

Document ID:	HRM7 2 2 Harassment and Bullying.rtf
Responsibility:	Managing Director
Issue date:	February 23/2006

POLICY TITLE: HARASSMENT AND BULLYING POLICY

AMENDMENT HISTORY:

Issue Date:	Summary of Changes
12 January, 2006	Separation of reference materials, forms and adjustment to policy and procedure to improve accuracy. Link to Nonacademic Student Misconduct Policy
23 February, 2006	Initial Implementation

PURPOSE:

This policy identifies behaviour which is unacceptable and contrary to the ACN Student and Staff Code of Conduct. The policy identifies consequences to infractions of the policy and means by which inappropriate behaviours can be addressed by management or respondents.

SCOPE:

This policy applies to all staff employed or contracted by ACN, and to students enrolled at ACN.

POLICY

It is ACN policy that all students should study in a safe and supportive environment, where differences are respected. Everyone must be able to study in an environment free from harassment and bullying. All students have the right to study in an environment free of bullying. They also have a responsibility to ensure they do not bully others.

It is ACN policy that:

- Harassment and bullying will not be tolerated under any circumstances.
- Any student can complain about harassment or bullying to their teacher and/or ACN administrative staff.
- Harassment and bullying complaints will be treated seriously, sympathetically, quickly and privately.
- Complaints will be investigated fairly and impartially.
- ACN will take all reasonable steps to ensure that harassment and bullying does not re-occur.
- All reasonable care will be taken to ensure that complainants and witnesses will be protected in ACN for making a complaint.
- Every effort will be made to ensure that complainants are resolved at the lowest level possible in the first instance.
- A complainant's wishes and preferences will be incorporated into ACN's response to any complaints about bullying or harassment. The collective, or public good and order will also be a consideration in any formal response by ACN to a complaint.

Definitions

What is harassment?

- Harassment is any behaviour that a person does not like or does not want to happen.
- Harassment happens because of a person's sex, race, age, marital status, disability, carers' responsibility, homosexuality or transgender (transsexuality).
- Harassment offends, upsets, humiliates or scares another person.
- Harassment is not always intended – acts or behaviour which are funny or don't mean much to one person may hurt or offend another.
- An environment **without** harassment is one where people respect and tolerate the rights and differences of others.

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- Harassment often happens when power (for example, power of position or of culture) is used wrongly.

What is bullying?

- Bullying is behaviour that intimidates, degrades or humiliates another.
- It may occur on an individual basis or in front of others.
- This treatment is considered to be unreasonable and inappropriate.
- Bullying can take place between students; staff member(s) and student(s); student(s) and another person.
- Bullying is NOT about occasional differences of opinion, conflicts and problems in study relationships. These differences are part of normal life and every conflict certainly does not constitute bullying.
- Bullying can be verbal, nonverbal, physical, or use electronic means.

Most types of harassment are against State and Federal anti-discrimination law and may also be an offence under the Crimes Act.

Bullying can have harmful effects on students and the educational environment.

The effects of bullying may include:

- high stress levels, anxiety, sleep disturbances;
- ill health, severe tiredness, panic attacks, impaired ability to make decisions; and
- incapacity to study, loss of self-confidence and self-esteem, feelings of social isolation, reduced output and performance.

The Legal Position

- Staff and students have an obligation to take reasonable care in the study environment both for themselves and others.
- This includes complying with ACN policies (including relevant health and safety and bullying) and prompt reporting of incidents.
- ACN has an obligation under **NSW Occupational Health and Safety Legislation** to ensure the health and safety of staff and students.
- Harassment or bullying on the grounds of race, sex, sexual orientation, marital status physical or intellectual impairment, age, homosexuality, homosexual vilification, HIV/AIDS, and transgender discrimination and vilification are illegal in employment and education under the **NSW Anti-Discrimination Act** and the **Commonwealth Sex Discrimination Act**.
- Where bullying or harassment involves assault, threat of assault or other criminal actions, it may become a police matter. This type of incident should be reported immediately to campus administration and local police.

PROCEDURE:

Step	Who	Notes
Accuracy of content within policy and has carriage for the broad administration, implementation, and integrity of the policy in its application.	Managing Director	
Timely and effective administration of the policy, and for the education, training and general awareness of the policy within the ACN campus and workplace	Managing Director	
Allegation of student code of conduct infraction or alleged harassment or bullying charges made by complainant	Student, Staff member	Consider formal or informal resolution: referred to <i>REFERENCE HRM7.2.2.R1 What to Do If You Are Harassed or Bullied</i>
Complaint Lodged using <i>FORM HRM7.2.1. – F1 Student Code of Conduct Incident Report Form</i>	ACN Staff Member first in receipt of a complaint: referred to in this policy as "ACN First Responding staff member"	Is responsible for ensuring that documentation of any alleged instances of bullying or harassing behaviour as documented in this policy are held on the formal record. In the main, for staff, this is to be the Personnel File. For students, this is to be their Student Record. Exceptions to documenting instances of bullying or harassing behaviour as noted within this policy are to be made only by senior management.
Formal resolution requires the Respondent to document his/her response to the alleged incident By the Complainant.	Respondent	Use <i>FORM HRM 7.2.2. F1 - Student Code of Conduct Incident Infraction Response Form</i>

The Academic Director, Managing Director and General Manager are deemed to be senior management for this policy.

Any allegation of bullying or harassing that occurs in the public domain, which is defined as any allegation or incident reported that is witnessed or was reasonable to have been witnessed by others other than the Complainant/Respondent and perpetrator, is required to be reviewed by Senior Management. Senior management will determine ACN response to the incident.



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REFERENCES:

Policy Number:	Policy Title
FORM HRM7.2.1 F1	Student Code of Conduct Incident Report Form
FORM HRM 7.2.1. F2	Student Code of Conduct Incident Infraction Response Form
REFERENCE HRM7.2.2.R1	What to Do If You Are Harassed or Bullied.doc
External Legislation	NSW Occupational Health and Safety Legislation
	NSW Anti-Discrimination Act
	Commonwealth Sex Discrimination Act
STS4.3	Non-Academic Student Misconduct Policy
ACD5.1.17	ACN LTU Student Handbook
STS4.2	Grievance Policy