



Discrimination, Bullying and Harassment Procedure (Staff)

Policy supported	Discrimination, Bullying and Harassment Policy
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Related Documents	Staff 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 workplace participants of the Institute. It extends to all functions and places that are work-related (e.g. work lunches, conferences, Christmas parties, client functions, external meetings, etc.).

3. Definitions

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

4. Actions and Responsibilities

4.1 Workplace 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 staff are managed, or organisational change such as redundancies (refer to the common risk factors set out below);
- assessment of the likelihood of bullying and/or harassment occurring from the risk factors identified and their potential impact on the workplace participants or workplace;
- 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 workplace participants about bullying and harassment, how to deal with it and its impact on the workplace.

4.2 Complaints Procedure

If a workplace participant feels that they have been discriminated against, bullied and/or harassed, they should bring it to the attention of their direct manager or the Executive Dean as soon as possible.

There are a number of options available to workplace participants.

4.2.1 Confront the Issue

If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the bullying and/or harassing behaviour, explain that the behaviour is unwelcome and offensive, and ask that it stop.

This is not a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the workplace participant should report the issue to their manager. If the manager is the alleged perpetrator, then the matter should be reported to a senior manager, or a more senior manager.

If at any time, a workplace participant is unsure about how to handle a situation they should contact their manager or immediate supervisor for support and guidance.

4.2.2 Report the Issue

There are two complaint procedures that can be used to resolve discrimination, 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. The aim is to ensure that workplace participants are able to return to a productive and harmonious working relationship as soon as possible.

Informal Complaint Procedure

Informal complaints can be made to the workplace participant's manager or the Executive Dean.

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 manager or immediate supervisor will determine which process to follow. The possible options include, but are not limited to, the manager or immediate supervisor:

- discussing the issue with the person against whom the complaint is made; and/or
- 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 can be made to the workplace participant's manager, the Executive Dean or other members of Senior Management.

The formal complaint procedure involves the workplace participant making a written complaint and a formal investigation of that complaint. A formal complaint is appropriate for more serious allegations, or if senior management 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.

If the Institute considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. The Institute may also provide alternative duties or work during the investigation period. Generally, workplace participants will be paid their normal pay during any such period.

4.3 Dealing with Bullying and Harassment Complaints

In handling all 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. The Institute will endeavor to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers in order to determine what happened, to legal representatives, or to the Institute's senior managers. It will also be necessary to speak to those against whom the complaint has been made in order to afford fairness. All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Note that spreading rumours or gossip may expose the workplace participant responsible to 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 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. Any disciplinary action is a confidential matter between the affected worker/s and the Institute.

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

- providing training 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 senior manager
- requiring an apology or an undertaking that certain behaviour stop
- changing work arrangements
- transferring to another work area
- issuing a written warning (this can be a first or final warning depending on the circumstances)
- dismissal

4.5 More Information

If a workplace participant is unsure about any matter covered by this Procedure and the associated Policy, or requires more information about discrimination, bullying and harassment, they should seek the assistance of their manager, or the Executive Dean. They may also wish to seek external advice from the relevant regulatory authorities, such as WorkCover, SafeWork or Fair Work.

5. Version Control

This Procedure has been endorsed by the Australia Institute of Higher Education Chief Executive Officer as at 4 August 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				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2016-2	Registrar	Updated template	6 July 2016	6 August 2016
2017-1	Ms. McCoy	Restructured document, added box to beginning Revised/edited content Reviewed to accord with new amalgamated policy on Discrimination, Bullying and Harassment. Renamed.	4 August 2017	7 August 2017