

Prevention of Harassment, Bullying and Discrimination Procedure

Section 1 - Scope

(1) These Procedures provide guidance on the application of the [Prevention of Harassment, Bullying and Discrimination Policy](#).

Section 2 - Procedure

Principles and Assumptions

- (2) Wherever possible, the preferred method of resolving issues of harassment, bullying and discrimination within the workplace is informally, as close as possible to their point of origin, or by requesting the involvement of the relevant supervisor or manager.
- (3) Where a UNE Representative does not feel safe or confident enough to self-manage a situation, they can seek the assistance of another person to raise the issue, such as their supervisor or Health and Safety Representative.
- (4) Where a Student does not feel safe or confident enough to self-manage a situation, they can seek the assistance of another person to raise the issue, such as their unit co-ordinator, lecturer, independent student advocate, the Student Grievance Unit, another trusted staff member or an appropriately authorised person.
- (5) Any person asked to act on behalf of or to assist a UNE Representative or Student should use a confidential and non-confrontational approach when discussing an issue.
- (6) When this is not appropriate, or where informal attempts to resolve the matter have been unsuccessful, the matter may be dealt with as a formal grievance under applicable University complaints procedures.
- (7) All UNE Representatives and Students are entitled to have matters dealt with in accordance with the principles of natural justice. The University is committed to the provision of fair and impartial processes in the resolution of all complaints.
- (8) A UNE Representative or Student making a complaint has the right to have that complaint taken seriously, but also has the right to withdraw the complaint at any stage. Confidential support is available for affected employees through the Employee Assistance Program. Confidential support is available for Students, including through the Student Grievance Unit and the University's confidential counselling service for Students.
- (9) A UNE Representative against whom an allegation is made has the right to know the particulars of the complaint and the right to respond to that complaint, including the name of the complainant.
- (10) There should be no reprisals or recriminations against a UNE Representative or Student lodging a complaint with the proviso that should a complainant be found to have lodged an unsubstantiated complaint so as to cause vexation to the respondent, the University may consider taking disciplinary action or other appropriate action against that complainant.

(11) Although the primary aim of the University's grievance procedures is to achieve satisfactory resolution within the University, at any stage a UNE Representative or Student may lodge their complaint to an external body, such as the [Fair Work Commission](#), [Fair Work Ombudsman](#), [WorkCover](#), [ComCare](#) (administers the [Work Health and Safety Act 2011](#) and [Work Health and Safety Regulations 2017](#)), [Australian Human Rights Commission](#) (for allegations of sexual harassment or discrimination) or the [New South Wales Anti-Discrimination Commission](#).

(12) Where a UNE Representative or Student pursues a complaint with an external body, the Grievance Resolution procedures may be suspended or terminated. In these circumstances, the University may consider and implement other actions as necessary to address concerns regarding safety and well-being of People and Culture Representatives staff or Students.

(13) Incidents of physical abuse or assault may also be illegal under criminal law. These matters should be referred to UNE's Safety, Security and Information, Student Grievance Unit and/or the police.

Complaints procedure

(14) The procedures to be followed where a UNE Representative or Student has a concern or complaint concerning behaviour of a UNE Representative are as follows:

- a. Where a UNE Representative has a concern or complain concerning a UNE Representative(s), in accordance with the Grievance clause in the relevant Enterprise Agreement as described below, or by submitting an Incident Report Form to People and Culture, as applicable; or
- b. Where a Student has a concern or complaint concerning a UNE Representative(s), in accordance with the [Student \(Related\) Grievance Handling Policy](#) and [Procedures](#) as described below.

(15) If a UNE Representative has a concern or complain about behaviour of a Student, the procedures are in accordance with the [Student \(Related\) Grievance Handling Policy](#) and [Procedures](#).

Staff Complaints

(16) The Grievance resolution procedures, as outlined in the relevant Enterprise Agreement, provide the following options:

- a. Seek advice and informal resolution of the complaint without lodging a written complaint (Stage 1 — Informal Resolution), or where appropriate;
- b. Lodge a written complaint (by submitting a Staff Formal Grievance Resolution Form).

(17) In some circumstances, the seriousness of an allegation may place the University under a legal obligation to ensure that a matter is investigated beyond that which the complainant intends or wishes, in which case the University may initiate a complaint or progress a complaint on its own volition.

Stage 1 - Informal Resolution

(18) Where a UNE Representative has a concern or complaint concerning unacceptable behaviour of another UNE Representative, they may seek advice in the first instance from a senior officer in People and Culture.

(19) The University encourages those affected by unacceptable behaviour to speak directly to the person engaging in the behaviour. This allows them to explain the impact of the behaviour and ask them to cease the behaviour immediately. Where a UNE Representative does not feel safe or confident enough to manage such, they can seek the assistance of another person to raise the issue, such as their supervisor, or Health and Safety Representative.

Stages 2 and 3 - Formal Resolution

(20) In cases where it is impracticable or ineffective to resolve issues of unacceptable behaviour in the manner described above, the University provides formal and confidential grievance resolution procedures featuring both conciliation (Stage 2) and investigation (Stage 3) to ensure issues are treated promptly, confidentially and according to the principles of natural justice.

Student Complaints

(21) The grievance resolution procedures, as outlined in the [Student \(Related\) Grievance Handling Policy](#) and the [Student \(Related\) Grievance Handling Procedures](#), provide a Student with a complaint, the following options. They may:

- a. Seek informal resolution of the complaint without lodging a written complaint (Informal Grievances); or
- b. Lodge a formal written student related grievance with the Student Grievance Unit (Formal Grievances).

