



CHRISTIAN HERITAGE COLLEGE

**POLICY: Bullying, Harassment and Sexual Misconduct**

<b>Policy Group(s)</b>	Group G: Human Resource Management (Ref: G2/1011.1; 0318)		
<b>Related Policy:</b>	Code of Conduct Disability Support Grievance Policy for Domestic Students – Non-Academic Grievances Grievance Policy for Overseas Students Risk Management Staff Grievance		
<b>Commencement Date:</b>	January 2012	<b>Review Date:</b>	July 2016 March 2018 Scheduled Review: March 2023

**POLICY STATEMENT**

**Intent:**

Christian Heritage College (CHC) is committed to developing and maintaining an environment that is free of discrimination and harassment and promotes respect for persons, integrity, equitable treatment and natural justice. CHC is committed to the Biblical principle that every person is created in the image of God and is of great value and worth.

CHC has a zero-tolerance policy towards harassment (including sexual harassment), vilification, victimisation, bullying, discrimination and other wrongful, unlawful and inappropriate conduct. This type of behaviour is unacceptable and for staff can result in summary dismissal and for students is reason for exclusion and may be unlawful under State or Commonwealth law

**Scope:**

All staff, current students, applicants, volunteers and visitors of CHC.

*Restrictions:* Nil

*Exclusions:* Nil

This policy relates to, but is not limited by the following types of communication:

- Verbal communication including either over the telephone or in person at CHC, and outside of it;
- Written communication including; letters, notes, minutes of meetings etc;
- Internal and external electronic communication including:
  - email;
  - Moodle forums and posts;
  - instant messaging services;
  - social media and networking forums including; Facebook, LinkedIn, Twitter and other forms of social media; and
  - communication via text message.

**Objectives:**

1. To promote an environment which is free from harassment (including sexual harassment), vilification, victimisation and bullying where all persons are treated fairly, with respect, dignity and courtesy.
2. To ensure that all persons are aware of this policy and their rights and obligations to a safe work and teaching environment.

3. To promote appropriate standards of conduct at all times.<sup>1</sup>
4. To express CHC's commitment to provide accessible, transparent and equitable processes through which all persons can seek resolution of reported incidences of alleged bullying, harassment and sexual harassment.
5. To provide opportunity for all persons to resolve issues in a fair, timely and confidential manner.
6. To encourage the reporting of behaviour that is perceived as inappropriate which breaches this policy and to protect complainants from reprisals when making a complaint.
7. To ensure CHC complies with its legal responsibilities.

### **Policy Provisions:**

Harassment, bullying and/or unlawful discrimination will not be tolerated in any form or under any circumstances at CHC, including but not limited to: phone calls, emails, classroom, work related functions, study excursions, internship or practicum placements.

### **1. Definitions**

- 1.1. What constitutes bullying at work is defined by the *Fair Work Act 2009*. Harassment and/or discrimination occurs when a person is harassed or discriminated against in the workplace and in certain areas of public life:
  - 1.1.1. because of their race, colour, descent or national or ethnic origin, as defined under the *Racial Discrimination Act 1975*;
  - 1.1.2. or because of their sex, marital status, pregnancy as defined under the *Sexual Discrimination Act 1984*;
  - 1.1.3. or because of a disability as defined under the *Disability Discrimination Act 1992*;
  - 1.1.4. or because of age as defined under the *Age Discrimination Act 2004*.
- 1.2. **Harassment/Bullying** is defined as behaviour, other than sexual harassment, that is directed towards a person or group of persons that is repeated and systematic and that a reasonable person having regard to all the circumstances would expect to victimise, humiliate, undermine or threaten the persons or group of persons to whom the behaviour is directed. It is persistently disturbing, bothering, pestering or persecuting another person, or which creates a risk to health and safety.
- 1.3. **Sexual harassment** is defined as any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated.

### **2. General**

- 2.1. CHC will instruct all persons how to deal with harassment and bullying.
- 2.2. The Vice President – Advancement and Operations has been appointed to deal with such matters.
- 2.3. The Vice President – Advancement and Operations may seek to resolve the issue through a mediation process as a first step in the process.
- 2.4. Where a complaint is made against the Vice President – Advancement and Operations, the President will resolve the matter as per this policy.
- 2.5. Where a complaint is made against the President, the CHC Council has the discretion to resolve the matter itself or it may decide to appoint an external reviewer to make recommendations to the Council.

