



ANTI-HARASSMENT PROCEDURE

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Parent Policy	Anti-Harassment Policy		
Policy Category	Academic		
Responsible Officer(s)	General Manager / Head of School		
Related Documents	Anti-Harassment Policy Risk Management Policy (and related Procedure) Staff Code of Conduct Staff Disciplinary Procedure Staff Grievances Policy (and related Procedure) Student Code of Conduct Student Misconduct Procedure Student Grievances, Complaints and Appeals Policy (and related Procedure) Higher Education Standards Framework (Threshold Standards) 2021 (TEQSA Act 2011)		

* Unless otherwise indicated, this Procedure will still apply beyond the review date.

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1. PURPOSE

1.1 The Anti-Harassment Procedure provides a framework to assist Adelaide Institute of Higher Education (AIHE) in resolving the unlawful discrimination and harassment grievances of students and staff. The procedures are founded on the principles of natural justice and procedural fairness to support AIHE's commitment to eliminating unlawful discrimination, sexual assault, sexual or other harassment, workplace bullying, victimisation and any other form of unlawful behaviour described in the Anti-Harassment Policy.

1.2 Consistent with the relevant legislation and good business practice these procedures are based on the philosophy of using education and conciliation as the principal approach to the prevention of unlawful discrimination and harassment and in the resolution of grievances.

1.3 The procedures are designed to assist in the resolution of grievances by:

- providing a consistent and transparent process for managing grievances;
- encouraging complainants to lodge grievances as soon as practicable after the alleged incident occurs;
- ensuring every grievance is clearly defined; and
- investigating and dealing with grievances appropriately and promptly.

2. SCOPE

2.1 The Anti-Harassment Procedure applies to students, staff and affiliates of AIHE. For this Procedure all references to the term "student" are inclusive of a prospective student, an applicant for admission to AIHE, a current student, or a former or past student of AIHE.

2.2 This Procedure applies when a claim of harassment, bullying sexual assault, sexual harassment or discrimination concerns an AIHE student or staff member and where the conduct complained about occurred at AIHE or where the conduct is related to AIHE activities, or concerns people acting on behalf of AIHE. AIHE will attempt to support all victims of sexual assault, whether the sexual assault occurs in the aforementioned contexts or not

3. PREVENTION OF DISCRIMINATION AND HARASSMENT

3.1 To create and maintain a teaching and learning environment that encourages and empowers everyone to perform at their best AIHE will take reasonable steps to prevent unlawful discrimination, assault and harassment through a risk management approach.

3.2 Consistent with AIHE's Risk Management Policy and related Procedure, this approach includes, but is not limited to:

- identification of risk factors, being circumstances and other things that could contribute to discrimination, bullying, assault or harassment, such as the way in which students are assessed or staff are managed;
- assessment of the likelihood of discrimination, bullying, assault or harassment occurring from the risk factors identified and their potential impact on staff, students or the teaching and learning environment;
- eliminating, controlling or minimising the risks as far as reasonably practicable;
- reviewing the effectiveness of the control methods put in place and the process generally; and
- training staff and educating students about unlawful discrimination, harassment, bullying, sexual assault and sexual harassment, how to deal with it and its impact on the teaching and learning environment.

4. STUDENT COMPLAINTS PROCEDURE

4.1 The grievance resolution procedures, as set out in the Student Grievances, Complaints and Appeals Policy (and related Procedure) provide students with several options to resolve their concerns, grievances or complaints concerning discrimination or harassment at AIHE. Irrespective of the internal remedies available, in all cases where a potential crime is involved, victims are encouraged to report to Police without prejudice. A student may:

- seek to resolve the problem at the local level, if it is reasonable and appropriate to do so, before a formal complaint is made; or
- lodge a formal complaint, generally when a matter cannot be resolved at the local level, or if a student is dissatisfied with the outcome at the local level.

4.2 AIHE will facilitate the timely, fair and confidential resolution of student grievances.

4.3 In all cases of the report of a complaint regarding a serious incident that is highly likely to have a physical or psychological impact upon a victim (for example assault, sexual assault or sexual harassment), an initial complaint will be treated as a formal complaint. This status will be maintained until the alleged victim gives clear and voluntary instruction that it no longer should be treated as such. This includes reasonable provision of immediate safety and assistance with seeking out medical, psychological and/or legal assistance as the case may require.

4.4 In some circumstances, the seriousness of an allegation may place AIHE under a legal obligation to ensure that a matter is investigated beyond that which the complainant intends or wishes, in which case AIHE may initiate a complaint or progress a complaint on its own volition.

4.5 If a student is not satisfied with a decision or determination made by AIHE, they have the right to lodge an appeal provided there are grounds as set out in Section 6 of the Student Grievances, Complaints and Appeals Procedure. Further, a student may lodge a complaint or appeal with a relevant external agency.

5. STAFF COMPLAINTS PROCEDURE

5.1 Where a staff member has a concern or complaint concerning another member of staff or an AIHE determination or decision, the grievance resolution procedures are set out in the Staff Grievances Policy (and related Procedure). Irrespective of the internal remedies available, in all cases where a potential crime is involved, victims are encouraged to report to Police without prejudice. Options available to staff to resolve their grievances include:

- seek advice and information resolution of the grievance without lodging a written complaint (informal resolution); and
- lodge a written complaint using the Staff Complaints Form.

5.2 In some circumstances, the seriousness of an allegation may place AIHE under a legal obligation to ensure that a matter is investigated beyond that which the complainant intends or wishes, in which case AIHE may initiate a complaint or progress a complaint on its own volition.

5.3 In all cases of the report of a complaint regarding a serious incident that is highly likely to have a physical or psychological impact upon a victim (for example assault, sexual assault or sexual harassment), an initial complaint will be treated as a formal complaint until the alleged victim gives clear and voluntary instruction that it no longer should be. This includes reasonable provision of immediate safety and assistance with seeking out medical, psychological and/or legal assistance as the case may require.

5.4 A staff member who has a concern or complaint about the conduct of a student, where that conduct is in breach of the Student Code of Conduct, must follow the processes set out in the Student Misconduct Procedure.

6. CONSEQUENCES OF BREACH

6.1 Breaches of the Anti-Harassment Policy will be addressed through the disciplinary procedures prescribed for staff and affiliates (refer AIHE's Code of Conduct and the Staff Disciplinary Procedure) and students (refer Student Code of Conduct Policy and Student Misconduct Procedure). Depending upon the severity and implications of the breach, sanctions may include a report to Police or other legal action, a formal warning, retraining, and/or other disciplinary action (such as suspension or termination of employment, or suspension or exclusion from AIHE).

7. DEFINITIONS

7.1 See the AIHE Glossary of Terms for definitions.

Document Control

Version #	Date	Key changes
1.0	23/02/2018	Procedure approved by General Manager
1.1	23/02/2019	Minor edit to correct title Staff Grievances Policy
1.2	11/11/2020	Reviewed; minor edit to clause 1.1
1.3	24/5/2022	Reviewed. Removal of 'Governing Authority' in document and update to "Responsible Officers" to reflect the broader scope of the policy.
1.4	14/12/2023	Inclusion of specific references to sexual assault and sexual harassment as part of this procedure.