(22) Upon receipt of a written formal grievance, the Student Grievance Unit will register and assess the grievance in accordance with the [Student \(Related\) Grievance Handling Procedures](#) and determine whether the Student Grievance Unit can conduct an inquiry, case manage the grievance, refer it to another business unit or an appropriate authority or reject the grievance with reasons.

Roles and Responsibilities

(23) All UNE Representatives have a responsibility:

- a. To ensure they do not promote or engage in unacceptable behaviours or otherwise take reasonable care that their acts or omissions do not affect the health and safety of other people;
- b. To not knowingly misuse the [Prevention of Harassment, Bullying and Discrimination Policy](#) and the [Prevention of Harassment, Bullying and Discrimination Procedures](#), including making a false complaint;
- c. To comply with any reasonable instructions given by the University regarding the prevention of harassment, bullying or discrimination including compliance with the [Prevention of Harassment, Bullying and Discrimination Policy](#) and the [Prevention of Harassment, Bullying and Discrimination Procedures](#); and
- d. Not to victimise any person who raises a complaint of unacceptable behaviour.

(24) In addition, Managers have a responsibility:

- a. To treat HR Representatives fairly and reasonably in compliance with the University's [Code of Conduct](#) and all relevant policies;
- b. Monitor the teaching, learning and working environment to ensure that acceptable standards of conduct are observed at all times;
- c. To actively intervene to prevent and stop unacceptable behaviours, whether or not a complaint is received;
- d. To report any such behaviour in accordance with the Grievance Resolution procedures or other formal methods as the situation warrants;
- e. Ensure that no victimisation occurs against UNE Representative/s who make a complaint;
- f. For coordinating consultation with HR Representatives to find out if unacceptable behaviour is occurring or if there are unreasonable behaviours or situations likely to affect the safety and wellbeing of HR Representatives; and
- g. For monitoring patterns of absenteeism, sick leave, staff turnover, grievances, injury reports, and issues raised by Health and Safety Representatives.

(25) Due to the nature of their positions, Managers may become aware of confidential information relating to an allegation of discrimination, harassment, vilification or sexual harassment. It is important that the complainant decide themselves whether to proceed with the complaint under these procedures. The Manager must maintain strict confidentiality with respect to any specific incident, however they may contact a senior officer in People and Culture to discuss the possibility of other action or strategies that may support staff or address broader issues of discrimination or harassment.

(26) A Manager may be requested to assist in a conciliation or formal investigation of a matter to be resolved. They are expected to cooperate with the process and, if appropriate, take responsibility for implementing a resolution.

Authority and Compliance

(27) The Procedure Administrator, Director People and Culture, pursuant to the University's [Prevention of Harassment, Bullying and Discrimination Policy](#), makes these procedures.

(28) University Representatives and Students must observe these Procedures in relation to University matters.

(29) These Procedures operate as and from the Effective Date.

(30) Previous Procedures relating to the Prevention of Harassment, Bullying and Discrimination are replaced and have no further operation from the Effective Date of this new Procedure.

Section 3 - Definitions

(31) Complainant means the person(s) who has/have lodged a grievance.

(32) Employee Assistance Program means the professional, independent and confidential counselling service. The Employee Assistance Program is intended to be short-term, solution-focused, providing practical strategies for dealing with issues in a supportive and non-judgemental environment.

(33) Enterprise Agreements means the [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#) and the [UNE Professional Staff Enterprise Agreement 2019-2022](#), each as extended or varied from time to time, and is taken to include any agreement that replaces or varies one or more of these documents.

(34) Head of Cost Centre normally means the Head of School or Director (as the case may be) of the relevant School or Directorate. Where it is not appropriate for the Head of School or Director to act, or where the circumstances relate to a position reporting directly to a Senior Executive, the Head of Cost Centre will be taken to mean the relevant Senior Executive. Where the matter relates to a Senior Executive, the Head of Cost Centre will be the Vice-Chancellor and Chief Executive Officer.

(35) Official University Business means activities directly associated with the functions of the University including but not limited to teaching and learning, research, conference, consultancy, administrative and other official duties undertaken on behalf of the University.

(36) Principles of Natural Justice means procedural fairness of the processes by which an outcome is reached and not the outcome itself and requires that a respondent to a complaint must be provided with:

- a. the relevant details of the complaint to enable the respondent to formulate a response in the case of an investigation;
- b. information about processes by which the matter is to be resolved; and
- c. an opportunity to put their case and respond to the complaint during the investigation.

- (37) Repeated refers to the persistent nature of the behaviour and can refer to a range of behaviours over time. Behaviour is considered 'repeated' if an established pattern can be identified. It may involve a series of diverse incidents, e.g. verbal abuse and deliberate damage to personal property.
- (38) Respondent means one or more persons who are the subject of a staff member's grievance.
- (39) Risk to health and safety includes risk to the mental or physical health of the worker.
- (40) Supervisor means the role to whom a position reports to.
- (41) University community includes all UNE Representatives, volunteers and visitors who are involved in a University-related activity.

Status and Details

Status	Current
Effective Date	28th July 2017
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Approval Authority	Director People & Culture
Approval Date	28th July 2017
Expiry Date	To Be Advised
Unit Head	Kirsten Clayton Director People and Culture
Enquiries Contact	Kirsten Clayton Director People and Culture <hr/> People and Culture +61 2 6773 3705

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"University Representative" - University Representative means a University employee (casual, fixed term and permanent) contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.