

<p><b>Procedure Name</b></p>	<p><b>BULLYING HARASSMENT AND DISCRIMINATION</b></p>
<p><b>Procedure Number</b></p>	<p><b>G020 PR (Governance)</b></p>
<p><b>Purpose</b></p>	<p>(1) These procedures are to give effect to the Whitehouse Institute of Design, Australia ('Whitehouse') Bullying, Harassment and Discrimination Policy 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 <b>policies</b>") as it relates to complaints by or about staff, students, workers, or affiliates.</p> <p>(2) These procedures:</p> <p>(a) Describe how complaints of bullying, harassment and discrimination may be raised and how they will be assessed and resolved, as appropriate</p> <p>(b) Set out steps to be taken to resolve bullying, harassment and discrimination complaints initiated by a staff member, student, worker, or affiliate and</p> <p>(c) State how Whitehouse conducts investigations and follows through to resolution.</p>
<p><b>Scope</b></p>	<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 this Procedure, and to provide sufficient details of their complaint to permit Whitehouse to conduct a preliminary assessment and investigation, as appropriate.</p>
<p><b>Procedure</b></p>	<p><b>3. Interpretation</b></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><b>Investigator</b></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 other relevant Whitehouse policy or procedure.</p> <p>Complaints of a minor nature may be resolved informally (refer section 5 below) by a senior Whitehouse Officer or delegated staff member, in consultation with relevant staff.</p> <p>Complaints of a serious nature are addressed formally by a sub-group of the Whitehouse Complaints Committee (WCC), comprised of:</p> <ul style="list-style-type: none"> <li>• The Founder and Executive Director, or</li> <li>• The Co-Executive Director, who shall chair the committee, and</li> <li>• The Academic Director, or</li> <li>• The Campus Manager, or</li> <li>• A Course Coordinator and / or</li> <li>• A nominated staff member (academic or admin/support)</li> </ul> <p>The WCC will meet annually to review and report on cases to the Executive Management Committee and Academic Board.</p>

The Whitehouse Complaints Committee is responsible for:

- Implementing this policy and procedures
- Establishing reporting, review, and other associated arrangements to ensure that Whitehouse complies with relevant legislation
- Monitoring the outcome of investigations to ensure 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 circumstances before raising an issue of bullying, harassment or discrimination at Whitehouse they may contact:

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

#### **5. Informal Resolution**

- (1) As far as possible, parties should seek to resolve issues of bullying, harassment, or discrimination informally by one or more of the following means:
  - (a) 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:
    - (i) telling them which behaviour they consider unreasonable and unacceptable
    - (ii) asking them to stop or to behave differently and
    - (iii) keeping a written record of this action.
  - (b) 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)
  - (c) 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.
- (2) 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.

- (3) 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.
- (4) 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.
- (5) 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 the Founder and Executive Director or Co-Executive Director.
- (3) Complaints may also be referred to the Founder and Executive Director or the Co-Executive Director:
  - (a) by the Student Administration 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 a Whitehouse Senior 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 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 of 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](mailto:admin@counsellingsydney.com.au)
  - (b) Counselling in Melbourne  
Phone: 0429 139 725  
[greg.redmond@counsellinginmelbourne.com.au](mailto: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](mailto: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](http://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. A Whitehouse staff member 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 five 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 a meeting 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
  - (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 the Founder and Executive Director or the 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 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.
- (5) Cases will be recorded in the relevant Register, and / or case file (e.g. Student or Staff File)

### 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 Whitehouse has no jurisdiction, Whitehouse may be required to refer the person raising the concern or complaint to an external complaints procedure or to another authority or 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.

## 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

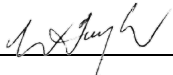
**Whitehouse Related Conduct:** means any conduct that is connected to the Institute including conduct that:

