



BULLYING, HARASSMENT & DISCRIMINATION POLICY

HR.01

STAFF & STUDENTS

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| Version | 1.0 |
| File number | HR 01 |
| Short Description | A policy to ensure staff, students, contractors and visitors are aware of their responsibilities in relation to bullying, harassment and discrimination. |
| Relevant to | Staff, students, visitors and contractors |
| Authority | Sonoma College Administration Committee |
| Responsible Officer | Human Resources Officer Deputy Principal, Student Services Officer |
| Responsible Office | Human Resources Department |
| Date introduced | August 2019 |
| Date modified | |
| Next scheduled review date | August 2021 |
| Related College documents | Grievance & Dispute Resolution Policy |
| Related legislation | PNG Employment Act, 1978 Chapter 373 |
| Key Words | Policy, bullying, harassment, discrimination, staff, students |

1. Objectives

- 1.1 This policy informs staff, students, visitors and contractors of Sonoma College:
 - 1.1.1 Sonoma's zero-tolerance approach to bullying, harassment and discrimination;
 - 1.1.2 What constitutes bullying, harassment and discrimination;
 - 1.1.3 Each person's responsibilities in relation to conduct that is prohibited by this policy;
 - 1.1.4 The steps that Sonoma will take to ensure these responsibilities are understood; and
 - 1.1.5 How reports and allegations of misconduct will be handled.

2 Scope

- 2.1 This policy applies to all staff, students, visitors and contractors while on campus and /or participating in any event or activity that is associated with Sonoma.
- 2.2 This policy covers all forms of conduct including any form of communication, without limitation.

3 Responsibilities

- 3.1 Individuals covered by this policy must:
 - 3.1.1 Not discriminate against, bully or harass any person in any way while working at, attending, socializing with or representing Sonoma;
 - 3.1.2 Ensure that they understand what comprises bullying, discrimination, and harassment;
 - 3.1.3 Understand their responsibilities under this policy;
 - 3.1.4 Complete bullying, discrimination and harassment training when required; and
 - 3.1.5 Otherwise comply with this policy at all times.

4 Bullying

- 4.1 Bullying is unacceptable and prohibited. This conduct breaches Sonoma's Code of Conduct and may be unlawful.
- 4.2 Bullying is repeated, unreasonable behavior directed towards a person or a group of people that creates a risk to health and safety.
 - 4.2.1 Repeated behavior's can either be persistent behavior or it can refer to a range of behaviors occurring over a period of time. The behavior may be subtle or difficult to identify.
 - 4.2.2 Unreasonable behavior includes behavior that a reasonable person perceives to be victimizing, humiliating, intimidating or threatening.
- 4.3 Bullying may be:
 - 4.3.1 Intentional, where actions are intended to humiliate, victimize, vilify, hurt, offend, intimidate or distress; or
 - 4.3.2 Unintentional, where the actions have the effect of, offending, humiliating, victimizing, vilifying, hurting, intimidating or distressing and should reasonably have been expected to cause that effect.
- 4.4 Examples of obvious bullying may include, but are not limited to:
 - 4.4.1 Abusive behavior towards another person, such as threatening gestures or physical violence;
 - 4.4.2 Aggressive or abusive or offensive language, including threats or shouting;
 - 4.4.3 Demeaning or humiliating comments;
 - 4.4.4 Interfering with personal property;
 - 4.4.5 Constant unreasonable and unconstructive criticism;
 - 4.4.6 A harsh management style involving shouting, constant criticism or humiliation; and

- 4.4.7 Spreading misinformation or malicious rumours
- 4.4.8 Examples of subtle bullying may include, but are not limited to:
- 4.4.9 Deliberate exclusion, isolation or alienation of an employee from normal interaction, such as intentionally excluding the person from meetings;
- 4.4.10 Placing unreasonable high work demands on person but not another;
- 4.4.11 Unfairly allocating demeaning tasks;
- 4.4.12 Unreasonably ignoring a person;
- 4.4.13 Undermining another person, including encouraging others to ‘gang up’ on them; or
- 4.4.14 Undermining work performance by deliberately withholding vital information.

