

# HARASSMENT, BULLYING, DISCRIMINATION VICTIMISATION AND VILIFICATION POLICY

## PREAMBLE

This Policy aims to promote a safe and respectful environment in AEG that values diversity for staff and students and is free of Harassment, Victimisation, Vilification, Discrimination and Bullying. All students and staff are required to treat each other with dignity, courtesy and respect which helps create an environment where the most beneficial learning, teaching and administration duties can be carried out.

This Policy applies to all staff and students.

## DEFINITIONS

“**AEG**” means Australian Pacific College Education Group and includes Australian Pacific College, English Unlimited and APC Design School.

“**Bullying**” occurs when a person or a group of people repeatedly behave unreasonably towards a worker or a group of workers and the behaviour creates a risk to health and safety. Bullying does not include reasonable management action carried out in a reasonable manner.

“**Discrimination**” means any type of unfair treatment that treats a person less favourably than somebody else because of your age, disability, race or ethnicity, sex or gender identity, sexual orientation, pregnancy or religion.

“**Harassment**” means any type of behaviour that a person does not want and does not return and may offend, embarrass, or scare them. It may be any behaviour that targets a person because of their race, sex, pregnancy, marital status, carer’s responsibilities, transgender, homosexuality, disability or age and includes Sexual Harassment.

“**National Code**” means the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

“**Order**” means an order made by the Fair Work Commission under the Fair Work Act 2009 (Cth).

“**Policy**” means this Harassment, Victimisation and Bullying Policy.

“**Sexual Harassment**” is when a person makes an unwelcome sexual advance, makes an unwelcome request for sexual favours and/or engages in other unwelcome conduct of a sexual nature. For a person to have sexually harassed someone, it has to be reasonable to expect that in the situation, there is a possibility that their behaviour would offend, humiliate

or intimidate the other person. Sexual Harassment is against the law and is a valid reason for dismissal.

“**Student**” means any person undertaking a course of study at AEG.

“**Victimisation**” is any situation where a person is threatened because they are making or proposing to make a complaint under equal opportunity laws.

“**Vilification**” means a public act, behaviour or conduct, either in person or online, that incites hatred, serious contempt for, or revulsion or severe ridicule of a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion or homosexuality, gender, transgender or HIV/AIDS status.

“**Worker**” means an employee, a contractor or subcontractor or a person employed by a labour hire company who is working at a particular business or organisation, an outworker, an apprentice or a trainee, a work experience student, a volunteer. *Only people who are considered to be 'workers' may apply for an Order to stop workplace bullying* (refer to the Fair Work Act 2009 (Cth) and the Workplace Health and Safety Act 2011 (Cth)).

## 1. AEG's COMMITMENT

- 1.1 Harassment, Discrimination, Vilification, Bullying and Victimisation is not tolerated at AEG.
- 1.2 All claims (no claim is too minor) of Harassment, Discrimination, Vilification, Bullying and Victimisation are listened to and investigated properly.
- 1.3 It is the shared responsibility of everyone who works and studies at AEG to behave in a way that ensures the safety and well-being of others and is respectful and inclusive. Behaviour that may cause offence, distress or harm to others is expected to be reported and intervened in if safe to do so.
- 1.4 AEG's priority is to attempt to prevent or at least be ready to intervene swiftly to all forms of Harassment, Discrimination, Vilification, Bullying and Victimisation and it does this through this Policy (and its regular review) and the support and education of staff and students.

## 2. MANAGERS AND SUPERVISORS RESPONSIBILITIES

- 2.1 All managers and supervisors must take all reasonable steps to try and prevent or minimise unlawful Harassment, Discrimination, Vilification, Victimisation or Bullying from happening within their area of responsibility. Managers and supervisors should:
  - a) follow the standards of behaviour outlined in this Policy and be a good role model;
  - b) treat everyone with dignity, courtesy and respect;
  - c) ensure that all staff under your supervision, understand and have ready access to this Policy and know how to deal with Harassment, Discrimination,



- Vilification, Victimization or Bullying if it happens to them, other staff or students;
- d) make it clear to those you supervise that Harassment, Discrimination, Vilification, Victimization or Bullying behaviour will not be tolerated and encourage the reporting of any behaviour that breaches this Policy;
  - e) intervene quickly if you witness or are privy to information about any Harassment, Discrimination, Vilification, Victimization or Bullying;
  - f) create a working environment that encourages staff and students to feel safe about speaking up or reporting incidents (including Sexual Harassment);
  - g) offer support to and prioritise the care of people experiencing Bullying, Discrimination, Vilification, Harassment or Victimization including informing them how to make a complaint;
  - h) ensure that any reported behaviour is followed up and resolved in a fair, timely and confidential manner and ensure that the person making the complaint is not victimised for doing so and respect their privacy and confidentiality at all times;
  - i) use the resolution methods in this Policy and the Staff or Student Complaints and Appeals Policy;
  - j) help staff and/or students resolve complaints informally, if that is the resolution of choice of the victim;
  - k) ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made;
  - l) report such incidents to the PEO; and
  - m) ensure that to the best of their ability the working environment is free of sexist, racist or any other type of stereotyping material.

