

<b>Name of Statement</b>	<b>Bullying in the Working or Learning Environment Statement</b>	
<b>Description of Statement</b>	<p>This Statement is a description of what constitutes bullying in the working or learning environment and the legal obligations and responsibilities of supervisors, staff and students.</p> <p>This statement is common across the University. It should be read in conjunction with the University's Mission Statement, the ACU codes of conduct for all staff and students and the staff and student grievance management policies.</p>	
<input type="checkbox"/> New Statement		<input type="checkbox"/> Revision
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### Human Resources Directorate

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**Table of Contents**

FOREWORD ..... 2

PART A WORKPLACE AND LEARNING ENVIRONMENT BULLYING STATEMENT ..... 2

1. Statement..... 2

1.1 Purpose..... 2

1.2 Legal obligations..... 2

1.3 Scope..... 2

2. What is bullying?..... 2

3. What are examples of bullying?..... 3

4. Prevention strategies ..... 3

5. The role of managers, supervisors and staff members ..... 4

PART B WHAT CAN YOU DO IF YOU BELIEVE YOU ARE BEING BULLIED? ..... 4

6. Policy Review ..... 5

7. Further Assistance..... 5

## **FOREWORD**

Australian Catholic University supports Christian principles of justice and equity. The University aims to foster an environment that generates considerate relationships among all members of the University community based on dignity and respect for the individual.

As an educational institution and an employer, the University aims to develop structures and practices that are free from bullying in the working or learning environment. The following statement and guidelines have been developed to advise staff and students and other members of the University community of their rights and responsibilities in this matter.

This statement does not have contractual effect and is not a term of any contract, including any contract of employment. Further, this statement may be varied by the University from time to time.

## **PART A WORKPLACE AND LEARNING ENVIRONMENT BULLYING STATEMENT**

### **1. Statement**

#### **1.1 Purpose**

The purpose of this statement is to make you aware of what the University means by bullying in the working or learning environment, the procedures the University has in place to assist in the resolution of grievances regarding bullying in the working or learning environment, and who staff and students can talk to at the University if they wish to raise a grievance regarding bullying.

#### **1.2 Legal obligations**

The University has legal obligations under state Occupational Health and Safety legislation in respect of the health and safety of staff and students. Bullying may adversely impact the health (including psychological welfare) and safety of the University community. Staff and students also have an obligation to take reasonable care in the working and learning environment both for themselves and others. This includes following University policies and statements, especially those relating to health and safety and bullying.

Where bullying involves acts of unlawful harassment or discrimination (see the University's Policy on Discrimination and Harassment for clarification on what is meant by this), claims may be lodged under Commonwealth or State anti-discrimination legislation. Certain forms of bullying may also constitute criminal behaviour, which may necessitate police involvement.

#### **1.3 Scope**

This statement and the University's staff and student grievance management policies extend to all students, the activities of all University staff (both academic and general) during the course of their employment whether they take place on or off campus, religious members of the University and any agents or contractors engaged by the University (and their employees, if any). All such persons are required to comply with this statement. Breaches of this statement may result in disciplinary action (which could include dismissal under the relevant industrial instrument), action against students under the Student Code of Conduct or other applicable disciplinary rules or other appropriate penalties or sanctions.

### **2. What is bullying?**

Bullying for the purposes of this policy is repeated, unreasonable behaviour directed toward a member of the University community that creates a risk to health and safety.

Unreasonable behaviour means behaviour that a reasonable person having regard to all the circumstances would expect to humiliate, intimidate or threaten another person. Such

behaviour can include an individual's or group's actions or practices which humiliate, intimidate or threaten another person.

Bullying can take place between:

- staff members
- a student and a staff member and/or other persons on campus
- students
- a staff member and a student and/or other persons on campus.

Bullying may also amount to unlawful discrimination or harassment as described in the University's Policy on Discrimination and Harassment.

### **3. What are examples of bullying?**

The following types of behaviour, where directed towards the individual and repeated or occurring as part of a pattern of behaviour, may amount to bullying:

- abusive, offensive or demeaning language
- teasing or regularly making a person the brunt of practical jokes/pranks, particularly after they have objected
- spreading derogatory innuendo or rumours about a person
- interfering with or damaging a person's property
- displaying written or pictorial material which degrades or offends an individual
- repeatedly criticising or making comments intended to discredit or undermine a person or devalue their work
- outbursts of anger or aggression
- physical or verbal intimidation or threats
- making phone calls or sending letters or emails that are abusive, threatening or offensive
- threatening a student with low grades or a staff member with dismissal, disciplinary action or demotion without proper justification
- excluding or isolating a member of the University Community
- "ganging up".

