

<b>1. Policy Name</b>	<b>BULLYING HARASSMENT AND DISCRIMINATION</b>
<b>2. Policy Number</b>	<b>G020 PO (Governance)</b>
<b>3. Policy Statement</b>	<p>This policy affirms Whitehouse Institute of Design (Whitehouse) commitment to:</p> <ul style="list-style-type: none"> <li>a) Provide a safe, collegiate, respectful and healthy workplace and learning environment which is free from all forms of bullying, harassment, and discrimination.</li> <li>b) Apply the principles of equal opportunity and ensuring that employees and students are informed of these principles.</li> <li>c) Provide employees with information and training in relation to bullying, unlawful harassment and discrimination.</li> </ul> <p>In conjunction with this policy, Whitehouse staff and students must read and familiarize themselves with the Whitehouse Code of Conduct, Access and Equity Policy, Critical Incident Policy, Student Grievances and Complaints Resolution Non-Academic; and the staff Grievances Complaints Resolution.</p> <p>This policy reflects Whitehouse values of respect, and integrity; inclusion and diversity. Whitehouse expects its staff and students to understand and acknowledge their rights and responsibilities, which are to treat each other with respect with regard to gender, sexual orientation, race, cultural background, religion, or political conviction.</p>
<b>4. Scope</b>	<p>Except to the extent that a contrary intention is expressed, this policy binds Whitehouse Institute of Design and all staff, worker, students, affiliates, contractors and visitors.</p>
<b>5. Application</b>	<p>(Refer to the Whitehouse Codes of Conduct for Staff and Students)</p> <p>This policy applies to Whitehouse and any staff member, worker, affiliate, student or visitor in relation to Whitehouse related conduct:</p> <ul style="list-style-type: none"> <li>a) between staff members</li> <li>b) between affiliates</li> <li>c) between staff members and affiliates</li> <li>d) by staff or affiliates towards students</li> <li>e) between students</li> <li>f) by students towards staff or affiliates</li> <li>g) between visitors at Whitehouse</li> <li>h) between visitors and staff members and/or students and/or affiliates</li> <li>i) in respect of bullying, between workers, between workers and affiliates, by workers towards students, between students and by students towards workers, and</li> <li>j) in respect of unlawful discrimination and harassment, by staff and affiliates towards members of the public.</li> </ul>
<b>6. Code</b>	<p>Whitehouse staff and students will:</p> <ul style="list-style-type: none"> <li>a) not engage in behavior that can be construed as discriminating against, bullying or harassing other staff, students, members of the public or other persons with whom they may interact on grounds of (including but not limited to), sex, sexual preference, marital</li> </ul>

status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or political or religious convictions. Any of the behaviors referred to in this clause may constitute a legal offence and will be considered a serious breach of Whitehouse policies. (Whitehouse complies with Commonwealth and State legislation including the **Australian Human Rights Commission Act 1986; NSW Anti-Discrimination Act 1977; Age Discrimination Act 2004; Disability Discrimination Act 1992; Racial Discrimination Act 1975; Sex Discrimination Act 1984** ; The Equal Opportunity Act 2010 (Victoria) including and not limited to that which pertains to anti-discrimination, human rights, equal opportunity and privacy. Also refer to 'Relevant Legislation' in this policy)

- a) understand and practice Whitehouse zero-tolerance approach to sexual assault, sexual harassment and other forms of harmful misconduct;
- b) behave responsibly and ethically at all times with respect to others and will respect professional boundaries in interpersonal behavior between staff and students at all times. This includes maintaining professional relationships with staff and students when using digital fora such as interactive websites, learning platforms such as Google Classrooms, and social media.
- c) recognize and respect the rights of fellow students and staff, including their right to appropriately voice their opinion
- d) at all times conduct their teaching or studies in an ethical manner.

