
Bullying, Discrimination and Harassment Prevention Policy

Purpose

The purpose of this policy is to create an inclusive and respectful environment within the Institute of Creative Arts and Technology (ICAT) wherein staff and students can be expected to be treated with dignity, courtesy and respect. It aims to prevent incidents of bullying, discrimination and harassment by setting out clear definitions, processes and responsibilities.

Scope

This policy applies to all ICAT students and Staff, and to behaviour and conduct that occurs on campus, during ICAT related events, online (including on social media platforms) and outside of working hours.

Related Policies and Forms

This policy should be read in conjunction with the following ICAT policies:

- Student Code of Conduct
- Access & Equity Policy
- Student Safety and Wellbeing Policy
- Staff Code of Conduct Policy
- Staff Safety and Wellbeing Policy
- Complaints and Appeals Policy
- Academic Freedom and Freedom of Speech Policy

All documents referenced in this policy can be accessed via the Staff intranet.

Definitions

For the purpose of this Policy, the following definitions apply:

Bullying	Bullying is defined by the Australian Human Rights commission as the repeated and intentional use of words or actions against someone or a group of people to cause distress and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or
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	<p>who want to make someone else feel less powerful or helpless.</p> <p>Bullying is not the same as conflict between people (like having a fight) or disliking someone, even though people might bully each other because of conflict or dislike. This includes actions protected under ICAT's Academic Freedom and Freedom of Speech Policy.</p> <p>Examples of bullying include but are not limited to:</p> <ul style="list-style-type: none"> • physical or verbal abuse • yelling, screaming or offensive language • behaving aggressively towards others • teasing or playing practical jokes or holding a person up to ridicule • pressuring someone to behave inappropriately • excluding or isolating others • unreasonable work demands • deliberately withholding information that is vital for effective performance
<p>Discrimination</p>	<p>Discrimination is defined the Australian Human Rights Commission as treating a person or a group of people less favourably based on certain because of their background or certain personal characteristics. Discrimination may be direct or indirect.</p> <p>Discrimination can be against the law if it is based on a person's:</p> <ul style="list-style-type: none"> • age • disability • race, including colour, national or ethnic origin or immigrant status • sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding • sexual orientation, gender identity or intersex status.

<p>Harassment</p>	<p>Harassment is defined as a behaviour that is unnecessary to the performance of one's duties and that interferes with a person's right to work or study in a non-threatening environment.</p> <p>Harassment can take various forms including:</p> <ul style="list-style-type: none"> • Sexual Harassment • Racial or religious Harassment • Harassment based on sexual orientation, gender identity and intersex status <p>The Australian Human Rights Commission provides examples of harassment which include but are not limited to:</p> <ul style="list-style-type: none"> • telling insulting jokes about particular racial groups • sending explicit or sexually suggestive emails or text messages • displaying racially offensive or pornographic posters or screen savers • making derogatory comments or taunts about a person's disability • asking intrusive questions about someone's personal life, including their sex life
<p>Sexual Harassment</p>	<p>Sexual harassment is defined as unwelcome and offensive behaviour of a sexual nature that creates an intimidating, hostile, or offensive environment. It involves unwanted sexual advances, requests for sexual favours, or any other verbal, non-verbal, or physical conduct that interferes with a person's ability to work, study, or participate in a professional or educational setting without fear or distress.</p> <p>Examples of sexual harassment include explicit comments, gestures, unwelcome physical</p>

	contact, and the display or distribution of sexually explicit materials.
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Policy Statement

ICAT has a zero-tolerance approach to bullying, discrimination and harassment and is committed to providing a safe and inclusive environment where staff and students can expect to be treated with dignity, courtesy, and respect.

This policy should be read in conjunction with:

[Fair Work Commission](#)

[Fair Work Ombudsman](#)

The following principles apply:

1. All staff and students have the right to feel safe and to be treated fairly and respectfully.
2. ICAT expects all staff and students to behave in line with appropriate standards and relevant ICAT codes of conduct.
3. Information, awareness training and support resources are made available to ICAT staff and students.
4. ICAT establishes clear definitions, standards, and processes towards preventing and reporting incidents of bullying, harassment, and discrimination.
5. Disclosures relating to bullying, harassment, or discrimination are treated seriously, confidentially, and impartially and the resolution process is fair, timely and confidential.
6. Appropriate disciplinary actions are taken when managing and investigating incidents of bullying, harassment, or discrimination.
7. ICAT prioritizes privacy and confidentiality in record-keeping and reporting processes.
8. Any individual who wishes for additional support is entitled to assistance via the Employee Assistance Program [EAP] in place with PeopleSense.

Responsibilities

1. Corporate Board and Academic Board

The Corporate and Academic Board are responsible for promoting a culture of inclusiveness that strives to create a safe space for its staff and students.

The Corporate Board is responsible for compliance with relevant anti-discrimination and work, health, and safety legislation.

