

Bullying and Harassment Policy

Purpose

Mindroom Innovation is strongly committed to providing all its employees, students and contractors with a workplace free from all forms of bullying and harassment. This policy and procedure will outline the types of behaviours which constitute bullying and harassment at the campus, and will define the complaint handling procedure for bullying and harassment in the workplace.

Definitions

Bullying

Bullying is defined as repeated, unreasonable behaviour directed towards a person that creates a risk to an individual's health and safety and is unlawful. Bullying does not include reasonable management action carried out in a reasonable manner.

Reasonable management action carried out in a reasonable manner does not constitute bullying. Reasonable management action may include:

- Disciplinary action for misconduct
- Informing a person of their inappropriate behaviour

Bullying may include the following behaviours:

- Aggressive or intimidating conduct
- Belittling or humiliating comments
- Spreading malicious rumours
- Teasing, practical jokes or 'initiation ceremonies'
- Exclusion from campus-related events
- Displaying offensive material

- Pressure to behave in an inappropriate manner

Bullying is not limited to physical action. We strongly object other form of bullying such as cyber bullying, incitement, deliberate social exclusion and other forms of behaviour that intentionality hurt others.

Harassment

Harassment is defined as behaviour that is directed at an individual or group of individuals which, because of its severity and/or persistence, is likely to create a hostile or intimidating environment and detrimentally affects an individual's participation in employment or education.

Harassment is a form of discrimination. Harassment consists of unwelcome, unsolicited, offensive, abusive, belittling or threatening behaviour directed at an individual or group because of real or perceived attributes such as ethnicity, sexuality, or disability. Harassment is determined by reference to the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances in which a reasonable person would have anticipated the behaviour to be offensive, humiliating or intimidating.

Some examples of harassment may include:

- Offensive or inappropriate physical contact, derogatory language or intimidating actions
- Insulting or threatening gestures or language (explicit or implied)
- Continual and unjustified shouting
- Unjustified and unnecessary comments about another person
- Openly displayed pictures, posters, graffiti or written materials which may be perceived as to be offensive
- Phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to staff, contractors and/or students
- Persistent following or stalking
- The exclusion of a person or group from normal conversations, assignments, social activities and networks

Mindroom Innovation will not tolerate any harassment in any way, shape or form, whether on campus, events or any of its activities.

Much like bullying, harassment can take form online, offline, verbally or other. In this policy we include the following types of communication (although not limiting it to):

- Verbal communication either over the telephone or in person
- Written communication including; letters, notes, minutes of meetings
- Internal and external electronic communication including: Email, Instant messaging services, Internal intranet, Faxes, Social media and networking forums including Facebook, LinkedIn, Twitter and other forms of social media, and Communications via text message.

Sexual Harassment

Sexual Harassment is any unwelcome behaviour of a sexual nature, which makes an individual feel offended, humiliated or intimidated. It may involve a single incident or a series of incidents. The Anti-Discrimination Act of 1991 declares sexual harassment to be unlawful.

Sexual harassment may include:

- Physical contact - e.g. touching, patting, pinching, kissing or embracing someone, deliberately brushing up against someone, sexual assault and rape
- Verbal comments - e.g. insults or taunts of a sexual nature, offensive jokes, suggestive comments about appearance or body, persistently inviting someone out, intrusive questions about a person's private life, requests for sexual favours
- Nonverbal actions - e.g. stares, displays of sexually explicit material such as pictures, videos, offensive body and hand movements, sending sexually explicit emails or text messages, suggestive letters and drawings (including email), indecent exposure, stalking, and inappropriate advances on social networking sites.

If behaviour is unwelcome, is sexually oriented, and occurs where a reasonable person would have anticipated the possibility that a person would have been offended, humiliated or intimidated by the conduct, this constitutes sexual harassment.

Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome, and reciprocated this does not constitute sexual harassment.

Mindroom Innovation's Commitment

We are committed to create a study environment which is free from bullying, harassment and discrimination. We expect our staff, contractors and student to:

- Be polite and courteous to others
- Be respectful of the differences between individuals and their circumstances
- Ensure they do not engage in any bullying and/or harassment behaviour(s) towards others
- Ensure they do not assist, or encourage others to engage in bullying and/or harassment behaviour(s) of any type
- Adhere to the complaint procedure in this policy if they experience any bullying and/or harassment behaviour(s) personally
- Report any bullying and/or harassment behaviour(s) they see happening to others in line with the complaint procedure in this policy
- Keep information confidential if involved in any investigation of bullying and/or harassment

These standards of conduct are intended to operate in addition to, and in conjunction with the Mindroom Innovation's Code of Conduct Policy.

