

POLICY NUMBER:	1.11	VERSION NUMBER:	5.0
DATE LAST REVIEWED:	September 2024	NEXT REVIEW DATE:	May 2026
RELATED POLICIES:	1.19, 2.18, 4.12	RESPONSIBILITY:	Governing Board

PREVENTION OF AND RESPONSE TO BULLYING, HARASSMENT AND DISCRIMINATION

1.0 Purpose

This policy provides a framework and a set of principles that define the Institute's position on, and approach to dealing with bullying, harassment and discrimination.

2.0 Scope

This policy applies to students, and visitors to the Institute's facilities.
Staff are referred to UP Education's policies, which are located in Bamboo HR.

3.0 Principles

The Institute's approach to promoting wellbeing and safety reflects the following principles:

- Students and staff have the right to enjoy a learning environment and work environment where they are free from bullying, harassment and discrimination;
- All reasonable steps will be taken to create work and study environments in which diversity and difference are respected, and which is characterised by inclusiveness;
- There is zero tolerance for bullying, harassment, discrimination and other forms of intimidating or unlawful behaviour, and there is zero tolerance for the victimisation of those involved in dealing with, responding to, or managing these matters;
- Students and staff, regardless of background or intrinsic characteristics, are able to participate fully in the life and activities of the Institute, as students or as staff, and have their contributions welcomed, valued and supported;
- Practices and processes at the institute will aim to eliminate harassment, bullying, and discrimination, whether it be in virtue of an attribute specified in anti-discrimination legislation or in virtue of some other attribute irrelevant to a person's role as a student or a staff member;
- Practices and processes at the institute will align with the TEQSA Wellbeing and Safety guidelines to actively take responsibility for fostering an environment of wellbeing and safety for its students;
- The Institute will provide appropriate support services and referrals for any students affected by bullying, harassment and discrimination, and will commit sufficient resources to this;
- The Institute respects individuals' right to privacy and strives to ensure appropriate confidentiality;
- The Institute will be cognizant of patterns of systematic disadvantage and discrimination experienced by particular groups of people and develop strategies to ensure members of such groups are not discriminated against or disadvantaged in virtue of the Institute's practices and processes or the actions of its students;
- The Institute will take all reasonable steps to inform and educate students about their rights and responsibilities under this policy, related procedures and relevant legislation;
- Staff at the Institute will encourage and model inclusive, non-discriminatory language and nurture a culture of respectful interaction;

- The Institute will make this policy easily available through the Student Handbook, which is available on the Institute's website
- Policies, procedures, and structures will be regularly and systematically reviewed, including through appropriate consultative actions and expert external advice, to improve their effectiveness in preventing and managing bullying, harassment and discrimination.
- The Institute will comply with all relevant Commonwealth and state legislation.

4.0 Description

4.1 Harassment

- 4.1.1 Harassment is repeated behaviour directed at an individual or group of students or staff, which is offensive, humiliating, intimidating, or threatening. The behaviour is typically unwelcome and impedes effective work or study.
- 4.1.2 Harassment occurs in circumstances where a reasonable person would have expected that the behaviour is going to be offensive, humiliating or intimidating and is sexual in nature or is based on gender, race, disability, sexual orientation, or the range of other factors listed in the relevant Commonwealth and state legislation.

Harassment is	Harassment is not
▪ sending offensive emails or text messages; ▪ continually displaying offensive or pornographic signs, posters or screen savers; ▪ telling insulting jokes about particular racial groups; ▪ making derogatory comments or taunts about a person or group of people; ▪ sabotaging a person's study or work; ▪ abusing someone verbally in relation to an attribute such as calling someone a name that mocks them; ▪ asking repeated intrusive questions about someone's personal life.	▪ except in the case of sexual harassment, a single or isolated conflict or remark; ▪ gestures or remarks that arise from a relationship of mutual consent such as giving a friend a hug or compliment.

4.2 Bullying

- 4.2.1 Bullying is repeated verbal, physical, social, or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons.
- 4.2.2 Except in the case of sexual harassment, a single incident of unreasonable or harassing behaviour does not, of itself, constitute bullying.

Bullying is	Bullying is not
▪ abuse including threats, insults, gestures or offensive language which may be verbal or in written form such as via text, email or through social media (cyberbullying); ▪ repeated unreasonable criticism of another student's work; ▪ repeatedly and deliberately excluding someone from a group; ▪ behaviour intended to frighten, intimidate or degrade a person; ▪ deliberately supplying incorrect information or withholding information from a person; ▪ spreading misinformation about someone; ▪ inappropriate comments about a person's appearance; ▪ physical abuse; or ▪ teasing or pranking a person repeatedly that causes discomfort.	▪ a one-off offensive comment about a person that is never repeated and is not of a sexual nature; ▪ having an argument, conflict or disagreement with another student (where there is no power imbalance); ▪ constructively critiquing another student's work; ▪ having a difference of opinion and expressing it to others in an appropriate way; or ▪ not liking someone or being rejected socially by an individual or group of students.

