

Discrimination, Harassment, Victimization, and Bullying Policy

Document

Document Name	Discrimination, Harassment, Victimization, and Bullying Policy
Brief Description	The Discrimination, Harassment, Victimization, and Bullying Policy ensures Sydney Institute of Business and Technology (SIBT) fosters a safe, inclusive working and learning environment and provides procedures for reporting incidents, investigating complaints, and taking appropriate action.
Responsibility	Director Student and Academic Services
Authorised Approved	Senior Management Team
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Version Control

Date/Approval	Version No.	Summary of Changes	Reviewer Name and Department/Office
05/02/16	1	New Policy developed and implemented – Replaces the relevant sections of the Equal Opportunity and Anti-Discrimination Policy.	Senior Management Team
10/03/16	2	Updated to include face to face, blended and online teaching and learning.	Senior Management Team
14/03/2024	3	Strengthened Purpose and Responsibilities. Updated definitions and RASCI. Added Prevention Strategies and Tactics, Reporting and Review sections.	Senior Management Team

Related Documents

Name	Location
Child Protection Policy	SIBT Website
Equity and Diversity Policy	SIBT Website

Name	Location
Privacy Policy	SIBT Website
Sexual Assault Prevention and Response Policy	SIBT Website
Sexual Harassment Prevention and Response Policy	SIBT Website
Student Code of Conduct.	SIBT Website
Staff Code of Conduct.	SIBT Website
Student Complaints and Appeals Policy	SIBT Website
Student Complaints and Appeals Resolution Procedure	SIBT Website
Racial Discrimination Act 1975	https://legislation.nsw.gov.au/
Racial Hatred Act 1995	https://www.legislation.gov.au/
Sex Discrimination Act 1984	https://www.legislation.gov.au/
Age Discrimination Act 2004	https://www.legislation.gov.au/
Human Rights and Equal Opportunity Act 1986	https://www.legislation.gov.au/
Disability Discrimination Act 1992	https://www.legislation.gov.au/
Workplace Gender Equality Act 2012	https://www.legislation.gov.au/
Disability Standards for Education 2005	https://www.legislation.gov.au/
Australian Human Rights Commission Act 1986	https://www.legislation.gov.au/
Fair Work Act 2009	https://www.legislation.gov.au/
Anti-Discrimination Act (NSW) 1977	https://legislation.nsw.gov.au/
Work Health & Safety Act 2011	https://www.legislation.gov.au/
Higher Education Support Act 2003	https://www.legislation.gov.au/
Higher Education Standards Framework (Threshold Standards) 2021	https://www.legislation.gov.au/
Education Services for Overseas Students Act 2000	https://www.legislation.gov.au/
National Code of Practice for Providers of Education and Training to Overseas Students 2018	https://www.legislation.gov.au/

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1. Purpose

- a) The purpose of the Discrimination, Harassment, Victimization, and Bullying Policy is to foster a respectful and inclusive SIBT community environment that is free from any form of discrimination, harassment, victimisation, and bullying, and to outline procedures for managing instances when such behaviours occur.
- b) The policy sets out clear expectations of behaviour, inclusive of online activity and social media use, as well as everyone's rights and responsibilities to ensure a supportive, inclusive, fair and safe SIBT community environment.

2. Definitions

Term	Meaning
Bullying	Means a pattern of behaviour that a reasonable person in the circumstances would view as victimising, humiliating, undermining or threatening.
Complaint	Means a communication expressing dissatisfaction, either verbal or written, that requires review, investigation and/or action, and that is drawn to the attention of the SIBT. Under this Policy a complaint may take the form of either disclosure or a report of an incident of bullying, harassment, or discrimination.
Confidentiality	Means the principle upheld to ensure that information provided under this policy is only disclosed to those legitimately involved in resolving the complaint, providing support to a complainant, or as required by law.
Discrimination	Means a person is treated less favorably than another person because of certain attributes (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of an attribute, such as race, pregnancy, gender, disability (indirect discrimination).
Harassment	Means repeated behavior towards a person that is unwelcome and unsolicited, and which makes a person feel offended, humiliated and/or intimidated and where a reasonable person would anticipate that reaction in the circumstances.
Victimization	Means when a person commits or threatens to commit, an act against a complainant or respondent, or another person acting in support of a complainant or a respondent as a result of a specific complaint or disclosure.