### 3. EMPLOYEES RESPONSIBILITIES

#### 3.1 If you are an employee of AEG, you must not:

- a) act in a way that Harasses, Discriminates, Vilifies, Bullies or Victimises another employee or student;
- b) Display material that is racist, sexist, sexually explicit, or discriminatory in any form – this means electronically (through computer-based activities or emails) or in videos or lesson plans and so on;
- c) Use verbal abuse or comments that put down, or stereotype people because of their race, sex, pregnancy, marital status, age disability or sexual preference;
- d) Initiate physical contact with any student. This includes slapping, pinching, kissing or touching (the top of the head included).

#### 3.2 In all matters employees are expected to:

- a) comply with this Policy;
- b) Be a good role model and show respect, dignity and courtesy to all other people and cultures;
- c) Behave in a way that creates a safe, respectful and inclusive environment and prioritises looking after the safety of others;



- d) Speak up when they see, know of or can anticipate the likelihood of Harassment, Discrimination, Vilification, Bullying or Victimisation;
- e) Intervene in a way that is comfortable for them and if they feel safe to do so, to redirect the conversation or stop the behaviour;
- f) Participate in any inquiries or investigations about incidents as requested;
- g) Keep details of any incidents or investigations confidential;
- h) Be careful about doing anything that might be interpreted as Sexual Harassment or stereotyping people because of the group they happen to belong to;
- i) Be careful of the words they use, the tone they use, and how they say things;
- j) Avoid sexual or stereotyping jokes;
- k) Avoid the use of sexual or stereotyping pictures, cartoons, verse – on paper, walls, boards, faxes or computers;
- l) Refrain from any type of touching of other people;
- m) Refrain from standing too close to staff or students;
- n) Be aware of the complexities of language (and how it is spoken, i.e volume, tone etc) and how they could be misinterpreted as being threatening, harassing, discriminating or having sexual connotations, and avoid using such language; and
- o) Refrain from teaching sexual language or showing any material of a sexual nature.

#### 4. STUDENT RESPONSIBILITIES

##### 4.1 In all matters students should endeavour to:

- a) comply with this Policy;
- b) Show respect, dignity and courtesy to all other people;
- c) Be careful about anything that might be interpreted as sexual or stereotyping people because of the group they happen to belong to;
- d) Be careful of the words you use, the tone you use, and how you say things;
- e) Avoid sexual or stereotyping jokes;
- f) Avoid the use of sexual or stereotyping pictures, cartoons, verse – on paper, walls, boards, or computers;
- g) Refrain from any type of touching of other people;
- h) Refrain from standing too close to staff or students;
- i) Be aware of how gestures and contact could be misinterpreted as being threatening, harassing or having sexual connotations, and avoid using such gesture and contact;
- j) Refrain from using language that is threatening, harassing or sexual;
- k) act in a way that does not Harass, Discriminate, Vilify, Bullies or Victimises another student or an employee of AEG; and
- l) speak up when they see, know of or can anticipate the likelihood of Harassment, Discrimination, Vilification, Bullying or Victimisation.



