

Discrimination, Harassment, Victimisation and Bullying Policy

1. Purpose

UniSmarter, including its affiliates and partner entities, together referred to here as UniSmarter, is committed to providing an online teaching and learning environment that is free from discrimination, harassment, victimisation and bullying. UniSmarter recognises the right of all students and staff to work and study in an environment free from harassment, victimisation, bullying and unlawful discrimination.

2. Principles and Objectives

UniSmarter acknowledges that its staff and students represent a diverse mix of gender, age, ethnic background, religious and political belief, physical and intellectual ability, domestic arrangement and other diverse characteristics. UniSmarter values these differences and aims to create a teaching and learning environment in which all can work and study free from discrimination, harassment, bullying and victimisation.

Harassment, bullying of, or unlawful discrimination against staff or students by any member of the teaching and learning environment is unacceptable, against the law and contrary to the educational and employment policies of UniSmarter.

All forms of harassment, victimisation, bullying and unlawful discrimination are of concern as the behaviour may:

- create an intimidating, hostile, offensive or distressing work or study environment;
- adversely affect the performance of individual staff or students;
- adversely affect a person's admission into a module or progress within a module;
- adversely affect an individual's recruitment, level of appointment, promotion and progress opportunities;
- adversely affect an individual's access to and participation in the range of educational opportunities, support services, social and recreational facilities provided by UniSmarter;
- adversely reflect on the integrity and standing of UniSmarter;
- cause UniSmarter as an employer and an educational brand to be exposed as being vicariously liable.

In fulfilling its commitment to eliminate harassment, bullying and unlawful discrimination from the teaching and learning environment, UniSmarter, with the cooperation of all members of the teaching and learning environment, will implement the activities in an equal opportunity and diverse environment.

3. Responsibilities and Commitments

UniSmarter has a responsibility to take reasonable steps to prevent discrimination, harassment, victimisation and bullying from happening in the teaching and learning environment. This involves informing employees and students about harassment, victimisation and bullying, putting in place this policy, implementing grievance procedures and ensuring compliance by all members of the teaching and learning environment.

The Directors of UniSmarter, together with all staff, are responsible for supervising the management of these initiatives, which include:

- promoting and encouraging awareness, understanding and appreciation of the differences that exist amongst cultural groups and acknowledging and celebrating the breadth of experience and resources that people from diverse backgrounds bring to UniSmarter;
- recognising the responsibility of educational institutions to redress disadvantage and to overcome exclusion, bigotry, ethnocentrism, prejudice and racism;
- respecting and protecting the rights of students and staff to study and work in a discrimination and harassment-free environment;
- actively encouraging appropriate behaviour by those in positions of authority, that is, supervisors, managers and teaching staff;
- promptly, effectively and confidentially addressing complaints of discrimination, harassment and bullying;
- providing appropriate and effective processes, structures and resources to prevent and address issues of harassment, bullying and unlawful discrimination;
- ensuring that UniSmarter policies and procedures are not directly or indirectly discriminatory.

UniSmarter will ensure that:

- staff, students and members of the teaching and learning community are informed of this policy and their responsibilities in ensuring that it is upheld; and
- senior managers and other supervisory staff are aware of their particular responsibilities in the prevention and resolution of complaints of harassment, victimisation, bullying and unlawful discrimination.

4. Discrimination

Discrimination occurs when a person is treated less favourably than another person because of certain attributes (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of an attribute, such as race, pregnancy, gender, disability (indirect discrimination). This behaviour may amount to unlawful discrimination, harassment or vilification. Treating people unfairly, whether directly or indirectly, may amount to unlawful discrimination, harassment or vilification.

UniSmarter is committed to treating all members of the teaching and learning community fairly and does not discriminate against individuals on any of the grounds outlined above.