This list is not exhaustive. Other types of behaviour may also constitute bullying.

It is not bullying for a lecturer or supervisor to deal with complaints from others, to provide guidance, to suggest ways of improving performance, to institute proceedings for poor performance, misconduct, dismissal or exclusion within the framework of the University's policies.

### **4. Prevention strategies**

In the interests of preventing incidents of bullying, the University may institute any number of measures, including but not limited to:

- (i) encouraging and supporting managers and supervisors to develop positive environments for study and work;
- (ii) providing timely information to all members of the University community;
- (iii) providing education and training (which includes dissemination of this statement); and
- (iv) instituting public awareness campaigns on campuses on a periodic basis.

## **5. The role of managers, supervisors and staff members**

If issues of bullying do arise in their areas of responsibility, managers, supervisors, and staff members should take all reasonable steps to deal with them promptly and to prevent a recurrence of the problem and should deal with complaints of bullying in accordance with the University's staff and student grievance management policies.

### **PART B WHAT CAN YOU DO IF YOU BELIEVE YOU ARE BEING BULLIED?**

If you feel that you are being bullied, there is action which you can take that may resolve the problem.

#### Complaints Procedures

The University has grievance management policies for staff and students. Complaints of bullying where the person being bullied is a:

- staff member should be dealt with in accordance with the grievance management policy applicable to staff members; and
- student should be dealt with in accordance with the grievance management policy that applies to students.

The procedures outlined in the grievance management policies do not in any way diminish the rights of a complainant to seek access to an external authority, established under anti-discrimination legislation.

#### Practical Steps

As a practical matter, staff members and students should also be aware of the following:

- Do not ignore circumstances where you feel you are being bullied, thinking it will go away. Ignoring the behaviour could be taken as tacit approval by the person committing the bullying.
- Where you feel comfortable ask the person to stop, or make it clear that you find the behaviour offensive or unwelcome. Maybe the alleged bully is not aware that her/his behaviour is intimidating or unwelcome and will stop once they are told.
- You may speak to your nominated supervisor (in the case of staff) or your Head of School (in the case of students) or in either case a discrimination and harassment adviser as soon as possible after the incident or incidents have occurred. You may approach any of these people in the first instance to seek confidential guidance on bullying matters. Where the grievance concerns your nominated supervisor or Head of School, you may speak to the supervisor's manager (in the case of staff) or the Dean of the Faculty in which you are studying (in the case of students).
- If you consider it appropriate to do so, you could raise a grievance with your nominated supervisor (in the case of staff) or with the Head of School (in the case of students). Where the grievance concerns your nominated supervisor or Head of School, you could raise the grievance with your supervisor's manager (in the case of staff) or the Dean of the Faculty in which you are studying (in the case of students).
- Whilst you may feel the need to tell a trusted friend or work colleague about the matter, you should be careful. Accusations of bullying can harm the reputation of those involved and could ultimately lead to an action for defamation. Do not allow rumours to spread.

- If you require confidential counselling or other psychological support related to an experience of bullying, you may contact the Employee Assistance Scheme (in the case of staff) or an ACU Student Counsellor (in the case of students).

The University will take whatever action it considers appropriate if there has been bullying, including disciplinary action (which could include dismissal under the relevant industrial instrument) or action against students under the Student Code of Conduct or other applicable disciplinary rules.

The University views untruthful or dishonest conduct in relation to a complaint (including vexatious complaints from a grievant) to be a very serious matter which may result in disciplinary action (which could include dismissal under the relevant industrial instrument) or action being taken against students under the Student Code of Conduct or other applicable disciplinary rules.

## **6. Policy Review**

The University may make changes to this policy from time to time. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to the Director, Human Resources.

## **7. Further Assistance**

### Staff

Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor. Should further policy advice be needed, staff members should contact the Human Resources Consultant responsible for their campus.

### Students

Any student who requires assistance in understanding this Policy should first consult their Head of School. Students seeking further advice should contact the ACU Student Counselling Services Office responsible for their campus.