

B4 - BULLYING, HARASSMENT AND DISCRIMINATION POLICY AND PROCEDURES

1 PURPOSE

BBI-TAITE is committed to providing a safe and equitable environment for all staff and students.

2 BACKGROUND

This policy provides guidelines for the conduct of all students and staff at BBI – The Australian Institute of Theological Education (BBI-TAITE), and makes clear BBI-TAITE’s stance on all forms of bullying and harassment.

3 SCOPE

All students enrolled in all capacities with BBI-TAITE and all adjunct, permanent, casual, sessional and volunteer staff members while engaged with the BBI-TAITE community, at a BBI-TAITE venue, or actively representing the Institute.

4 DEFINITIONS

Procedural Fairness - concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.

5 POLICY

BBI-TAITE aims to:

- a. Create and foster a safe and respectful environment for the entire BBI-TAITE community where all people are treated with dignity and respect;
- b. Provide an effective procedure for complaints;
- c. Treat all complaints in a sensitive, fair, timely, and confidential manner;
- d. Guarantee protection from any victimisation or reprisals;
- e. Encourage the reporting of behaviour which breaches this policy;
- f. Promote appropriate standards of conduct at all times.

BBI-TAITE recognises that discrimination and harassment can involve actions and comments that may be offensive to some and not to others. Therefore, BBI-TAITE maintains an active code of conduct for all staff and students with which it is expected that everyone in the BBI-TAITE community will comply.

Harassment, Bullying, and Unlawful Discrimination will not be tolerated in any form or under any circumstances at BBI-TAITE. This includes (but is not limited to) interactions in all forms and at all locations such as:

- Any teaching/seminar/conference venue;
- Online – including emails, discussion boards, assessment materials and all other forms of online interaction with members of the BBI-TAITE community;
- Over the phone, including both incoming and outgoing calls and voice and text messages;
- At any BBI-TAITE-related function, retreat, or study tour.

Unlawful Discrimination

Unlawful discrimination is defined in the *Australian Human Rights Commission Act 1986* and the *Fair Work Act 2009*. Unlawful discrimination occurs when a person is discriminated against and not treated fairly because of (but not limited to) the following attributes:

- Race;
- Skin colour;
- Age;
- Any kind of physical, emotional or mental impairment or viral or bacterial infection (such as HIV);
- Gender;
- Sexuality;
- Pregnancy and breastfeeding;
- Employment status;
- Criminal record;
- National or ethnic origin;
- Marital Status;
- Religious affiliation or beliefs;
- Any other characteristic which could be considered to distinguish the person from others in the population.

Discrimination is an unacceptable behaviour at BBI-TAITE and will not be tolerated. Persons who are found to have behaved in a discriminatory way will be subject to disciplinary action as outlined in BBI-TAITE's Code of Conduct and may, in some cases, also be subject to legal action under the law. Unlawful Discrimination is a criminal offence.

Bullying and Harassment

Bullying and Harassment are repeated behaviours which intimidate, victimise, threaten, or make unreasonable demands of another person. Bullying and Harassment present a risk (sometimes a serious risk) to health and safety. Repeated behaviours are those which occur more than once, often over a period of time, and such conduct may involve a range of different behaviours which fall under the classification of Bullying and Harassment. Bullying and Harassment are defined in the *Fair Work Act (2009) sections 789FA - 789FI* and include (but are not limited to):

- Inappropriate and continued contact via phone, email, or social media;
- Teasing or practical jokes;
- Pressuring or cajoling others to act inappropriately;
- Causing any form of physical harm or engaging in a behaviour which intentionally results in physical harm to another person;
- Making unreasonable work demands;
- Any form of unwanted sexual advance or insinuation (especially where the unwanted nature has been made clear by manner or assertion);
- Behaving in an aggressive or intimidating manner;
- Excluding others from work- or study-related events to which they would otherwise be invited;
- Yelling or using insulting or offensive language.

Bullying and Harassment are unacceptable behaviours at BBI-TAITE and will not be tolerated. Persons who are found to have behaved in such ways will be subject to disciplinary action and may, in some cases, also be subject to legal action under the law. Bullying and Harassment are criminal offences.

Sexual Harassment

Sexual harassment is any unwanted, unwelcome, or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated, or offended. Sexual harassment is a criminal offence and will not be tolerated under any circumstances at BBI-TAITE.

In any instance where it becomes apparent that someone affiliated with BBI-TAITE has been physically or sexually assaulted, received unsolicited explicit or threatening emails, texts, or phone calls, been subject to indecent exposure, raped, or subject to any other illegal activity the BBI-TAITE staff member or student should follow the following procedure:

- Encourage the person who is the victim of the criminal behaviour to:
 - Seek immediate medical care where appropriate;
 - Contact the police or other relevant authority and make a formal complaint/lay formal charges against the offender.

BBI-TAITE is committed to supporting those members of the BBI-TAITE community who have been victim of inappropriate and illegal behaviours. Sexual harassment is a criminal offence.

The following actions do not constitute bullying and/or harassment:

- Reasonable feedback on assessment tasks or other forms of academic work;
- Reasonable managerial action undertaken in the course of managerial activity;
- Reasonable and everyday interaction between colleagues or classmates.

