



Discrimination, Bullying and Harassment Procedure (Students)

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| Policy supported | Discrimination, Bullying and Harassment Policy |
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| Related Documents | Discrimination, Bullying and Harassment Policy Student Code of Conduct |

1. Purpose

The purpose of this Procedure is to support the ***Discrimination, Bullying and Harassment Policy***. The Policy seeks to ensure, insofar as is reasonably possible, that staff and students at the Australian Institute of Higher Education ('the Institute') are not subjected to any form of bullying or harassment in the course of their duties or studies.

2. Scope

This Procedure applies to all students of the Institute. It extends to all occasions and places that are study-related (e.g. library, using the Institute's IT facilities, etc.)

3. Definitions

See the ***AIH Glossary of Terms*** for definitions.

4. Actions and Responsibilities

4.1 Bullying and Harassment – Risk Management Process

The Institute will take all reasonable steps to prevent bullying and harassment through a risk management process. This process includes, but is not limited to:

- identification of bullying and/or harassment risk factors - these are things and situations which could contribute to bullying and/or harassment such as the way in which student cohorts are managed;
- assessment of the likelihood of bullying and/or harassment occurring from the risk factors identified and their potential impact on the student learning environment;
- eliminating the risks, controlling, or minimising them as far as reasonably practicable;
- reviewing the effectiveness of the control methods put in place and the process generally; and

- training relevant staff about bullying and harassment and how to deal with it and its impact on both staff and students.

4.2 Complaints Procedure

If a student feels that they have been bullied and/or harassed, they should not ignore it. Such behaviour should be brought to the attention of the Institute as soon as possible.

There are a number of options available to victims of discrimination, bullying and/or harassment:

4.2.1 Confront the Issue

If a student feels comfortable doing so, they might address the issue with the person concerned. This would entail identifying the bullying and/or harassing behaviour, explaining that the behaviour is unwelcome and offensive, and asking that it stop.

This is not a compulsory step. If a student does not feel comfortable confronting the person/s, or the behaviour continues even after the matter has been confronted, the student should follow formal reporting procedures.

4.2.2 Report the Issue

There are two complaint procedures that can be used to resolve bullying and harassment complaints: informal and formal (see below). The type of complaint procedure used depends on the nature of the complaint that is made.

Informal Complaint Procedure

Informal complaints can be made to the Student Services Manager and/or the relevant Course Coordinator.

Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. The possible options include, but are not limited to:

- Representative Institute staff discussing the issue with the person against whom the complaint is made; and/or
- Representative Institute staff facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that, if founded, may not warrant disciplinary action being taken.

Formal Complaint Procedure

Formal complaints should be made to the Registrar or Executive Dean.

The formal complaint procedure involves the student making a written complaint and a formal investigation of that complaint. It is appropriate for more serious allegations, or if senior staff are involved. Formal investigations may be conducted by the Institute or by an external investigator appointed by the Institute.

Investigation

An investigation generally involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the Institute or the external investigator will make recommendations about what actions should be taken to resolve the complaint, and any appropriate disciplinary action.

4.3 Dealing with Bullying and Harassment Complaints

In handling bullying and harassment complaints, the Institute will adopt the following principles:

- Take all complaints seriously
- Act promptly
- Not victimise any person who makes a complaint, any person accused of bullying and/or harassment, or any witnesses
- Support all parties
- Be impartial
- Communicate the investigation or complaint process to all parties involved, including estimating length of time for resolution
- Maintain confidentiality as far as possible. However, it may be necessary to speak with other students or staff in order to determine what happened, to legal representatives, or to the Institute's senior executive. It will also be necessary to speak to those against whom the complaint has been made in order to afford fairness. All participants involved in the complaint must also maintain confidentiality, including the person/s who lodges the complaint. Note that spreading rumours or gossip may result in a defamation claim
- Act appropriately. If a complaint is made and it appears that bullying and/or harassment has occurred, the Institute will endeavour to take appropriate action in relation to the complaint
- Keep records. Documentation is essential. A record of all meetings and interviews stating who was present and any/all agreed outcomes should always be maintained.

4.4 Possible Outcomes

The possible outcomes of an investigation will depend on the nature of the complaint. Where an investigation results in a finding that a person has engaged in bullying and harassing behaviour, that person will be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint, the relationship of the person/s to the Institute (i.e. whether an employee or a student), and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal/expulsion. Any disciplinary action is a confidential matter between the affected party and the Institute.

Institute management may take a range of disciplinary action. Examples include, but are not limited to:

- providing counselling to assist in addressing the problems underpinning the complaint,
- monitoring to ensure that there are no further problems,
- implementing a new policy,
- mentoring and support from appropriate Institute staff,
- requiring an apology and/or an undertaking that certain behaviour will cease,
- issuing a written warning (this can be a first or final warning depending on the circumstances), and
- dismissal/expulsion.

4.6 More Information

If a student is unsure about any matter covered by this Procedure and the associated Policy, or requires more information about bullying and harassment, they should seek the assistance from the Registrar. They may also wish to seek external advice from the relevant regulatory authorities, such as the Anti-Discrimination Board of NSW.

5. Version Control

This Procedure has been endorsed by the Australia Institute of Higher Education Chief Executive Officer as at March 2017 and is reviewed every 3 years. The Procedure is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

| Change and Version Control | | | | |
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| Version | Authored by | Brief Description of the changes | Date Approved: | Effective Date: |
| 2017.1 | Ms. McCoy | Drafted in line with comprehensive Discrimination, Bullying and Harassment Policy | 1 March 2017 | 6 March 2017 |