

Procedure Name	BULLYING HARASSMENT AND DISCRIMINATION
Procedure Number	G020 PR (Governance)
Purpose	<p>(1) These procedures are to give effect to the Whitehouse Institute of Design, Australia ('Whitehouse') Bullying, Harassment and Discrimination Prevention Policy 2018 in conjunction with the Student Grievances and Complaints Resolution Policy, and Staff Grievances and Complaints Resolution Policy, Critical Incident Policy, Code of Conduct for Staff and Code of Conduct for Students ("the policies") as it relates to complaints by or about staff, students, workers or affiliates.</p> <p>(2) These procedures:</p> <ol style="list-style-type: none"> (a) provide how complaints of bullying, harassment and discrimination may be raised and how they will be assessed and resolved, where appropriate (b) set out steps to be taken to resolve bullying, harassment and discrimination complaints initiated by a staff member, student, worker or affiliate and (c) prescribe the manner in which Whitehouse will conduct investigations where required.
Scope	<p>These procedures apply to Whitehouse and any staff member, student, worker or affiliate in relation to Whitehouse related conduct.</p> <p>Complainants are required to engage with the Bullying Harassment and Discrimination Procedure, and to provide sufficient details of their complaint to permit Whitehouse to conduct a preliminary assessment and investigation, as appropriate.</p>
Procedure	<p>3. Interpretation</p> <p>Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the policies.</p> <p>Investigator</p> <p>Is a person (who may, but need not be a Whitehouse staff member) appointed by Whitehouse to conduct investigations in relation to matters pertaining to staff and/or student performance or conduct and applications for review of actions or decisions or disputes; and in accordance with relevant University policy or procedure.</p> <p>Serious Complaints Committee</p> <p>Means the committee which comprises:</p> <ul style="list-style-type: none"> • Founder and Executive Director, Co-Executive Director, who shall chair the committee • The Academic Director • The Campus Manager • The Course Coordinator <p>The Serious Complaint Committee will meet at least twice a year.</p> <p>The Serious Complaints Committee is responsible for:</p> <ul style="list-style-type: none"> • Overseeing the functioning of this policy and procedures established under it • Establish reporting, review and other associated arrangements to ensure that Whitehouse complies with relevant legislation • Monitoring the outcome of investigations to ensure the adequate action is taken to implement any recommendations

- Evaluating the factors contributing to the wrongdoing which is disclosed and developing strategies to minimise the likelihood of recurrence of any wrongdoing and
- Ensuring Whitehouse maintains appropriate liaison with external agencies such as Safe Work Australia, Fair Work Commission, Australian Human Rights Commission.

Support Person

Means a friend, colleague, union official or any other person chosen by the worker, student or affiliate to support them.

4. Assistance

If a staff member, student, worker or affiliate wishes to discuss their particular circumstances before raising an issue of bullying, harassment or discrimination at Whitehouse they may contact:

- Relevant teacher or course coordinator, Student Administration, Campus Manager, Academic Director
- a person nominated by Whitehouse as a “Harassment and Discrimination Support Officer”.

5. Informal Resolution

- As far as possible, parties should seek to resolve issues of bullying, harassment or discrimination informally by one or more of the following means:
 - directly approaching the person they believe is responsible for the bullying, harassment or discrimination (either on their own or with another person as a support person) and:
 - telling them which behaviour they consider unreasonable and unacceptable
 - asking them to stop or to behave differently and
 - keeping a written record of this action.
 - where a staff member, student, worker or affiliate does not feel comfortable raising the matter directly with the person they believe is responsible, they raise the matter with persons listed in subclause 4 (a)
 - where the situation involves the staff member, student’s teacher, worker’s or affiliate’s manager; they raise the matter with the next person of seniority in their area.

Note: This clause does not apply to complaints concerning alleged criminal conduct, including sexual assault or complaints about the application of Whitehouse policies or procedures.

- A teacher, manager or director who has concerns about, or becomes aware of, behaviour that may constitute bullying, harassment or discrimination, has an obligation actively to intervene to prevent such conduct continuing and may seek to resolve any concerns directly with the parties under this clause, if appropriate.
- A teacher, manager or director who has concerns about particular behaviour and is unsure whether it may constitute bullying, harassment or discrimination should contact the Founder and Executive Director or Co-Executive Director.
- Complainants are not required to put their complaint in writing in the first instance. However, a written complaint will be required if an investigation is needed.
- Students and applicants who are unable to resolve a problem or concern through

informal resolution, or consider informal resolution inappropriate, can make a complaint by contacting the Student Administration.

