

# Bullying Prevention Policy

## Section 1 - Purpose and Context

(1) Western Sydney University is committed to ensuring a safe and healthy working and learning environment that is free from bullying, as required under the New South Wales [Work Health and Safety Act 2011](#) and associated regulations, standards and codes of practice. Under common law, the University also has a duty of care to provide a learning environment for students that is free from bullying.

(2) This commitment recognises that each University member has a responsibility to co-operate in the creation of a University environment in which mutual respect and inclusion prevail, as well as the promotion of the health, safety and welfare of employees and students.

(3) The policy applies to all members of the University community:

- a. in attendance at a University campus or facility, be it owned or leased;
- b. using University equipment, be it owned or leased (e.g. communications technologies, vehicles, facilities);
- c. in attendance at a University event, function or activity;
- d. participating in any activity as a representative or student of the University (e.g. field trips inter-University events, conferences, practicum, clinical placements, etc).

(4) The policy also applies to any form of contact or communication that is relevant to University business activities, whether initiated in person, by telephone, fax or e-mail, through another person, agent or any other means.

(5) Matters that arise away from the University and that have no association with the University would not normally be covered by this policy except where there is a clear impact on the University's ability to fulfil its objectives in terms of this policy.

## Section 2 - Definitions

(6) For the purpose of this policy:

- a. Aggrieved person refers to a person who perceives that they have been targeted and detrimentally affected by the conduct of another.
- b. Bullying occurs when:
  - i. an individual or group of individuals repeatedly behaves unreasonably towards another individual or a group of individuals, and
  - ii. the behaviour creates a risk to health and safety.
- c. Unit Head - refers to any person who holds any of the following positions:
  - i. Vice-Chancellor and President or nominee
  - ii. Deputy Vice-Chancellor or nominee
  - iii. Campus Provost or nominee
  - iv. Pro Vice-Chancellor or nominee

- v. Dean or nominee
  - vi. Director or nominee
  - vii. Director, Campus Safety and Security or nominee
  - viii. Any other position designated by the Deputy Vice-Chancellor and University Provost as a Unit Head for the purposes of this policy.
- d. Unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex, pregnancy or marital status; age; disability; religion; sexual preference; trade union activity; or some other characteristic specified under discrimination or human rights legislation.
- e. Unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, disability; religion; sexual preference; trade union activity; or some other characteristic specified under discrimination or human rights legislation.
- f. Victimization refers to less favourable treatment of a person or persons for their participation in making, supporting or resolving a complaint, whether that participation was actual, intended or presumed.
- g. Vilification refers to a public act that could incite others to hate, have serious contempt for, or severely ridicule a person or a group of people. Under NSW legislation, perceived or actual vilification because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality (lesbian or gay), HIV or AIDS status or transgender status is illegal.

## Section 3 - Policy Statement

(7) Bullying is unacceptable at Western Sydney University and any bullying behaviour by a member of the University community will not be tolerated.

(8) Western Sydney University aims to:

- a. adopt a risk management approach to bullying which identifies hazards, assesses risk, and eliminates or controls the source of the problem;
- b. create a working and learning environment that is free from bullying and one where all members of the university community are treated inclusively and with respect;
- c. promote appropriate standards of conduct at all times;
- d. implement training and awareness raising strategies to ensure that all employees and students know their rights and responsibilities with regards to bullying;
- e. encourage the reporting of behaviour which breaches this policy;
- f. provide an effective procedure for bullying complaints based on the principles of natural justice;
- g. engage in a process of regular policy and procedural review and improvement.

(9) Any member of the University community who experiences or witnesses bullying may use the procedures below to deal with this adverse behaviour.

## Section 4 - Procedures

(10) The procedures used for dealing with bullying should follow principles of natural justice (see Guidelines).

(11) The procedures for dealing with bullying are represented in a flowchart format in the Associated Information of this policy and the [Bullying Prevention Guidelines](#).

## **Procedures for Dealing with Bullying**

(12) Bullying behaviours may be displayed by students and employees and may be between students, between employees, and between students and employees in both directions.

(13) Any employee or student who perceives that they are being bullied or observes bullying by a student or an employee, has the right to take action and make a complaint.