## 7. What is bullying

7.1 Bullying is repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety.

- a) Repeated behaviour is behaviour which occurs more than once and may involve a range of behaviours over time.
- b) Unreasonable behaviour is behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

7.2 If the criteria in subclause 7.1 are met, the following may be considered to be examples of bullying:

- a) verbal abuse or threats, including yelling, insulting or offensive language
- b) unjustified criticism or complaints
- c) deliberately excluding someone from activities
- d) withholding information that is essential to perform a task properly
- e) assigning impossible tasks, or meaningless tasks unrelated to the job or unit of study, or giving someone the majority of unpleasant tasks
- f) spreading misinformation or rumours
- g) denying access to information, supervision, consultation or resources to the detriment of a person
- h) physical abuse.

7.3 If the criteria in subclause 7.1 are met, the following may also be considered to be examples of workplace bullying in relation to workers:

- a) setting unreasonable timelines or constantly changing deadlines
- b) assigning too much or too little work
- c) making threats or comments about job security without foundation
- d) changing work arrangements, such as rosters or leave, to deliberately inconvenience a worker
- e) **excessive scrutiny at work.**

**7.4 The behaviours referred to in subclause 7.2 and subclause 7.3 may:**

- a) occur through any form of contact or communication, including:
  - i. in person
  - ii. by telephone or email
  - iii. through another person or
  - iv. by any other means provided that, in connection to workplace bullying in relation to workers, the alleged conduct must occur at work
- b) be directed at a single person or group of people and be carried out by one or more person

occur from managers to workers, between workers or students, or from workers or students to managers.

**8. What is not bullying****8.1 The following behaviours do not constitute bullying.**

- a) A single incident of unreasonable behaviour. However, single or one-off incidents of unreasonable conduct can also cause a risk to health and safety and may breach other Whitehouse policies and should not be ignored.
- b) Reasonable management practices.
- c) Low-level conflict as defined in subclause 8.3.

**8.2 Reasonable management practices include (but are not limited to):**

- a) a direction to carry out reasonable duties and instructions;
- b) a direction to comply with Whitehouse rules, protocols, policies and procedures;
- c) setting reasonable goals, standards and deadlines;
- d) providing reasonable comment and advice (including relevant negative comment or feedback) on the work or academic performance of an individual or group;
- e) rostering and allocating reasonable working hours;
- f) transferring a worker for operational reasons;
- g) deciding not to appoint or promote a worker for reasonable reasons;
- h) performance managing workers or instituting action against students in accordance with Whitehouse policies and procedures;
- i) providing informal and formal feedback about behaviour and conduct in a reasonable way;
- j) implementing organisational change or restructuring; or
- k) terminating a worker's employment or instituting other disciplinary measures in accordance with Whitehouse employment contract, and policies and procedures.

**8.3 Low-level conflict is interpersonal conflict or disagreement which is not sufficient to constitute bullying. People can and will disagree with each other.**

- a) What differentiates low level conflict situations from bullying is whether there is a risk to health and safety and the reasonableness of the behaviour overall.
- b) Low-level conflict situations should not be ignored and should be resolved if possible in accordance with the Bullying, Harassment and Discrimination Resolution Procedures.

## 9. What is unlawful direct discrimination

- 9.1 Unlawful direct discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of one or more characteristics.
- 9.2 If the criteria in subclause 9.1 are met, direct discrimination can occur in decisions such as those relating to:
- a) recruiting, selecting or promoting staff
  - b) offering particular terms, conditions or benefits as part of employment
  - c) offering and providing training, including selecting who is offered training and the kind of training offered
  - d) offering redundancy
  - e) determining dismissal
  - f) offering access to educational services.
- 9.3 Direct discrimination can also occur if assumptions are made which result in a person or group being treated differently on the basis of one or more characteristics. The following examples of assumptions may be considered to constitute direct discrimination:
- a) that a woman should not be sent on a training program because she might get pregnant soon and leave
  - b) that a person with a disability or of an older (or certain) age will not be able to use a computer or complete the requirements of a particular course
  - c) that a transgender person might make other staff or students feel uncomfortable.

