AUSTRALIAN
NATIONAL COLLEGE

PP224 SEXUAL HARASSMENT, BULLYING AND DISCRIMINATION POLICY AND PROCEDURE

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2.0 RELEVANT STANDARDS AND LEGISLATION

- Age Discrimination Act 2004
- Australian Human Rights and Equal Opportunity Commission Act 1986
- Charter of Human Rights and Responsibilities
- Combatting Antisemitism, Hate and Extremism (Criminal and Migration Laws) Act 2026
- Disability Discrimination Act 1992
- Disability Standards for Education 2005
- Education Services for Overseas Students Act 2000 (ESOS Act)
- Equal Opportunity Act 2010
- Fair Work Act 2009
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)
- National Principles for Child Safe Organisations
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Standards for Registered Training Organisations (RTOs) 2025
    - Standard 2.5 The learning environment promotes and supports the diversity of VET students.
    - Standard 2.6 The wellbeing needs of the VET student cohort are identified and strategies are put in place to support these needs.
- Workplace Gender Equality Act 2012

3.0 DEFINITIONS

Antisemitism - is prejudice, discrimination, or hostility directed against Jewish people, either individually or as a group, based on their religious beliefs or ethnic identity.

ANC - Australian National College, hereafter known as *the College*

Bullying: is defined as repeated and unreasonable behaviour directed towards a person or a group of persons that creates a risk to health and safety. Unreasonable behaviour includes behaviour that is victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances. Bullying can be overt or covert. Examples of behaviour that may be considered to be bullying if they are repeated, unreasonable and create a risk to health and safety include:

- physical or verbal abuse;
- yelling, screaming or offensive language;
- unjustified criticism or complaints;
- intimidation;
- psychological harassment;
- deliberately excluding or isolating employees from workplace activities;
- withholding information that is vital for effective work performance;
- setting unreasonable timelines or constantly changing deadlines;
- setting tasks that are unreasonably below or beyond a person's skill level;

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- denying access to information, supervision, consultation or resources such that it has a detriment to a worker;
- spreading misinformation or malicious rumours;
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker workers; and/or
- excessive scrutiny at work.

Bullying does not include:

- a single incident of unreasonable behaviour;
- reasonable management action taken in a reasonable way, including but not limited to:
- setting reasonable performance goals, standards and deadlines;
- rostering and allocating working hours where the requirements are reasonable;
- transferring an employee for operational reasons;
- deciding not to select a worker for promotion where a fair and transparent process has been followed;
- informing a person about unsatisfactory performance when undertaken in a reasonable manner and/or in accordance with relevant policies and procedures;
- informing a person about inappropriate behaviour in an objective and confidential way;
- implementing organisational changes or restructuring; and
- disciplinary action where appropriate.
- Workplace conflict, including differences of opinion and disagreements, are generally not workplace bullying. 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 may escalate to the point where it becomes workplace bullying. It is therefore important that conflict is not ignored and, where possible, resolved to avoid escalation.

Consent: means the free and voluntary agreement to conduct or acts given by a person with the cognitive capacity to do so. Consent cannot be given by a person under 16 years of age or by a person that is:

- subjected to threats, intimidation, or force;
- asleep or unconscious, or is so affected by alcohol or another drug as to be incapable of consenting;
- subjected to the exercise of authority;
- under false or fraudulent representations about the nature or purpose of the conduct or activity, including about the identity of other persons involved.)

Consent can be withdrawn at any point, including during the conduct or acts in question. A lack of resistance to the conduct or acts, or a failure to verbally object to the conduct or acts, does not constitute consent. Consent to prior conduct or acts does not constitute Consent to future conduct or acts.

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Discrimination: occurs when a person is treated less favourably than another person because of certain attributes (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of a defined attribute (indirect discrimination). Under federal and state laws, it is against the law to discriminate against people, in various areas of public life because of their:

- race;
- colour;
- sex;
- sexual orientation, gender identity or intersex status;
- pregnancy;
- age;
- marital status;
- physical or mental disability;
- family or carers' responsibilities;
- religion;
- political opinion;
- national extraction;
- social origin; and/or
- any other attribute defined in state or federal legislation.
- It is also against the law to treat people unfairly, or harass them, because of the age, disability, carers' responsibilities, homosexuality, marital status, race, sex or transgender status of any relative, friend or colleague.

ESOS Act - The Education Services for Overseas Students Act (2000) of the Commonwealth of Australia, as amended from time to time.