5. Harassment

Harassment within the teaching and learning community is any type of unwelcome behaviour that is based on one of the attributes covered by anti-discrimination legislation and which offends, humiliates or intimidates the person being harassed. Harassment may occur in person or in online environments or both. Harassment may be sexual in nature or based on gender, race, disability, sexual preference or a range of other factors. While the most common form of harassment is sexual in nature, harassment on other grounds is also unlawful.

Harassment is understood to have occurred when a person has been subjected to repeated behaviour by another person that:

- is unwelcome and unsolicited; and
- the person considers to be offensive, intimidating, humiliating or threatening; and
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

A single incident of harassing type behaviour is not generally considered to be harassment. Nevertheless, single incidents of harassing type behaviour can be offensive or threatening and will not be ignored or allowed.

UniSmarter recognises that harassment may involve comments and behaviours that offend some people and not others and management accepts that individuals may react differently to comments and behaviour. UniSmarter requires employees and students to adhere to a minimum standard of behaviour as indicated in the Student Code of Conduct.

6. Bullying

Bullying is described as the repeated less favourable treatment of a person by another or others in the teaching and learning environment, which may be considered unreasonable and inappropriate practice. Bullying which includes physical and psychological abuse is against the law and will not be tolerated at UniSmarter.

While physical abuse is a highly unacceptable form of bullying, bullying can also manifest in more subtle ways that impact on the health of the victims. UniSmarter acknowledges that there are a range of psychological and physical illnesses and injuries that an individual, exposed to bullying in a face to face or online teaching and learning environments, may experience. Examples of bullying may include:

- abuse, insults, threats, continuous teasing or criticism, either verbally or in written form;
- physically hurting another person;
- touching another person who doesn't want to be touched;
- continued overwork, unnecessary pressure, impossible deadlines;
- undermining work performance, unfair assessment;
- discrimination, racism, sexism.

UniSmarter is committed to ensuring that employees and students are provided with a safe teaching and learning environment where they are not subjected to any unwanted bullying and acknowledges its responsibilities under relevant legislation. This commitment extends into the online learning spaces managed by UniSmarter.

7. Victimisation

Victimisation happens where an employee or student is treated harshly or subjected to any harm because they have made a complaint of discrimination, harassment or bullying. Victimisation may also occur if a person is subjected to harm or disadvantage because they have provided any information or evidence in connection with a discrimination, harassment or bullying complaint.

8. Complaints

Harassment, victimisation and/or bullying of, or unlawful discrimination against staff or students by any member of the teaching and learning environment is unacceptable and contrary to the educational and employment policies of UniSmarter. UniSmarter has established a number of policies for dealing with complaints relating to any of the unacceptable behaviours outlined in this policy:

- *Student Complaints and Appeals Policy;*
- Relevant staff grievance policies or procedures of UniSmarter and its affiliates;

Different affiliate entities of UniSmarter will have respective staff grievance policies and procedures. Members of the teaching and learning community who believe that they are being harassed, victimised, bullied or discriminated against, can use the applicable policies and procedures to file complaints, if required.

UniSmarter will take all complaints of harassment, victimisation or bullying seriously and will deal with the complaint in a sympathetic and confidential manner ensuring that complainants are not victimised or treated unfairly as a result of making a complaint. All complaints will be investigated and, if found to be proved, appropriate warnings or other disciplinary action will be taken against the person responsible for the behaviour. In serious cases the person responsible for the behaviour may be dismissed or excluded from UniSmarter.

Critical feedback on assessment tasks is not considered harassment, victimisation or bullying.

Individuals who are not satisfied with the way in which UniSmarter has dealt with the complaint, may seek further advice from an outside agency.

Incidents of bullying may also be dealt with under relevant legislation, especially where linked to one of the grounds covered by the legislation.

The complaint resolution process is carried out in good faith and complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected if a preliminary investigation of the facts indicates this.

9. Related documents

- Student Code of Conduct
- Student Complaints and Appeals Policy

Amendment History

Department:	Academic Affairs	
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