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<sup>1</sup> CHC recognizes that harassment (including sexual harassment), bullying and unlawful discrimination may involve comments and behaviours that offend some people and not others. CHC accepts that individuals may react differently to comments and behavior. That is why a minimum standard of behavior is required of students, staff, and volunteers.

- 2.6. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.
- 2.7. The parties to a discrimination and/or harassment complaint are required at all stages of this policy and procedure, to maintain confidentiality in relation to the concern or complaint.
- 2.8. The parties must not disclose, by any form of communication, either the fact or the substance of the matter to anyone other than, as relevant, the staff representative, or an Australian qualified counsellor or relevant medical practitioner.
- 2.9. A person must not victimise or otherwise subject another person to detrimental action as consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint.
- 2.10. Any persons found to have breached any of the laws regarding discrimination, bullying or harassment may have the case referred to the police.

### **3. Workplace Harassment/Bullying**

- 3.1. Workplace harassment/bullying can be committed by:
  - 3.1.1. an employer
  - 3.1.2. employee
  - 3.1.3. co-employee
  - 3.1.4. group of co-employees
  - 3.1.5. student
  - 3.1.6. group of students
  - 3.1.7. client or customer or
  - 3.1.8. a member of the public.
- 3.2. Workplace harassment/bullying covers a wide range of behaviors' ranging from subtle intimidation to more obvious aggressive tactics, including:
  - 3.2.1. abusing a person loudly, usually when others are present;
  - 3.2.2. repeated threats of dismissal or other severe punishment for no reason;
  - 3.2.3. constant ridicule and being put down;
  - 3.2.4. leaving offensive messages on email or the telephone;
  - 3.2.5. sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways;
  - 3.2.6. maliciously excluding and isolating a person from workplace activities;
  - 3.2.7. persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;
  - 3.2.8. humiliating a person through gestures, sarcasm, criticism and insults, often in front of customers, management or other workers or
  - 3.2.9. spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.
- 3.3. Action may be considered as workplace harassment and bullying where it is used:
  - 3.3.1. primarily to offend, intimidate, humiliate or threaten workers; or
  - 3.3.2. to create an environment where workplace harassment is more likely to occur.

3.4. Workplace harassment and bullying does not include:

- 3.4.1. reasonable action taken in a reasonable manner, by an employer to transfer, discipline, counsel, retrench or dismiss an employee;
- 3.4.2. a decision by an employer, based on reasonable grounds not to award or provide a promotion or benefit in connection with an employee's employment;
- 3.4.3. reasonable administrative action taken in a reasonable manner by CHC in connection with an employee's employment;
- 3.4.4. reasonable action taken in a reasonable manner in accordance with legislation affecting an employee;
- 3.4.5. a single incident of harassing type behaviour; or
- 3.4.6. reasonable management action taken in a reasonable way.

**4. Harassment/Bullying of Students**

4.1. Harassment/bullying of students can be committed by:

- 4.1.1. a CHC employee;
- 4.1.2. a group of CHC employees;
- 4.1.3. a student;
- 4.1.4. a group of students or
- 4.1.5. a member of the public.

4.2. Student harassment may include a student harassing a fellow student, a student harassing a CHC employee, or a CHC employee harassing a student.

4.3. Harassment/bullying covers a wide range of behaviors' ranging from subtle intimidation to more obvious aggressive tactics, including:

- 4.3.1. abusing a person loudly, usually when others are present;
- 4.3.2. repeated threats for no reason;
- 4.3.3. constant ridicule and being put down;
- 4.3.4. leaving offensive messages on email or the telephone;
- 4.3.5. sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways;
- 4.3.6. maliciously excluding and isolating a student from activities;
- 4.3.7. persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;
- 4.3.8. humiliating a person through gestures, sarcasm, criticism and insults, often in front of others or
- 4.3.9. spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

4.4. Action may be considered as harassment/bullying where it is used:

- 4.4.1. primarily to offend, intimidate, humiliate or threaten a person; or
- 4.4.2. to create an environment where harassment is more likely to occur

4.5. Harassment and bullying does not include:

- 4.5.1. reasonable action taken in a reasonable manner and in accordance with CHC policies, by a CHC employee to discipline, counsel or exclude a student;
- 4.5.2. a decision by a CHC staff member, based on reasonable grounds and in accordance with CHC policies not to:

- 4.5.2.1. approve an application for admission;
- 4.5.2.2. approve an application for a deferral;
- 4.5.2.3. approve an application to transfer course;
- 4.5.2.4. approve an application for transfer of credit;
- 4.5.2.5. approve an application for a leave of absence;
- 4.5.2.6. approve an application for graduation;
- 4.5.2.7. approve an application for an extension of an assessment date;
- 4.5.2.8. approve an application for an extension of a resource loan;
- 4.5.2.9. release results.