- 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



	<ul style="list-style-type: none"> <li>• occurs using, or is facilitated by, Whitehouse computer and equipment resources</li> <li>• 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.</li> </ul> <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> relates to staff and student safety on campus and online.</p>
Relevant Legislation	<ul style="list-style-type: none"> <li>• <a href="#">Age Discrimination Act 2004 (Cth)</a></li> <li>• <a href="#">Anti-Discrimination Act 1977 (NSW)</a></li> <li>• <a href="#">Australian Human Rights Commission Act 1986</a></li> <li>• <a href="#">Copyright Act 1968</a></li> <li>• <a href="#">Crimes Act 1900 (NSW)</a></li> <li>• <a href="#">Data Provision Requirements 2020</a></li> <li>• <a href="#">Dealing with Workplace Bullying – a Workers Guide (Safe Work Australia)</a></li> <li>• <a href="#">Disability Act 2006 (VIC)</a></li> <li>• <a href="#">Disability Discrimination Act 1992 (Commonwealth)</a></li> <li>• <a href="#">Disability Discrimination and Other Human Rights Legislation Amendment Act 2009</a></li> <li>• <a href="#">Disability Inclusion Act 2014 No 41 (NSW)</a></li> <li>• <a href="#">Education Services for Overseas Students Act 2000 (Cth)</a></li> <li>• <a href="#">Education Services for Overseas Students Act 2000 (ESOS)</a></li> <li>• <a href="#">Equal Opportunity Act 2010 (VIC)</a></li> <li>• <a href="#">Fair Work Act 2009 (Cth)</a></li> <li>• <a href="#">Guide for Preventing and Responding to Workplace Bullying (Safe Work Australia)</a></li> <li>• <a href="#">Higher Education Standards Framework (Threshold Standards) 2021</a></li> <li>• <a href="#">Higher Education Support Act (Cth)</a></li> <li>• <a href="#">Human Rights and Equal Opportunity Commission Act 1986 (Cth)</a></li> <li>• <a href="#">National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (Cth)</a></li> <li>• <a href="#">National Vocational Education and training Regulator Act 2011</a></li> <li>• <a href="#">National Vocational Education and Training Regulator (Consequential Amendments) Act 2011</a></li> <li>• <a href="#">Occupational Health and Safety Legislation and Regulations (Victoria)</a></li> <li>• <a href="#">Privacy and Personal Information Protection Act 1998 (NSW)</a></li> <li>• <a href="#">Racial and Religious Tolerance Act 2001 (Victoria)</a></li> <li>• <a href="#">Racial Discrimination Act 1975 (Commonwealth)</a></li> <li>• <a href="#">Sex Discrimination Act 1984</a></li> <li>• <a href="#">Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Cth)</a></li> <li>• <a href="#">Standards for Registered Training Organisations (RTOs) 2015</a></li> <li>• <a href="#">Student Identifiers Act 2014</a></li> </ul>

	<ul style="list-style-type: none"> <li>• <a href="#">The Disability Act 2012 (NSW)</a></li> <li>• <a href="#">The National Employment Standards</a></li> <li>• <a href="#">Work Health and Safety Act 2011 (Commonwealth)</a></li> <li>• <a href="#">Work Health and Safety Act 2011 (NSW)</a></li> <li>• <a href="#">Work Health and Safety Law and Policy (NSW)</a></li> <li>• <a href="#">Work Health and Safety Regulation 2011 (NSW)</a></li> </ul>
<b>Key Related Documents</b>	<p><b>Whitehouse Policies and Procedures</b></p> <ul style="list-style-type: none"> <li>• Code of Conduct (Students)</li> <li>• Code of Conduct (Staff)</li> <li>• Student Grievances and Complaints Resolution Non-Academic Policy and Procedure</li> <li>• Academic Grievance and Appeals Policy and Procedure - Higher Education</li> <li>• Staff Grievances and Complaints Resolution Policy and Procedure</li> <li>• Critical Incident Policy and Procedure</li> <li>• Honesty Policy and Academic/Misconduct Procedure</li> <li>• Access and Equity Policy and Procedure</li> <li>• Student Wellbeing and Support Services Policy and Procedure</li> <li>• Privacy Policy and Procedure</li> <li>• Selection and Admission Policy and Procedure - VET and Higher Education</li> </ul>
<b>Responsible Officer</b>	Executive Director
<b>Approval Authority/ Authorities</b>	Board of Governors
<b>Date Approved</b>	18/10/2021
<b>Date of Commencement</b>	19/10/2021
<b>Date for Review</b>	18/10/2024
<b>Documents superseded by this Procedure</b>	001 - Code of Conduct Policy 2012
<b>Amendment History</b>	<p><b>11/2021</b></p> <p>Reviewed and updated:</p> <ul style="list-style-type: none"> <li>• Purpose</li> <li>• Sections 3 and 7</li> <li>• Definitions</li> <li>• Key Related Documents</li> <li>• Stakeholders</li> <li>• Applied a general edit check to the text.</li> </ul>

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"> <li>• Students</li> <li>• Staff</li> <li>• Executive Management</li> <li>• Board of Governors</li> <li>• Academic Board</li> <li>• Contractors, visitors, volunteers</li> <li>• Work experience students.</li> </ul>