

Fair Treatment Policy POL.010

Overview

As an employer and an educational institution, CALAM Training is committed to ensuring that access to employment and training is available regardless of gender, socioeconomic background, disability, ethnic origin, age or race. The College supports the right of all persons who are, or would be, on campus to work and/or study in an environment that is free from personal intimidation and harassment.

Policy Purpose

The purpose of this policy is to ensure that procedures exist which allow complaints of harassment and/or bullying to be dealt with and resolved within CALAM Training without limiting any person's entitlement to pursue resolution of their complaint with a relevant statutory body.

Scope

This policy applies to all staff, clients and those who are, or would be, students of CALAM Training.

It includes:

- a) all students who are, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act*; and
- b) all persons seeking to enrol with the VET provider in a VET unit of study that meets the course requirements under subclause 45(1) of Schedule 1A of the Act* and who are, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act*.

Delegations

Elimination of harassment is the responsibility of all staff and students.

The legal position

- Harassment is illegal in employment and education under the Anti-Discrimination Act 1991 (Qld) and the Commonwealth Sex Discrimination Act
- Employers may be held responsible for their own behaviour and the behaviour of the people in their employ
- Supervisors (academic and non-academic) may also be held responsible for sexual harassment in their work area or educational setting, particularly if they fail to take appropriate action to prevent its occurrence or continuation

Access and Equity

CALAM Training recognises the importance of equity and access, and applies them in the following ways:

Access generally refers to the ability to enter training. Improving access might include improving physical access to a training venue, ensuring that selection criteria do not discriminate against clients, adapting marketing activities to encourage all clients and so on. Access issues form a subset within equity issues.

Equity is a term used to cover issues relating to access to VET, participation in VET, and achievement of outcomes in VET. Equity issues range from providing a supportive learning environment to adjusting curriculum and assessment appropriately to meet individual circumstances; from policies on fee reduction to development of inclusive training materials. Basically, equity refers to the ability to achieve results in training and to receive training in an inclusive environment with inclusive materials.

An inclusive environment is one that acknowledges and values the differences between people and cultures. It recognises and embraces difference and provides the means by which all clients have the best opportunity to achieve their goals.

No income test. CALAM Training as a provider does not apply an income test when making decisions either about which students are eligible for VET FEE-HELP assistance, or related to course options.

* Schedule 1A of the Higher Education Support Act 2003 (HESA)

Application of merit in decision-making processes involves CALAM Training considering each application on a case-by-case basis and avoiding the inflexible application of policies that might preclude eligible applicants from having their application considered. Procedures related to selection criteria are described in PROC.023 “Procedure for Application and Selection of Students”.

Equal Benefits and Opportunities. CALAM Training has open, fair and transparent procedures that are based on merit for making decisions about students undertaking, and persons applying for, courses.

This includes:

- a) the selection, from among persons who are, or would be, entitled to VET FEE-HELP assistance and who seek to enrol with the RTO in a VET unit of study that meets the course requirements; and
- b) the treatment of students who are, or would be, entitled to VET FEE-HELP assistance undertaking a VET course of study.

Educational disadvantage. When making decisions about the selection of students, CALAM Training takes into account the educational disadvantages that a particular student has experienced. This involves consideration of the actual disadvantages that a particular student has experienced.

However, CALAM Training does not assume that all people from a particular circumstance (eg. being from a low income group or being from a rural area) have necessarily experienced educational disadvantage. A provider is required to consider a particular student’s specific circumstances before making a decision about whether the student has actually suffered educational disadvantage.

Restricted access arrangement. When making decisions about the selection of students, CALAM Training takes into account students that are enrolled under a restricted access arrangement. A restricted access arrangement is an agreement entered into between CALAM Training and an employer or industry body for the provision of a course(s) or places in a course(s) in which enrolment is limited or restricted to employees of the employer or industry body.

Bullying or harassment is not allowed at CALAM Training

At CALAM Training, we do not allow any type of bullying or harassment in anything to do with our work/learning environment. The work/learning environment includes all areas for such activities on each of the institutions campuses as well as activities that occur on field trips and during learning practicum. Everyone who works for, studies with, or visits CALAM Training has the right to an environment that has no bullying and harassment. We may discipline and/or dismiss any employee or student we find guilty of bullying or harassment.