3. Application

- a) The Discrimination, Harassment, Victimization, and Bullying Policy applies to all staff, students, third-party contractors, and visitors.

4. Policy Statement

- a) SIBT recognises the right of all students and staff to work and study in an environment free from harassment, victimisation, bullying and unlawful discrimination.
- b) SIBT has a responsibility to satisfy State and Commonwealth Anti-Discrimination legislation requirements, and this policy should be read in conjunction with the relevant legislation.
- c) SIBT acknowledges that its staff and students represent a diverse mix of gender, age, ethnic background, religious and political belief, physical and intellectual ability, domestic arrangement, and other diverse characteristics.
- d) Harassment, bullying of, or unlawful discrimination against staff or students by any member of the learning and teaching environment is unacceptable, against the law, and contrary to the educational and employment policies of SIBT.
- e) All forms of harassment, victimisation, bullying, and unlawful discrimination are of concern as the behaviour may:
 - i. Create an intimidating, hostile, offensive or distressing work or study environment;
 - ii. Adversely affect the performance of individual staff or students;
 - iii. Adversely affect a person's admission into a program or progress within a program;
 - iv. Adversely affect an individual's recruitment, level of appointment, promotion and progress opportunities;
 - v. Adversely affect an individual's access to and participation in the range of educational opportunities, support services, social and recreational facilities provided by SIBT;
 - vi. Adversely reflect on the integrity and standing of SIBT;
 - vii. Cause SIBT as an employer and an educational institution to be exposed as being vicariously liable.
- f) In fulfilling its commitment to eliminate harassment, bullying, and unlawful discrimination from the learning and teaching environment, SIBT, with the cooperation of all members of the SIBT community, will implement the activities outlined in the Equity and Diversity Policy.

5. Responsibilities

- a) SIBT has a legal responsibility to take reasonable steps to prevent discrimination, harassment, victimisation, and bullying from happening in the SIBT community. This involves but is not limited to:
 - i. Informing employees and students about harassment, victimisation, and bullying as outlined by this policy;
 - ii. Implementing complaints procedures; and
 - iii. Ensuring compliance by all members of the SIBT community.
- b) The College Director and Principal, together with all staff, is responsible for supervising the management of these initiatives, which include:
 - i. Promoting and encouraging awareness, understanding and appreciation of the differences that exist amongst cultural groups and acknowledging and celebrating the breadth of experience and recourses that people from diverse backgrounds bring to SIBT;

- ii. Recognising the responsibility of educational institutions to redress disadvantage and to overcome exclusion, bigotry, ethnocentrism, prejudice and racism;
- iii. Respecting and protecting the rights of students and staff to study and work in a discrimination and harassment-free environment;
- iv. Actively encouraging appropriate behaviour by those in positions of authority, that is, supervisors, managers and teaching staff;
- v. Promptly, effectively and confidentially addressing complaints of discrimination, harassment, and bullying;
- vi. Providing appropriate and effective processes, structures and resources to prevent and address issues of harassment, bullying, and unlawful discrimination;
- vii. Ensuring that SIBT policies and procedures are not directly or indirectly discriminatory.
- viii. SIBT's zero-tolerance approach extends to those who support harassment, bullying, and unlawful discrimination through group centred behaviours: intimidation, humiliation or causing of harm to others.
- ix. SIBT has established and committed to the following rights and responsibilities for all staff and students:

Rights	Responsibilities
Work and/or study in an environment free from bullying and harassment.	Treat your work colleagues and fellow students with dignity and respect at all times.
Be respected and valued regardless of your personal characteristics or background.	Respect the opinions and beliefs of others.
Be offered opportunities and support to fulfil your potential.	Agree to disagree in a respectful and rational manner when engaging in discussion where disagreement occurs.
Feel secure to be able to make a complaint if you are being bullied or harassed.	Avoid any and all behaviour that may: <ul style="list-style-type: none"> • Offend; • Humiliate; • Intimidate; • Exclude; and or • Cause injury to others.
Be given protection from victimisation if you make a complaint.	Offer support and encouragement to those who are being victimised or harassed.
Be enabled to participate in all aspects of your study and/or work at a SIBT campus.	Enable full participation in all aspects of study and work at a SIBT campus.