Complaint Handling Procedure

All individuals covered by this policy who believe that they have been subject to actions that may constitute bullying and/or harassment should act in line with the following procedure.

Those individuals who believe they have witnessed bullying and/or harassment behaviour by another individual are also able to make complaints following the procedure defined below.

Amicable Resolution

In the first instance, the aggrieved person should, wherever practicable and if they feel comfortable doing so, attempt to amicably resolve the matter with the alleged individuals who engaged in bullying and/or harassment. When confronting the issue, the individual should clearly state the offensive behaviour experienced, explain that the behaviour is unwelcome and offensive and ask that the behaviour does not continue. The person may not be aware that their behaviour or conduct was causing offense or was unwelcome.

This is not a compulsory part of the complaint procedure, and if the person does not wish to confront the person directly, this is not encouraged.

Where the alleged bullying and/or harassment is not practical for the individual to directly resolve the matter, they shall immediately notify Mindroom Innovation who will investigate and resolve the matter on an informal basis in accordance with the procedure set out below.

Reporting Bullying And/Or Harassment

Informal Complaint Procedure

The informal complaint procedure should be used for less serious allegations of bullying and/or harassment, and instances which generally do not warrant disciplinary action being taken. An individual who is unsure of whether or not to make a formal or informal complaint, can always make an informal complaint first and decide if they would like to formalise the complaint by discussing the matter with Mindroom's staff.

Different options for handling informal complaints may include, but are not limited to:

- A Mindroom Innovation's representative having a conversation with the alleged bully or harasser regarding the reported behaviour
- A Mindroom Innovation's representative to mediate with the individuals concerned in an attempt to reach a resolution

Formal investigation

Where a written complaint has been lodged, a formal investigation procedure will commence immediately. Formal investigations may be conducted by Mindroom Innovation's representative or an external person who is appointed by College, e.g. an independent mediator.

The investigator will follow the procedure outlined below:

1. Clarify details of what took place and ensure that all necessary information is obtained
2. Interview the alleged offender to identify the substance of the complaint. This may require a signed statement
3. Require alleged offender to provide verbal and/or written explanation regarding the alleged matters

4. Further investigate the complaint, which may include witness statements from other parties

If Mindroom Innovation feels it is appropriate in the interests of the health and safety of the person concerned, and/or the efficiency of the investigation process, a person may be removed from their role.

Where it becomes apparent that the complaint made is related to behaviour that constitutes misconduct or otherwise warrants disciplinary action, Mindroom Innovation's representative is to determine a disciplinary action and resolution with the College's director.

Outcomes

The outcomes of a formal or informal complaint procedure, will depend on the nature of the complaint, its severity and what is deemed appropriate in the relevant circumstances.

Where the result of an investigation procedure identifies that an individual is guilty of bullying and/or harassment, appropriate disciplinary procedures will be followed in line with the disciplinary approach. Disciplinary action will depend on the nature and severity of the behaviour and may include termination of employment or course enrolment, where serious misconduct has occurred.

Where the complaint involves a contractor or agent of Mindroom Innovation and an investigation process reveals that a person has engaged in unlawful conduct or other behaviour which is prohibited by this policy, those concerned may face immediate contract termination and termination of future renewal opportunities.

In addition to the actions identified in the disciplinary action discussion between the Mindroom Innovation's representative handling the case and the director, further action may be deemed necessary to resolve the alleged behaviour, including but not limited to:

- Providing training to all parties concerned regarding bullying and/or harassment

- Requiring the person who have breached this policy to apologise to appropriate person(s)
- Adjusting working / studying arrangements where appropriate
- Providing counselling to all parties
- Placing employees on performance improvement plans to ensure improved behaviour
- Providing coaching and mentoring

Investigation Procedure Observed

The above steps of this procedure will be applied where an incident of bullying and/or harassment has come to the attention of, or been observed by Mindroom Innovation but has not been subject to the complaint.

Appeals Procedure [Internal]

If any parties involved are dissatisfied with the outcome, or the complaint handling procedure by Mindroom Innovation, they are required to contact the appropriate College personnel to discuss their concerns.

Once notified, the Mindroom Innovation's representative will conduct a review of the procedure followed, the outcome issued and will make a final determination on the issue. Once this determination is made, the person who has made the appeal will be notified of the outcome.