### **Preliminary Actions by Aggrieved Person**

(14) The aggrieved person is encouraged to:

- a. talk to someone about the behaviour of concern;
- b. seek support and advice (see Guidelines for suggestions),
- c. record the behaviour(s) in writing, making notes of dates, time, witnesses, and instances that describe the behaviour and the context within which it occurred

### **Direct Informal Action by Aggrieved Person**

(15) If able to do so, the aggrieved person is encouraged to approach the bully directly and raise the matter, either face-to-face or in writing, telling the alleged bully exactly which behaviour is unreasonable and asking them to stop.

(16) If the aggrieved person is unable to approach the alleged bully directly due to intimidation, the procedures below are available to deal with the matter.

### **Reporting of Bullying**

(17) The aggrieved person or witness of bullying is strongly encouraged to promptly report the alleged bullying behaviours to the relevant Unit Head. For example, if you are an employee report the behaviour to your manager or if you are a student report it to your Dean.

(18) In cases where the alleged bully is the Unit Head, the matter should be reported to the next level of management.

### **If bullying is by a student**

(19) All allegations of bullying by a student should be dealt with in accordance with the [Student Misconduct Rule](#).

### **If bullying is by an employee**

#### **Response by Head of Unit**

(20) Once the alleged bullying behaviour has been reported, the Unit Head should gather evidence of the alleged behaviour and consider all the circumstances of the case before making a characterisation of the behaviour reported.

(21) The Unit Head is encouraged to seek advice from the Office of Human Resources and the Equity and Diversity Unit on the characterisation of the behaviour.

(22) If the behaviour reported and the evidence gathered supports that there is a pattern of unreasonable behaviour towards an individual or a group of individuals that creates a risk to health and safety, then it is bullying.

(23) The Unit Head must also consider the severity of the behaviour and decide whether to proceed according to the Misconduct clauses in the relevant employment agreement. Serious adverse behaviour including physical assault, violent threats, severe intimidation, etc should be dealt with according to the Misconduct provisions.

(24) The Unit Head is to provide information to the aggrieved person on the options available to deal with the situation, including a copy of this policy and the [Bullying Prevention Guidelines](#).

(25) The Unit Head is to ensure that the aggrieved person completes an [Accident/Injury/Incident/Hazard Form](#).

### **Action by Head of Unit**

(26) If the Unit Head characterises the behaviour as bullying, they should complete and submit an Accident/Injury/Incident/Hazard Notification Form (found in the Associated Information of this policy), with details of steps taken to deal with the bullying.

(27) The Unit Head should also take immediate action to resolve the matter within their work or study unit.

(28) There are several options available to the Unit Head to address bullying, and include:

- a. Raising the issue of bullying at the next staff meeting so as to not identify the alleged bully;
- b. Meeting with the alleged bully to sensitively communicate that bullying behaviours akin to those being alleged are not acceptable and should be stopped immediately;
- c. Recommending mediation to the parties for consideration;
- d. Organising training for the whole team on bullying;
- e. Suggesting training options for both parties.

(29) The Unit Head should inform the aggrieved person of action taken to resolve the alleged bullying reported.

(30) If the alleged bullying behaviour has not improved two weeks after it was reported, the Unit Head should report the alleged bullying to their HR Business Partner and the Complaints Resolution Unit.

(31) The HR Business Partner will record the alleged bullying and support the Unit Head to resolve the matter within their work or study unit.

(32) After two weeks, the Office of Human Resources will follow up with the Unit Head on the progress of the matter.

### **Formal Procedures**

(33) If the matter is not resolved two weeks after notification to the HR Business Partner, the Office of Human Resources will investigate the alleged bullying.

(34) The Office of Human Resources should notify the aggrieved person and alleged bully of the progress being followed to investigate the matter and the relevant timeframes.

(35) After investigation, the Office of Human Resources will make recommendations to the Unit Head on possible actions to resolve the bullying, including possible action under the misconduct provisions of the relevant employment agreement.

(36) The Unit Head will implement the recommendations from the Office of Human Resources and provide support to both parties.

(37) If the bullying has not ceased after attempting all the above options, the aggrieved person should make a formal complaint under the [Complaint Handling and Resolution Policy](#) procedures for a serious matter.

### **Investigation by Executive Director, Human Resources**

(38) Should employees express concerns to the Equity and Diversity Unit, the Office of Human Resources, or the Complaints Resolution Unit, about systemic bullying in a particular work or study unit, and evidence is available on the

issue from the Office of Human Resources or the Complaints Resolution Unit, the Executive Director, Human Resources may undertake an investigation of the unit in question.

## Status and Details

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