2. Leadership Team

The Executive Director is responsible for deciding the outcome of disciplinary actions for staff and

students and providing a report to the Corporate Board.

The Director of Education and the Director of Operations and Compliance escalate cases requiring disciplinary action to the Executive Director and provide recommendations relating to improvements to relevant processes and policies.

3. Staff

Staff are responsible for complying with the Staff Code of Conduct, reporting incidents relating to bullying, discrimination and harassment and providing appropriate support and referral for staff and students.

4. Students

Students responsible for complying with the Student Code of Conduct and reporting incidents relating to bullying discrimination and harassment.

Bullying, Discrimination and Harassment Procedure

1. Awareness, Training and Support

- 1.1. Student Orientation Programs and Staff induction programs are developed to create awareness for the prevention and reporting of bullying, discrimination, and harassment. These include key definitions, support services and resources and reporting processes.
- 1.2. Key information including policies and procedures, contact details of support and counselling services and codes of conduct are publicly available to staff and students and included in relevant handbooks.
- 1.3. Staff and students are encouraged to seek support from the ICAT Human Resources team and Student Support, access the [Employee Assistance Program \(EAP\)](#) or external organisations such as [Lifeline](#) and [Beyond Blue](#).
- 1.4. Ongoing training and professional development is provided to staff involved in resolution of disclosures and complaints.
- 1.5. Students and staff affected by incidents may seek support by the Director of Education (students) or their reporting manager (staff) who may grant:
 - a. Special consideration to extend assignment deadlines and reschedule exams.
 - b. Leave of absence.
 - c. Adjustments to work requirements, deadlines, or location.

2. Reporting Incidents and complaints

- 2.1. Staff and students are encouraged to report incidents of bullying, discrimination, and harassment.
- 2.2. In reporting incidents, individuals may seek informal resolution with the person directly involved (with support person if required) or make a formal complaint.

- 2.3. In the case of assault or injury, onsite security and/or emergency services such as ambulance and/or police should be contacted.
- 2.4. Formal complaints should be directed to the Director of Education (for students) and to HR (for staff).
- 2.5. Where an individual believes a criminal incident has taken place, this must be reported to the police.

3. Investigation

- 3.1. Investigation of complaints will be handled in line with the ICAT Complaints and Appeals Policy.
- 3.2. If a complaint is determined to be vexatious, frivolous, or based on false information:
 - a. The complaint may be dismissed.
 - b. Individuals making false or exaggerated complaints, withholding relevant facts, or not cooperating with the complaint process may face consequences.

4. Resolution

- 4.1. Individuals involved in the incident have the option to involve a support person during the resolution process; in some instances, it may be appropriate to utilize external mediation to facilitate resolution.
- 4.2. The resolution outcome may include but is not limited to:
 - a. Clarifying any misunderstanding(s);
 - b. Offering an apology;
 - c. Facilitating discussion and conciliation;
 - d. Creating an agreed plan of action to prevent future incidents;
 - e. Participating in awareness training on appropriate behaviour.

5. Disciplinary action

- 5.1. Where instances of serious misconduct or where the resolution is unsuccessful, ICAT will take disciplinary action. Additional circumstances that may warrant disciplinary action include but are not limited to:
 - a. Repeat offences.
 - b. The complaint is made in bad faith.
 - c. Poses risk to ICAT's operations or reputation.
- 5.2. Disciplinary action may lead to staff termination or student expulsion.
- 5.3. ICAT will not take any action that may compromise a police investigation or external resolution process.

6. Record Keeping

- 6.1. All incidents, investigations and outcomes are recorded in the ICAT complaints register. Relevant documents are securely stored in the Student Management System (SMS) and the HR Employee database.

7. Delegations

Delegation	Delegate
Report the incident to [1]	Line Manager
Report the incident to [2]	HR, or delegate [Director of Operations and Compliance and/or Director of Education]
Escalate the incident to [1]	HR, or delegate [Director of Operations and Compliance and/or Director of Education]
Escalate the incident to [2]	CEO
Resolve the incident [1]	Informally, with person directly involved
Resolve the incident [2]	Formally, HR or delegate [Director of Operations and Compliance and/or Director of Education]
Resolve the incident [3]	Formally, external mediation
Investigate the incident [1]	Formally, HR or delegate [Director of Operations and Compliance and/or Director of Education]
Investigate the incident [2]	Formally, external mediation or HR investigator
Investigate the incident [3]	Formally, NSW Police

Related Documents

This policy should be read in conjunction with the following related references:

- [Higher Education Standards Framework \(Threshold Standards\) 2021](#)
- [TEQSA Guidance Note: Diversity and Equity](#)
- [Disability Discrimination Act \(DDA\) 1992](#)
- [Anti-Discrimination Act 1977](#)
- [Work Health and Safety Act 2011](#)

Change and Version Control

Version	Date Approved	Authored by	Approved by	Description
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Policy Information

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