



## ANTI-BULLYING AND HARASSMENT POLICY AND PROCEDURE

**POLICY NUMBER:** NC18-PP003

**RESPONSIBILITY:** MANAGING DIRECTOR

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### 1. Definition

To bully is to be cruel habitually or to be overbearing, especially to smaller or weaker people.

To harass is to disturb persistently; torment, as with troubles or cares; bother continually; pester; persecute. It is also to trouble by repeated attacks, incursions. It is the exertion of power by one person over another which makes another person feel embarrassed, offended, upset, devalued, degraded, afraid, frustrated or angry.

Harassment in the teaching, learning, or workplace environment includes a wide range of deliberate and unintentional behaviours which may humiliate, intimidate or offend and which are unwelcome and uninvited.

It includes behaviour which may be written, verbal, non-verbal or physical (including transmission of inappropriate electronic communications and display of inappropriate material from the internet) and can be based on:

- Race, where race includes colour, nationality and ethnic or national origin;
- Sex;
- Sexual orientation, lawful sexual activity or gender identity;
- Marital status;
- Parental status, pregnancy or breastfeeding;
- Physical features;
- Impairment or disability including, for example, total or partial loss of body function or body part, mental or psychological disorder, disease, malformation or disfigurement;
- Age;
- Religious belief or activity;
- Status as a carer;
- Membership of a trade union or other industrial employee organisation;
- Lawful Political belief or activity or industrial activity;
- Personal association with someone who has, or is assumed to have, one of these personal characteristics.

Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the environment unpleasant and sometimes even hostile. If a person is being harassed, their ability to study and/or work effectively is affected.



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It must be highlighted that harassment is not legitimate comment or advice (including negative comment or feedback) from others, such as genuine assessment feedback. Trainers at WAIFS are responsible for undertaking assessment of students' work and making a judgement about their attained knowledge, skills and competency in a particular unit/module of competency or unit of study. They are also expected to provide academic guidance and advice to students to complement their assessment and may have to instruct them about academic policy, processes and timeline provisions. In itself, the act – including repeated acts – of correcting students or pointing out inadequacies of performance does not constitute harassment or bullying in an educational environment.

Similarly, invoking unsatisfactory performance procedures or misconduct procedures, or applying student progress procedures, academic integrity procedures or assessment due dates do not in themselves constitute harassment or bullying of students.

### 2. Scope

This policy applies to:

- Present students enrolled at WAIFS;
- Past students wishing to make a complaint and who were enrolled at WAIFS at the time of the conduct which is the subject of the complaint;
- Present staff of WAIFS and other members of WAIFS, including:
  - Persons engaged under a contract for services;
  - Persons volunteering their services to WAIFS;
  - Past staff and past members of WAIFS wishing to make a complaint, and who were employed or engaged at WAIFS at the time of the conduct which is the subject of the complaint;
  - Persons applying to become students, staff or other members of WAIFS; and
  - Members of the public wishing to make a complaint, where their complaint arises as a result of contact with any of the above students, staff or members of WAIFS at the WAIFS campus in Perth or in the course of a WAIFS-endorsed activity (e.g. work-based training).

### 3. Rationale:

Bullying and harassment in any form is unacceptable. It breaches proper and professional conduct. All at WAIFS have a responsibility to provide a working, teaching and learning environment that is free from bullying and harassment, and that encourages staff, students and other members to develop attitudes and skills to ensure that everyone is equally valued and all are treated with respect.

*Students should note that bullying and harassment are considered to be student misbehavior. Students should refer to the WAIFS policy on deferral/suspension/cancellation of enrolment for further information.*

### 4. Aim:

To provide a fair and supportive environment free from all forms of bullying and harassment, that promotes personal respect and respect for others, as well as providing physical and emotional safety for all.

### 5. WAIFS view on bullying and harassment

- It is inappropriate that physical or emotional violence should be used or tolerated in any context at WAIFS.
- WAIFS is committed to ensuring that staff, students, members and visitors are equally valued and treated with respect;
- All claims of bullying and harassment are taken seriously and will be treated confidentially.

### 6. Process for handling complaints about bullying/harassment (students)

#### ***What should I do if I am being harassed at WAIFS?***

Do not ignore harassment, thinking it will go away. Ignoring the behaviour could be interpreted as tacit approval by the person causing the harassment. Harassment is not tolerated at WAIFS. If you reasonably feel that you are being harassed, and you feel comfortable doing so, tell the person to stop, or make it clear that you find the behaviour offensive or unwelcome. This is often an effective way of dealing with the issue as the feeling of power and of exerting helplessness over another is taken away.



If you do not feel comfortable speaking to the person directly:

**(i) Characterise Your Complaint**

The best course of action for resolving your complaint will depend on the nature of that complaint. You should consider the nature of your complaint and the conduct that has affected you before moving ahead with the next step in the Bullying/Harassment Procedure. If you are unsure whether conduct is in breach of the Bullying/Harassment Policy or if you need assistance to characterise your complaint, you should contact the Head of Administration whose role is described below.

Use common sense. If you have a genuine concern, then you should certainly talk to someone about it. You will not be blamed for speaking out or for failing to let WAIFS know earlier.