- c) Workplace Health and Safety Committee will:
 - i. Promote appropriate behavioural and cultural change of staff and students throughout the organisation;
 - ii. Review any incidents that constitute bullying, unlawful discrimination, harassment, or victimisation and determine mitigation strategies, were possible, for consideration by the Senior Management Team.

6. Prevention Strategies and Tactics

- a) Present a whole of SIBT Campus approach to the eradication of bullying, unlawful discrimination, harassment, or victimisation;
- b) Create digital citizens – conduct sessions on staying cyber-safe and savvy;
- c) Build strong teams and enable students and staff to learn to work together as a collective without inhibiting individual growth and development hold gatherings to encourage mixing and talking;
- d) Teach students and staff about the legal and psychological ramifications of direct and cyber bullying, unlawful discrimination, and harassment;
- e) Respond quickly and publicly to incidence of bullying, discrimination and harassment behaviour/s;
- f) Publicise role models for non-bullying behaviour;
- g) Build a community of support, make it easy and safe to report bullying, discrimination, and harassment;
- h) Enable constant reminder of the policy and reinforce prohibition of bullying, discrimination and harassment behaviour;
- i) Respect for diversity is encouraged and promoted through both policy and celebration activities;
- j) Educating staff and students about bullying, unlawful discrimination, harassment and respect for diversity as part of induction and orientation processes;
- k) Requiring all staff, professional and academic, to become familiar with the most recent legislation on equal opportunity;
- l) Provide training to raise awareness of bullying, unlawful discrimination, and harassment for staff and students through online campaigns.

7. Discrimination

- a) Discrimination occurs when a person is treated less favourably than another person because of certain attributes (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of an attribute, such as race, pregnancy, gender, disability (indirect discrimination).
- b) Treating people unfairly, whether directly or indirectly, may amount to unlawful discrimination, harassment, or vilification. Under State and Federal legislation, discrimination based on the following attributes is unlawful:
 - i. Sex;
 - ii. Marital or relationship status;
 - iii. Pregnancy;
 - iv. Parental Status;
 - v. Breastfeeding;
 - vi. Age;
 - vii. Race (including nationality, national or ethnic origin or ethno-religion);
 - viii. Impairment;
 - ix. Religious belief or religious activity;
 - x. Political belief or activity;
 - xi. Trade union activity;
 - xii. Lawful sexual activity;
 - xiii. Gender identity;

- xiv. Sexual orientation;
 - xv. Intersex status;
 - xvi. Family responsibilities;
 - xvii. Association with, or relation to, a person identified on the basis of any of the above attributes.
- c) SIBT is committed to treating all members of the teaching and learning community fairly and does not discriminate against individuals on any of the grounds outlined above.

8. Harassment

- a) Harassment within the SIBT community is any type of unwelcome behaviour that is based on one of the attributes covered by anti-discrimination legislation and which offends, humiliates, or intimidates the person being harassed.
- b) Harassment may occur in person or in online environments or both.
- c) Harassment may be sexual in nature or based on gender, race, disability, sexual preference, or a range of other factors listed in the relevant State Anti-Discrimination legislation.
- d) Harassment is understood to have occurred when a person has been subjected to repeated behaviour by another person that:
 - i. Is unwelcome and unsolicited; and
 - ii. The person considers to be offensive, intimidating, humiliating, or threatening; and
 - iii. A reasonable person would consider to be offensive, humiliating, intimidating, or threatening.
- e) A single incident of harassing type behaviour is not generally considered to be harassment. Nevertheless, single incidents of harassing type behaviour can be offensive or threatening and will not be ignored or allowed.
- f) SIBT recognises that harassment may involve comments and behaviours that offend some people and not others and management accepts that individuals may react differently to comments and behaviour.
- g) SIBT requires employees and students to adhere to a minimum standard of behaviour as indicated in the Student Code of Conduct and Staff Code of Conduct.

