

Harassment and Anti Discrimination Policy and Procedure

Policy Purpose

The Think: Education Group is committed to the principles of equal opportunity in employment of staff and an environment free of harassment and discrimination for staff and students. The purpose of this policy is to ensure that procedures exist to allow complaints of harassment and/or discrimination to be dealt with and resolved within the Think: Education Group, without limiting any person's entitlement to pursue resolution of their complaint with a relevant statutory authority.

Policy Scope

This policy applies to all employees, contract workers, agents, employment position applicants, enrolled and prospective students engaged at a Think: Education Group College.

Definitions

'Discrimination' refers to a situation where an individual feels they are discriminated against and are treated less favourably than another person. If the basis for the less favourable treatment is prohibited on the grounds of discrimination under the relevant State or Federal law, unlawful discrimination might have occurred. Anti-discrimination laws forbid certain discriminatory conduct on a number of grounds (such as sex, race, and disability) in a number of areas (such as employment, education and the provision of services).

'Direct discrimination' occurs when a person is treated less favourably on the grounds of a personal characteristic, such as sex, parental status, race, age or disability.

'Indirect discrimination' occurs when a policy or procedure which appears to treat everyone equally has the effect of disadvantaging certain groups and the requirement is not reasonable. Indirect discrimination occurs when a neutral, or seemingly harmless, policy, rule or practice has a discriminatory effect against a certain group of people.

'Racial discrimination' is a form of behaviour which disadvantages people because of their race, colour, national or ethnic origin, or disadvantages any relative or associate of these people.

'Sex discrimination' is a form of behaviour that disadvantages people because of their gender. Treating a woman less favourably because she is pregnant, or because she might get pregnant, is a form of sex discrimination, as is treating someone less favourably (a man or a woman) because of their marital status.

'Disability discrimination' is a form of behaviour that disadvantages people because of their actual or perceived disabilities or disadvantages those related or associated with a person with disability. The types of disabilities covered under legislation include physical, intellectual, psychiatric, sensory, neurological or learning disabilities. It also includes physical disfigurement and the presence in the body of a disease-causing organism.

Policy Content

The Think: Education Group ensures that its practices, policies and procedures are free from direct or indirect discrimination on all relevant legislative grounds as defined by, but not limited to, the following Commonwealth and State legislation:

- NSW Anti-Discrimination Act (1977)
- Racial Discrimination Act (1975)
- Sex Discrimination Act (1984)
- Disability Discrimination Act (1992)
- Age Discrimination Act (2004)

Harassment or unlawful discrimination against staff or students by any member of the Think: Education Group is unacceptable. Unlawful sexual harassment is one form of harassment, which the law does not allow. Unlawful sexual harassment includes, but is not limited to:

- pressure or demands for dates or sexual favours;
- unnecessary familiarity - for example, deliberately brushing against a person or constantly staring at a person;
- unwanted physical contact - for example, touching or fondling;
- sexual jokes or innuendo;
- offensive telephone calls, e-mails and SMS messaging.
- offensive sexual gestures;
- unwelcome comments or questions about a person's sex life;
- display or circulation of sexual material, including magazines, posters or pictures and messages; or
- sexual assault

Other types of unlawful harassment include, but are not limited to:

- verbal abuse or comments that put down or stereotype people because of their race, sexuality, pregnancy, disability, etc;
- jokes based on race, sexuality, pregnancy, disability, etc;
- mimicking someone's accent, or the habits of someone with a disability;
- offensive gestures based on race, sexuality, pregnancy, disability, etc;
- ignoring or isolating a person or group because of their race, sexuality, pregnancy, disability, etc; or
- display or circulation of racist or other offensive material.

Procedure for implementation

Think: Education Group will treat any reports and complaints of harassment and unlawful discrimination seriously. Think: Education Group will promptly investigate all allegations in a sensitive, thorough and confidential manner.

All Heads of Division/College have the responsibility in ensuring that this policy is adhered to and in taking appropriate action in circumstances where they become aware of existing or possible harassment or unlawful discrimination.

The principles of natural justice apply and will guide the application of this policy and associated procedures. This means that before a decision is taken about an individual, staff and students have the right to be informed about the nature and content of the issue, have the right to be heard and have the right to have an unbiased decision maker.

The Think: Education Group encourages staff and students to endeavour to resolve issues directly and informally through a process of discussion and conciliation where possible. This may involve seeking advice from a supervisor, trusted colleague, or the Student Support Manager. At any stage, strategies used to resolve a grievance may include, but need not be limited to, Mediation, Counselling or Conciliation meetings between the parties.

If the informal options do not resolve the matter or are not appropriate, then staff and students can make a formal complaint in writing under the *Non Academic Grievance Policy*.

Staff or students may also refer their complaint to an external body, such as the Anti-Discrimination Board of NSW or the Human Rights and Equal Opportunity Commission at any time.

Responsibility	Head of Division/College
Record Management	Staff and student files
Reference	Non Academic Grievance Policy and Procedure
Policy applies to	All Think: Education Group staff and students
Policy Developed By	Academic Director
Policy Endorsed By	Academic Board
Policy Complies with	AUQA, HESA, National Code 2007 and AQTF 2007
Version Number	2.0
Revision Date	Issued - 5 February 2008 Revised – 14 th May 2008