## 10. What is unlawful indirect discrimination

(Also refer to WH Access and Equity Policy and Procedures)

- 10.1 Indirect discrimination occurs when there is a rule or requirement that disadvantages one group more than another on the basis of one or more characteristics, unless it can be shown that the particular rule or requirement is reasonable in all the circumstances or is required to perform the inherent requirements of the job.
- 10.2 If the criteria in subclause 10.1 are met, indirect discrimination can occur in decisions such as those relating to:
- a) having a particular height restriction when this is not related to the inherent requirements of the job, as a height restriction may discriminate against women and some ethnic groups;
  - b) requiring an applicant to speak and write fluent English when this is not required to carry out the essential requirements of the job or course.

## 11. What is unlawful harassment

- 11.1 Unlawful harassment occurs when a person, or a group of people, is intimidated, insulted or humiliated because of one or more characteristics. Unlawful harassment can arise as the result of a single incident as well as repeated incidents
- 11.2 If the criteria in subclause 11.1 are met, harassment can occur through behavior such as:

- a) telling jokes about particular racial groups
- b) sending explicit or sexually suggestive emails or texts
- c) displaying offensive or pornographic website or screen savers
- d) using intrusive questions about someone's personal life, including their sex life
- e) creating a hostile working environment, for example where the display of pornographic materials or crude conversations, innuendo or offensive jokes are part of the accepted culture, vilification (ie making derogatory comments or taunts about someone's race or religion, gender or sexual orientation). Racial vilification occurs where a person or a group of people incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or member/s of the group.

## 12. What is unlawful sexual harassment

Sexual harassment occurs if a person:

- a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
- c) in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

## 13. What is not unlawful harassment or discrimination

The following conduct does not constitute unlawful harassment or discrimination:

- a) a person receives reasonable comment and advice (including relevant negative comment or feedback) from managers and supervisors on the work or academic performance of an individual or group;
- b) a person is not offered a job because, notwithstanding that reasonable adjustments have been made, they cannot meet the inherent requirements of the job;
- c) a student with a disability does not pass the requirements of a course, notwithstanding that reasonable adjustments have been made;
- d) another applicant was preferred in a recruitment and selection or promotion process where they have better demonstrated the skills and experience to meet the required criteria of the job;
- e) Whitehouse implements specific equal employment opportunity or 'affirmative action' strategies, plans or programs designed to ensure genuine equal opportunities in the workplace, particularly in relation to groups that have been disadvantaged in the past.

## 14. Entitlements and Responsibilities

- a) Whitehouse core principles are that every staff member and student should feel safe in their learning and teaching environment on campus and online; and every staff member or student who reports an incident should receive a compassionate, timely and fair response, and accurate advice on access to support services.
- b) Whitehouse continues to develop a respectful relationships culture which fosters positive attitudes, knowledge, skills and behaviour and draws on best practice to prevent and address unacceptable and concerning behaviours, intimidation, violence, bullying, harassment, sexual harassment, sexual assault, and discrimination.

