



Prevention and Resolution of Bullying, Discrimination and Harassment Policy

1. Purpose

King's Own Institute (KOI) is committed to providing a work and study environment that is free from bullying, discrimination and harassment, where all people are respected and treated in a courteous and professional manner.

In certain instances, bullying, discrimination and harassment may constitute an offence in Australia under both Anti-Discrimination Law and Criminal Law.

The Prevention and Resolution of Bullying, Discrimination and Harassment Policy plays an important role in supporting our Work, Health and Safety Policy.

This Policy sets out KOI's framework to appropriately report and resolve alleged cases of bullying, discrimination and harassment.

2. Scope

This policy applies to:

- Council of Directors;
- All staff, including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff, contractors, sub-contractors and volunteers;
- Students; and
- Other persons involved with KOI activities.

The Policy covers:

- All activities that take place within KOI buildings and campuses;
- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload;
- Work related events outside KOI that are coordinated or funded by or attended on behalf of KOI, including representing KOI at local, national, or international conferences, functions, events, and fieldwork;
- Social media or via technology, where interaction occurs with colleagues, students or people outside the KOI and their actions may have a direct or indirect impact in breach of this Policy; and
- Staff and student interaction with colleagues, students, and other persons in the course of their work-related duties and study.

3. Related Documents

This Policy is to be read in conjunction with KOI's:

- Work, Health and Safety Policy and related Manual
- Prevention and Resolution of Sexual Assault and Sexual Harassment Policy
- Staff Complaints Policy
- Complaints and Appeals Policy (for students)
- Discipline Policy
- Whistleblower Policy
- Student Non-Academic Misconduct Policy
- Student Code of Conduct



- Staff Code of Conduct
- Fairness and Equal Opportunity Policy
- Privacy Policy
- Documents and Records Control Policy

This Policy covers topics relevant to the following Federal and State of NSW laws:

- Sex Discrimination Act 1984 (Cth)
- Anti-Discrimination Act 1977 (NSW) and NSW Anti-Discrimination Board
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Fair Work Act 2009
- TEQSA Act 2011
- ESOS Act 2000
- Higher Education Standards Framework (Threshold Standards) 2021
- National Code 2007, Standard 8 (Complaints and Appeals)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 and the Australian Privacy Principles

This policy also draws on the [TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education](#) (July 2020).

4. Definitions

<i>Workplace</i>	Places where a person needs to be or to go for work-related purposes
<i>Work-related event</i>	A work-related event is an event organised by or on behalf of KOI, or attended while performing work related duties and which may be in a location other than KOI's premises
<i>Staff</i>	Persons performing work or work-related activities that are under the control of the company
<i>Contractor</i>	External organisation providing services to the organisation in accordance with agreed specifications, terms and conditions
<i>Other persons</i>	Other persons include any volunteers, students or visitors at KOI's premises
<i>Bullying</i>	Bullying is repeated and unreasonable behaviour directed towards a staff/student or a group of staff/students that creates a risk to health and safety
<i>Discrimination</i>	Actions that are prejudicial, discriminatory or antagonistic towards a person or people for any reason
<i>Harassment</i>	Harassment is different to bullying. Harassment is unwanted behaviour that offends, humiliates or intimidates a person, and targets them on the basis of a characteristic such as gender, race or ethnicity
<i>Sexual harassment</i>	Sexual harassment, under the Sex Discrimination Act 1984 (Cth), is defined as any unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstance. Sexual harassment behaviour can take many forms, both physical and non-physical.
<i>Racism</i>	Racism involves actions that are prejudicial, discriminatory or antagonistic to a person or people based on their membership of a particular racial or ethnic group



Repeated behaviour

Refers to the persistent nature of the behaviour and can refer to a range of behaviours over time

Unreasonable behaviour

Means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening

Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated

5. Policy

KOI requires all staff, students, contractors and other persons in our organisation to:

- Behave in a responsible and professional manner and not to engage in bullying, harassment, discrimination, sexual harassment, racism or unreasonable behaviour;
- Treat others in our organisation with dignity, courtesy and respect, avoid gossip and respect the confidentiality of complaint resolution procedures;
- Have the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised;
- Listen and respond appropriately to the views and concerns of others and offer support, both mentally and physically, to people who experience bullying, harassment, discrimination, sexual harassment, racism or unreasonable behaviour;
- Have recruitment and selection decisions be based on merit and not be affected by irrelevant personal characteristics;
- Have reasonable flexibility in working arrangements, especially where needed to accommodate family responsibilities, disability, religious beliefs or culture; and
- Be fair and honest in their dealings with others.

