

Anti- Discrimination & Anti Bullying Policy and Procedure

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1. POLICY

IQY Australia Pty Ltd T/A IQY Technical College ensures to provide safe and healthy learning environment free from bullying and harassment.

2. PURPOSE

This policy highlights IQY Institute's commitment for providing a safe and healthy learning environment free from discrimination and bullying.

3. SCOPE

This policy applies to all the current staff members and students at IQY Institute; and any person engaged under a contract for services.

3. DEFINITIONS

Bullying: Long-standing violence, physical or psychological conducted by an individual or a group that includes threats, verbal abuse, sarcasm, coercion and ostracism that humiliates or intimidates individuals or groups of workers that are not able to defend themselves in actual situation.

Discrimination: Refers to unfair or less favourable treatment based on the following actual or assumed personal characteristics as defined under Commonwealth and State laws.

Staff or Staff Member: A person employed or contracted by IQY Technical College in any area of operation including "honorary" positions.

Unreasonable Behaviour: Means behaviour that a person, having regard to all the circumstances, would expect to humiliate, intimidate, undermine or threaten.

Victimisation: Means to subject a person to detriment because they made, or are a witness to, or are otherwise involved with the complaint.

5. POLICY

5.1 Bullying is totally unacceptable at IQY Institute. All students, staff members and other members of IQY Technical College are expected to treat each other with respect.

5.2 IQY Technical College is an equal opportunity employer and education provider. All employees, potential employees and students are treated as fundamentally equal, without regard to race, sex, marital status or any other factor not applicable to their situation.

5.3 IQY Technical College does not tolerate any form of discrimination or bullying. We believe all employees and students have the right to work and study in an environment free of discrimination and bullying.

Accordingly, IQY Technical College staff members and students will not;

- Participates in harassing, discriminatory or bullying behaviour; or
- Victimises or retaliates against an employee who has lodged a complaint about harassment, discrimination or workplace bullying.

Examples of behaviour that could constitute bullying for both staff and students include:

- Physical or verbal abuse;
- Yelling, screaming or offensive language;
- Excluding or isolating a staff member or student;
- Spreading rumours or innuendo about someone;
- Psychological harassment;
- Unjustified criticism or complaints;
- Intimidation;
- Assigning staff members meaningless tasks unrelated to their job;
- Giving staff members impossible jobs;
- Interfering with someone's personal property or equipment;
- Deliberately changing work arrangements, such as rosters and leave, to inconvenience IQY staff members.

5.5 Discrimination occurs when someone is treated unfavourably because of one of their personal characteristics.

Discrimination may also involve:

- Offensive jokes or comments about another worker's racial or ethnic background, sex, sexual preference, disability or physical appearance;
- Display of pictures, computer graphics or posters which are offensive or derogatory;
- Expressing negative stereotypes of groups;
- Judging someone on their political or religious beliefs rather than their work or study performance;
- Using stereotypes or assumptions to guide decision-making about a person's career or study;
- Undermining a person's authority, work performance or ability to study because you dislike one of their personal characteristics.

IQY Technical College aims to always prevent bullying and discrimination through the following preventive measures;

- Creating awareness of this Policy and Procedure;
- Informing, and instructing staff members;
- Encouraging reporting;
- Fair and timely procedures for managing incidents of bullying.

6. BULLYING AND DISCRIMINATION COMPLAINT PROCEDURE

6.1 Informal Process (Self-Management)

In many cases, simply telling the person concerned that their behavior is causing distress, explaining why it is unwelcomed and asking for it to stop will be sufficient. Often, the person is not aware that their behavior is causing distress, and they will stop immediately once told.

a) You may decide to:

- personally, approach the person or people involved to resolve your concerns by notifying them that their behaviour is unwelcome or unacceptable and that it should stop immediately and not occur again;
- speak to your Coordinator or National Quality and Compliance Manager to discuss your concerns;
or

b) write a letter to the alleged offender, telling them that their behaviour is unwelcome or unacceptable and that it should be stopped immediately and not occur again.

6.2 Formal Process

If a complaint cannot be resolved by direct discussion, or the person does not feel comfortable addressing the issue face to face, a formal complaint must be made in writing to IQY Senior Management team.

a) Stage 1 – Investigation

1. Following the written complaint, we may investigate any allegations.
2. As part of the investigation, you, the person against whom the allegations have been made (the respondent to the complaint), and any witnesses, will be interviewed separately. The respondent to the complaint will be provided with a summary of the allegations made. Depending on the circumstances of the complaint, the respondent to the complaint and
3. other staff involved in the investigation, may be stood down from their duties and sent home on full pay during the period when the investigation is being carried out.