- 4.5.3. reasonable administrative action taken in a reasonable manner by CHC in connection with a student's enrolment;
- 4.5.4. reasonable action taken in a reasonable manner in accordance with legislation affecting a student;
- 4.5.5. a single incident of harassing type behaviour; or
- 4.5.6. reasonable management action taken in a reasonable way.

## 5. Sexual Harassment

- 5.1. Sexual harassment particularly is an affront to the dignity of the individual and as such is not tolerated at CHC.
- 5.2. Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.
- 5.3. Sexual harassment is a type of sex discrimination.
- 5.4. The *Sex Discrimination Act 1984* (Cth) makes sexual harassment unlawful in some circumstances.
- 5.5. According to the Australian Human Rights Commission, sexual harassment may include:
  - 5.5.1. staring or leering;
  - 5.5.2. unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching;
  - 5.5.3. suggestive comments or jokes;
  - 5.5.4. insults or taunts of a sexual nature;
  - 5.5.5. intrusive questions or statements about your private life;
  - 5.5.6. displaying posters, magazines or screen savers of a sexual nature;
  - 5.5.7. sending sexually explicit emails or text messages;
  - 5.5.8. inappropriate advances on social networking sites;
  - 5.5.9. accessing sexually explicit internet sites;
  - 5.5.10. requests for sex or repeated unwanted requests to go out on dates;
  - 5.5.11. behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene; or

- 6. **Sexual Assault or Sexual Violence** is a particular type of sexual harassment that includes non-consensual sexual contact, non-consensual sexual intercourse, rape or physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Specific examples of sexual assault or sexual violence includes but is not limited to physical assaults of a sexual nature, such as:

- 6.1. rape;
  - 6.2. sexual assault
  - 6.3. sexual battery;
  - 6.4. domestic violence;
  - 6.5. dating violence;
  - 6.6. stalking; or
  - 6.7. attempts to commit these acts.
7. **Force** refers to the use of physical violence and/or imposing on someone to gain sexual access. Specific examples include but are not limited to:
    - 7.1. threats;
    - 7.2. intimidation (implied threats); and
    - 7.3. coercion that overcomes resistance or produce consent.
  8. **Indecent Exposure** refers to the exposure of the private or intimate parts of the body in a lewd manner in public or private premises when the accused may be readily observed.
  9. **Consent** – can only be freely given by a person with the cognitive capacity to do so. Consent is the voluntary agreement to do the act or the acts in question and to continue to engage in the act or acts. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct.
  10. **Sexual Misconduct** is a broad term encompassing any unwelcome behaviour of a sexual nature without consent. It includes behaviour that could amount to a sexual offence or harassment.
  11. **Confidentiality and Privacy**
    - 11.1. If a person makes a complaint, it will be dealt with confidentially. Staff and student’s confidential and personal information will only be released with the consent of the person involved, or where it may be necessary to protect the health and wellbeing of others.

## Supporting Procedures and Guidelines:

### 1. Training

- 1.1. CHC undertakes staff training to develop awareness of issues related to discrimination, harassment, and workplace bullying, including sexual harassment and provides mechanisms to deal with grievances under this policy.
  - 1.1.1. Training occurs through monthly staff meetings, Moodle modules
  - 1.1.2. Information on the website made available to the staff (permanent and sessional)
  - 1.1.3. Induction processes for commencing staff
- 1.2. Information to develop awareness of issues related to discrimination, harassment, and workplace bullying, including sexual harassment and provides mechanisms to deal with grievances under this policy is made available to students upon admission, orientation and on the website.

### 2. Making a complaint of Discrimination and Harassment

- 2.1. In the case of sexual discrimination or sexual misconduct, CHC reserves the right to suspend or place on immediate administrative leave any member of the community accused of violating this policy, or to take any other interim measures CHC deems appropriate.

