

Procedure Name	BULLYING HARASSMENT AND DISCRIMINATION
Procedure Number	G020 PR (Governance)
Purpose	<p>(1) These procedures give effect to the Whitehouse Institute of Design, Australia ('Whitehouse') Bullying, Harassment and Discrimination Policy in conjunction with the Sexual Assault, Sexual Harassment Policy, Access and Equite for Students and Staff Policies, the Student Grievances and Complaints Resolution Policy, and Staff Grievances and Complaints Resolution Policy, the Critical Incident Policy, the 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"> Describe how complaints of bullying, harassment and discrimination may be raised and how they will be assessed and resolved, as appropriate. Set out the steps taken to resolve bullying, harassment and discrimination complaints initiated by a staff member, student, worker, or affiliate, and State how Whitehouse conducts investigations and follows through to resolution.
Scope	<p>These procedures apply to Whitehouse and any staff member, student, worker, or affiliate.</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>
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 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 Critical Incidents Committee (CIC), comprised of:</p> <ul style="list-style-type: none"> • The Founder and Executive Director, or • The Co-Executive Director, who shall chair the committee, and • A Senior Academic staff member, or • The Campus Manager, or • A Course Coordinator and / or • A nominated staff member (academic or admin/support) <p>The CIC will review and report on cases to the Executive Management Committee and the Board of Governors.</p>

The Whitehouse Executive Management Committee (EMC) 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) the relevant teacher or course coordinator, Student Administration, Campus Manager, or senior academic staff member
- (b) a person nominated by Whitehouse as a “Student Welfare 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 academic staff member 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 academic staff member 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 person(s) 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

(Also refer separate [Sexual Assault, Sexual Harassment policy and procedure](#))

- (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 or affiliate because 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:
 - Australia wide: **1800 RESPECT** (1300 737 732). In an emergency call 000.
 - NSW Rape Crisis Centre: (02) 9819 6565. Outside Sydney: 1800 424 017
 - VIC Sexual Assault Crisis Line 1800 806 292
 - QLD Sexual Assault Helpline 1800 010 120
 - Human Rights Commission 1300 656 419 (local call).

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 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 considering 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 Executive Management Committee, or the Chair of the Academic Board, and / or Chair of the Board of Governors.
- (4) The Founder and Executive Director may decide to convene a meeting of the Critical Incidents 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, Senior academic staff member, 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, VIC or Qld 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

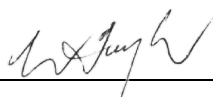
Whitehouse Related Conduct: means any conduct that is connected to the Institute including conduct that:

- 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
- 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

	<ul style="list-style-type: none"> • an apprentice or trainee • a student gaining work experience or performing work on a voluntary basis or • a volunteer. <p>Wellbeing: broadly encompasses ‘overall wellness’ of the individual, and ‘freedom from harm’.</p> <p>Safety: relates to staff and student safety on campus and online.</p>
<p>Relevant Legislation</p>	<p>Commonwealth:</p> <ul style="list-style-type: none"> • Anti-Discrimination Act 1991 • Dealing with Workplace Bullying – a Workers Guide (Safe Work Australia) • Guide for Preventing and Responding to Workplace Bullying (Safe Work Australia) • Age Discrimination Act 2004 (Cth) • Disability Discrimination Act 1992 (Commonwealth) • Human Rights and Equal Opportunity Commission Act 1986 (Cth) • Education Services for Overseas Students Act 2000 (Cth) • Fair Work Act 2009 (Cth)Anti-Discrimination Act 1977 (NSW) • Racial Discrimination Act 1975 (Commonwealth) • Sex Discrimination Act 1984 • Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Cth) • The National Employment Standards <p>NSW</p> <ul style="list-style-type: none"> • Disability Inclusion Act 2014 No 41 (NSW) • Work Health and Safety Law and Policy (NSW) • Crimes Act 1900 (NSW) • Privacy and Personal Information Protection Act 1998 (NSW) <p>Victoria</p> <ul style="list-style-type: none"> • Disability Act 2006 (VIC) • Equal Opportunity Act 2010 (VIC) • Racial and Religious Tolerance Act 2001 (Victoria) <p>Queensland</p> <ul style="list-style-type: none"> • Discrimination Human Rights Commission - Queensland • Fair Work - Queensland
<p>Key Related Documents</p>	<p>Whitehouse Policies and Procedures</p> <ul style="list-style-type: none"> • Code of Conduct (Students) • Code of Conduct (Staff) • Selection and Admission Policy and Procedure - VET and Higher Education • Access and Equity Policy and Procedure • 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 • Student Wellbeing and Support Services Policy and Procedure

	<ul style="list-style-type: none"> • Sexual Assault and Sexual Harassment Policy and Procedure • Supporting Students Policy and Procedure • Privacy Policy and Procedure.
Responsible Officer	Executive Director
Approval Authority/ Authorities	Board of Governors
Date Approved	20/12/2023
Date of Commencement	21/12/2023
Date for Review	21/12/2026
Documents superseded by this Procedure	001 - Code of Conduct Policy 2012
Amendment History	<p>12/2023</p> <p>Applied a general edit check to the text and updated various sections (Purpose; Scope; Procedure, sections 3, 4, 7.6, 11.3, 11.4)</p> <p>Checked and updated Relevant Legislation links.</p> <p>Updated Key Related Documents section.</p> <p>11/2021</p> <p>Reviewed and updated:</p> <ul style="list-style-type: none"> • Purpose • Sections 3 and 7 • Definitions • Key Related Documents • Stakeholders • Applied a general edit check to the text. <p>12/2023</p> <p>Re-approval</p>
Signed and dated for Whitehouse Institute Pty Ltd	<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> <p>Signature</p> </div> <div style="text-align: center;"> <p>Les Taylor</p> <hr/> <p>Name</p> </div> <div style="text-align: center;"> <p>20/12/2023</p> <hr/> <p>Date</p> </div> </div>

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