## 5. SEXUAL HARASSMENT

- 5.1 Sexual assault is a crime (it is not Sexual Harassment) and should be reported to the police as well as to your manager or supervisor. Sexual Harassment is unlawful and prohibited in Australia by both State and Commonwealth legislation.
- 5.2 Sexual Harassment may still occur even when the offender does not intend it or at the time of occurrence the victim does not object to the behaviour. Consumption of alcohol is not an excuse or extenuating circumstance.
- 5.3 Sexual Harassment can be a one off incident or repeated behaviour and may include:
- a) Unwelcome comments about looks, dress, hairstyles.
  - b) Repeated and inappropriate invitations to drinks, dinner, non-work-related social events, dates.
  - c) Jokes of a sexual nature or about a person's sexual orientation or gender identification.
  - d) Unwelcome light touch gestures, e.g. an arm around, a kiss hello.
  - e) Degrading comments.
  - f) Sexual objectification of people.
  - g) Personal contact via email or social media that is out of context, out of work hours.
  - h) Ongoing unwelcome contact (e.g. in person, phone, social media) following the end of a consensual relationship.
  - i) Staring or leering.
  - j) Sexually explicit pictures, posters or gifts.
  - k) Whistling, catcalling, honking.
  - l) Intrusive questions or comments about private life, gender identity, sexual orientation, sexual relationships and sexual practices.
  - m) Sexually explicit comments in emails, phone messages or social media.
  - n) Touching or fiddling with a person's clothing including lifting up skirts or shirts, flicking bra straps, or putting hands in a person's pocket.
  - o) Forced intimacy, e.g. touching, massaging, hugging, cornering or kissing.
  - p) Exposing yourself.
  - q) Coercing people to look at pornography.
  - r) Requesting intimate images/videos of someone.
  - s) Requests or pressure for sex or other sexual acts in exchange for favourable treatment.
  - t) Sharing intimate images/videos of someone without consent.
  - u) Stalking, following, watching.
  - v) Actual or attempted sexual assault or rape.
- 5.4 Reporting of Sexual Harassment should be done in accordance with clause 6 of this Policy and can be made by the person directly impacted or others who observe or know of sexual harassment.



- 5.5 There are time limitations for lodging a Sexual Harassment complaint with an external body, however a report can be made to AEG when the victim feels comfortable to do so.
- 6. STEPS FOR DEALING WITH HARASSMENT, DISCRIMINATION, VILIFICATION, VICTIMISATION OR BULLYING**
- 6.1 **SELF HELP** - You can discuss your concerns with the individual who is causing you distress. You can tell the person to stop. You can do this in writing.
- 6.2 **SEEK ASSISTANCE** - If self help fails (see clause 6.1), or you don't feel you can personally deal with the problem, or they don't stop, please seek immediate help from your supervisor, teacher, manager or Student Care.
- 6.3 **ASSISTED RESOLUTION** - The person you seek help from will listen to you, discuss options for resolution and assist you with taking the next step in resolving the problem. These discussions should be recorded and filed in the student's/staff file. A resolution will only occur when the person seeking help is satisfied that the unacceptable behaviour has stopped and the issue is resolved.
- 6.4 **FORMAL COMPLAINT USING THE COMPLAINTS AND APPEALS POLICY** If the person being Harassed, Discriminated, Vilified, Victimised or Bullied has tried self help (see clause 6.1), or sought assistance (see clauses 6.2 and 6.3) and all efforts have failed to stop the unacceptable behaviour then they should use AEG's Complaints and Appeals Policy so that it can be resolved.
- 6.5 Help to prevent Harassment, Discrimination, Vilification, Victimisation or Bullying by offering to support someone else if you think they are being harassed, discriminated, vilified, victimised or bullied. Suggest they refer to this Policy and the Student Complaints and Appeals Policy.
- 6.6 Always respect and maintain the confidentiality of all people involved in these matters. This is essential to avoid compromising any investigation which may take place.
- 6.7 Workers who are being Bullied at work may apply to the Fair Work Commission for an Order to stop the Bullying. The Fair Work Commission must start dealing with the matter within 14 days.
- 6.8 There will be no repercussions for those who report issues of Harassment, Discrimination, Vilification, Victimisation or Bullying (subject to clause 7.5 below).
- 6.9 AEG may take interim action in the interests of health and safety that is supportive and sensitive to the possibility that the reported behaviour occurred, without making conclusions.
- 6.10 All parties involved will be kept well informed and supported throughout the process.

- 6.11 All investigations will be conducted to ensure there is procedural fairness and natural justice. This means:
- a) giving someone the opportunity to understand the allegations made against them and the opportunity to respond;
  - b) providing appropriate support for individuals involved including the person subjected to the harassment and the alleged offender, such as referral to external support services;
  - c) facilitating a timely and objective investigation;
  - d) substantiating decisions;
  - e) ensuring outcomes are reasonable and proportionate; and
  - f) maintaining confidentiality throughout.
- 6.12 If you have a problem and suspect it may be Harassment, Discrimination, Vilification, Victimization or Bullying of some type, please contact either Student Care, Campus Manager, your trainer/teacher, manager or supervisor. Details for these staff members can be found in the student handbook and students can also request a meeting via Student Care (in person, by phone, chat or email).
- 6.13 Further help can be obtained from the following departments:

Fair Work Commission	<a href="http://www.fwc.gov.au">www.fwc.gov.au</a>
NSW Anti-Discrimination Board	<a href="http://www.antidiscrimination.justice.nsw.gov.au">www.antidiscrimination.justice.nsw.gov.au</a>
Anti-Discrimination Commission Queensland	<a href="http://www.adcq.qld.gov.au">www.adcq.qld.gov.au</a>
Victorian Equal Opportunity and Human Rights Commission	<a href="http://www.humanrightscommission.vic.gov.au">www.humanrightscommission.vic.gov.au</a>
Human Rights Commission	<a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a>

## 7. CONSEQUENCES

- 7.1 If a case of Harassment, Discrimination, Vilification, Bullying or Victimization is substantiated the person found guilty may:
- a) be required to participate in education or behaviour change coaching;
  - b) have disciplinary action taken against them;
  - c) be required to offer an apology (structured with support for the victim);
  - d) suffer consequences to their position and remuneration such as demotion, transfer to another location/position or removal of leadership responsibilities; and/or
  - e) have their employment terminated.
- 7.2 The individual impacted by the Harassment, Discrimination, Vilification, Bullying or Victimization will be supported by AEG to ensure they may continue a successful academic journey or career with AEG.

- 7.3 All Harassment, Discrimination, Vilification, Bullying and Victimisation matters are reported to the PEO. The identification of the potential risk of Harassment, Discrimination, Vilification, Bullying and Victimisation should be reported in the AEG Risk Management systems. Together the PEO, the Academic Committee and the Executive Committee will advise AEG on any changes to the workplace as a result of either an incident or the potential risk being identified.
- 7.4 If any person is found to have victimised, harassed or taken reprisal action against people who intervene to stop Harassment, Discrimination, Vilification, or Bullying, report it or participated in any inquires or investigations relating to an allegation of sexual harassment, they may be subject to separate disciplinary action.
- 7.5 If any person is found to have knowingly provided false information, knowingly made allegations of sexual harassment without any substantive merit or for vexatious or malicious reasons, they may be subject to separate disciplinary action.

## POLICY REVIEW

This policy will be reviewed as part of AEG's three year policy review cycle or as required by regulatory changes.

## RELEVANT LEGISLATION

This document references the following legislation, regulations, codes and standards:

<b>Relevant Legislation/codes/standards</b>	
<b>Commonwealth</b>	Fair Work Act 2009 (Cth) Work Health and Safety Act 2011 (Cth) Australian Human Rights Commission Act 1986 (Cth) Disability Discrimination Act 1992 Sex Discrimination Act 1984 (Cth) Racial Discrimination Act 1975 (Cth) Age Discrimination Act 2004 (Cth)
<b>New South Wales</b>	Anti-Discrimination Act 1977 (NSW)
<b>Queensland</b>	Anti-Discrimination Act 1991 (Qld) Workplace Health and Safety 2011 (Qld)
<b>Victoria</b>	Equal Opportunity Act 2010 (Vic) Racial and Religious Tolerance Act 2001 (Vic)

## RELATED POLICIES AND PROCEDURES

This document references the following AEG policies and/or procedures:

<b>Related Policies and Procedures</b>	
<b>Policies</b>	Staff Complaints and Appeals Policy

	Student Complaints and Appeals Policy Staff Code of Conduct Student Code of Conduct Workplace Health and Safety Policy
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## KEYWORDS

<b>Keywords</b>	harassment, victimisation, bullying, diversity, tolerance, discrimination, anti-discrimination, human rights, equal opportunity
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## POLICY OWNER

<b>Owners</b>	Campus Services Unit
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## POLICY/PROCEDURE HISTORY

<b>Policy History</b>			
<b>Current version</b>	<b>Current version release date</b>	<b>Author</b>	<b>Description of changes</b>
Harassment, Victimisation and Bullying Policy v2.8R	16 April 2015	Sharon Luhr	Original document
Harassment, Victimisation and Bullying Policy v2.9R	July 2018	Sara Gaudry	Full update in accordance with the Policy and Procedure Template v1.0, Guidelines for Drafting Policies and Procedures v1.0 and current legislation.
Harassment, Victimisation and Bullying Policy v3.0R (APC/EU/APCDS)	Feb 2025	Sara Gaudry	Full review that includes new clauses 1, 3.2, 5, 6.8-6.12 and 7.
Harassment, Bullying, Discrimination, Victimisation and Vilification Policy v3.1R (APC/EU/APCDS)	March 2026	Sara Gaudry	General review