



BULLYING PREVENTION POLICY

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First Approved by:	Administrative Committee		
Custodian title & e-mail address:	Director, Human Resources Division hr-reception@uow.edu.au		
Author:	Employment Relations		
Responsible Division & Unit:	Human Resources Division		
Supporting documents, procedures & forms:	Grievance Policy Procedures for Investigating Grievances EO Online Equity, Diversity and Inclusion Policy Student Conduct Rules and Procedures Procedure for Managing Alleged General Misconduct by a Student Respect for Diversity Responsibilities Rights and Respect Online (RRR Online) University Code of Conduct – Staff University of Wollongong (Academic Staff) Enterprise Agreement University of Wollongong (General Staff) Enterprise Agreement		
Relevant Legislation & External Documents:	Age Discrimination Act 2004 (Cth) Anti-Discrimination Act 1977 (NSW) Disability Discrimination Act 1992 (Cth) Fair Work Act 2009 (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Work Health and Safety Act 2011 (NSW) Work Health and Safety Regulation 2011 (NSW)		
Audience:	Public		

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1 Purpose of Policy

1. The purpose of this policy is to outline and provide a general guide on:
 - a. the strategies the University has in place to prevent bullying;
 - b. what does and does not constitute bullying;
 - c. the first steps that should be taken should bullying occur; and
 - d. roles and responsibilities of University staff and students in respect to bullying.

2 Definitions

Word/Term	Definition (with examples if required)
Affiliate	Includes people holding University of Wollongong Honorary Awards as conferred by the University Council, including the awards of Emeritus Professor, Honorary Doctor and University Fellow; people appointed in accordance with the University's Appointment of Visiting and Honorary Academics Policy; and people engaged by the University as agency staff, contractors, volunteers and work experience students.
Bullying	<p>The Fairwork Ombudsman defines bullying as when a person or group of people repeatedly act unreasonably towards a worker or a group of workers; the behaviour creates a risk to health and safety.</p> <p>Unreasonable behaviour includes 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.</p>
Confidential advice	Information given or received in a confidential meeting. This information may not be discussed outside the confines of the conversation without the consent of the provider of the information.
Discrimination	<p>The Fair Work Ombudsman defines discrimination as when someone is not treated fairly or given the same opportunities because of their race, colour, sex, sexual orientation, age, gender identity, gender expression, intersex status, marital or relationship status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, disability or physical or mental disability, which includes:</p> <ul style="list-style-type: none"> - physical, intellectual, psychiatric, sensory, neurological or learning disabilities; physical disfigurement; disorders, illness or diseases that affect thought processes, perceptions of reality, emotions or judgement, or results in disturbed behaviours; presence in body of organisms causing disease or illness (e.g. HIV virus).
Diversity	The Australian Government defines diversity as recognising employees from a



	<p>The Australian Government defines diversity as recognising employees from a wide range of backgrounds.</p> <p>For example, this can include having employees of different ages, genders, ethnicity, backgrounds, physical ability, sexual orientation, marital status, physical qualities, life experience, political and religious beliefs, work experience or educational background.</p>
EO Online	EO Online is a mandatory self-paced online equal opportunity training program for employees upon commencement of employment and every two years thereafter. It covers all aspects of harassment and bullying and provides case studies and real life examples.
LGBTIQ+	Acronym for people who are lesbian, gay, bisexual, transgender, intersex, and/or queer. The + incorporates a broader acceptance of all gender expressions/identities and sexualities.
RRR Online	Responsibilities Rights and Respect Online (RRR Online) is an interactive online program for students which covers aspects of harassment and bullying and provides strategies for addressing situations described.
Staff	All people employed by the University including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis.
Student	A person registered for a course at the University of Wollongong.

3 Application & Scope

1. This policy applies to all staff, affiliates and students of all campuses of the University of Wollongong located within Australia and to all staff and affiliates of the University of Wollongong undertaking University activities overseas.
2. Many forms of harassment are unlawful and are covered by legislation (refer list on front of policy). This policy, however, is confined to addressing bullying.
3. Where a full time student is also an employee, or a full time employee is also a student, the alleged offender will be dealt with according to the capacity in which they were acting at the time of the alleged offence.

4 Policy Statement

1. The University of Wollongong supports the rights of all persons to work or study in an environment that is free from bullying. The University is committed to the application of workplace health and safety, ethical behaviour and social justice.
2. This policy supports the proactive strategies in place to educate staff and students about bullying and harassment and the importance of the respect for diversity in work and study environments.