6. Principles

KOI will conduct the policy by providing a framework that:

- Provides staff and others, including students, with clear information about what behaviours are acceptable and the consequences for failing to maintain appropriate standards
- Identifies the factors that may create the potential for bullying, harassment, discrimination, sexual harassment, racism or unreasonable behaviour to occur
- Supports the identification, reporting of and responding to unacceptable behaviours
- Provides transparency of the processes for dealing with complaints of unacceptable behaviours including communication of progress and any outcomes to parties involved
- Maintains appropriate confidentiality of persons involved in reports of unreasonable behaviours
- Provides appropriate information and support for any person who may have been involved in an instance of unreasonable behaviours, including follow up reviews and establishing effectiveness of any actions taken
- Provides for the monitoring and reviewing of the controls in place that support this policy

7. Unacceptable conduct

Examples of behaviour, whether intentional or unintentional, that may be unacceptable conduct include, but are not limited to:

- Bullying that may include:
 - Abusive, insulting or offensive language or comments
 - Aggressive and intimidating conduct
 - Belittling or humiliating comments
 - Victimisation



- Discrimination, including disability, racial, religious, or sexual discrimination, such as:
 - Deliberately excluding or otherwise discriminating against a person on the basis of their physical or mental disability; race, colour, descent, national or ethnic origin or immigrant status; religious beliefs; sexual orientation; age; or any other reason
 - Deliberately placing a person in a situation designed to embarrass on the basis of disability, race, ethnicity, religious belief, sexual orientation, age or any other reason
 - Using language that is derogatory and offensive that refers to a person's disability, race, ethnicity, religious belief, sexual orientation, age or any other reason
 - Unfair treatment in the course of work/study related activities on the basis of disability, race, ethnicity, religious belief, sexual orientation, age or any other reason
- Sexual harassment results in a person feeling offended, humiliated, intimidated or physically abused, including:
 - Staring, leering or unwelcome physical touching;
 - Sexual or suggestive comments, jokes or taunts;
 - The display of clearly sexual material including photos, pinups;
 - Making remarks with sexual connotations;
 - Unwanted invitations to go out on dates;
 - Requests for sex;
 - Unsolicited demands or request for sexual favours;
 - Intrusive acts of physical intimacy;
 - Sexually explicit physical contact;
 - Voyeurism and concealed observation (including filming) of private activities;
 - Behaviour that may also be considered an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking, upskirting or obscene communications;
 - Inappropriate use of social media, including revenge pornography, online video-conferencing and chat rooms; and
 - Sexually explicit letters, emails, SMS text messages, phone calls or any other form of communication.
- Other unreasonable behaviours, including:
 - Practical jokes or initiation
 - Unjustified criticism or complaints
 - Deliberately excluding someone from work/study related activities
 - Withholding information that is vital for effective work performance
 - Setting unreasonable timelines or constantly changing deadlines
 - Setting tasks that are unreasonably below or beyond a person's skill level
 - Denying access to information, supervision, consultation or resources to the detriment of the student or staff member
 - Spreading misinformation or malicious rumours, and
 - Changing work arrangements such as rosters and leave to deliberately inconvenience a particular staff.

Sexual harassment is not sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated. In this situation, managers would not become involved in the issue. However, some behaviour may be unreasonable or inappropriate and may be offensive to other persons in any environment.

If the unreasonable behaviour involves violence or other activity that is against the law, for example physical assault or the threat of physical assault, it will be reported to the police.

8. Roles and Responsibilities

The CEO and President has overall responsibility for the safety and wellbeing of students and staff while engaged in activities at or on behalf of KOI.



The CEO and President will ensure that preventative measures are in place to prevent bullying, discrimination and harassment. The preventative measures include:

- Encourage reporting of incidents and concerns in a supportive environment, including concerns raised in confidence.
- Maintain and enforce its policy on preventing bullying, discrimination and harassment.
- Ensure all staff and students are aware of training and support and complete relevant training when scheduled.
- Provide an appropriate level of security and resources across the workplace and study locations (security, help points, CCTV etc.).
- Monitor the Learning Management System and KOI social media sites for evidence of bullying, discrimination and harassment.
- Discuss this policy at staff meetings to ensure that the policy is being followed.
- Ensure that the relevant contact officers for reporting incidents are known to staff and students.

KOI senior management and supervisors have a responsibility and duty of care to prevent any potential bullying, discrimination or harassment. They have a responsibility to take action if they are aware of or notice inappropriate behaviour involving bullying, discrimination and harassment.