Extremism – the holding of extreme political, ideological or religious views and the promotion or advancement of an ideology based on violence, hatred or intolerance.

Harassment: unwelcome behaviour that intimidates, offends or humiliates an individual, or group of people, on the basis of race, colour, sex, age, sexual orientation, disability or other attribute protected by any state of federal anti-discrimination legislation. Harassment may be repeated or a one-off incident This may include one of the following situations or contexts:

- sexual harassment that is determined by reference to the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances where a reasonable person would have expected the behaviour to be offensive, humiliating or intimidating.
- telling insulting jokes about particular racial groups;
- verbal abuse or comments that put down or stereotype certain groups;
- personal insults, comments, name calling or innuendo;
- offensive communications including digital communications such as Facebook, Twitter and e-mails; and
- making derogatory comments or taunts about a person's disability.

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*Hate Group - I*s an organization whose goals and activities are primarily based on shared hostility, prejudice, or violence against specific groups, typically defined by race, religion, sexual orientation, gender identity, or national origin.

Hate Speech –public acts, including speech, writing, or online behaviour, that incite, threaten, or insult people based on their race, religion, or identity.

National Code - National Code of Practice for Providers of Education and Training to Overseas Students 2018 https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx

Natural Justice/Procedural Fairness: is concerned with the procedures used by a decision-maker, rather than the decision that the decision-maker reached. It requires fair and transparent processes be used when making a decision. These processes will include:

- The right to be heard;
- The right to be treated without bias; and
- A decision is based on reliable, relevant and sufficient evidence.

Sexual Assault: Any sexual act or behaviour without Consent. It includes but is not limited to:

- physical contact of a sexual nature, (e.g. groping, pinching, touching in a sexual way) done without Consent;
- sexual acts not involving penetration, done without Consent (e.g. forcing a person to touch the other person's genitals);
- performing sexual acts in front of another person without their Consent (e.g. masturbating in front of the other person;
- Sexual acts involving penetration, (e.g. oral sex, inserting any object into the vulva, vagina or anus) done without Consent.

Sexual Harassment: unwelcome, unwanted or uninvited behaviour of a sexual nature which makes a person feel offended, humiliated and/or intimidated and where that reaction is reasonable in the circumstances. This may include including sexual assault, indecent exposure, stalking and obscene communications may constitute a criminal offence. Sexual harassment is prohibited by the Sexual Misconduct (Prevention and Response) Policy.

Sexual Misconduct: means Sexual Harassment or Sexual Assault.

Student: A student who is enrolled at Australian National College and includes both prospective students and currently enrolled students and both domestic and 'overseas students' as defined in the National Code and hold student visas as defined by the ESOS Act (2000).

Vexatious: A complaint is deemed to be vexatious if it is:

- dishonest or contains intentionally misleading information;
- malicious; pursued with undue persistence;
- has the intent to harass or cause delay or detriment; or

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- is pursued in a manner that threatens, menaces or harasses a member of staff, students or a third party associated with the College.

Victimisation: to treat an individual badly or unfairly, because they have made a complaint about discrimination, sexual harassment or vilification, or have helped someone else to make a complaint.

Vilification: a public act that could incite or encourage hatred, serious contempt or severe ridicule towards people because of their race, colour, national origin, sexual orientation, transgender status, religion, HIV/AIDS status or disability.

4.0 SCOPE

This policy applies to:

- Students enrolled at ANC
- All staff employed at ANC
- All related third parties.

5.0 COMMUNICATION OF THIS POLICY

5.1 Staff are made aware of the requirements of this policy through regular meetings, staff updates and continuous improvement practices.

5.2 Students are made aware of this policy through the Student Handbook, during the enrolment and orientation processes and also throughout their studies at the College.

5.3 This policy will be made available on the ANC website.

6.0 PURPOSE

6.1 This policy and procedure specifies how the College will ensure all staff and students are treated fairly and with dignity and respect. An important part of this commitment is providing an environment free from harassment, bullying and unlawful discrimination, thereby laying the foundation for a productive and positive workplace and educational setting.

6.2 This policy sets down the relevant definitions, underpinning principles and the College's commitment to eliminating harassment, bullying and unlawful discrimination within the College, or in connection to the College.

6.3 ANC maintains a zero-tolerance policy towards antisemitism, hate motivated conduct including any form of hate speech or behaviour, hate groups, vilification of any religious or racial group or behaviour that is regarded to be extremist or discriminatory to any member of the College community.