5 Bullying Prevention Strategies

1. Educating staff and students about bullying and respect for diversity is a key strategy in preventing bullying from occurring.
2. All staff are required to complete EO Online Module One in the first six months of employment.
3. Completion of EO Online Module One is a condition of probation for all staff.
4. All supervisors and managers are required to complete EO Online Module Two.
5. The Director Human Resources Division and/or the Manager Work Health and Safety provide training to raise awareness of bullying and harassment in the university and to provide strategies to prevent this occurring. Programs include:
 - a. Induction
 - b. Supervisory
 - c. Heads and leaders
 - d. Selection Techniques
 - e. Probation and promotion
6. Respect for Diversity is encouraged and promoted through policy and celebration activities.
7. Responsibilities, Rights and Respect Online (RRR Online) is strongly recommended for all incoming students from 2012.

6 Legal Obligations

1. The University has legal obligations under the Fair Work Act 2009, Work Health and Safety Act, 2011, and Work Health and Safety Regulation, 2011, and at common law, to provide a safe workplace and to identify hazards, assess risks and eliminate or control risks to the health and safety of employees, students or visitors. Bullying behaviour in the workplace is considered to be an WHS risk which needs to be identified, assessed and controlled as it can adversely affect the health, safety or welfare of employees or visitors (including contractors, members of the community and volunteers). Bullying behaviour may also breach industrial and/or criminal laws, as well as constituting a breach of University policies.
2. Bullying can be a form of unlawful harassment if it is directed at someone because of one of the grounds covered by anti-discrimination legislation, e.g. their sex, race, pregnancy, disability, sexual orientation, religion, transgender, gender identity, gender expression, intersex status, carer's responsibilities, marital or relationship status, social origin, political belief, employee association activity, irrelevant criminal record or age, , or if it creates a hostile environment on one of these grounds.
3. All staff and students have a responsibility under the Work Health and Safety Act and associated University policies and procedures to take reasonable care of themselves and others in their working and learning environment. This includes not putting others at risk of injury by engaging in bullying behaviour.



7 What is Bullying?

1. Bullying is repeated unreasonable behaviour directed towards others in the work/study environment that creates a risk of physical and/or psychological harm. It may be one-on-one or 'mobbing' by a group; carried out overtly, subtly; privately or in front of others.
2. Bullying can take place between:
 - a. staff members, both with and without positions of senior authority;
 - b. a staff member and a student;
 - c. a staff member and an affiliate
 - d. an affiliate and a student
 - e. students; or
 - f. a staff member or student and another person on campus.
3. Bullying does not include:
 - a. situations where colleagues or students point out professional differences or difficulties they have with other members of the campus community, provided that it is done in an appropriate manner;
 - b. occasional differences of opinion, conflicts and problems in work/study relationships - these are part of working life and every conflict certainly does not constitute bullying;
 - c. controlled release of study information;
 - d. reasonable staff performance management or disciplinary action; or
 - e. a situation where a supervisor or academic (within the performance of student related duties), institutes proceedings for unsatisfactory performance, misconduct, dismissal or to deal with complaints about a person from others within the framework of University policies and procedures.
4. Bullying may include, but is not limited to:
 - a. yelling, screaming, abusive or offensive language, behaving aggressively, insults, inappropriate comments about a person's appearance, personal life or lifestyle, defamation of individuals or their family or associates;
 - b. behaviour or language that intends to, or has the impact of frightening, intimidating, humiliating, belittling or degrading another person;
 - c. deliberately marginalising a person eg. persistently excluding and ignoring colleagues
 - d. unwelcoming questions around one's sexuality, gender or intersex status;
 - e. offensive terms and stereotyping;
 - f. requesting someone to be 'normal' or conform to gender stereotypes;
 - g. unconstructive criticism or spreading rumours about others;
 - h. impeding a person's capacity to fulfil their duties or study commitments;



- i. excluding individuals from normal work/study interaction without justification;
 - j. unrealistic demands within the framework of existing work unit standards, which includes normal work and study peaks and troughs;
 - k. threatening a staff member's job security;
 - l. deliberately withholding work/study related information or resources, or supplying incorrect information to an individual;
 - m. teasing or regularly being made the brunt of pranks/practical jokes, particularly after an objection has been made known;
 - n. constant and unwelcome jokes in relation to sexuality or gender;
 - o. displaying written or pictorial material which degrades or offends an individual;
 - p. deliberately harmful and punitive "administrative sanctions" e.g. deliberate delay in processing/marking an individual's work, applications for training, leave or payment of wages;
 - q. creating unexplained job changes, setting meaningless tasks or tasks well beyond a persons' normal range of duties;
 - r. sending abusive or offensive e-mails or text messages; or
 - s. using digital and online social networks to make inappropriate comments which humiliate, slander, intimidate or degrade a person.
5. Mobbing is a particular form of bullying carried out by a group rather than by an individual and includes the bullying or social isolation of a person through collective accusations, humiliation, general harassment or emotional abuse.