Stage 2 - Resolution

1. If a complaint is found to be unsubstantiated, no further action will be taken against the respondent to the complaint.
2. If no further action is to be taken, the reason for this decision should be explained to both parties.
3. If a complaint is substantiated, the possible outcomes include:
 - Mediation – this is a process where parties are brought together to try and reach agreement as to how the complaint should be resolved. Mediation provides the opportunity for a good working relationship to be re-established between the parties;
 - an apology from the respondent to the complaint;
 - agreed forms of future behaviour;
 - action to redress the behaviour the subject of the complaint;
 - transferring either of the parties to a different work location;
 - counselling;
 - taking disciplinary action against the respondent to the complaint.
4. Disciplinary action may include:
 - issuing a verbal or written warning;
 - downgrading the person's position, status or responsibility; or
 - terminating the employment or engagement of the respondent, either with notice or summarily without notice.
5. When an outcome has been arrived at, the decision and action to be taken will be communicated in writing to the respective parties. The overall process should not normally exceed 30 working days.

c) Withdrawing a Complaint

1. Complaints may be withdrawn at any time.
2. In most cases, if you withdraw a complaint then no further action will be taken. Where, however, we suspect that a breach of this policy has occurred we reserve the right to investigate any such breach.

d) False Accusations, Vexatious Complaints and Defamation

1. If a person intentionally makes false allegations that another person has engaged in discrimination, harassment, sexual harassment, bullying or victimisation, then that person may be defaming the other person. It is therefore very important that all complaints of unacceptable conduct are based on truth and fact.
 2. Intentionally false accusations, or allegations that are found to be unsubstantiated because they are of a frivolous or vexatious nature will be viewed seriously and, where found to be intentional or malicious, may result in us taking disciplinary action.
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7. VICTIMISATION

7.1 This policy prohibits victimisation of a complainant, a respondent, or any person who is a witness to a complaint. Victimisation means to subject a person to detriment because they made, or are a witness to, or are otherwise involved with the complaint.

7.2 If a complaint of victimisation is made, it will be dealt with according to the complaint's procedure set out above.

7.3 IQY Technical College will ensure, as far as is practicable, that persons covered by the scope of this policy are not victimised or penalised for reporting alleged unreasonable behaviour. Any person who is found to have victimised a person will be subject to the consequences of breaching this policy.

Some examples of victimization include (but not limited to):

- suggesting to a would-be complainant that it would be better for them (or the team) if they did not make a formal complaint;
- threatening behaviour;
- disciplinary action that is not otherwise warranted and would not have been taken if a complaint had not been made;
- unreasonable change in duties or relocation;
- exclusion or isolation;
- failure to promote a person or downgrading a performance rating because they are regarded as a 'troublemaker' due to the complaint;
- allocating work/tasks which are not usually part of a person's normal duties because they
- have made a complaint.

8. BREACH OF THIS POLICY

At IQY Institute, we will treat all allegations seriously and impartially. The consequences will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- action to redress the discriminatory treatment or harassment;
- requiring an apology to the affected person or persons;
- providing mediation between the parties if both parties agree to mediation process and to the mediator;
- providing targeted training regarding prevention of unacceptable workplace behavior;
- offering support to the person making the complaint;
- offering support to the person against whom the complaint is made;
- disciplinary action, up to and including dismissal against the person found responsible for discrimination; and
- disciplinary action, up to and including dismissal against the person making a complaint of
- discrimination if, after investigation, the complaint is found to have been malicious or vexatious.

Disciplinary action may be taken against anyone who retaliates against a person who has made a complaint.

9. EXTERNAL COMPLAINT

If the affected parties believe that their complaint is not effectively or timely managed, they have an option to access the Australian Human Rights Commission for advice at;

The Australian Human Rights Commission is an independent statutory organisation, established by an act of Federal Parliament. They protect and promote human rights in Australia and internationally.

<https://humanrights.gov.au/about>

Contact numbers and hours.

General enquiries: 1300 369 711. Hours are 9:00 AM - 5:00 PM AEST.

Officers will respond to email enquiries on a daily basis.

10. RESPONSIBILITY

Managers and supervisors have a responsibility to:

- Monitor the working environment to ensure that acceptable standards of conduct are always observed;
- Model appropriate behavior themselves;
- Promote the IQY Institute's harassment policy within their work area;
- Treat all complaints seriously and take immediate action to investigate and resolve the matter;
- Refer a complaint to another officer if they do not feel that they are the best person to deal with the case (for example, if there is a conflict of interest or if the complaint is particularly complex or serious).

All staffs have a responsibility to:

- Comply with the IQY Institute's Anti-Discrimination and Bullying Policy and Procedure;
- Offer support to anyone who is being harassed and let them know where they can get help and advice;
- Maintain complete confidentiality if they provide information during the investigation of a complaint.

The COO and the National Quality and Compliance Manager is responsible for effective implementation and management of this policy as well as provision of information on ways to resolve complaints of breaches of this policy.

The CEO has overall responsibility for the implementation and review of this policy.

11. RELATED DOCUMENTS

Related Documents

- Staff Handbook
 - Student Handbook
 - Student Code of Conduct
 - Complaints and Appeals Policy and Procedure
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