

# ACADEMIA CEREBRA

## Bullying, Harassment & Discrimination Policy

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## 1. Introduction

Academia Cerebra is committed to providing a respectful workplace and training environment that is completely free of bullying, harassment, and discrimination. Bullying, harassment, and discrimination is unacceptable and a risk to health and safety because it may affect the mental and physical health of individuals. Bullying, harassment, and discrimination can adversely affect the psychological and physical health of a person but can also extend to others in the workplace or relations (such as family or friends).

The Academy places equal responsibility on all employees, members, and trainees about their work health and safety duties in preventing workplace bullying, harassment, and discrimination. Workplace bullying, harassment and discrimination may occur in the workplace, at a work-related function, conference, or other activity. Harassment can occur between co-workers, supervisors and employees, as well as among Faculty and Students.

All forms of bullying, harassment and discrimination are not in congruence with the Academy values of advocacy, education, excellence, integrity, kindness, and respect.

## 2. Scope

This policy applies to the following people:

- i. AC staff members
- ii. Faculty members
- iii. Students / Participants
- iv. Any external individual or provider serving academic purposes or representing the Academy in other forms

## 3. Bullying

### 3.1 What is Bullying?

Bullying is defined as repeated and unreasonable behaviour directed towards a person or a group of people that creates a risk to health and safety. Bullying can be classified into two broad categories, direct or indirect.

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Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- aggressive or intimidating conduct
- belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or 'initiation ceremonies'
- pressure to behave unreasonably
- exclusion from work and work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- displaying offensive material

It is common that a series of relatively minor behaviours, each of minimal effect when viewed in isolation from each other might, when combined, demonstrate a systematic and significant episode of bullying when experienced over a period of time.

## **3.2 What is online bullying?**

Online bullying, or cyber abuse, is a distinct category of bullying, is any behaviour that uses technology to threaten, intimidate, harass, or humiliate a person, or group of people, with the intent to hurt them socially, psychologically or even physically, and which creates a risk to health and safety. It can take place on social media, through online chat and messaging services, text, messages, emails, on message boards and in online forums that allow people to comment publicly.

## **4. Harassment**

### **4.1 What is harassment?**

Harassment includes offensive, belittling, or threatening behaviour towards an individual or group of people. The behaviour is unwelcome, unsolicited, usually unreciprocated, and often repeated. Even if the behaviour is not deliberate, it can still be harassment where a reasonable person would conclude that it would humiliate, offend, intimidate, or cause a person unnecessary hurt or distress. In the case of sexual harassment, it need only be shown that a reasonable person would anticipate the possibility that the behaviour would offend, humiliate, or intimidate. Harassment

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occurs when a person or group of people is made to feel intimidated, insulted or humiliated because of their protected trait, or some other characteristic specified under human rights legislation and some workplace legislation, and that a reasonable person would likely anticipate that possible reaction in the circumstances. It can be obvious or indirect, physical, or verbal, repeated or one-off. It does not matter that the harassment was not intended. Unlawful harassment can also happen if someone is working in a 'hostile work environment'.

## **4.2 What is sexual harassment?**

Sexual harassment is a distinct category of harassment that is explicitly prohibited under anti-discrimination laws. Sexual harassment is unwelcome sexual behaviour that could be expected to make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, verbal or written. Sexual harassment also includes behaviour that is an offence under the criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

## **4.3 Harassment on the Ground of Sex**

Harassment on the ground of sex (sex-based harassment) is a new category of harassment introduced under the anti-discrimination laws. Harassment on the ground of sex is any unwelcome and demeaning conduct (not necessarily sexual) based on a person's sex that is expected to make a person feel offended, humiliated, or intimidated. This category of harassment would cover conduct based on characteristics that are related to sex or gender stereotype.

## **5. Discrimination**

### **5.1 What is discrimination?**

Discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of their background or specific personal characteristics; This is known as 'direct discrimination'. It is also discrimination when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share; This is known as 'indirect discrimination'. Systemic discrimination is described as patterns of behaviour, policies or practices that are part of the structures of an organisation, and which create or perpetuate disadvantage. It impacts a group of people because of a "personal characteristic" shared among them and therefore places them at a disadvantage. It is unlawful to discriminate against another person on the grounds of their race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national

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extraction or social origin and any other traits protected by federal and state legislations.

## 6. Victimisation

### 6.1 What is Victimisation?

Victimisation means subjecting or threatening to subject a person to some form of detriment because they have:

- lodged, or are proposing to lodge, a complaint of bullying, harassment, or discrimination
  - provided information or documents to an internal investigation or an external agency
  - attended a conciliation conference
  - reasonably asserted their rights, or supported someone else's rights, under anti-discrimination laws
  - made an allegation that a person has acted unlawfully under anti-discrimination laws
- Victimisation is against the law. It can also be a criminal offence. Concerns and complaints about bullying, harassment and discrimination should always be handled appropriately and sensitively.

## 7. What is not bullying, harassment and discrimination

A single incident of unreasonable behaviour is not considered to be workplace bullying or harassment; however, it may be repeated or escalate and should not be ignored. When dealing with a single incident of unreasonable behaviour, the person impacted should firstly consider talking to the person who displayed this behaviour. If the person who has been impacted does not wish to speak directly to the person displaying the behaviour, they should consider talking to their supervisor and/or the People and Wellbeing team. The following are examples of incidents that may not necessarily be instances of bullying and harassment.

### 7.1 Reasonable management action taken in a reasonable way

It is reasonable for supervisors to allocate work and give feedback on an employee's performance. These actions are not considered to be workplace bullying or harassment if they are carried out respectfully and reasonably, taking the particular

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circumstances into account. A supervisor exercising their legitimate authority at work may result in some discomfort for an employee.

The question of whether management action is conducted reasonably is determined by considering the actual management action rather than an individual's perception of it.

## 7.2 Workplace conflict

Differences of opinion and disagreements are generally not workplace bullying and/or harassment. People can have differences and disputes in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, a conflict that is not managed may escalate to the point where it becomes workplace bullying and/or harassment. If workplace conflict is affecting an individual, they should, in the first instance, speak to the person with whom the conflict occurred.

## 8. Be a supportive bystander

A bystander is someone who sees or knows about bullying or other forms of violence that is happening to someone else. Bystanders can be either part of the problem or an important part of the solution.

A supportive bystander will take action to protect the rights of others.

A supportive bystander will use words and/or actions that can help someone who is being bullied or abused. If bystanders are confident to take safe and effective action to support victims, then there is a greater possibility that the bullying or abuse can stop and the person who is bullied or abused can recover.

Supportive bystanders take safe and effective action by:

- Making it clear to your colleagues that you will not be involved in bullying or abusive behaviour
- Never standing by and watching or encouraging bullying or abusive behaviour
- Not harassing, teasing, or spreading gossip about others, this includes on social networking sites
- Never forwarding on or responding to messages or photos that may be offensive or upsetting

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- Supporting the person who is being bullied or abused to ask for help (e.g. go with them to a place they can get help or provide them with information about where to go for help)
- Reporting a case of bullying, harassment or discrimination to their supervisor or the People and Wellbeing team