Bullying and harassment can be intentional or unintentional and a crucial factor is in determining whether particular actions are:

- a. Unreasonable;
- b. Persistent to any particular extent (this may be individual actions of different natures that are conducted over a long period of time but directed at a particular individual).

It is important to remember that bullying and/or harassment can be isolated incidents and that persistence is not always a factor.

6 PROCEDURES

BBI-TAITE acknowledges that prevention is the best method by which bullying and harassment are prevented and encourages all staff and students to familiarise themselves with BBI-TAITE's *Code of Conduct – Student and Staff* and to conduct themselves at all times in a manner that is respectful and considerate of others and their property. Managers should ensure that their staff remain familiar with the *Code of Conduct* at all times.

All complaints will be treated seriously from the outset and dealt with confidentially, sympathetically, and in a timely manner. Procedural Fairness will be adhered to at all times.

1. BBI-TAITE encourages open and honest dialogue and it is recommended that if a member of the BBI-TAITE community feels that they are being bullied, harassed, or discriminated against, they say something immediately to the bully/harasser. It is often the case that people are unaware that their actions are inappropriate or are being taken as offensive and mentioning this to them will resolve the issue straight away.
2. In the event that the above procedure is not effective the following procedure should be followed:
 - a. The person who is experiencing inappropriate and/or unwanted behaviour is encouraged to keep a detailed written record of all instances in which they experience/have experienced the behaviour including, where possible, dates, times, locations, record of conversations, and any other information which may be useful in the investigation of the matter.
 - b. In the first instance when bullying or harassment of any form become apparent to a BBI-TAITE staff member or student it should be reported to one of the following people (whichever is appropriate):
 - In the case of a student:
 - The unit coordinator(s) of the unit(s) they are enrolled; *or*
 - The Student Welfare and Engagement Officer;
 - In the case of a staff member:
 - Their line manager;

This person will immediately commence an investigation into the incident to determine its nature and severity and to attempt to find a straightforward resolution. If the incident is

unable to be resolved at this level or if it directly involves the students' unit coordinator or the staff member's line manager the matter should be referred to the following:

- In the case of a student:
 - The Academic Dean.
 - In the case of a staff member:
 - Director, Business Services
3. The person to whom the incident/s have been reported will either commence the following procedure themselves or refer it to another staff member more appropriate to do so. It is advised that although confidentiality is important, if appropriate the matter should also be referred to the Director, Business Services (in the case of a staff member) or Academic Dean (in the case of a student). This person will then determine, through investigation, whether the incident/s constitute bullying and/or harassment according to the definitions outlined above.
- a. If the incident is a serious one involving criminal behaviour, physical harm, or assault of any kind the person to whom it has been reported should immediately commence the following:
 - Encourage the student or staff member to contact the NSW Police and make a report. If the person involved is unwilling to do so and the matter warrants it the staff member to whom the incident has been reported is welcome report the incident to the NSW Police for investigation.
 - Investigate the matter where appropriate to do so – interview the other party/ies to the incident and obtain all data and perspectives in an objective manner in accordance with procedural fairness.
 - b. If, following investigation and initial action, the inappropriate behaviour has not ceased the appropriate investigative officer may undertake further disciplinary action according to the procedures set out in BBI-TAITE's *Code of Conduct – Student and Staff; Student Grievance Policy – Non Academic; and Academic Grievance Policy*. Such disciplinary action can include (but is not limited to) termination of candidature (in the case of a student) or employment (in the case of a staff member) with BBI-TAITE.
 - c. In instances of unlawful activity (such as physical/sexual assault) requiring investigation by the NSW Police, the investigative officer at BBI-TAITE may choose to hand the investigation wholly to those authorities. This is of particular consideration in instances where the continuance of an investigation by BBI-TAITE could hamper the investigation of the civil authorities or have a detrimental effect on any subsequent legal proceedings. BBI-TAITE is committed to cooperation with the NSW Police at all times.
 - d. A record will be kept of all investigations. This will be held by the Director of Business Services (in the case of a staff member) or Academic Dean (in the case of a student).
 - e. All other procedures, including appeals, should follow the guidelines set out in BBI-TAITE's *Academic Grievance Policy and Student Grievance Policy – Non Academic*.

7 KEY RELATED DOCUMENTS

- Code of Conduct – Student and Staff
- Student at Risk Policy and Procedures
- Fraud Detection and Prevention Policy (under development)
- Records Management Policy
- Academic Grievance Policy
- Academic Integrity Policy
- Student Grievance Policy – non-academic
- Staff Grievance Policy

8 KEY RELATED LEGISLATION

- Anti-Discrimination Act 1977 (NSW)
- Age Discrimination Act 2004
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Australian Human Rights Commission Act 1986
- Fair Work Act 2009

7. NOTES

Contact Officer	Director Student Engagement and Services and Director Business Services
Implementation Officer/s	Academic Dean
Approval Authority / Authorities	Executive Team/Governance Committee
Date Approved	
Date of Commencement	
Date for Review	24 months after approval
Amendment History	
Key Stakeholders	All staff and students