6. Making a Complaint

- (1) If a staff member, student, worker or affiliate believes they have experienced or witnessed behaviour in breach of the policy, and informal resolution is inappropriate or unsuccessful, they should make a complaint in a timely manner:
 - (a) With the persons listed in clause 4.
- (2) If any person other than those listed in subclause 6 (a) receives or otherwise becomes aware of a complaint on behalf of a staff member, student, worker or affiliate regarding a possible breach of the policy, they must refer the complaint to Founder and Executive Director or Co-Executive Director.
- (3) Complaints may also be referred to Founder and Executive Director or Co-Executive Director:
 - (a) by the Student Administration Unit where a complaint made by a student involves allegations that a staff member, worker, affiliate has engaged in conduct in breach of the policy or
 - (b) by a person who has received a complaint from a member of the public (visitor) that involves allegations that a student, staff member, worker or affiliate has engaged in conduct in breach of the policy.

7. Student complaint about sexual assault or harassment

- (1) A student or former student can make a disclosure of any incident of sexual assault or sexual harassment to the Campus Manager or Student Administration:
 - (a) staff members and Student Administration may assist a student or former student to make a disclosure
 - (b) students and former students may make disclosures anonymously by asking a staff member or Student Administration to make a disclosure on their behalf, or by calling from a private number
 - (c) students and former students should advise staff members and Student Administration if they have already made a disclosure
 - (d) if Whitehouse needs to investigate a disclosure, Student Administration may contact the person who made the disclosure to ask whether they would be prepared to make a complaint or to participate in an investigation process.
- (2) Students and former students will be supported in their dealings with the Student Administration by the Student Administration Officer.
- (3) A student or former student who has made a complaint of sexual assault or sexual harassment is free to withdraw it at any time. However, if Whitehouse has already commenced misconduct proceedings against a student, staff member or affiliate as a result of the complaint, those proceedings will be completed.
- (4) The making, investigation or resolution of a complaint under these procedures must be in accordance with the principles set out in the Policy.
- (5) Students, staff, and affiliates and Student Administration can support a student who has experienced sexual assault or sexual harassment by:
 - (a) listening without interrupting
 - (b) letting them express how they feel and respecting the words they use in reference to the incident

- (c) letting the student know they believe what the student is telling them and acknowledging the student's distress
 - (d) letting the student know that the incident was not their fault
 - (e) respecting their decisions
 - (f) directing them to the available support services.
- (6) Students and former students who have experienced sexual assault can contact:
- (a) Counselling Referral Agency:
Associated Counsellors & Psychologists Sydney
Phone; 02 8205 0566
admin@counsellingsydney.com.au
 - (b) Counselling in Melbourne
Phone: 0429 139 725
greg.redmond@counsellinginmelbourne.com.au
 - (c) International Student Care (ISCS)
Free service
Phone: 1800 056 449 (free call from landline phones)
E-mail: info@iscs.vic.gov.au
 - (d) NSW Rape Crisis Service on 1800 424 017, 24 hours a day
 - (e) 1800RESPECT on 1800 737 732 or online via www.1800respect.org.au, 24 hours a day

Royal Prince Alfred (RPA) Hospital Sexual Assault Service on 9515 9040 (Monday to Friday) or 9515 6111 (after hours). Counselling and medical services are available for anyone who has been sexually assaulted. The Campus Manager can arrange transport to RPA.