8 Responding to Bullying

1. Bullying may still occur despite the prevention strategies implemented by the University.
2. Where possible, a person who believes they are being bullied should speak to the person exhibiting the bullying behaviour, describing to them the behaviour to which they object, and requesting that this behaviour stop.
3. Staff or students who believe they have been bullied or who have been accused of bullying should reflect on the situation and seek guidance on the next steps to take. Confidential advice to assist with addressing the matter may be sourced from:
 - a. Manager WHS
 - b. HR Advisors;
 - c. Complaints Management Centre Staff;
 - d. Staff or Union Representatives;
 - e. University Counsellors;
 - f. Heads of Residence Halls
 - g. Student Advocacy Officer; or

- h. Student Support Advisers.
- 4. If the person being bullied is not comfortable speaking to the person exhibiting the bullying behaviour, or the request(s) to stop is ineffective, they should report the matter to their supervisor, subject coordinator or Head of Students to help resolve the matter. If the bullying behaviour concerns that person, then the matter needs to be reported to the next most senior person.
- 5. The person who receives the report of alleged bullying behaviour will investigate the matter in accordance with the Grievance Policy and Procedures for Investigating Grievances.
- 6. Following a formal investigation, if a case of bullying is upheld, further action against staff or students who have engaged in bullying behaviour may be managed under the staff misconduct arrangements, policies and procedures or under the Student Conduct Rules.

9 Roles & Responsibilities

1. Executive Deans, Directors, Heads of Schools and Managers of Units are required to:
 - a. implement this policy in their work area to enable a workplace and study environment that is free of bullying and harassment;
 - b. ensure that any incident of bullying that is observed or reported is dealt with promptly;
 - c. provide leadership in preventing bullying and demonstrating an intolerance for bullying; and
 - d. role model appropriate, respectful professional behaviour.
 - e. All staff and students are responsible for completing the compulsory education requirements as outlined in section 5.
2. All staff, affiliates and students are responsible for their own actions and are to refrain from engaging in bullying behaviour and support the prevention of bullying at the University.
3. Staff should be active in promoting RRR Online to all new students and EO Online to new staff members.
4. Roles and responsibilities in relation to investigating reported bullying are outlined in the Grievance Policy and Procedures for Investigating Grievances.
5. All staff and students have a responsibility to address concerns regarding bullying in a professional manner. Any staff member or student who is found to have made allegations against another person which are not in good faith or which they know to be false may be subject to disciplinary steps, which may include an apology, counselling, exclusion from the University, or in the case of staff, dismissal.



10 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	5 November 2002	Administrative Committee	First Version
2	11 September 2009	Deputy Vice-Chancellor (Academic)	Migrated to the UOW Policy Template and updated as per the UOW Policy Refresh.
3	9 March 2010	Vice-Principal (Administration)	Future review date identified in accordance with Standard on UOW Policy
4	17 May 2011	Administrative Committee	Major review in accordance with policy review schedule. Review includes new title and significant amendments to policy content.
5	3 February 2012	Vice-Principal (Administration)	Minor amendment to update references to Work Health and Safety legislation
6	30 Nov 2012	Vice-Principal (Administration)	Updated to reflect change from OHS to WHS.
7	13 February 2014	Deputy Vice-Chancellor (Education)	Updated to reflect change from Dean of Students to Student Ombudsman.
8	5 July 2016	Vice-Chancellor	Consequential amendment following minor amendment to Coursework Student Academic Complaints Policy – removal of reference to Student Ombudsman at clause 8.3. Transfer to rebranded template.
9	21 July 2017	Vice-Chancellor	Minor changes to titles and definitions, minor edits throughout.
10	8 March 2019	Vice-Chancellor	Minor changes to discrimination definitions and bullying examples to be more inclusive of LGBTIQ+.