4.3 Discrimination

- 4.3.1 Discrimination occurs when a person is treated less favourably than another person because of an attribute (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of an attribute (indirect discrimination).
- 4.3.2 Discrimination is any distinction, exclusion or preference made based on race, colour, age, medical or criminal record, sex, religion, marital status, sexual preference, impairment, mental or physical disability, political opinion, national extraction or social origin that has the effect of nullifying or impairing equality of opportunity or treatment.

Discrimination is	Discrimination is not
▪ subjecting a person to humiliating initiation ceremonies to be accepted into a group, where an attribute made them a target for the initiation; ▪ spreading gossip or rumours about a person based on an attribute; ▪ refusing to work as a group with a person because of an attribute (for example, because a student was older, a particular	▪ making a complaint about another student on the basis of their contributions to a group assessment task; ▪ behaviour that may be considered bullying but is not directed to a person because of an attribute; ▪ providing peer review feedback that is critical of the quality of another student's work; ▪ having a one-off conflict with a person of a

Nationality or sexual orientation or had family responsibilities; ▪ deliberately excluding a person from a study group because of a perception they may be slower than other students due to an attribute such as age, impairment or sex; ▪ telling jokes about racial groups; ▪ posting to social media ridiculing a person based on an attribute such as gender identity, sexual orientation or race.	different race when the conflict is not due to that person's race; ▪ adjusting to accommodate another student such as changing a meeting day or location to accommodate a student with a religious commitment, family responsibility or disability requiring a change of location.
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5.0 Prevention

5.1 The Institute aims to eliminate all forms of bullying, harassment, and discrimination and commits to providing a safe, equitable, inclusive study and work environments for students. In particular the Institute will:

- Promote and encourage commitment to the core values which counter bullying, harassment, and discrimination, including through the modelling of appropriate behaviour by staff;
- Clearly communicate its zero-tolerance for bullying, harassment and discrimination, including in student orientations and staff inductions, and in the Student Handbook, which is available on the Institute's website
- Clearly communicate its expectations of respectful and non-discriminatory behaviour, including in student orientations and staff inductions, and in the Student Handbook, which is available on the Institute's website
- Clearly communicate options for reporting incidents of harassment, bullying and discrimination, including in student orientations, and in the Student Handbook, which is available on the Institute's website
- Clearly communicate options for persons to seek support if they are experiencing bullying, harassment or discrimination, including in student orientations and staff inductions, and in the Student Handbook, which is available on the Institute's website
- Clearly communicate advice to all students on actions they can take to enhance their personal security and safety, including in student orientations and in the Student Handbook, which is available on the Institute's website
- Ensure that overseas students are provided with general information on safety and awareness relevant to life in Australia, including in the Student Handbook, which is available on the Institute's website and in orientation programs and in pre-arrival information
- Educate all staff of their responsibilities under this policy.

6.0 Reporting and Disclosing Incidents

6.1 AIPC/COLAB encourages individuals to report incidents of harassment, bullying and discrimination. The incident may be reported by the victim, bystander or another person (with consent). A complaint may be reported in accordance with this policy at



any time following an incident, regardless of whether the incident has been reported to police.

- 6.2 AIPC/COLAB supports individuals who have been affected by harassment, bullying and discrimination to manage their response on their own terms and when they feel safe and confident to do so. There are occasions however where limits to confidentiality should be observed, specifically in instances of where there is a continued/immediate threat to the safety of the individual or others.
- 6.3 An individual who has been the subject of harassment, bullying or discrimination may wish to disclose to a fellow student or staff member of their choice. The health, safety and wellbeing of the person disclosing is of the utmost priority. To be effective in their response, staff and students can follow these basic principles:
 - Ensure privacy
 - Listen, show empathy and respect
 - Refer and recommend specialised support
 - Acknowledge that the individual may or may not wish to report the incident formally.
 - Look after yourself
- 6.4 Students and staff are encouraged to refer the matter to the Program Leader or obtain information from the Liaison Officer (Hayley Wood, hayley@aipc.net.au) if they are approached by an individual with a matter that they do not feel equipped to deal with.
- 6.5 AIPC/COLAB does not tolerate victimisation and will take reasonable steps to ensure that all individuals involved are not victimised.
- 6.6 Self-Management
 - 6.6.1 An individual may review their options and choose to attempt to resolve an incident without formally reporting or disclosing their concern
 - 6.6.2 When an individual feels confident and safe to do so, they may choose to contact the alleged perpetrator (either verbally or in writing) and communicate to them that the behaviour is unwelcome and request it cease.
 - 6.6.3 If an individual engages in self-help and the alleged perpetrator continues the offending behaviour, they may seek to move to informal disclosure or lodge a formal complaint.
 - 6.6.4 Self-help is not an option for incidents relating to violence.
- 6.7 Informal Disclosure
 - 6.7.1 If an individual does not wish to engage in self-help, or self-help has been insufficient in dealing with the issue, they may wish to disclose the incident to the Institute without acting against the alleged perpetrator.
 - 6.7.2 Informal disclosures are to inform the Institute of risks and events and will not result in an investigation or referral of an alleged perpetrator.