- c) Whitehouse policy raises awareness about behavior associated with intimidation, violence, bullying, harassment, sexual harassment, sexual assault, and discrimination, and lifts the visibility of support services available for staff members or students who experience unacceptable or concerning behavior.
- d) Whitehouse focus is on supporting the wellbeing and promoting the safety of students, and has dedicated a webpage that provide students with definitions of intimidation, violence, bullying, harassment, sexual harassment, sexual assault, and discrimination as per legislation and educational materials; guidance on how to support a friend who has experienced harassment or assault; and relevant information such as how to report an offence (internal process), emergency contacts, support services, and resources.
- e) Whitehouse Code of Conduct for Staff and Student defines the principles to guide interaction between teachers and students.
- f) Whitehouse seeks to institute, upgrade or extend their first responder training, and will coordinate the provision of specialist training for Whitehouse staff through an appropriate local provider so that a staff member or student's first contact when they disclose an incident of intimidation, violence, bullying, harassment, sexual harassment, sexual assault, and discrimination, is compassionate and supportive.
- g) Whitehouse will ensure that specialist support is available to students who experience and report incidents of either intimidation, violence, bullying, harassment, sexual harassment, sexual assault, and discrimination.
- h) Whitehouse will ensure that organizational responsibilities include the wellbeing of staff.
- i) Whitehouse will include in its staff and student survey instruments a measure on the effectiveness of its core principles stated in point 1.
- j) Whitehouse continues to evaluate its campus security and makes necessary enhancements to ensure staff members and students work in a safe learning and teaching environment.
- k) Whitehouse will continue to review and refine its Bullying, Harassment and Discrimination Policy and Procedures through benchmarking TEQSA Guidance Notes, other main stream universities policies, and materials from the Respect. Now. Always. campaign through Universities Australia. The aim is to shape Whitehouse workplace culture, its staff and students awareness of unacceptable behaviours, and assist, respond and support those affected by intimidation, violence, bullying, harassment, sexual harassment, sexual assault, and discrimination.
- l) Whitehouse will identify risks to wellbeing and safety, take steps to understand the support needs of particular student cohorts, and implement effective mitigation and management strategies for identified risks.

## 15. Training

The Founder and Executive Director is responsible for implementing training to workers in relation to this policy

## 16. Breach of policy

16.1 Breach of this policy may have the following consequences.

- a) For staff or affiliates: disciplinary action, up to and including termination of employment, engagement or affiliation.
- b) For students: breach of this policy may constitute misconduct for the purposes of the *Whitehouse Codes of Conduct for Staff and Students*; threatening

- c) behaviour may lead to disciplinary action including termination of their enrolment in any Whitehouse program.

16.2 Other actions that may result from a breach of this policy include, but are not limited to:

- a) the complainant receiving an oral or written apology from the respondent with a commitment to cease the bullying behaviour
- b) the parties being required to participate in some form of counselling, mediation or conciliation
- c) the respondent undertaking training in relation to their behaviour and
- d) drawing up a management plan to document agreed or proposed actions by the parties.

## 17. Definitions

**Award Course:** means a course accredited by TEQSA, the Whitehouse Board of Governors, on the recommendation of the Academic Board, that leads to the award of a degree, diploma or certificate.

**Academic Staff:** means people who are employed on a full time or casual basis as Whitehouse teachers.

**Professional Staff:** means people who are employed on a full time or casual basis as Whitehouse administrative staff.

**Students:** means a person who has enrolled in an award course at Whitehouse

**Contractors:** means staff employed by a third-party company or organization contracted to conduct work on Whitehouse campuses in Sydney and Melbourne.

**Digital forums:** interactive websites, learning platforms such as Google Classrooms, email, and social media apps.

**Professional Relationships:** means an ongoing interaction between staff and students, which observes a set of established boundaries or limited that is deemed appropriate under governing ethical standards as stated in the Whitehouse Code of Conduct 2018 and the Bullying, Harassment and Discrimination Prevention Policy 2018.

**Characteristic:** means a feature or quality that identifies a particular person or group of people, that is protected by applicable legislation. For the purpose of this policy these characteristics include:

- race, colour, religious belief, ethnic or ethno-religious background, descent or nationality
- sex
- pregnancy, child birth and breastfeeding
- marital, relationship or domestic status
- carers' responsibilities;
- transgender (transsexual and intersex) status, gender identity
- homosexuality (actual or presumed), sexual orientation
- disability, which includes physical, intellectual, psychiatric or psychological, learning or cognitive disabilities, and any virus or bacteria that can cause disease, such as HIV. It also includes any disability a person had in the past, has now, or may have in the future
- age.

