



Version - 190314

Policy and Procedure – Student health, safety and wellbeing

Rational

The welfare and safety of Acknowledge Education’s students, staff and visitors is the priority in any situation. All members of the Acknowledge Education community should be able to study and realise their full academic potential in a safe and supported environment, both on campus and online.

Objectives

This policy and the attached procedures provide a framework to ensure that contractors, volunteers, staff and students are safely able to conduct their work, learning and other activities.

Acknowledge Education’s Responsibilities

1. To encourage all staff and students to adopt and maintain safe and healthy work practices with a view to preventing injuries and protecting the physical and mental health of every person involved with Acknowledge.
2. To ensure, as far as reasonably practicable, that Acknowledge Education is providing work and study environments which are safe and free from risks to health for staff, students, contractors and volunteers.
3. To ensure compliance with relevant legislation, regulations and Acknowledge’s policies.
4. To provide infrastructure and fittings which are fit for purpose and pose no risk to health and safety.
5. To plan and practise a systematic response to emergencies that might impact on the health or safety of all members of the Acknowledge Education community.
6. To provide culturally safe teaching and learning spaces as an essential part of caring for students’ mental health and wellbeing.
7. To provide support to those students identified as being at risk of developing mental health problems through the timely use of support services.
8. To support students and staff who have been affected by an incident or a student’s distress.
9. To foster a working and learning environment that is free from bullying and harassment, including sexual harassment.



10. To maintain effective complaint and grievance procedures based on the principle of procedural fairness.

The following policy and procedures are used to support this policy:

- A. Student Code of Conduct
- B. Complaints and Appeals (Non-Academic)
- C. Staff Complaints and Grievance
- D. Students Bullying and Harassment
- E. Prevention of Sexual Harassment
- F. Online Safety

Bullying and Harassment Procedures

Rationale

This procedure provides guidelines regarding what behaviours, practices or processes may constitute discrimination, harassment, bullying, vilification or victimisation. Acknowledge Education will not tolerate such behaviours and it will investigate any reported grievance.

Definitions

Acknowledge Education actively seeks to eliminate any discrimination, harassment, bullying, vilification or victimisation that is related to the following attributes, as defined within Commonwealth and State legislation.

Attributes:

- Sex
- Relationship status
- Pregnancy, or potential pregnancy
- Parental status
- Breastfeeding
- Age
- Race, including colour, national extraction, nationality, national or ethnic origin and immigration status
- Disability or impairment
- Religious belief or religious activity
- Political belief or activity
- Trade union activity
- Lawful sexual activity
- Gender identity
- Sexuality
- Intersex status
- Social origin
- Criminal record
- Family or carer's responsibilities
- Association with, or relation to, a person identified on the basis of any of the above attributes

Vilification on the grounds of race, religion, sexuality or gender identity is also unlawful.

Discrimination: less favourable treatment, or proposed less favourable treatment of a person on the basis of an attribute.



Direct discrimination: This occurs on the basis of one (or more) of the above attributes, if a person treats or proposes to treat, a person with an attribute less favourably than another person without the attribute is, or would be treated, in circumstances that are the same or not materially different.

Indirect discrimination: This occurs on the basis of one (or more) of the above attributes, if a person imposes or proposes to impose, a term –

- with which a person with an attribute does not or is not able to comply; and
- with which a higher proportion of people without the attribute comply or are able to comply; and
- that is not reasonable.

Whether a term is reasonable depends on all relevant circumstances of the case, including for example –

- the consequences of failure to comply with the term; and
- the cost of alternative terms; and the financial circumstances of the person who imposes, or proposes to impose, the term.

It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination. ‘Term’ includes condition, requirement to practice whether or not written.

Harassment and/or bullying: behaviour towards an individual or group of individuals, that may or may not be based on the attributes mentioned above and could be defined as the repeated less favourable treatment of a person by another or others, which may be considered unreasonable and inappropriate.

It can include behaviour that intimidates, offends, degrades or humiliates in circumstances where a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated by the conduct. Harassment and or bullying often involves misuse of power and may occur between people of any gender. It can also occur between supervisor and staff, co-workers, students and between students and staff.

Harassment and or bullying may be subtle or overt and includes, but is not limited to, the following forms of behaviour:

- Abusive and offensive language or shouting
- Constant unreasonable criticism about work or academic performance, often about petty or insignificant matters
- Deliberate exclusion, isolation or alienation of a staff member or students
- Allocation of humiliating or demeaning tasks, or sabotaging a person's work
- Setting of impossible deadlines with unrealistic expectations of work
- Spreading gossip or false and malicious rumours with an intent to cause harm to a person
- Sarcasm or ridicule
- Threatening gestures or actual violence
- Inappropriate comments about personal appearance
- Electronic harassment such as through email, SMS, or social media platforms and sites
- Hazing or bastardisation (such as harmful or humiliating initiation rituals)

A reasonable and lawful direction of a supervisor will not constitute harassment/bullying for the purpose of this policy.