6.4 This policy will ensure that the College is able to respond quickly to any instances of racial discrimination, hate speech, vilification or extremist behaviour exhibited by students or staff.

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6.5 This policy and procedures are compliant with both the requirements of the *Standards for Registered Training Organisations (RTOs) 2025* and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018.*

7.0 POLICY

7.1 All students, staff or associated third parties must not engage in conduct that constitutes bullying, hate speech, discrimination, any form of vilification, harassment, and sexual misconduct.

7.2 Sexual assault of a child (an individual under 18 years of age) is Child Sexual Abuse and constitutes a criminal offence with mandatory reporting requirements. All disclosures involving people under 18 years of age must be referred directly to the CEO.

7.3 The College will employ educative measures for the prevention of bullying, discrimination, vilification, harassment, and sexual misconduct, to inform all College students, staff and associated third parties of their rights and responsibilities, to encourage the reporting of behaviour, practices or publications that contravene this policy, and ensure the College's systems and processes are not discriminatory.

7.4 The College encourages any person who has experienced or witnessed bullying, discrimination, vilification, harassment, and sexual misconduct to make a report of the incident.

8.0 PROCEDURES

8.1 REPORTING

8.1.1 All instances of bullying, discrimination, harassment, vilification and sexual misconduct must be made via the FOR109 Complaints and Appeals Form. On receipt of this form by any staff member, it must be immediately sent to the CEO for processing and reporting in the REG101 Critical Incident Register.

8.1.2 Proven instances of bullying, discrimination, harassment, vilification and sexual misconduct must be documented in the REG101 Critical Incident Register.

8.1.3 Any instance of suspected or actual Child Sexual Abuse must be reported to the CEO who will then contact the relevant Government / Police Agency. Please refer to https://www.education.vic.gov.au/Documents/childhood/parents/health/mandreportsep10.pdf.

8.1.4 Any instance of suspected or actual Sexual Assault must be reported to the CEO who will then contact the relevant agency. Please refer to https://www.police.vic.gov.au/sites/default/files/2020-03/Reporting%20Sexual%20Offences_A6%20booklet_web.pdf.

8.1.5 Any student or staff member who witnesses or is subject to antisemitic conduct is encouraged to report the incident via the College's complaint process. Incidents found to be hate motivated may be treated as serious misconduct. Under Federal Government guidelines, ANC reserves the right to

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report aggravated incidents of racial or religious vilification to the Australian Federal Police or relevant state authorities.

8.2 INVESTIGATIVE PROCESS

8.2.1 A formal investigative process must immediately commence once a formal complaint of bullying, discrimination, harassment, vilification and sexual misconduct has been made. This will be conducted by the CEO and/or other nominated person.

8.2.2 Any investigative process must consider the principles of Natural Justice/Procedural Fairness for all stakeholders.

8.2.3 In all instances of bullying, discrimination, harassment, vilification and sexual misconduct, the safety, confidentiality and wellbeing of all parties must be of the highest priority.

8.2.4 It is recommended that the procedures highlighted in the "GUIDE FOR PREVENTING AND RESPONDING TO WORKPLACE BULLYING" available from https://www.safeworkaustralia.gov.au/system/files/documents/1702/guide-preventing-responding-workplace-bullying.pdf be followed in dealing with any investigative or follow up process.

8.3 FOLLOW UP and SUPPORT

8.3.1 In the case where bullying, discrimination, harassment, vilification and sexual misconduct has been proven, appropriate action must be taken by the CEO. This may include any of the penalties as specified in the PP170 Misconduct Policy and Procedure, PP167 Human Resources Policy and Procedure or, if required, action by Government or Police agencies.

8.3.2 All stakeholders must be provided with appropriate support. Such support may include mental health counselling, special consideration (for students), referrals to health specialists, or any other support as deemed appropriate.

8.4 TRAINING

8.4.1 The College will provide students and staff with regular training and information sessions on their responsibilities and rights regarding sexual harassment, bullying vilification and discrimination. This should be conducted for each cohort of new students (i.e. during orientation and as part of the staff induction process.

8.4.2 In addition, information should be available on the College website, notices boards and as regular staff training sessions.