**Complainant:** means the person who made the complaint, or in the case of complaints made on behalf of another person, the person who is alleged to have been the subject of bullying, harassment or discrimination.

**Complaint:** includes all of the ways in which any instances of bullying, harassment and discrimination might be identified, raised or reported including orally and in writing (including email).

General inquiries, feedback and comments (including on social media sites) will not normally be considered a complaint, unless the relevant director, manager, or student welfare staff deem otherwise.

If in doubt, the complainant should be asked to confirm whether they wish to categorise their inquiry, feedback or comment as a complaint.

**Director:** Founder and Executive Director, Co-Executive Director, Academic Director who are employed by Whitehouse as a supervisor of staff or nominated to act as the director of a particular matter.

**Manager:** Campus Manager, Finance Manager, Course Coordinator who are employed by Whitehouse as a supervisor of staff and student coordinator and are nominated to act as the manager of a particular matter.

**Student Welfare Staff:** Staff who have been assigned the responsibility for receiving student complaints and coordinating a response to help the student overcome personal, social and academic hindrances; and commence grievance procedures for the director or manager.

**Respondent:** the person who is alleged to have engaged in conduct inconsistent with this policy.

**Staff or Staff Member:** means an employee of Whitehouse, including a casual employee.

**Student:** Means a person who:

- is currently admitted to candidature in an award course at Whitehouse;
- is a non-award student, or international student enrolled in a program at Whitehouse

For the purpose of commencing a complaint under the *Student Complaints Procedure 2015* only:

- a person who was admitted or enrolled in Whitehouse within the two years prior to the complaint being made; and
- the respondent is a current staff member, student, affiliate or worker of Whitehouse.

**Student Welfare:** positive interaction among the students and Whitehouse, and to help the students overcome personal, social and academic hindrances.

**Program:** means Vocational Education Training, Bachelor of Design or Master of Design award course.

**Course:** means Bachelor of Design or Master of Design award course.

**Subject:** means a unit of study or the smallest stand-alone component of an award course that is recordable on a student's transcript.

**Institute:** means Whitehouse Institute of Design, which is a registered Non-University in Higher Education Institute (NUHEI).

**Visitors :** people who are visiting a Whitehouse campus to attend a meeting or event.

**Whitehouse Related Conduct:** means any conduct that is connected to the Institute including conduct that:

- refers or relates to Whitehouse, its activities, or its workers or affiliates or students in their status as a worker, affiliate or student of Whitehouse;
- occurs on, or in connection with, Whitehouse lands or other property used by Whitehouse;
- occurs using, or is facilitated by, Whitehouse computer and equipment resources;
- occurs during, or relates to, the performance of duties for Whitehouse;
- occurs during or in connection to any Whitehouse related function or event (whether sanctioned or organised by the Whitehouse or not) or when representing Whitehouse in any capacity.



