

BULLYING POLICY

1 PURPOSE

- 1.1 University College (the **College**) recognises that all Residents, and Workers have the right to be treated with respect and dignity and to study, live and work in a safe and healthy environment that is free from bullying. The College is committed to providing an environment that is safe, inclusive and respectful, and promotes the wellbeing and thriving of their Residents and Workers.
- 1.2 The College expressly prohibits bullying. It is unacceptable and unlawful and will not be tolerated at the College and may expose the perpetrator and the College to legal liability. The College's systems and practices support fair treatment.
- 1.3 It is the obligation and responsibility of the College and every Resident and Worker of the College to seek to ensure that the College is free from bullying.
- 1.4 Occupational health and safety and employment legislation (Workplace Legislation) impose legal obligations on the College and its Workers in relation to safety and bullying in the workplace. Bullying creates an unsafe workplace and may amount to a breach of Workplace Legislation. It can also be a criminal offence in some circumstances.
- 1.5 This Policy sets out what constitutes bullying and outlines the College's commitment and approach to responding to reports of this type of conduct. It details what you can do if you are a Resident or Worker at the College and you experience bullying, and the procedure the College has implemented to seek to ensure that reports are dealt with appropriately and as soon as practicable.

2 SCOPE

- 2.1 This Policy applies to all Residents and Workers of the College.
- 2.2 The College will treat any report of bullying seriously and will deal with a report as appropriate in each case. Disciplinary action may be taken against anyone found to have engaged in conduct amounting to bullying or anyone who is otherwise in breach of this Policy.

3 WHAT IS BULLYING?

- 3.1 Bullying is defined as repeated unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety.
- 3.2 Bullying includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine, isolate, or threaten. Bullying can be physical but can also be verbal, social, or psychological. Conduct that creates a risk to a person's physical or mental health or safety may constitute bullying. Bullying also includes messages, statements and behaviour online (known as cyber-bullying).
- 3.3 Bullying is not always intentional. Sometimes, persons do not realise that their behaviour can be harmful to others. However, that does not mean it is not bullying. Bullying can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it happening.

- 3.4 A single isolated incident does not constitute bullying. However, a single incident might still constitute misconduct or other improper conduct justifying disciplinary action against the perpetrator. Bullying can happen in person or online via digital platforms and devices.

4 EXAMPLES OF BULLYING?

- 4.1 Examples of conduct that may constitute bullying are set out below:

- (a) aggressive and intimidating conduct;
- (b) belittling or humiliating comments;
- (c) physical assault or threats;
- (d) excluding or isolating workplace participants;
- (e) yelling, screaming or verbal abuse;
- (f) practical jokes or initiation rites;
- (g) assigning meaningless tasks that are unrelated to the job;
- (h) teasing, sarcasm or insults;
- (i) deliberately withholding information that is vital for effective work performance;
- (j) psychological harassment;
- (k) constant and unwarranted unconstructive criticism, and/or nit-picking;
- (l) speaking rude, inaccurate and malicious rumours;
- (m) unreasonable undermining conduct;
- (n) oppression of ideas; and
- (o) intimidation.

- 4.2 These are just examples and there are many other types of conduct that may constitute bullying.

5 WHAT IS NOT BULLYING?

- 5.1 Reasonable performance management, low level disagreement or differences of opinion and reasonable job requirements are not bullying.

- 5.2 Examples of conduct that may not constitute bullying are set out below:

- (a) setting performance goals, standards and deadlines;
- (b) counselling and warnings if performance standards or job requirements are not met;
- (c) providing and giving genuine and reasonable instructions;
- (d) giving constructive feedback and counselling;
- (e) taking remedial measures to improve performance;
- (f) reasonable comment, advice or administrative action (including negative feedback) from an academic or Worker on work, academic performance or behaviour;
- (g) the allocation of work in compliance with systems;
- (h) conflict or differences of opinion between individuals; and
- (i) making operational changes or restructuring.

- 5.3 The College has the right to require performance standards and job requirements to be met and to take reasonable action including disciplinary action against employees in cases where these standards and requirements are not met. This is not bullying.