Appropriate provisions of guidance, conducting performance counselling, invoking diminished performance procedures, unsatisfactory performance procedures or misconduct procedures does not constitute harassment. Managers and lecturers are expected to offer constructive and legitimate



advice and comment as a legitimate aspect of their role.

Sexual Assault and Harassment: Refer to the Prevention of Sexual Harassment Procedures.

Victimisation: when a person does an act, or threatens to do an act against a person because:

- They have made a complaint (complainant), or are associated with a person who has made a complaint, under this procedure, or
- They have had a complaint made against them (respondent), or are associated with a person who has had a complaint made against them, under this procedure.

Acknowledge Education will not tolerate victimisation of a complainant, respondent or person legitimately associated with the resolution of a grievance.

Scope

This procedure covers all staff and students of Acknowledge Education who are engaged in Acknowledge Education-related activity either on campus property or off-campus. This includes volunteer workers or any other person whose workplace health and safety might be affected by the legitimate activities of Acknowledge Education.

Grievance Procedures and Reporting

Staff and students who wish to report any of the above-mentioned behaviour, practices or processes, may seek resolution through the *Staff Complaints and Grievance Policy* or the *Complaints and Appeals Policy and Procedures (Non-Academic)*.

Where a complaint is made regarding discrimination, harassment, sexual harassment, and/or workplace bullying the supervisor or manager should refer to the relevant staff or student grievance resolution procedure.

If the alleged behaviour involves actual or threatened physical assault, it may be referred by the CEO or course coordinators, or by the registrar or nominee, to the police.

Confidentiality

Acknowledge Education expects that all parties involved will treat all complaints confidentially and will make every attempt to resolve the problem at the lowest possible level.

If the matter is deemed to be of a particularly serious nature there will be limits to the confidentiality as staff may need to consult a more senior staff member or seek advice from an appropriate source.

Other Avenues for Resolution

These procedures do not pre-empt, limit or delay the parties' rights to pursue other avenues for resolution of grievances where applicable, such as by directing an application to the Fair Work Commission, the Australian Human Rights Commission or the Victorian Equal Opportunity and Human Rights Commission.

Prevention of Sexual Harassment Procedures

Rationale

Acknowledge Education is committed to providing a safe and respectful working and learning environment that supports the rights of all persons in Acknowledge Education's community to work and study in a safe environment, free from sexual harassment.



Scope

This procedure covers all staff and students of Acknowledge Education who are engaged in Acknowledge Education-related activity either on campus property or off-campus. This includes volunteer workers or any other person whose workplace health and safety might be affected by the legitimate activities of Acknowledge Education.

What constitutes sexual harassment

Sexual harassment is any unwanted, unwelcome or uninvited behaviour or conduct of a sexual nature, which makes a person feel offended, humiliated and/or intimidated, where that reaction is reasonable in the circumstances. Sexual harassment can take many forms and may be obvious or indirect, physical or verbal. It also includes behaviour and conduct which creates a sexually hostile or intimidating environment and it may include:

- Staring or leering;
- Unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching;
- Suggestive comments or jokes;
- Intrusive questions or statements about your private life;
- Displaying posters, magazines or screen savers of a sexual nature;
- Sending or sharing sexually explicit emails or text messages;
- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites;
- Requests for sex or repeated unwanted requests to go out on dates; and
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment does not have to be repeated or continuous to be against the law. Some actions or remarks can be so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation or compliment, may not be harassment if they are not repeated.

Further, sexual harassment is unlawful even if the person who harassed has no sexual interest in the person being harassed. Conduct may constitute sexual harassment even if the parties involved are of the same sex and regardless of their sexual preference.

Prevention

Sexual harassment can occur in any work-related or educational context, at a campus or facility; Acknowledge Education events, functions or activities; field trips; conferences; practicums; or clinical placements. Acknowledge Education will take all reasonable steps to minimise the risk of discrimination and harassment occurring. Appropriate disciplinary action will be taken against any staff member or student who engages in such behaviour and there might also be legal consequences.

Grievance Procedures and Reporting

All members of Acknowledge Education share the responsibility for appropriate conduct and maintaining a safe working and learning environment free from sexual harassment. Acknowledge Education encourages members of the Acknowledge community to report personal or witnessed incidences of sexual harassment. Acknowledge Education will, as far as practicable, protect any person who makes a sexual harassment complaint against victimisation and reprisals.