9. Bullying

- a) Bullying is described as the repeated less favourable treatment of a person by another or others in the SIBT community, which may be considered unreasonable and inappropriate practice. Bullying which includes physical and psychological abuse is against the law and will not be tolerated at SIBT.
- b) While physical abuse is a highly unacceptable form of bullying, bullying can also manifest in more subtle ways that impact on the health of the victims.
- c) SIBT acknowledges that there is a range of psychological and physical illnesses and injuries that an individual, exposed to bullying in a face to face or online learning and teaching environments, may experience. Examples of bullying may include:
 - i. Abuse, insults, threats, continuous teasing or criticism, either verbally or in written form;
 - ii. Physically hurting another person;

- iii. Touching another person who doesn't want to be touched;
 - iv. Overwork, unnecessary pressure, impossible deadlines;
 - v. Undermining work performance, unfair assessment;
 - vi. Discrimination, racism, sexism.
- d) SIBT is committed to ensuring that employees and students are provided with a safe SIBT community where they are not subjected to any unwanted bullying and acknowledges its responsibilities under relevant State and Federal legislation. This commitment extends beyond the classroom and into online learning spaces managed by SIBT.

10. Victimisation

- a) Victimisation happens where an employee or student is treated harshly or subjected to any harm because they have made a complaint of discrimination, harassment, or bullying.
- b) Victimisation may also occur if a person is subjected to harm or disadvantage because they have provided any information or evidence in connection with a discrimination, harassment, or bullying complaint.
- c) Confidentiality will be maintained, where possible, to prevent victimisation or defamation of the parties involved; and/or to facilitate prompt resolution of the complaint.

11. Complaints

- a) SIBT has established a number of policies and processes for dealing with complaints relating to any of the unacceptable behaviours outlined in this policy:
 - i. Student Complaints & Appeals Policy;
 - ii. Staff Code of Conduct
 - iii. First Responders training
 - iv. Staff Grievance Policy.
- b) All members of the SIBT community who believe that they are being harassed, victimised, bullied, or discriminated against, should undertake the following important steps:
 - i. Tell the individual that their behaviour is unacceptable, and that it must stop. It is important to say these things to the person responsible for the behaviour otherwise they may interpret silence as consent;
 - ii. Report the behaviour or incident to the Manager, or the College Director and Principal, or the Student Learning and Welfare Support Officer;
 - iii. Students can lodge a complaint under the Student Complaints and Appeals Policy;
 - iv. Keep the complaint confidential to avoid idle gossip and the possibility of defamation proceedings against the complainant or the company.
- c) SIBT will take all complaints of harassment, victimisation, or bullying seriously and will deal with the complaint in a sympathetic and confidential manner ensuring that complainants are not victimised or treated unfairly as a result of making a complaint.
- d) All complaints will be investigated and, if found to be proved, appropriate warnings or other disciplinary action will be taken against the person responsible for the

behaviour. In serious cases the person responsible for the behaviour may be dismissed or excluded from SIBT.

- e) Critical feedback on assessment tasks is not considered harassment, victimisation, or bullying.
- f) Individuals who are not satisfied with the way in which SIBT has dealt with the complaint, may seek further advice from an outside agency.
- g) Incidents of bullying may also be dealt with under relevant State legislation, especially where linked to one of the grounds covered by the legislation.
- h) The complaint resolution process is carried out in good faith and complaints that are frivolous, vexatious, misconceived, or lacking in substance will be rejected if a preliminary investigation of the facts indicates this.