4.5 Bullying does not include:

- 4.5.1 Expressing differences of opinion in an appropriate manner;
- 4.5.2 Conflicts, stresses and strains of normal working interaction, no matter how unpleasant;
- 4.5.3 Giving lawful instructions to employees;
- 4.5.4 Exercising reasonable supervision;
- 4.5.5 Reasonable performance or behavioral counselling in the right forum and in an appropriate manner;
- 4.5.6 Legitimate disciplinary action; or
- 4.5.7 Allocating work in accordance with operational or business needs.

5 Harassment

- 5.1 Harassment is unacceptable and prohibited. This conduct breaches Sonoma’s Code of Conduct and may be unlawful.
- 5.2 Harassment is unreasonable, uninvited and/or unwelcome behavior that:
 - 5.2.1 A reasonable person would consider to be offensive, humiliating, intimidating, or threatening (this includes initiation practices), and/or
 - 5.2.2 Makes Sonoma or the workplace uncomfortable and hostile for others.
- 5.3 Harassment may comprise a single act or a series of acts.
- 5.4 Harassment does not have to be directed to a particular person. Behavior that creates a hostile environment for other people can also comprise harassment. For example, people overhearing your conversation have a right to complain if they are offended by what you said.
- 5.5 Sexual harassment
 - 5.5.1 Sexual harassment occurs if a person harasses another person by:
 - a) Making an unwelcome sexual advance or an unwelcome request for sexual favours; or
 - b) Engaging in other unwelcome conduct of a sexual nature in relation to the person harassed,
 - c) In circumstances where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.
 - 5.5.2 Both men and women can be sexually harassed, by someone of the same or opposite sex.
 - 5.5.3 Sexual harassment does not have to be directed at a particular individual. Behavior that creates a hostile environment for other people can also comprise sexual harassment.
 - 5.5.4 Examples of sexual harassment include:
 - a) Making unwelcome comments about someone’s sexuality or physical appearance;
 - b) Making sexually-oriented jokes, innuendos or comments;

- c) Non-verbal behavior (like leering or ogling);
- d) Persistently inviting someone to social events or contacting them (at work or at home) when requested not to;
- e) Having offensive screen savers, emails or other technology or digital material of a sexual nature;
- f) Inappropriately using the internet at work (for example, to access pornography);
- g) Using email or other technology to send or forward offensive messages, including postings on social networking sites;
- h) Making obscene phone calls, displaying obscene photographs or other material or engaging in obscene behavior;
- i) Pressuring someone for sexual favours;
- j) Using deliberate physical contact like patting, pinching, touching, hugging or brushing against someone else's body; or
- k) Stalking, sexual assault and rape (these are criminal offences and should be reported to the police immediately).

5.5.5 Mutual attraction that is welcome and reciprocated between two people is not sexual harassment

5.6 Racial harassment

5.6.1 Racial harassment includes harassing someone because of their colour, descent, ethnicity, national origin or nationality.

5.6.2 It can include threats, abuse, insults and taunts based on a person's race or characteristics belonging to a particular race.

5.6.3 Examples include making racially-based jokes, calling people racial names or making racial slurs and remarks.

6 Discrimination

6.1 Discrimination is unacceptable and prohibited. This conduct breaches Sonoma's Code of Conduct and may be unlawful.

6.2 Discrimination is any practice that makes distinctions between individuals or groups that disadvantages some people and/or advantages others.

6.3 Some types of discrimination are unlawful if they are based on the prohibited grounds (set out below), such as discrimination on the grounds of sex, race or age.

6.4 A person can unlawfully discriminate against another person even if they did not intend to do so.

6.5 This policy does not deal with lawful types of discrimination such as rewarding good performance or choosing a qualified person rather than an unqualified person.

6.6 Unlawful discrimination

6.6.1 It is against the law to discriminate against someone on these prohibited grounds:

- a) Gender;
- b) Age;
- c) Race, nationality or ethnic origin;
- d) Disability, including HIV or AIDS;
- e) Family responsibilities;
- f) Parental status or marital status;
- g) Medical or irrelevant criminal record;
- h) Political views;
- i) Pregnancy or potential pregnancy;
- j) Religious beliefs or activity;
- k) Sexuality or sexual orientation;
- l) Trade union activity;

- m) Physical appearance;
- n) Social origin; and
- o) Carers' responsibilities.