Managers and supervisors must:

- Adopt appropriate standards of behaviour in accordance with this policy
- Take steps to educate and make students, staff, contractors and other persons aware of their obligations under this policy and the law
- Intervene quickly and appropriately when they become aware of inappropriate behaviour
- Act fairly to resolve issues and enforce behavioural standards, making sure relevant parties are heard
- Assist staff to resolve complaints, both formally and informally
- Refer formal complaints about breaches of this policy to the appropriate complaint handling person for investigation
- Ensure students, staff, contractors and other persons who raise an issue or make a complaint are not victimised
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- Seriously consider requests for flexible work arrangements

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out is not bullying provided this action is carried out in a lawful and reasonable way, taking the particular circumstances into account.

All staff, students, contractors, partners, and visitors have a responsibility to:

- Foster safe and inclusive work and study environments free from bullying, discrimination and harassment, where all members of the KOI community are treated with dignity, courtesy, and respect.
- Encourage reporting concerns immediately to their supervisor or teacher in relation to bullying, discrimination and harassment.
- Report all instances of sexual assault and sexual harassment that they have witnessed.
- Offer support to anyone who is being harassed and put them in contact with the relevant KOI support services and specialised support;
- Maintain confidentiality if they receive information during the management of a complaint and ensure that there is no victimisation.
- Use the provisions of the relevant Complaints Policy to lodge complaints where appropriate.

Staff and students must complete training on bullying, discrimination, harassment, sexual assault and sexual harassment via Moodle at least once every three years. All new staff are required to complete training within the first three months of their appointment. Students will receive instruction regarding bullying, discrimination, harassment, sexual assault and sexual harassment during the induction process.



9. Reporting of bullying, discrimination, racism, sexual harassment or other unreasonable behaviour (Complaints)

Reporting process

Complaints will be reported and managed through the application of the following policies:

- Staff Complaints Policy
- Complaints and Appeals Policy (for students)
- Whistleblower Policy
- Discipline Policy

The reporting processes contained in these policies recommends adopting:

- An Informal Approach, whereby it may be possible to resolve the situation informally through discussion between the concerned parties, and an agreement to a change in behaviour; or, including if the informal approach is unsuccessful
- A Formal Approach, whereby a formal complaint is lodged in writing setting out the circumstances and initiating a formal investigation of the complaint, and outcomes are documented and acted upon.

KOI recognises that reporting instances of bullying, harassment, discrimination, sexual harassment, racism or unreasonable behaviour can be sensitive to those directly affected by or observing such behaviours. While KOI understands and recognises that there may be reluctance to report such behaviours, those directly affected by or observing such behaviours should consider KOI's legal obligation to provide a safe environment and that, by failing to report, there is an increased likelihood that such behaviours will continue. As a consequence, anyone experiencing or observing such behaviours are strongly encouraged to report incidents and concerns in relation to unwelcome and/or unacceptable behaviour on a timely basis so that KOI can take appropriate action.

KOI also has a legal obligation to report incidents to law enforcement authorities that could be considered to constitute a criminal offence. This obligation extends to persons covered by this policy.

Reports should be to either the complainant's supervisor, the Human Resources Manager, a teacher, a member of management, a member of the executive or to a nominated person in accordance with the relevant policy. The matter will then be internally investigated by the appropriate department, manager or supervisor.

The identity of complainants and/or victims must be kept confidential at all times, and their privacy maintained, unless authorised otherwise by the complainant/victim.

Dependent on the nature and stage of the complaint, the matter will then be elevated to the appropriate investigating agent; the agent may be the Vice-President Academic (for students) or to the Human Resources Manager or an external victims' support agency (for staff) and the CEO and President. The CEO and President must be informed of the matter, although the identity of the complainant/victim must not be disclosed in this process unless authorised by the complainant/victim.

A complainant or witness who does not report an incident immediately, for whatever reason, shall receive the same level of attention, assistance and support as an individual who reports an incident immediately.

If the incident involves physical assault, the victim of that assault, witnesses to that assault or the trusted person should immediately contact the police and relevant emergency services, and ensure that the CEO and President is informed immediately.

If the incident occurs after hours and/or immediate assistance is required, Security should be notified immediately. Security will initiate an immediate response depending upon the circumstances, including requesting assistance from emergency services.

KOI encourages affected persons to report instances of bullying, discrimination and harassment and supports the safety and confidentiality of those that report.



Criminal and Civil Law Offences

In certain circumstances, allegations of bullying, discrimination or harassment may also be considered an offence under civil and criminal law; victims are encouraged to report such incidents or behaviours directly to NSW Police.

Instances of bullying, discrimination or harassment can also be reported to the Australian Human Rights Commission (AHRC) (<https://humanrights.gov.au/>) or to the NSW Anti-Discrimination Board (<https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/complaints/how-to-make-a-complaint.html>) who will be able to provide advice to the complainant. In the event that such a report is made, the CEO and President should be informed immediately.

