

## Bullying and Harassment (Students) Policy and Procedure

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### 1. Purpose

- 1.1. AFTRS is committed to providing a safe and healthy working environment and recognises that bullying, and harassment have an adverse impact on students and wellbeing. We have a shared responsibility to create a respectful, inclusive, and courteous learning and working environment, where everyone feels able to bring their full selves to their study. A sensitive and holistic approach to supporting students allows them to remain at the School during a difficult time.
- 1.2. The purpose of this policy and procedure is to:
  - ensure AFTRS maintains a productive environment in which everyone is treated fairly, is safe, valued, and recognised, and where all students can work harmoniously together.

## 2. Scope

- 2.1. This policy and procedure apply to all AFTRS award course students. It applies to behaviours that occur:
  - in connection with study, even if it occurs outside normal hours.
  - during AFTRS activities, for example when in production or master classes.
  - at AFTRS events, for example at AFTRS-related social functions; on social media where students interact with each other, and their actions may affect them either directly or indirectly.
  - when students are studying from home or in another location.
  - In both the physical AFTRS space and AFTRS online space.
- 2.2. Staff should refer to the Workplace Bullying and Harassment Policy and Procedure – Staff.
- 2.3. For any matter involving interactions between AFTRS Staff and Students, both policies may be applied.

## 3. Policy Statement

- 3.1. AFTRS is committed to providing a learning and working environment in which all students are treated with dignity and respect, where there is a clear understanding of what is and is not bullying behaviour, where bullying and harassment of any kind will not be tolerated, and where all students can be healthy and productive.
- 3.2. We value the diversity of our student population and value the differences between all students, recognising that each person has individual talents and skills to bring to their studies and productions. We acknowledge that everyone has different lived experiences.
- 3.3. We believe that all students are entitled to work in an environment in which they can enjoy their studies and their relationships with their colleagues, free from workplace bullying and/or harassment of any kind.
- 3.4. Research demonstrates some people are more likely to experience unlawful behaviours due to the intersecting forms of discrimination they face. AFTRS commits to acknowledging and addressing systemic power imbalances to ensure safe avenues of reporting for all students.
- 3.5. Any complaint of bullying and/or harassment will be dealt with promptly and fairly in accordance with the AFTRS Student Misconduct procedures (within the Student Handbook). The preferred method to first address concerns is informal and local, only escalating it to a formal process where necessary. Substantiated formal claims of bullying and/or harassment may result in disciplinary action. Any bullying and/or harassment involving or threatening violence may be reported to the police.
- 3.6. AFTRS encourages all people to raise legitimate issues of bullying and harassment. AFTRS Employees have a responsibility to ensure that students who make complaints, witnesses, or those who have complaints made against them are not victimised.
- 3.7. All students involved in bullying and/or harassment complaints will be treated with respect and offered support. Student needs will be considered on an individual basis.
- 3.8. All reports of alleged bullying and harassment will be treated confidentially, respecting the privacy of all involved.

### What is Not Appropriate Behaviour at AFTRS?

- 3.9. **Unreasonable behaviour** is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening. A single incident of unreasonable behaviour can also present a risk to health, wellbeing, and safety and, therefore, will not be tolerated at AFTRS.

- 3.10. **Bullying** is defined as repeated and unreasonable behaviour directed towards a student or a group of students that creates a risk to health and safety. Examples of behaviour, whether intentional or unintentional, may be bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:
- Abusive, insulting, or offensive language or comments.
  - Unjustified criticism or complaints.
  - Deliberately excluding someone from activities as part of a course or related to a course.
  - Spreading misinformation or malicious rumours.
- 3.11. **Violent Behaviour** is behaviour that involves violence or the threat of violence. If any incidence of inappropriate w behaviour involves violence, for example physical assault, or the threat of physical assault, it may be reported to the police.
- 3.12. **Discrimination and Sexual Harassment** is unlawful behaviour under anti-discrimination and human rights laws.
- 3.12.1. Discrimination occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people. For example, it would be discriminatory to exclude a student from a group activity because they have a disability.
- 3.12.2. Sexual harassment is associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature. Please refer to the AFTRS Sexual Harassment Prevention and Response Policy and Procedure - Students.