8.4.3 If there is any reported incident regarding any form of antisemitism, vilification or hate speech, or if there is concern amongst the College community regarding antisemitism, vilification or hate speech, the College will implement both College wide information sessions and offer free counselling sessions for affected students and staff to mitigate any harm or provide support to those affected. Information sessions will be mandatory for all College students and staff.

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9.0 PRIVACY AND CONFIDENTIALITY

9.1 At all times wellbeing issues impacting individual students or staff will be done with their consent and approval.

9.2 Any such information regarding individual student welfare must be managed in accordance with the College's *PP160 Records Management Policy and Procedure* and *PP178 Privacy Policy and Procedure*.

10.0 USE OF THIRD PARTIES

10.1 Any use of third parties (e.g. for Work based Training (WBT) activities) will be strictly monitored by the WBT Coordinator or Course Coordinator to ensure the safety and wellbeing of students.

10.2 Please refer to *PP200 Use of Third Parties for Delivery of Training Policy and Procedure*.

11.0 FEEDBACK, COMPLAINTS AND APPEALS

10.1 Students and staff should be encouraged to provide feedback using either the complaints and appeals process or the continuous improvement process to improve on the student welfare support strategies being provided. The College will endeavour to respond to the student/staff member within 5 working of receipt of any such feedback or complaint.

10.2 Please refer to the *PP114 Complaints and Appeals Policy and Procedure* and *PP118 Continuous Improvement Policy and Procedure* for further information.

12.0 CRITICAL INCIDENTS

12.1 The College has in place strategies in case of any traumatic event that causes extreme stress, fear or injury. Please refer to the *PP125 Critical Incident Policy and Procedure* for further information.

13.0 POLICY REVIEW

13.1 This policy must be reviewed at a minimum of once every three years or as deemed required by the ANC Compliance Management Committee or the ANC CEO.

13.2 Please refer to the *PP101 Version Control Policy*, *PP118 Continuous Improvement Policy and Procedure* and the DOC200 *Compliance Management Committee Terms of Reference* for further information.

14.0 ASSOCIATED DOCUMENTS/FORMS

- DOC101 Staff Handbook
- DOC300 Student Handbook
- FOR109 Complaints and Appeals Form
- PP113 Compassionate and Compelling Circumstances Policy and Procedure
- PP114 Complaints and Appeals Policy and Procedure
- REG101 Critical Incident Register

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15.0 EXTERNAL RESOURCES

Antisemitism - https://www.afp.gov.au/crimes/antisemitism

Victorian Equal Opportunity and Human Rights Commission - "Guideline: Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010" *available from* https://www.humanrights.vic.gov.au/resources/sexual-harassment-guideline/ (accessed 4.7.2025)

Safe Work Australia - "Guide For Preventing And Responding To Workplace Bullying" *available from* https://www.safeworkaustralia.gov.au/system/files/documents/1702/guide-preventing-responding-workplace-bullying.pdf (accessed 4.7.2025)

Department of Human Services Child Protection, Department of Education and Early Childhood Development – "A step-by-step guide to making a report to Child Protection or Child FIRST" *available from* https://www.education.vic.gov.au/Documents/childhood/parents/health/mandreportsep10.pdf (accessed 4.7.2025)

Victoria Police – "Reporting Sexual Offences To Police" *available from* https://www.police.vic.gov.au/sites/default/files/2020-03/Reporting%20Sexual%20Offences_A6%20booklet_web.pdf (accessed 4.7.2025)

Fair Work Ombudsman – "Bullying, sexual harassment and discrimination at work" https://www.fairwork.gov.au/employment-conditions/bullying-sexual-harassment-and-discrimination-at-work (accessed 4.7.2025)

Comcare – "Practical Guidance for Managers and Supervisors – Workplace Sexual Harassment" *available from* https://www.comcare.gov.au/about/forms-pubs/docs/pubs/safety/workplace-sexual-harassment-guidance-for-managers-and-supervisors.pdf (accessed 4.7.2025)

Workplace Gender Equality Agency – "Sexual harassment, harassment on the ground of sex or discrimination" https://www.wgea.gov.au/take-action/sex-based-discrimination-and-harassment (accessed 4.7.2025)

Workplace Gender Equality Agency – "Using evidence to improve workplace sexual harassment prevention and response" https://www.wgea.gov.au/take-action/sex-based-discrimination-and-harassment/using-evidence-positive-duty (accessed 4.7.2025)

Sydney Jewish Museum - https://antisemitism.sydneyjewishmuseum.com.au/definitions/#antisemitism

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