8. Preliminary Assessment

- (1) Where a complaint relates to the conduct of a staff member, student, worker or affiliate the persons stated in clause 4 and clause 6, in discussion with the relevant manager or delegate (where appropriate), must:
 - (a) acknowledge receipt within 5 working days and notify the person who raised the matter of the relevant next steps
 - (b) obtain all relevant information from the person raising the matter, and their view on what action could reasonably be taken to resolve it
 - (c) where the person raising the matter wants their identity kept confidential, discuss with the person raising the matter the way in which it will be handled
 - (d) refer all relevant parties to appropriate avenues of support and advice (e.g. Australian Human Rights Commission) and
 - (e) assess how the matter is to be progressed. This assessment may involve, where appropriate:
 - (i) convening discussions with the relevant parties
 - (ii) collating and reviewing any relevant documentary material and
 - (iii) providing advice to the relevant delegate about whether the matter is appropriate for assisted resolution under clause 8 or referral under clause 9.
- (2) Each of the parties may bring a support person to any discussion.
- (3) Where a staff member, student, worker or affiliate makes a complaint of bullying against another staff member, student worker or affiliate and the complainant or the respondent does not accept:

- (a) the outcomes of the preliminary assessment or
- (b) the actions taken to address any bullying;

they may refer the complaint to the delegated Whitehouse staff member for review.

- (4) Where the complaint relates to the conduct of a student or a Whitehouse policy or procedure relating primarily to student matters:
 - (a) the delegated Whitehouse staff member must consult with, and refer the complaint (as it relates to the student) to the Campus Manager or Student Administration Unit and
- (5) Where a complaint is about the content or application of a Whitehouse policy or procedure rather than the conduct of particular individual(s):
 - (a) the complaint will not be considered to have an individual respondent
 - (b) the relevant delegate will be the administrator of the policy or procedure and
 - (c) the relevant parties in subclause 8(1)(e) may include any person who has knowledge of, or interest in, the policy or procedure.

9. Assisted Resolution

- (1) Where the assessment in clause 8 determines that assisted resolution is appropriate:
 - (a) resolution may include but is not limited to:
 - (i) clarifying a misunderstanding
 - (ii) an apology
 - (iii) facilitated discussion, including mediation or conciliation
 - (iv) an agreed plan of action to avoid further incidents and
 - (v) implementing awareness-raising or educational sessions about behaviour and
 - (vi) implementing awareness-raising or educational sessions about behaviour, and
 - (b) the relevant delegate may determine that guidance, counselling or a warning be given to a relevant party.

10. Determination when assisted resolution is unsuccessful or inappropriate

- (1) Where assisted resolution is unsuccessful or considered inappropriate, the relevant manager or delegate, in consultation with Founder and Executive Director or Co-Executive Director, must determine whether:
 - (a) the matter should be dealt with in accordance with the applicable grievances and complaints policy and procedures
 - (b) the matter should be referred to an external service such as the Australian Human Rights Commission
 - (c) the matter should be referred to the police
 - (d) the matter should be investigated under clause 11 or
 - (e) any other further action should be taken.
- (2) Circumstances in which a determination to take no further action may be made include where:
 - (a) the person who made the complaint has provided insufficient detail or evidence

of the alleged bullying, harassment or discrimination to enable the matter to be properly investigated

- (b) the complaint is frivolous, vexatious or malicious
- (c) the complaint relates to alleged conduct that occurred more than 12 months before making the complaint and no further occurrence has happened in the ensuing 12 months.

The relevant manager or delegate will write to the person who made the complaint (and, where appropriate, the respondent), setting out the reasons for the determination.

11. Investigation

- (1) For more serious complaints (as determined by the Founder and Executive Director in their absolute discretion, taking into account the complainant's views and circumstances), where assisted resolution is unsuccessful or not appropriate, an investigation may be initiated.
- (2) An investigation may only be initiated with approval from the Founder and Executive Director.
- (3) An investigation may only be initiated with further approval from the Chair of the Learning Teaching and Curriculum Committee, Chair of the Academic Board, and Chair of the Board of Governors.
- (4) The Founder and Executive Director may decide to meet with the Serious Complaints Committee (subclause 3) to make recommendations for resolving complaints in accordance with Whitehouse policies and procedures.
- (5) Except where otherwise required by Whitehouse rules, protocols, policies and procedures, appointed investigators may determine their own procedures.
- (6) Investigators must make findings of fact and may make recommendations for resolving complaints, in accordance with Whitehouse rules, protocols, policies and procedures.
- (7) Investigators must give Whitehouse written reasons for their findings of fact and (if relevant) their recommendations.
- (8) Where reasonable, the investigation will be concluded within 30 working days of the assessment referred to in clause 9.
- (9) Where 30 working days is not reasonable, the Founder and Executive Director must advise the parties of the reasons for the delay, and of the projected timeframe for conclusion of the investigation.