- 2.2. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid leave, removing a student from current classes, modifying course timetables, and issuing a 'no contact' order.
- 2.3. If a staff member or student believes they are being harassed, bullied or unlawfully discriminated against there are a number of important steps they should take:
  - 2.3.1. tell the person their behaviour is unacceptable
  - 2.3.2. report the behaviour or incident to their upline or submit a grievance under the CHC Grievance Policy
  - 2.3.3. if the alleged perpetrator is an upline, then the grievance should be submitted to the Vice President – Advancement and Operations

### **3. Staff role**

- 3.1. Every member of staff must adhere to this policy and should be aware that they can be held legally responsible for their unlawful acts.
- 3.2. Staff who aid, abet or encourage other persons to harass, bully or unlawfully discriminate can also be held liable.
- 3.3. A member of staff who believes that they have experienced sexual harassment should make a complaint under the *Staff Grievance Policy*.
- 3.4. If the allegation is of a criminal nature (e.g. physical molestation, indecent exposure, obscene communications (including email), sexual assault, rape, stalking), a person affected may elect to report such conduct to police.
- 3.5. When made aware of such a matter under these procedures, an authorised officer for grievances may assist the person to make a report to the police.
- 3.6. If a matter is reported to police and it will interfere with the police investigation/action to continue to deal with the matter under CHC procedures, the College will suspend action.
- 3.7. If there is no risk of interference with a police investigation the matter may be dealt with under CHC's grievance procedures.

### **4. Student role**

- 4.1. All students must adhere to this policy and should be aware that they can be held legally responsible for their unlawful acts.
- 4.2. Students who aid, abet or encourage other persons to harass, bully or unlawfully discriminate can also be held liable.
- 4.3. A student who believes that they have experienced sexual harassment should make a complaint under the *Grievance Policy for Domestic Students – Non-Academic Grievances, Grievance Policy for Overseas Students*
- 4.4. If the allegation is of a criminal nature (e.g. physical molestation, indecent exposure, obscene communications (including email), sexual assault, rape, stalking), a person affected may elect to report such conduct to police.
- 4.5. When made aware of such a matter under these procedures, the Director of Student Services or authorised CHC member of staff may assist the person to make a report to the police.
- 4.6. If a matter is reported to police and it will interfere with the police investigation/action to continue to deal with the matter under CHC procedures, the College will suspend action.
- 4.7. If there is no risk of interference with a police investigation the matter may be dealt with under CHC's grievance procedures.

## POLICY FURTHER INFORMATION

<b>Relevant Commonwealth/State Legislation</b>	Age Discrimination Act 2004
	Disability Discrimination Act 1984
	Equal Opportunity Act 2010
	Fair Work Act 2009
	Racial Discrimination Act 1975
	Sex Discrimination Act 1984

## ACCOUNTABILITIES

<b>Implementation:</b>	Vice President – Advancement and Operations
<b>Compliance:</b>	Vice President – Advancement and Operations
<b>Monitoring and Evaluation:</b>	Director of Quality and Standards
<b>Development/Review:</b>	Director of Quality and Standards
<b>Approval Authority:</b>	CHC CEO
<b>Interpretation &amp; Advice:</b>	Director of Quality and Standards

## WHO SHOULD KNOW THIS POLICY?

All Staff  
Students (current and prospective)  
Volunteers

## EFFECTIVENESS OF THIS POLICY

<b>Performance Indicators:</b>	<ul style="list-style-type: none"><li>• Effectiveness of training and awareness</li><li>• Number of grievances</li></ul>
<b>Other</b>	Nil
<b>Definitions and Acronyms:</b>	<p>CHC - Christian Heritage College</p> <p><b>Dean</b> – the head of the School administering the course, includes the Executive Director, Millis Institute.</p> <p><b>School</b> – the academic organisational unit of CHC, includes the Millis Institute.</p> <p><b>Victimisation</b> – treating someone badly because they have done a ‘protected act’. This includes making a claim or complaint of discrimination, helping someone else make a claim by giving evidence.</p> <p><b>Vilification</b> – a public act capable of inciting hatred towards, serious contempt for, or severe ridicule of a person or group of persons on the grounds of race, religion, sexuality or gender identity of the person or group.</p>



**APPROVAL – section maintained by the Director of Quality and Standards**

Reference No.	Approved	Date	Committee/Board	Resolution No. / Minute Ref.
G2/1011.1	Approved	22/11/2011	CHC CEO	2

**REVISION HISTORY – section maintained by the Director of Quality and Standards**

Revision Reference No.	Approved/Rescinded	Date	Committee/Board	Resolution No. / Minute Ref.
0318	Approved	27/03/2018	CHC CEO	Email

<b>Additional Changes:</b>		<b>Date</b>
New title: Bullying, Harassment and Sexual Misconduct	Old title: Harassment and Bullying	March 2018