#### What is not considered to be workplace bullying and/or harassment?

- 3.13. Reasonable action taken in a reasonable way: it is reasonable for AFTRS teaching staff to allocate work and to give fair and reasonable feedback on a student's performance. These actions are not considered to be bullying and/or harassment if they are carried out lawfully and in a reasonable, constructive manner.
- 3.14. Examples of reasonable staff action include, but are not limited to:
- setting reasonable goals, standards, and deadlines.
  - directing specific duties or roles be performed and in certain ways.
  - deciding not to select a student for a role where a reasonable process is followed.
  - informing a student about unsatisfactory work performance in an honest, fair, and constructive way.
  - informing a student about inappropriate behaviour in an objective and confidential way.
  - taking disciplinary action as outlined in the AFTRS Student Handbook.
- 3.15. Conflict is differences of opinion and disagreements and are generally not considered to be bullying and/or harassment. People can have differences and disagreements without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, conflict that is not managed may escalate to the point where it meets the definition of bullying and/or harassment.
- 3.16. If you are unsure whether an incident constitutes bullying and/or harassment, please reach out to Student Centre or a Safe Conversation Officer to discuss further.

## 4. Procedure

### Early Intervention

- 4.1. Early intervention refers to the practice of assisting and supporting students to address local issues informally before they escalate. Strategies include but are not limited to:
- providing training to students and staff on respectful, inclusive culture and our expectations.
  - providing training to students and staff on giving and receiving feedback.
  - providing training on diversity, belonging and inclusion topics to ensure that we are fostering a respectful and culturally safe learning environment.
  - ensuring we have effective two-way feedback mechanisms in place.
  - Providing training to students on the mechanisms in place to report or discuss suspected bullying and/or harassment.

## Informal Resolution

- 4.2. The most effective resolutions generally occur at the local level through informal discussion and this approach is encouraged wherever possible.
- 4.3. If you feel that you are being bullied or harassed, and if you feel comfortable and safe to do so, consider telling the person to stop, that their behaviour is unacceptable and why you believe it is, and that you do not want them to do it again. You may do this face-to-face or to make the statement in writing.
- 4.4. If you feel unable to approach the person directly or in writing, ask Student Centre to be present and support you while you speak to the person. Brief them clearly about the circumstances, what behaviours you find inappropriate, when and where it occurs, and why you consider it is unacceptable.
- 4.5. If you do not feel safe or comfortable in addressing the person directly, please discuss with Student Centre or a Safe Conversation Officer. Students should refer to the Student Grievances and Complaints Policy & Procedure for more information.

## Formal Resolution

- 4.6. If the behaviour does not stop or you feel uncomfortable with an informal approach, bullying and harassment or any kind is a breach of the AFTRS Student Code of Conduct, formal misconduct complaint mechanisms are available. Complaints will be investigated in a fair way.
- 4.7. To lodge a formal complaint, Students should refer to the Student Grievances and Complaints Policy & Procedure for more information. If you are unable to or uncomfortable to make the complaint in writing, speak with Student Centre and accommodations can be made to record the complaint via video and/or audio recording, or via a note taker.

## Privacy

- 4.8. Complaints of bullying and/or harassment will be investigated with as much privacy for all involved individuals as is possible. Information about the report will only be given on a “need to know” basis. It must be remembered that both the respondent and the complainant have a right to confidentiality and a breach of this may result in disciplinary action as a breach of the Student Code of Conduct or external defamation action.

## What can you do if you see someone being bullied or harassed?

- 4.9. If the victim asks a fellow student, they can choose to act as a witness if they decide to make a complaint and back them up.
- 4.10. Support the victim in saying “no” to the alleged perpetrator where possible. However, the student should remember it is not their responsibility to say anything to the alleged perpetrator and that if they spread rumours about anyone, they may be in breach of AFTRS Student Code of Conduct and subject to subsequent disciplinary action.
- 4.11. It is important to remember that in a situation where a peer is confiding in another student - they are not a trained professional and can seek help elsewhere. Offer support to the victim where appropriate, refer them to a Safe Conversation Officer or Student Centre for a discussion. If a peer does confide in another student, that person must maintain appropriate confidentiality. Where a person is concerned for their peer’s health and safety, they should speak to the Student Centre or Director, People and Culture.

## External Authorities

- 4.12. A student who reasonably believes they have been bullied at AFTRS may apply to external bodies to raise a complaint. Students should refer to the Student Grievances and Complaints Policy & Procedure for more information.