6 VICTIMISATION

- 6.1 A person must not victimise another person for making a complaint or being involved in a complaint (e.g. as a witness or support person) of bullying. Victimisation is unlawful and may expose the perpetrator and the College to legal liability.
- 6.2 Examples of conduct that may constitute victimisation include a Resident sending rude and aggressive notes to another Resident because that Resident has complained about the behaviour of a friend of theirs or a senior Worker humiliating another Worker because that Worker gave evidence in support of a colleague in relation to a complaint against the senior Worker.
- 6.3 Any person who victimises another person may be subject to disciplinary action in accordance with this Policy.

7 REPORTING TO THE COLLEGE

- 7.1 You are not expected to put up with bullying from any person in the College. If you feel you have been bullied, you should not ignore it. Residents and Workers are encouraged to notify the College as soon as possible so that the College can:

- (a) provide support and pastoral care; and
- (b) take steps to prevent immediate or ongoing risks to the health, safety or wellbeing of any person in the College.

7.2 Residents

- (a) The Dean of Students is your first point of contact if you have an issue relating to bullying. Even if you do not know whether you intend to make a formal complaint, the Dean of Students is available to discuss any issue relating to bullying with you.
- (b) The Dean of Students will explain the options that are available and the steps that may be taken to address the issue. This may include but is not limited to making a formal complaint.

7.3 Workers

- (a) Workers should first report any matters of concern to their direct line manager.
- (b) Where this is not appropriate, where the person making a report does not feel comfortable, or where a Worker has made such a report but no action has been taken within a reasonable time, the report can be made to the Commercial Manager.
- (c) Either your direct line manager or the Commercial Manager (as applicable) will explain the options that are available to address your concerns or complaint and the steps that may be taken to address the issue. This may include but is not limited to making a formal complaint.
- (d) Reports that require further investigation will be referred to the Commercial Manager who will report directly to the Head of College on matters relating to this Policy, and who has access to independent advisers as and when required.

7.4 Visitors

- (a) Conduct concerning visitors to the College can be made to the Head of the College, the Dean of Students, Dean of Studies & Deputy Head, or the Commercial Manager.

- 7.5 Reports about the Dean of Students, Dean of Studies & Deputy Head, Commercial Manager, Head of College, Member of the College Council or Chair of the College Council**
- (a) The Dean of Students or Commercial Manager will not deal with complaints about their own behaviours, or the behaviour of the Head of College.
 - (b) If a report involves the Dean of Students or the Commercial Manager, this will be directed to the Head of College for further investigation and further action.
 - (c) If a report involves the Head of College, this will be directed to the Chair of the College Council for investigation and further action.
 - (d) If a report involves a Member of the College Council, this will be directed to the Chair of the College Council for investigation and further action.
 - (e) If a report involves the Chair of the College Council, this will be directed to the Chair of the Governance Committee for investigation and further action.
- 7.6** Your report to the College will be kept confidential as far as is practicable. However, this may limit the actions that the College can take in response. It may not always be possible to maintain confidentiality in cases where the College is required to take appropriate action.
- 7.7** The College has legal obligations in relation to the prevention of bullying, and in some cases, it may be necessary for further action to be taken in relation to the issues raised, even if you do not wish to make a formal complaint. This might be necessary, for example, if the conduct of the subject of a complaint is serious, repeated or widespread, constitutes an occupational health and safety risk or requires disciplinary action.

8 MAKING A FORMAL COMPLAINT

8.1 Residents

- (a) If you wish to make a formal complaint, the Dean of Students may, where necessary, prepare a summary of the complaint. You should review the summary to ensure that you are satisfied that the information which it contains is correct.
- (b) If you make a formal complaint, or the College otherwise considers it necessary in response to the issues you have raised, a formal investigation may be undertaken by the Dean of Students. Not every complaint will merit a formal investigation as the issues raised may be appropriately resolved in other ways.

8.2 Workers

- (a) If you wish to make a formal complaint, the Commercial Manager may, where necessary, prepare a summary of the complaint. You should review the summary to ensure that you are satisfied that the information which it contains is correct.
- (b) If you make a formal complaint, or the College otherwise considers it necessary in response to the issues you have raised, a formal investigation may be undertaken by the Commercial Manager. Not every complaint will merit a formal investigation as the issues raised may be appropriately resolved in other ways.