12. Vexatious Complaints

At any stage of this procedure, if the Founder and Executive Director, Co-Executive Director, Director, Campus Manager, delegate or investigator believes that a person has made a vexatious, malicious or false complaint of bullying, harassment or discrimination:

- (a) The Founder and Executive Director will make an assessment in accordance with clause 7 of these procedures; and
- (b) these procedures will also apply to the determination of whether a vexatious or malicious complaint has been made.

13. Record Keeping and Monitoring

- (1) Where a matter is dealt with in accordance with clause 7 or 8 of these procedures or a determination is made under sub-clause 9(1) the Campus Manager or Student Administration is responsible for documenting the process and outcome of the

complaint including:

- (a) the person who made the complaint
 - (b) when the complaint was made
 - (c) to whom the complaint was made
 - (d) the nature of the issue
 - (e) action taken to respond to the issue
 - (f) any further action that is required – what, when and by whom and
 - (g) storing the information confidentially.
- (2) The Campus Manager or Student Administration is responsible for providing (where appropriate) the documentation referred to in clause 12 (1) or any relevant documentation relating to an investigation under clause 10 to:
- (a) the Founder and Executive Director
 - (b) Relevant manager or delegate
 - (c) the Campus Manager or Student Administration.
- (3) The Campus Manager or Student Administration is responsible for confidentially filing all records collected, generated or used as part of the resolution or determination of a complaint under these procedures.
- (4) In all cases, the relevant director, manager, teacher, staff member, in consultation with the Founder and Executive Director, Co-Executive Director, Academic Director, Campus Manager or Student Administration, is responsible for:
- (a) where appropriate, taking steps to prevent the alleged bullying, harassment and discrimination from continuing or recurring
 - (b) where appropriate referring the matter to an external service and
 - (c) monitoring developments and resolution outcomes, including any mediation or facilitation process which may be recommended.

14. External Assistance and Advice

- (1) Whitehouse will make every reasonable effort to resolve bullying, harassment and discrimination concerns and complaints internally.
- (2) However, if a person alleges bullying, harassment or discrimination by a visitor or other person over whom the University has no jurisdiction, Whitehouse may be required to refer the person raising the concern or complaint to an external complaints procedure or to another agency.
- (3) Individuals covered by this procedure may also elect to contact (if relevant) the Fair Work Commission, Australian Human Rights Commission, NSW Anti-Discrimination Board, SafeWork NSW or their union to obtain advice or assistance, or make a complaint, in relation to bullying, harassment or discrimination.

17. Definitions

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

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.

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.

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

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

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

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.

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

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.

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.

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

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

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

Safety: staff and student safety on campus and online, as detailed in the Whitehouse Workplace and Safety 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 Administration 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.

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

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

Support Person: means a friend, colleague, next of kin, legal guardian, or any other person chosen by the worker, student or affiliate to support them.

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

Wellbeing: broadly encompasses 'overall wellness' of the individual, and 'freedom from harm'.

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.

Worker: means a person who carries out work in any capacity for Whitehouse including work as:

- a staff member
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Whitehouse;
- an apprentice or trainee
- a student gaining work experience or performing work on a voluntary basis or a volunteer.

Relevant Legislation	<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>
Key Related Documents	<p>Whitehouse Policies and Procedures</p> <ul style="list-style-type: none"> • Bullying, Harassment and Discrimination Prevention Policy • Code of Conduct for Students Code of Conduct – Staff and Affiliates • Student Grievances and Complaints Resolution Policy and Procedure • Staff Grievances and Complaints Resolution Policy and Procedure • Student Support Services Policy and Procedure • Critical Incident Policy and Procedure
Responsible Officer	Executive Director

Approval Authority/ Authorities	Board of Governors		
Date Approved	10/12/2018		
Date of Commencement	10/12/2018		
Date for Review	10/12/2021		
Documents superseded by this Procedure	001 - Code of Conduct Policy 2012		
Amendment History			
Signed and dated for Whitehouse Institute Pty Ltd		Les Taylor	10/12/2018
	Signature	Name	Date

INFORMAITON FOR PUBLISHING ON POLICY REGISTER	
Category	Governance
Stakeholders	Academic Board Executive Management Academic Staff Administration Staff Applicants to Programs Contract Staff Students