## Actions After Reports of Bullying and/or harassment are Resolved.

- 4.13. After a report of bullying and/or harassment is resolved there should be a follow-up review to check the health, wellbeing and safety of the parties involved, to offer support and to find out whether actions taken have been effective. These may include:
- offering professional counselling or mediation.
  - providing mentoring and support from an AFTRS staff member.
  - monitoring behaviours of the affected group.
  - Regular check ins with the Student Centre.

## Monitoring and Review

- 4.14. Once control measures have been implemented, they should be monitored and reviewed to ensure they are effective in managing the risk of bullying and/or harassment. If the control measures do not work, the situation should be analysed further to determine how to fix the problem.
- 4.15. After addressing a specific bullying and/or harassment issue, AFTRS will also examine the situation to identify and address any underlying factors that may increase the risk of bullying and/or harassment. For example, review the systems and the effectiveness of procedures and training.
- 4.16. Keeping records on reports of bullying and/or harassment and actions taken as recommended above can be useful in analysing trends to help prevent bullying and/or harassment from recurring in the future. Records should remain confidential.

## 5. Responsibilities

- 5.1. The **Chief Executive Officer (CEO)** has the primary duty of care under the [WHS Act 2011](#) to ensure, so far as is reasonably practicable, that students are not exposed to health and safety risks arising from the business or undertaking. This includes health and safety risks from bullying and/or harassment. The CEO is also responsible for initiating and determining formal misconduct proceedings as appropriate. The CEO also has responsibility under the *Higher Education Standards Framework* to promote and foster a safe environment for its students.
- 5.2. **Executives are “Officers”** for the purposes of the WHS Act 2011 and are required to exercise due diligence in relation to ensuring the health and safety of students. Executives must also role model positive and productive professional communication and behaviour, ensuring that bullying and/or harassment of any kind is not tolerated, and ensure appropriate policies and processes apply.
- 5.3. **AFTRS Teaching Staff and student-facing non-academic staff** are responsible for:
- promoting an environment free of bullying and/or harassment.
  - ensuring students are aware they can raise any behavioural issue with their lecturer or Student Centre in the first instance.
  - ensuring students are aware that bullying and/or harassment will not be tolerated.
  - taking immediate action to stop bullying and/or harassment if they observe it.
  - responding promptly and fairly to any reported complaints in accordance with AFTRS Student misconduct procedures. (Relevant Staff only)
  - mediating the complaint through informal procedures if requested and appropriate. (Relevant Staff only)
  - ensuring complainants are not victimised because of making a complaint.
  - ensuring those about whom a complaint is made are not victimised, and
  - ensuring they do not reward or engage in bullying or harassing behaviour themselves.
- 5.4. **Students** are responsible for:
- ensuring they understand and comply with the AFTRS policy in relation to bullying and/or harassment.
  - always treating others fairly and with respect.
  - not condoning bullying and/or harassment of any kind.
  - reporting instances of bullying and/or harassment where there is evidence.
  - attempting to address matters locally first and only discussing the matter with those who legitimately need to know when safe and appropriate to do so.

## Reporting

- 5.5. No additional reporting is required.

## Records management

- 5.6. All records relevant to administering this policy and procedure will be maintained by the Policy and Governance Officer.

## 6. Definitions

- Bullying:** is defined under the *Fair Work Act 2009* as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. It includes direct and indirect workplace bullying. Workplace bullying does not include reasonable management action and generally doesn't include differences of opinion or disagreements. A single incident of unreasonable behaviour can also present a risk to health and safety and, therefore, will not be tolerated at AFTRS.
- Harassment:** is defined as behaviour that has the effect of offending, humiliating, or intimidating the person at whom it is directed. There are many types of harassment. These can range from direct forms, such as abuse, threats, name calling and sexual advances, to less direct forms, such as where a hostile work environment is created, but no direct attacks are made on an individual.
- Harassment of any kind may include:
- Physical Harassment:** includes (but not limited to) unwelcome physical contact; indecent or sexual assault; removing or undoing clothing.
- Non-verbal harassment:** includes (but not limited to) offensive material on screensavers, emails etc, following someone home from work, unwelcome practical jokes, crude hand, or body gestures.
- Verbal harassment:** includes (but not limited to) sexual comments or advances, lewd jokes, or innuendo, spreading rumours, repeated personal questions, racist/sexist/homophobic comments or jokes, comments or jokes about a person's age, gender, sexual orientation, transgender status, marital status, religion, culture, political opinion, or union affiliation.
- Intersecting forms of discrimination:** are the multiple and overlapping forms of discrimination that a person may experience because of their identity which puts them at a higher risk of being discriminated against. Intersectional factors can also exacerbate a person's experience of unlawful behaviour. For example, they may experience behaviour such as racial harassment in combination with other discriminatory behaviour, such as disability discrimination.
- Protected Attributes:** Are the characteristics of a person on the basis of which discrimination and harassment is prohibited at AFTRS. These attributes include (but are not limited to):
- Age.
  - Breast feeding.
  - Disability or mental health condition.
  - Experiencing family and domestic violence.
  - Family or carer's responsibilities.
  - Gender identity
  - Indigeneity
  - Marital or relationship status
  - Political belief or activity
  - Pregnancy and potential pregnancy
  - Race (including colour, nationality, ethnicity, ethnic or social origin)
  - Religious belief or activity
  - Sex and intersex status
  - Sexual orientation
  - Personal association with a person who is identified by reference to any of the above attributes.