9 INVESTIGATIONS

9.1 Investigation Process

- (a) The College will determine whether an investigation is necessary in each case and the form that the investigation will take.
- (b) Prior to commencing an investigation, the College may recommend that you and the respondent(s) participate in informal intervention in the form of mediation or conciliation. The College may invite the respondent(s) to mediate or conciliate the complaint and mediation will only occur if you and (at least one of) the respondent(s) agree to participate.

The College may provide a summary of the complaint to the respondent(s) prior to mediation or conciliation. Mediation or conciliation will be facilitated by a person nominated by the College. The informal intervention process will be complete when the parties come to an agreement on a resolution of the complaint.

- (c) The function of the investigator is to investigate impartially and resolve complaints. The investigation may be undertaken by the Dean of Students or Commercial Manager. In some circumstances, where the College considers it appropriate, an Independent Investigator may be engaged to undertake the investigation.
- (d) You will be permitted to have a support person at all stages of the investigation process.
- (e) Depending on the circumstances, the investigation may involve:
 - (i) interviewing you, the respondent and witnesses;
 - (ii) obtaining relevant documents and other evidence; or
 - (iii) making findings as to whether discrimination or other improper conduct has occurred.
- (f) Any investigation will be undertaken impartially and as soon as practicable. Confidentiality will be maintained in that information will only be disclosed by the College to persons involved in the investigation or decision making, or as otherwise considered appropriate by the College to protect the College and its Residents and Workers. Some complaints may not be able to be progressed or investigated fairly if the reporter chooses to remain anonymous in making a complaint or does not want specific details of their complaint shared with the respondent.
- (g) An individual or individuals must not knowingly make a false claim against another or others.

9.2 Possible outcomes

- (a) The possible outcomes will depend on the nature of the complaint and whether it is substantiated.
- (b) Where an investigation has found that a complaint is substantiated, disciplinary or other appropriate action may be taken against the person about whom the complaint was made. This may include suspension or exclusion from the College if the complaint was made against a Resident and/or termination of employment if the complaint was made against a Worker. In less serious cases, other possible outcomes include warnings, counselling, training, and similar measures.
- (c) If a person contravenes Clauses 6 and 9.1(g) (Victimisation or false complaints respectively), then that person may also be disciplined, including suspension or exclusion from the College, or potential termination of employment, as the case, may be.

10 COMMUNICATION AND IMPLEMENTATION OF POLICY

This Policy will be communicated and discussed with staff at the Staff Annual Review and Planning Day in March 2023 and with students at their Semester 1 and Semester 2 Induction. Implementation of the Policy will commence immediately thereafter.

11 FURTHER INFORMATION

- 11.1 Further information relating to bullying may be obtained from the Dean of Students or Commercial Manager.
- 11.2 This Policy will be reviewed annually.

12 DEFINITIONS

Independent Investigator means a third party who is external to the College and is experienced in carrying out investigations.

Respondent means a person against whom allegations of discrimination are made.

Resident means any student or staff residing at the College.

Worker means a representative or agent of the College, an employee, contractor or subcontractor, an employee of a labour hire company who has been assigned to work at the College, an outworker, an apprentice or trainee, a student gaining work experience, a volunteer, or a prospective employee of the College.

APPROVAL AND REVIEW DETAILS

| Approval and Policy Owner | Details |
|--|--|
| Approval Authority | Council |
| Advisory Committee to Approval Authority | Governance Committee |
| Policy Owners | Head of College, Dean of Students and Commercial Manager |
| Next Review Date | February 2027 |

| Version Control | Date Approved | Description of Change |
|-----------------|-----------------|-----------------------|
| V1 | 16 January 2023 | Original |

APPENDIX A: COLLEGE CONTACTS

Dean of Students, DeanOfStudents@unicol.unimelb.edu.au, 0427 275 561

Commercial Manager Commercialmanager@unicol.unimelb.edu.au

Head of College Dr Jennifer McDonald, j.mcdonald@unicol.unimelb.edu.au 0419 381 903