

1. Policy Name	BULLYING HARASSMENT AND DISCRIMINATION
2. Policy Number	G020 PO (Governance)
3. Policy Statement	<p>This policy affirms Whitehouse Institute of Design (Whitehouse) commitment to:</p> <ul style="list-style-type: none"> a) Provide a safe, collegiate, respectful, and healthy workplace and learning environment which is free from all forms of bullying, harassment, and discrimination. b) Apply the principles of equal opportunity and ensuring that employees and students are informed of these principles. c) Provide employees with information and training in relation to bullying, unlawful harassment and discrimination. <p>In conjunction with this policy, Whitehouse staff and students must read and familiarize themselves with the Whitehouse Code of Conduct (Staff and Students), Access and Equity Policy, Critical Incident Policy, Student Grievances and Complaints Resolution non-Academic, and the staff Grievances Complaints Resolution policy.</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 about gender, sexual orientation, race, cultural background, religion, or political conviction.</p>
4. Scope	<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>
5. Application	<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"> a) between staff members b) between affiliates c) between staff members and affiliates d) by staff or affiliates towards students e) between students f) by students towards staff or affiliates g) between visitors at Whitehouse h) between visitors and staff members and/or students and/or affiliates i) in respect of bullying, between workers, between workers and affiliates, by workers towards students, between students and by students towards workers, and j) in respect of unlawful discrimination and harassment, by staff and affiliates towards members of the public.
6. Code	<p>6. Whitehouse staff and students will:</p> <ul style="list-style-type: none"> 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

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)

- b) understand and practice Whitehouse zero-tolerance approach to sexual assault, sexual harassment and other forms of harmful misconduct;
- c) 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.
- d) recognize and respect the rights of fellow students and staff, including their right to appropriately voice their opinion
- e) 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 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 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, email, or social media
 - 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
- c) 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 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 based on 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 based on one or more characteristics, unless it can be shown that the 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 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 those 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 those 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's core principles state 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 fosters a respectful relationships culture for positive attitudes, knowledge, skills, and behaviours, 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 behaviour associated with intimidation, violence, bullying, harassment, sexual harassment, sexual assault, and discrimination,

and provides support for staff or students who experience unacceptable or concerning behavior

- d) Whitehouse's focus in supporting the wellbeing and safety of students is detailed in the G018 Student Wellbeing and Support Services Policy and Website's [Student Portal](#), including how to access specialist support services
- e) Whitehouse's Code of Conduct for Staff and Students state the principles that guide interaction between teachers and students, which must be always professional
- 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 organizational responsibilities include the wellbeing of staff.
- h) 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.
- i) Whitehouse seeks feedback from its staff and students and will continue to review and refine this and related policies through benchmarking TEQSA Guidance Notes, other mainstream higher education institutions' 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.
- j) Whitehouse identifies risks to wellbeing and safety, takes steps to understand the support needed and implements effective mitigation and management strategies to resolve them.

15. Training

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

16. Breaches of the policy

16.1 Breaches 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: breaches of this policy may constitute misconduct in relation to the *Whitehouse Codes of Conduct for Students* and lead to disciplinary action including, but not limited to:
 - an initial "warning letter", and if not resolved, followed by a
 - a formal "letter of censure and show cause" with a request for a meeting to resolve the breach, or if not resolved
 - an 'Intention to suspend or cancel enrolment" letter, or
 - immediate suspension or termination of enrolment, depending on the severity and impact of the breach, for example, poses an imminent and serious threat to the safety of any member of the Whitehouse community, or the proper functioning of any campus activity or damage to campus property.

- 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
 - e) if serious enough, refer the matter to another authority, institution, or external process, for example the Police; relevant State Anti-Discrimination Board; Ombudsman; or Australian Human Rights Commission.

17. Definitions

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

Student: means a person who is currently enrolled in a course at Whitehouse or a former student where the breach occurred when they were an enrolled student.

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

Contractor: means staff employed by a third-party company or organization contracted to conduct work on a Whitehouse campus

Complaint: includes all 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 Whitehouse 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 (academic or non-academic)

For commencing a complaint under the relevant policy/procedure for:

- 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.

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.

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

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

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 or limited boundaries that is deemed appropriate under governing ethical standards as stated in the Whitehouse Code of Conduct and this policy.

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

- race, colour, religious belief, ethnic or ethno-religious background, descent, or nationality
- age
- pregnancy, childbirth, and breastfeeding
- marital, relationship or domestic status
- carer responsibilities

- gender / 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 or COVID. It also includes any disability a person had in the past, has now, or may have in the future

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.

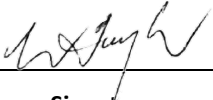
Wellbeing: broadly encompasses 'overall wellness' of the individual, and 'freedom from harm'.

Safety: relates to staff and student safety on campus and online.

Relevant Legislation

- [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 2020](#)
- [Dealing with Workplace Bullying – a Workers Guide \(Safe Work Australia\)](#)
- [Disability Act 2006 \(VIC\)](#)
- [Disability Discrimination Act 1992 \(Commonwealth\)](#)
- [Disability Discrimination and Other Human Rights Legislation Amendment Act 2009](#)
- [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 \(Threshold Standards\) 2021](#)
- [Higher Education Support Act \(Cth\)](#)

	<ul style="list-style-type: none"> • 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 Act 2011 • National Vocational Education and Training Regulator (Consequential Amendments) 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 (Commonwealth) • Sex Discrimination Act 1984 • 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)
Key Related Documents	<p>Whitehouse Policies and Procedures</p> <ul style="list-style-type: none"> • Code of Conduct (Students) • Code of Conduct (Staff) • Student Grievances and Complaints Resolution Non-Academic Policy and Procedure • Academic Grievance and Appeals Policy and Procedure - Higher Education • Staff Grievances and Complaints Resolution Policy and Procedure • Critical Incident Policy and Procedure • Honesty Policy and Academic/Misconduct Procedure • Access and Equity Policy and Procedure • Student Wellbeing and Support Services Policy and Procedure • Privacy Policy and Procedure • Selection and Admission Policy and Procedure - VET and Higher Education
Responsible Officer	Executive Director
Approval Authority/ Authorities	Board of Governors
Date Approved	18/10/2021
Date of Commencement	19/10/2021

Date for Review	18/10/2024		
Documents superseded by this Procedure	001 - Code of Conduct Policy 2012		
Amendment History	10/2021 Reviewed and updated: <ul style="list-style-type: none"> • Section 14 Entitlements and Responsibilities, Clauses c, d, e, f, j, and k • Section 16 re breaches of the policy related to students, clauses 16.1b and e. • Section 17 Definitions • Key Related Documents • Stakeholders • Applied a general edit check to the text. 		
Signed and dated for Whitehouse Institute Pty Ltd		Les Taylor	18/10/2021
	Signature	Name	Date

INFORMATION FOR PUBLISHING ON POLICY REGISTER	
Category	Governance
Stakeholders	<ul style="list-style-type: none"> • Students • Staff • Executive Management • Board of Governors • Academic Board • Contractors, visitors, volunteers • Work experience students.