false complaint or a person responsible for retaliatory action.

Resolution Options

In the case when someone feels that they have been bullied, harassed or discriminated against, they may consider:

Talking to the person directly - only if you feel able, safe and confident to do so, you can then speak directly to the person involved and advise that their behaviour is unacceptable and must stop.

Seeking advice and/or support – you can speak to your Teacher, Academic Manager or Student Services team member, your Manager or HR Services. These staff members will be able to assist you in exploring resolution options.

Making a complaint – you can make a complaint and all report and complaints of harassment, bullying and unlawful discrimination will be treated seriously and dealt with promptly, impartially and confidently.

Complaint Process

To ensure that the College's learning and teaching environment is free of harassment, bullying and discrimination, the College has established the following complaint process to address such complaints.

Any person who believes that they have been the subject of harassment or who believe that they witnessed a staff or student harassing another should:

- Immediately report the situation in confidence to the relevant support staff mentioned above. The report may be done verbally or in writing. Where a formal, written complaint is received, the Complaints and Appeals Policy (<https://college.adelaide.edu.au/about/policies-and-procedures/>) will be followed.
- Students will **not** be required to report the perceived issue to an individual whom the student

believes is causing or condoning the issue. If the particular circumstances make reporting the conduct to the above listed individuals inappropriate, the student can report the situation to the Student Services Manager, the Deputy Director Corporate Services or the College Director.

- All harassment complaints will be promptly and confidentially investigated to the extent practicable in the circumstances. The investigation may include a private interview with the person filing the complaint, witnesses, and the person alleged to have committed the harassment. Victimisation of any party will not be tolerated. Each situation will be assessed on a case-by-case basis and the investigative process will follow procedural fairness guidelines.
- At the completion of the investigation, to the extent appropriate in the circumstances, the investigator(s) will inform the person filing the complaint and the person alleged to have committed the harassment of the results of the investigation.
- Complainants are assured that they will not be victimised or disadvantaged for making a complaint.

Complaints may also be referred to an external body, such as the Anti-Discrimination Body in the relevant State, the Australian Human Commission or the Fair Work Commission.

The College expects that any complaint of harassment, bullying or discrimination is made in good faith. The College may consider disciplinary action if a complaint is found to be frivolous or untrue.

In cases of assault, sexual assault or other behavior that may constitute a crime, the College may be required to report the incident to the police or other relevant authorities.

Relevant Legislation and Policies

As a registered provider, the University of Adelaide College operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws.

Education Services for Overseas Students Act 2000 (ESOS Act 2000)

<https://www.legislation.gov.au/Details/C2017C00292>

Education Services for Overseas Students Regulations 2001

<https://www.legislation.gov.au/Details/F2016C00681>

National Code of Practice for Providers of Education and Training to Overseas Students 2018

<https://www.legislation.gov.au/Details/F2017L01182>

Below, please find the most relevant legislations, policies and procedures which apply to the “Prevention of Bullying and Harassment Policy”:

Australian Human Rights Commission

<https://www.humanrights.gov.au/>

WHS/OH&S acts, regulations and codes of practice

<https://www.business.gov.au/risk-management/health-and-safety/whs-oh-and-s-acts-regulations-and-codes-of-practice>

Sexual Harassment

<https://www.humanrights.gov.au/our-work/sex-discrimination/guides/sexual-harassment>

Other College policies associated with the “Prevention of Bullying and Harassment Policy”, to be found at following link: <https://college.adelaide.edu.au/about/policies-and-procedures/>

- Critical Incident Policy
- Complaints and Appeals Policy
- Access and Equity Policy
- Electronic Media Policy
- Student Code of Conduct

Amendments

The College reserves the right to amend this policy at its discretion. All changes and amendments to our policies are published on the College’s website at following link: <https://college.adelaide.edu.au/about/policies-and-procedures/>

Questions

For any questions or comments about the Prevention of Bullying and Harassment Policy, please contact Student Services or Reception. In the absence of any questions from students, the College presumes that students understand and are aware of the rules and guidelines in this policy and will adhere to them.

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officers to ensure compliance with this policy.

Policy Category	Legal
Responsible Officers	General Counsel and Executive Director People and Culture
Implementation Officer	National Campus Director, The University of Adelaide College
Review Date	March 2020
Approved by:	

Joint Strategic Board				
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
1.0	Kaplan Australia Quality, Regulations and Standards Team	New policy.		



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