All complaints of sexual harassment will be treated seriously, investigated promptly, impartially and confidentially. Acknowledge Education will treat all sexual harassment complaints in a sensitive, fair,



timely and confidential manner.

Sexual assault is any type of sexual contact or behaviour that occurs without the explicit consent of the recipient. Consent means a person must freely (without coercion, force, intimidation or any other means) agree to the activity.

Examples of sexual assault include:

- Unwanted touching, hugging or kissing
- Forced viewing of pornographic content or sexual acts Public exposure
- Sextortion Incest Rape

Sexual assault is a crime and should be reported to the police. Referral or investigation to or by the police will not preclude Acknowledge Education from dealing with the matter through its internal disciplinary procedures.

Online Safety Procedures

Rationale

The purpose of this procedures is to provide guidelines on online safety for students and on mitigating risk of cyber bullying and harassment.

Online safety while studying on the internet

As part of online learning, students will be expected to participate in online discussion and activities with other students. This is an important part of learning and students are encouraged to take up the opportunity to enhance their learning through the proven benefits of social collaboration. Students should take some precautions when learning online and be on guard against identity theft, scamming and harassment. Students should be advised not to post personal information that can be used to identify them personally, such as date of birth, address, telephone number or email account details, in their study-related online spaces or social networking sites. It is also advisable for students not to arrange to meet fellow students in person or communicate with them privately unless they already know and trust that other person.

You should pay attention to the following online safety tips:

- Do not post too much information online
- Be careful when publishing photos online
- Do not freely publish e-mail address
- Make sure that social networking profiles are private
- Do not answer personal questions with too much information when responding to questions over the internet or when using instant messaging, chat rooms or blogs
- Do not choose usernames which reveal gender, location, email address or age
- Be very careful if anyone suggests contact privately outside study activities
- Be very careful about publishing photos online or sending them via phone
- Beware of any email that is not easily identifiable
- Do not click on a link in an e-mail, rather open a browser and type the address
- Professional scammers exist who may try to use a legitimate study activity as a cover for their activities
- If anyone asks you for money, bank details or similar, cease all contact with that person

Cyber bullying



Cyber bullying is bullying that is done using technology. For example, using the internet, a mobile phone or a camera to hurt or embarrass someone is considered cyber bullying.

Students should pay attention to the following online safety tips:

- Do not share private information like password, name and address, phone numbers with strangers, including sharing of photos of yourself, your friends and your family
- Do not respond to messages when you are angry or hurt
- Log out and stop messaging if you feel that you are being harassed
- Remember you have the option to block, delete and report anyone who is harassing you online or on their mobile phones
- Find out how to report bullying and harassment on each of the different social networks that you use
- Keep a record of calls, messages, posts and e-mails that may be hurtful or harmful
- Remember to set up your privacy options on social networking sites like Facebook

You are encouraged to contact Acknowledge Education if anyone tries to bully, harass or make inappropriate suggestions to you. It is also important to know that each state and territory in Australia has different laws for bullying.

There are a number of websites which you can access to find out more about online safety:

- <http://www.staysmartonline.gov.au/>
- <http://www.cybersmart.gov.au/>
- <http://www.acma.gov.au/Citizen/Stay-protected>

There are also other services available for you if you have been bullied or witnessed others been bullied and need help:

- Kids Help Line (1800 55 1800) is a free and confidential, telephone counselling service for 5 to 25 year olds in Australia. <http://www.kidshelp.com.au/>
- Lifeline (13 11 14) is a free and confidential service staffed by trained telephone counsellors. <http://www.lifeline.org.au/>
- The Australian Human Rights Commission (1300 656 419) has a complaint handling service that may investigate complaints of discrimination, harassment and bullying http://www.humanrights.gov.au/complaints_information/index.html/



Document approval

Endorsed by: Board of Directors

Date endorsed: 13/12/2017

Effective date: 14/12/2017

Version number: 190314

Last amendment date/by:

Review due date: 01/01/2020

Responsibilities: All Staff

Contact: Compliance Manager
(e) b.saporta@ae.edu.au
(p) (03) 9663 3399

Document change and review log

Date	Version	By	Notes
171106	171106	VTan	Draft complete
1711101	171101	ABennett	Draft reviewed. Ready for Board and AB approval
171106	171106	BSaporta	Reformatted
171214	171214	Bsaporta	Approved by Board
190314	190314	Bsaporta	Include definition of sexual assault