	<p><b>Worker:</b> means a person who carries out work in any capacity for Whitehouse including work as:</p> <ul style="list-style-type: none"> <li>• a staff member</li> <li>• a contractor or subcontractor</li> <li>• an employee of a contractor or subcontractor</li> <li>• an employee of a labour hire company who has been assigned to work at Whitehouse;</li> <li>• an apprentice or trainee</li> <li>• a student gaining work experience or performing work on a voluntary basis or</li> <li>• a volunteer.</li> </ul> <p><b>Wellbeing:</b> broadly encompasses ‘overall wellness’ of the individual, and ‘freedom from harm’.</p> <p><b>Safety:</b> staff and student safety on campus and online, as detailed in the Whitehouse Workplace and Safety Policy.</p>
<p><b>Relevant Legislation</b></p>	<p>Age Discrimination Act 2004 (Cth)  Anti-Discrimination Act 1977 (NSW)  Australian Human Rights Commission Act 1986  Copyright Act 1968  Crimes Act 1900 (NSW)  Data Provision Requirements 2012  Dealing with Workplace Bullying – a Workers Guide (Safe Work Australia)  Disability Act 2006 (VIC)  Disability Discrimination Act 1992 (Cth)  Disability Discrimination and Other Human Rights Legislation Amendment Act 2009 (Cth)  Disability Inclusion Act 2014 No 41 (NSW)  Education Services for Overseas Students Act 2000 (Cth)  Education Services for Overseas Students Act 2000 (ESOS)  Equal Opportunity Act 2010 (VIC)  Fair Work Act 2009 (Cth)  Guide for Preventing and Responding to Workplace Bullying (Safe Work Australia)  Higher Education Standards Framework (Threshold Standards) 2015  Higher Education Support Act (Cth)  Human Rights and Equal Opportunity Commission Act 1986 (Cth)  National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (Cth)  National Vocational Education and Training Regulator (Consequential Amendments) Act 2011  National Vocational Education and training Regulator Act 2011  Occupational Health and Safety Legislation and Regulations (Victoria)  Privacy and Personal Information Protection Act 1998 (NSW)  Racial and Religious Tolerance Act 2001 (Victoria)  Racial Discrimination Act 1975 (Cth)  Sex Discrimination Act 1984 (Cth)  Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Cth)  Standards for Registered Training Organisations (RTOs) 2015  Student Identifiers Act 2014  The Disability Act 2012 (NSW)  The National Employment Standards  Work Health and Safety Act 2011 (Commonwealth)  Work Health and Safety Act 2011 (NSW)  Work Health and Safety Law and Policy (NSW)  Work Health and Safety Regulation 2011 (NSW)</p>

<b>Key Related Documents</b>	<ul style="list-style-type: none"> <li>• HE Academic and Grievance Policy; HE Academic and Grievance Procedure</li> <li>• VET Academic and Grievance Policy; VET Academic and Grievance Procedure</li> <li>• HE Academic Credit /Recognition of Prior Learning Policy; HE Academic Credit /Recognition of Prior Learning Procedure</li> <li>• Access and Equity Policy; Access and Equity Procedure</li> <li>• HE Assessment Policy; HE Assessment Procedure</li> <li>• VET Assessment Policy; VET Assessment Procedure</li> <li>• Staff Grievances and Complaints Resolution Policy; Staff Grievances and Complaints Resolution Policy Procedure</li> <li>• Student Grievances and Complaints Resolution Non-Academic Policy; Student Grievances and Complaints Resolution Non-Academic Procedure</li> <li>• Student Support Services Policy and Procedure</li> <li>• HE Honesty Policy; Academic/Misconduct Procedure</li> <li>• Privacy Policy; Privacy Procedure</li> <li>• VET Recognition of Prior Learning Policy; VET Recognition of Prior Learning Procedure</li> <li>• HE Selection and Admission Policy; Procedure</li> <li>• VET Selection and Admission Policy; Procedure</li> <li>• Whitehouse Intellectual Property Guidance</li> </ul>					
<b>Responsible Officer</b>	Executive Director					
<b>Approval Authority/ Authorities</b>	Board of Governors					
<b>Date Approved</b>	10/12/2018					
<b>Date of Commencement</b>	10/12/2018					
<b>Date for Review</b>	10/12/2021					
<b>Documents superseded by this Procedure</b>	001 - Code of Conduct Policy 2012					
<b>Amendment History</b>						
<b>Signed and dated for Whitehouse Institute Pty Ltd</b>						
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center; border-top: 1px solid black;">Signature</td> <td style="width: 33%; text-align: center; border-top: 1px solid black;">Les Taylor</td> <td style="width: 33%; text-align: center; border-top: 1px solid black;">10/12/2018</td> </tr> <tr> <td style="text-align: center;">Signature</td> <td style="text-align: center;">Name</td> <td style="text-align: center;">Date</td> </tr> </table>	Signature	Les Taylor	10/12/2018	Signature	Name
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