Note: Not all of these prohibited grounds may apply in Papua New Guinea, but all of them are unacceptable at Sonoma.

6.7 Direct and indirect discrimination

- 6.7.1 Direct discrimination is when someone is treated less favourably in their employment due to one of the prohibited grounds set out above. For example, not hiring someone because of their age and race.
- 6.7.2 Indirect discrimination is where a requirement, condition, policy or rule that appears to be the same for everyone has an unfair and unreasonable effect on some people because of their gender, race, disability or some other prohibited ground (set out above). For example, only employing persons of a certain height indirectly discriminates against females, who are on average shorter than men.

6.8 Discrimination because of pregnancy or carers' responsibility:

- 6.8.1 Discrimination because of pregnancy, potential pregnancy or carers' responsibility is unlawful at any time during the employment cycle (for example, during recruitment, employment, leave, dismissal and retrenchment). This means that people who are pregnant, may become pregnant or have carers' responsibilities must:
 - a) Be treated the same as other candidates during recruitment;
 - b) Be treated fairly and equitably at work – for example, managers should make reasonable adjustments to help women work or study safely while pregnant but cannot reduce their terms and conditions or deny them benefits because they are pregnant;
 - c) Be granted all their leave entitlements in accordance with policy and/or relevant law;
 - d) Be equally considered for vacant employment positions, whether as part of a recruitment process or during a restructure;
 - e) Not be dismissed or retrenched because they are pregnant, because they may become pregnant or because they have carers' responsibilities, even if this is the only one of the reasons for dismissal or retrenchment.

7. Complaints, Grievances and Disputes

7.1 Staff

7.1.1 If staff witness discriminatory, bullying or harassing conduct, staff must report it to the supervisor, manager, (Equity and Disability Officer), or Sonoma Principal. If this person is involved in the alleged misconduct, staff should report it to their supervisor or manager, or the Sonoma Board Chair.

7.1.2 If staff experience bullying, harassment or discrimination, refer to the Grievance and Dispute Resolution Policy for the process to follow.

7.1.3 Allegations, complaints, grievances or disputes will be handled in accordance with the Grievance & Dispute Resolution Policy.

7.1.4 Complaints or grievances that are found to have been made falsely or maliciously will not be progressed. Disciplinary action may be taken against an individual who is found to have made a false, malicious or vexatious complaint.

7.2 Students

7.2.1 If students witness discriminatory, bullying or harassing conduct, staff must report it to the (Equity and Disability Officer), or Student Services.

7.2.2 If students experience bullying, harassment or discrimination, they refer to the Student Grievance and Dispute Resolution Policy for the process to follow.

7.2.3 Allegations, complaints, grievances or disputes will be handled in accordance with the Student Grievance & Dispute Resolution Policy.

7.2.4 Complaints or grievances that are found to have been made falsely or maliciously will not be progressed. Disciplinary action may be taken against an individual who is found to have made a false, malicious or vexatious complaint.

8. Confidentiality

8.1 Sonoma will endeavor to preserve the confidentiality of the complainant and the person of whom the complaint is made. However, it may be necessary to speak with other people to conduct a thorough investigation.

8.2 All people who are involved in the complaint (including the complainant and any witnesses) must maintain confidentiality and uphold the integrity of the investigation process.

8.3 If the complainant chooses to bring a support person with them to any meetings, that person must agree to maintain confidentiality.

8.4 Gossiping and/or the spreading of rumours as a result of, or in connection with, a process followed under this policy will not be tolerated and may lead to further disciplinary action for those concerned.

8.5 Where potentially unlawful conduct has occurred, Sonoma will need to alert the appropriate authorities.

9. Breach of Policy

9.1 Non-compliance with the provisions of this policy is a serious matter. Depending on the severity and implications of the breach, disciplinary action may be taken.

9.2 Sonoma may be required, by law, to notify a statutory authority, government department or other agency of any breach of this policy.