You should be careful to make sure your understanding of the situation is not based on hearsay, gossip or rumour. Complaints against a person can be damaging, so it is important that you are as sure of your facts as possible.

The Head of Administration will:

- Listen empathetically to your concerns and try to relieve any initial distress you may be feeling;
- Suggest and explore options for resolving your complaint and identify possible outcomes;
- Support and assist you to resolve the complaint informally; and
- Support you and, if the complaint cannot be resolved informally, provide you with information on how to lodge a formal complaint.
- The Head of Administration will not investigate or determine the outcome of complaints

This will be done on a confidential basis. The person to whom you report your complaint, and any other person who subsequently may be made aware of your complaint, will treat the complaint as confidential and the information will not be disclosed. Nothing will be done in relation to your complaint without your agreement, unless inaction might result in a breach of the law or the WAIFS' obligations to a third party (e.g. an insurer).

**(ii) Step 2 - Resolving Your Complaint Informally**

If you have not been able to resolve your complaint yourself (Step 1), it may be possible to have it resolved informally. The Head of Administration can talk with you about arranging a discussion between yourself and the other person/people involved or involving other relevant staff in the resolution process. The aim is to come to a resolution of the complaint as quickly as possible through having you and the other person agree on a way to resolve the complaint. This process will not involve an investigation of the complaint. If, however, the complaint is not able to be resolved informally, you can lodge a formal complaint, seeking an investigation.

**(iii) Step 3 – Lodge a Formal Complaint**

A formal complaint may be lodged in accordance with the WAIFS complaints and appeals policy. A copy of the policy is available on the WAIFS website [www.waifs.wa.edu.au](http://www.waifs.wa.edu.au), through the student portal or from the reception.

***What Happens to me During the Resolution of my Complaint?***

WAIFS understands that there might be personal implications for someone who raises a complaint and is committed to minimising such implications. Students may request to meet with the student support services team at any time to discuss their complaint, how it is making them feel etc.

*Student, staff or members of the WAIFS' community must not act in a way that penalises or victimises a person who raises a complaint that falls within the scope of this policy and procedure and failure to comply with this may lead to disciplinary proceedings being implemented.*

***Am I Allowed to Tell Anyone About My Complaint?***

You may feel the need to tell a trusted friend; family member or colleague about your complaint, but you should be careful and always treat the situation as confidential. If you lodge a formal complaint then the importance of confidentiality in this process is paramount. You must not discuss the subject matter of an investigation or the fact



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that an investigation is underway. If you feel you need to talk to a friend or family member about your complaint during the investigation stage, you should first discuss this with the investigator looking into your complaint.

### **Can I Raise a Complaint Anonymously?**

Yes, anonymous complaints may be made. However, there are significant limits on WAIFS' ability to act on or investigate anonymous complaints. For example, if an anonymous complainant leaves out key facts or information then WAIFS might be unable to pursue investigation without taking the risk that other people may realise a complaint has been raised and discover who has made it. There is also the inherent difficulty in resolving disputes about factual matters when the other person has not had a fair chance to put forward their point of view.

### **What Happens If a Formal Complaint is Made Against Me?**

If a formal complaint is made against you, it will be dealt with in accordance with the WAIFS Complaints and Appeals Policy. Throughout the investigation period, you will be treated fairly and will be accorded natural justice. The same obligation of confidentiality to which the complainant is subject, will also apply to you.

### **What Are The Possible Outcomes of Raising a Formal Complaint?**

If your complaint is considered well-founded, possible outcomes could include:

- Suspension or cancellation of a student's enrolment (see WAIFS' policy on deferral/suspension/cancellation for further information);
- A written apology;
- counselling;
- Steps such as changes in a person's employment duties, appropriate training, monitoring behaviour or implementing a revised study program.

If there is not enough evidence to support your complaint, or if the evidence gathered conflicts and that conflict cannot be reconciled, possible outcomes could include:

- No further action;
- Appropriate training for relevant persons;
- Monitoring of behaviour of relevant persons;

If your complaint is considered to be unfounded there may be no further action taken. If, however, your complaint was unfounded and not made in good faith, possible outcomes (for you) could include:

- A written apology by you;
- Counselling;
- Appropriate training.

### **Who Should I Talk To If I Have ANY Questions About This Anti-Bullying and Harassment Procedure?**

You should contact Student Support Services or the Head of Administration.

## **7. Process for handling complaints about bullying/harassment (Present staff of WAIFS and other members of WAIFS,)**

Please refer to WAIFS' staff handbook.

## **8. Legislation**

[www.humanrights.gov.au/](http://www.humanrights.gov.au/) the Australian Human Rights Commission;

[www.humanrights.gov.au/our-work/legal/legislation](http://www.humanrights.gov.au/our-work/legal/legislation) Australian Human Rights Commission Act 1986, Sex Discrimination Act 1984; Racial Discrimination Act 1975, Disability Discrimination Act 1992, Age Discrimination Act 2004

[www.eoc.wa.gov.au/about-us/equal-opportunity-act-1984](http://www.eoc.wa.gov.au/about-us/equal-opportunity-act-1984) Equal Opportunity Act 1984(WA) ESOS Act 2000