- 6.7.3 The individual may choose to provide a verbal account of the incident to a staff member or fellow student to gain information about their support and reporting options. An individual may choose to have an informal disclosure recorded by reporting their concerns via email to the Program Leader, providing relevant details about the incident.
- 6.7.4 In the first instance, the Program Leader will notify the Liaison Officer (Hayley Wood, hayley@aipc.net.au) of the incident. The Liaison Officer contacts the student to discuss the incident and provides appropriate support and referral to external agencies if/as needed. AIPC/COLAB's response to the informal disclosure will be guided by the wishes of the complainant.
- 6.7.5 The Program Leader will keep a record of any informal disclosures and will maintain confidentiality, except as required by law.
- 6.8 Formal Complaint
 - 6.8.1 At any time, an individual may lodge a formal complaint of the incident to the Program Leader and/or the Liaison Officer (Hayley Wood, hayley@aipc.net.au).
 - 6.8.2 In the first instance, the Liaison Officer discusses the incident with the student and provides appropriate support and referral to external agencies if/as needed. The Liaison Officer follows up with the student on an ongoing basis to ensure they are receiving appropriate care and support.
- 6.9 Addressing a Complaint
 - 6.9.1 Upon receipt of a complaint, the Program Leader and Liaison Officer discuss and decide a way forward to investigate the complaint.
 - 6.9.2 Receipt of complaints, information ascertained during investigation, and options to address the matter are then discussed with the CEO. Resulting actions are addressed under the relevant student or staff conduct policies.
 - 6.9.3 Appropriate records are kept by the Liaison Officer regarding each incident reported, relevant details and its outcome.

7.0 Relevant Legislative and Regulatory Documents

- Age Discrimination Act 2004 (Cth)
- Anti-Discrimination Act 1991 (Qld)
- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Fair Work Act 2009 (Cth)
- Human Rights Act 2019 (Qld)
- Modern Slavery Act 2018 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Workplace Gender Equality Act 2012 (Cth)

Note that where the Institute operates outside Queensland, other state and territory legislation relating to bullying, harassment and discrimination will be relevant.

8.0 Version Control History

Version	Date Approved	Approved By	Summary of Changes
1.0	Jun 2007	Chief Executive Officer	Policy created. Titled 4.8 Discrimination, Harassment and Bullying
1.0	Jun 2008	Chief Executive Officer	No changes made.
1.0	Jun 2010	Chief Executive Officer	No changes made.
2.0	Jan 2012	Chief Executive Officer	Policy number changed to 4.17. Policy updated to reflect amendments to the Act concerning discrimination. Policy expanded the section on Bullying to include Workplace Harassment. Definitions and examples of workplace harassment and bullying have been included. Clarification of Management's responsibilities in responding to complaints have been included in the policy.
2.0	Jan 2013	Chief Executive Officer	No changes made.
2.0	Nov 2013	Chief Executive Officer	No changes made.
2.0	Jul 2015	Chief Executive Officer	No changes made.
2.0	Mar 2016	Chief Executive Officer	No changes made.
2.1	Mar 2019	Chief Executive Officer	Minor wording changes to remove EEO and Affirmative Action from responsibility.
3.0	Mar 2021	Higher Education Board	Policy renamed and comprehensively revised as 2.21 Student Wellbeing and Safety Policy. Reframed to prioritise student wellbeing and safety rather than staff protections. Scope expanded to explicitly address sexual assault, sexual harassment, harassment, bullying and discrimination. Definitions strengthened with additional examples and legislative references, and language updated to incorporate COLAB. New sections on Prevention and Reporting and Disclosure establish proactive safeguards and clear processes for support and incident management.
3.1	Apr 2022	Higher Education Board	Minor changes to wording – including diploma students
4.0	Jul 2022	Higher Education Board	Policy retitled as Prevention and Response to Bullying, Harassment and Discrimination and substantively revised. Structure updated to incorporate a clear purpose, scope and principles underpinning student wellbeing and safety. References to AIPC/COLAB replaced with "the Institute." Sexual Assault and Sexual Harassment provisions removed and relocated to Policy 2.11. The Prevention section expanded to strengthen institutional commitments and actions. Relevant legislation incorporated and headings streamlined for clarity and consistency.
4.0	May 2023	Governing Board	No changes made.
5.0	Sep 2024	Governing Board	Formatting change. Policy renumber to 1.11. Subsection headings changed to reflect policy number change. Scope of policy updated to apply to only students and visitors. Policy notes that staff are directed to UP Education's policies. References to staff and the workplace have been removed to reflect the change in scope.