## Definitions continued

- Reasonable action:** is action taken by teaching staff to direct and control the way work and study is carried out and is not workplace bullying if the action is taken in a reasonable and lawful way.
- Repeated behaviour:** is the persistent nature of the behaviour. It does not need to be repeated examples of the same. behaviour but can refer to a range of behaviours over time.
- Unreasonable behaviour:** means behaviour that is victimising, humiliating, intimidating, or threatening.
- Students:** this includes anyone currently enrolled in an AFTRS Award Course Offering.

## 7. Related Legislation and Documents

- AFTRS Student Handbook
- *Fair Work Act 2009*
- *Higher Education Provider Guidelines 2023*
- *Higher Education Standards Framework (Threshold Standards) 2021*
- *Higher Education Support (HESA) Act 2003*
- *Privacy Act 1988*
- *Tertiary Education Quality and Standards Agency Act 2011*
- *Work Health and Safety Act 2011 (Cth)*
- *Work Health and Safety Act 2011 (NSW)*

## 8. Approval and Review Details

Approval and Review	Details
Approval Authority	CEO
Responsible Officer	Director, People & Culture
Contact Officer	Head of Student Centre
Distribution	BaseCamp and AFTRS website Staff and Student facing
Next Review Date	<i>01/04/2027</i> <i>The Policy documents will be reviewed every three years from the effective date, or earlier or later, dependant on external factors such as legislative reform, <b>unless</b> another review schedule is required. For example, documents that align with Student Handbook, which are reviewed annually.</i>

Approval and Amendment History	Details
Original Approval Authority and Date and relevant amendments details	CEO (Jo Herron Acting CEO) 15 April 2024 <i>[This displays the date the Policy Document received approval from the approval authority. The Policy and Governance Officer will add the date]</i> <i>The 'Original' date refers to the approval of either,</i> <i>(1) a new policy doc, i.e., v1.0, or</i> <i>(2) the comprehensive/scheduled review of an existing policy and procedure</i> <i>This section does not capture Minor Amendment approval dates. They are recorded below]</i>

Amendments History and Dates	N/A – as new Policy and Procedure <<DD/MM/YYYY –Amendment detail; DD/MM/YYYY–Amendment detail >> [Include the previous approval authority approval dates and corresponding amendment detail. This section will expand over time. In the case of a brand-new policy doc, insert N/A]
Notes	N/A [If relevant, add special notes to alert readers about the document/s this one replaces. For example: “This document consolidates and replaces X Policy, Y Procedure and the Z Procedure”; or “This document replaces X Policy, X Procedure.”]
Minor Amendment Approval and History	N/A <<DD/MM/20YY – Xxxxx>> <ul style="list-style-type: none"> <li>• <b>[A minor amendment consists of an administrative edit made to the document or a change that is not material to the document.</b></li> <li>• <b>The Responsible Officer can approve a minor amendment.</b></li> <li>• Insert the date that the Responsible Officer approved the minor amendment along with the details of the amendment (E.g., “01/12/2020 –administrative amendment: update of role titles aligned to restructure” or insert, if not relevant, N/A</li> <li>• <b>[If making a minor amendment, <u>do not</u> amend details in the Original Approval Authority section nor amend the version number, <b>only replace the new minor amendment approval date to the file]</b></b></li> </ul>

AFTRS acknowledges its reference to the University of Melbourne’s Guidelines for Drafting Policy (June 2013) in developing this template.