12. Reporting

- a) Any incidents of discrimination, harassment, victimisation and bullying would be reported in the annual Complaints and Appeals or Critical Incidents Reports, through the SMT to the SIBT Board of Directors.
- b) SIBT adheres to the Privacy Principles as set out in Schedule 1 of the Privacy Act 1988, in respect of student personal information and will report de-identifiable data.

13. Review

- a) This Policy is reviewed every three (3) years by the position with delegated responsibility for this Policy and the Quality, Risk and Compliance Manager and will update with any changes to the regulatory compliance requirements, legislation, regulation, and guidelines.
- b) This review process aims to ensure alignment to appropriate strategic direction and continued relevance to SIBT's current and planned operations.

Appendix 1: RASCI Framework

A RASCI is used for clarifying and defining roles and responsibilities and is an acronym derived from the five key responsibilities most typically used: *responsible, accountable, consulted, supporting* and *informed*.

The role distinctions are:

Responsible - Does the work to complete the task.

Accountable - Delegates work and is the last one to review the task before it's deemed complete.

Consulted - Provides input on the task based on how it will impact their area.

Support - Resources which play a supporting role in implementation.

Informed - Needs to be kept in the loop on task completion and is not involved in the details of every task.

Responsibility	CDP	SMT	QCM	Legal and HR	BOD	CNSLR	All
To promote and support SIBT's commitment to provide a culture marked by mutual respect, personal dignity and support for everyone's skills and abilities.	-	-	-	-	-	-	R
Take appropriate action in circumstances where awareness of instances of possible bullying, discrimination, harassment or victimisation, even without a complaint being lodged, and complete a risk assessment.	A	C	S	C	-	R	-
Maintain brief and accurate details of allegations of bullying, discrimination, harassment and any subsequent investigations being recorded in keeping with the Division's Records Management Policy and Procedures Framework.	A	I	R	C	I	R	-
Fulfilling legal obligations and duty of care, which may take precedence over a complainant's desire for confidentiality.	A	R	S	C	-	S	-
Taking action that is appropriate to and commensurate with the bullying, discrimination or, harassment event that has been witnessed and/or reported.	A	I	R	C	-	R	-
Upholding SIBT's policy on the prevention and resolution of bullying, unlawful discrimination, and harassment, and to comply with the relevant legislation.	A	-	-	-	-	-	R

Responsibility	CDP	SMT	QCM	Legal and HR	BOD	CNSLR	All
Facilitating the effective resolution of the incident.	A	I	R	C	-	S	-
Heeding confidentiality and procedural fairness whilst undertaking an investigation and in the resolution of a complaint of bullying, discrimination or harassment.	A	I	R	C	-	R	-
Take reasonably practicable steps to ensure that the workplace or learning environment both on-campus and online, is free from Discrimination, Bullying and Harassment	A	-	-	-	-	-	R
Inform all Employees and Students clearly of what is and is not acceptable behaviour and advise that if claims of Discrimination, Bullying, Harassment, Victimization or Vilification are substantiated, then disciplinary procedures may be invoked	A	R	R	C	-	S	-
Inform Employees and Students of the support available to them for resolving Informal Complaints the support offered by Student Counsellors and Human Resources and Student Services to people experiencing Discrimination, Bullying, Harassment, Vilification or Victimization	A	R	R	C	-	R	-
Ensure that Employees and Students who make a Complaint are not victimised for doing so and respect their privacy and confidentiality at all times	R	-	S	C	-	S	-
Ensure that the Policies and Procedures in relation to the resolution of an issue or complaint are followed as written	R	-	S	C	-	S	-
Maintain a confidential database of Complaints	A	I	R	C	-	R	-
Provide regular statistical reports to the Board of Directors and SIBT CEO	A	R	S	-	I	S	-
R = Responsible, A = Accountable, S = Supporting, C = Consulting, I = Informed							
CDP = College Director and Principal, SMT = Senior Management Team, BOD Board of Directors, CNSLR = Student Counsellor, QCM – Quality and Compliance Manager, All = all staff, students, campus visitors and contractors							