Response process

King's Own Institute treats all reports of bullying, discrimination, racism, sexual harassment or unreasonable behaviour seriously. KOI will respond promptly, impartially and confidentially.

The complainant has the right to privacy and, their identity must not be disclosed to any party, other than to the person receiving the initial complaint, unless disclosure of identity is authorised by the complainant. This request must be respected by all parties who are made aware of the incident.

Upon being notified of an incident of bullying, discrimination or harassment, the CEO and President or their designate will appoint a responsible person acceptable to the complainant to coordinate all aspects of investigation, reporting, liaison with external parties.

If reported to the responsible Manager, Human Resources Manager or other designated person (the responsible person):

- The responsible person will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
- In the event that the complaint is anonymous, then the Human Resources Manager will speak to any named parties to determine the substance of the complaint.
- If issues cannot be resolved or the behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
- All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
- There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith may result in disciplinary action.
- If an investigation finds bullying, discrimination, racism, sexual harassment or unreasonable behaviour has not occurred or cannot be substantiated, King's Own Institute may still take appropriate action to address any issues leading to the report.

The responsible person will:

- Ensure that anyone who discloses or reports that they have experience or observed inappropriate behaviour, will be treated with compassion and care, and provided with timely and appropriate informed support to continue to work or study in safety and free from further harassment.
- Ascertain the mental and physical condition of the affected person(s) and, if appropriate, arrange immediate medical assistance.
- In the event that there are any indication that civil or criminal laws have been breached, inform the relevant law enforcement agencies and assist in ongoing investigations.
- Speak to the parties involved as soon as possible, gather information and seek to address the issue.
- In the event that the complaint is anonymous, then the responsible person will speak to any named parties to determine the substance of the complaint.
- Ensure that there is no victimisation of the person making the report or helping to resolve it.
- Keep the CEO and President fully informed of the status of investigations.

All complaints involving bullying, discrimination or harassment will be notified to the CEO and President who will ensure that appropriate actions are being taken in accordance with the relevant Complaints and



Discipline Policies. The CEO and President will notify the Chair of the Audit and Risk Committee of complaints and the actions being taken. All complaints relating to bullying, discrimination and harassment will be communicated on a timely basis to the Council by the CEO and President and the Chair of the Audit & Risk Committee with regular updates provided regarding the status of any investigation and the proposed actions.

If an investigation finds bullying, discrimination or harassment has not occurred or cannot be substantiated, KOI may still take appropriate action to address any issues leading to the report.

The CEO and President will provide an annual report to the Council on the operation of the policy, types of complaints and responses, information and training provided and sector comparisons.

Disciplinary and Follow-up Actions

Appropriate disciplinary action, as set out in the respective disciplinary policies) may be taken against a person who is found to have breached this policy. The action taken will depend on the nature and circumstance of each breach and could include (but not limited to):

For Staff

- a verbal or written apology;
- one or more parties agreeing to participate in counselling or training;
- verbal or written reprimand;
- transfer, demotion or dismissal of the person engaging in the unreasonable behaviour; or
- legal action.

For Students

- a verbal or written apology;
- one or more parties agreeing to participate in counselling;
- verbal or written reprimand;
- expulsion from KOI; or
- legal action.

Complaints made maliciously or in bad faith may result in disciplinary action.

10. Access Support

Students can access trained counsellors at KOI who can assist with relevant strategies, outcomes, and support when a student is experiencing any form of inappropriate behaviour. They can also refer the person to an external practitioner or authority for specialised support.

Staff or affiliates can access KOI's Human Resources support department who can assist with relevant strategies, outcomes, and support when the staff or persons, is experiencing any form of inappropriate behaviour. They can also refer the person to an external practitioner or authority for specialised support.

KOI also provides resources to support those staff that are most likely to receive disclosures and or reports by providing access to adequate training and support.

Depending on the allegation a variety of support services are available, including making contact with the National Sexual Assault, Family and Domestic Violence Counselling Line (1800737732) or the NSW Rape Crisis Centre (1800424017) for online and telephone counselling.

11. Confidentiality and Record Keeping

All information associated with the reporting and disclosure of bullying, discrimination and harassment remains confidential. No information will be released to any third party or external agency unless required by law or the complainant expressly consents to its release in writing.



All relevant records must be kept in KOI's records management system, in accordance with the Documents and Records Control Policy.

Document control

Policy title	Prevention and Resolution of Bullying, Discrimination and Harassment Policy
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Changes in this version	Major rewrite and expansion

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*****END OF POLICY*****