What is bullying?

Bullying is any type of behaviour that:

- puts down (belittles), scares or offends someone; and
- could put their health, safety or welfare at risk. This includes their psychological or emotional health.

Please note: Legitimate and constructive feedback or advice are important procedures in work and learning environments. Such comments from supervisors or trainers, when appropriate, are not to be confused with harassment or bullying.

What is harassment?

Harassment may be defined as any verbal or physical conduct of a nature that offends, humiliates, embarrasses, intimidates or otherwise causes distress to any reasonable person in the same circumstances. It is behaviour that is unsolicited, unwelcome and unreciprocated. Certain behaviour may be considered innocuous by some but is offensive to others. It may be difficult for the offended person to convey his or her displeasure, especially if the person giving offence is in a position of authority. It can range from intimidating and/or sexist comments to criminal physical and/or sexual assault. It is difficult to define harassment without risk of over-simplification of social relationships. It may be explicit or implicit; it may be a single incident or occur over a period of time.

Harassment is any type of behaviour that:

- the other person does not want and does not return, and/or
- offends, embarrasses, puts down, or scares them, and/or is
- sexual in nature or intent; and/or
- sex-oriented comments on physical appearance
- dirty jokes, wolf whistling, leering, obscene gestures

- sexual or lewd suggestions
- persistent questions or insinuations about a person's private life
- deliberate and unwanted physical contact such as kissing, patting, slapping, pinching or brushing against another's body
- using a greater physical presence to intimidate or block physical access of others without unwanted physical contact
- homophobic harassment
- sexually offensive written, telephone or electronic communications
- requests for sexual activity in exchange for favours in the workplace or good grades etc;
- displays of nudity or inappropriate attire, or
- targets them because of their (or their relatives, colleagues or friend's) race, ethno-religion, sex, pregnancy, marital status, age, actual or presumed transgender, actual or presumed homosexuality, actual or presumed disability, or actual or presumed carer's responsibilities.

What are the common things about bullying and harassment?

They both:

- are generally against the law
- make the work/learning environment uncomfortable and unpleasant
- can happen in anything to do with work or learning, for example, during any work or learning activity, during any CALAM Training organised social event, or during any activity that you have to do for CALAM Training outside the College itself
- often happen when people use the power that they have inappropriately - to control, offend, belittle or scare someone else. For example, the bully or harasser may have power because they are:
 - in a more powerful position - for example a supervisor over someone they are in charge of, a trainer over a student, or someone from a more powerful section over someone from a less powerful section
 - in the majority - for example, women over men in a section where most of the workers are women
 - longer-serving - they have been at CALAM Training longer than the person they bully or harass
 - larger, taller or louder

Harassment may occur:

- among peers, co-workers, or fellow students
- between members of the same or different sexes
- where a person uses unacceptable behaviour to control, influence or affect the grades, course work or educational opportunity of someone over whom they exert actual or perceived authority
- to or from a member of the public in the course of CALAM Training business
- in any personal relationship, whether it is with a member of staff or with a student, staff should be aware that they have a responsibility to act professionally at all times.

Effects of bullying and harassment

The effects of bullying and harassment usually extend far beyond personal intimidation and often interfere with a person's academic performance and/or their career opportunities

- Threat of penalties or promises of preferential treatment may be used to obtain compliance.
- Submission to or rejection of such conduct may result in decisions affecting an individual's employment or academic status and prospects
- The harassed person often chooses to resign, transfer or withdraw from studies rather than complain

Effects for students might include:

- inability to study resulting in poor performance
- absenteeism due to stress
- withdrawal from courses or the College; and
- reduced career prospects

Effects for staff might include:

- lower productivity and/or poor quality work
- absenteeism due to stress
- workplace accidents as a result of inability to concentrate; and
- resignation and/or reduced career prospects.

As well as being damaging to the individual, bullying and harassment is detrimental to CALAM Training. It is disruptive and divisive; it damages staff and student morale and relationships, and it may result in the loss of valuable staff/student members and/or litigation.

What's the difference between harassment and bullying?

<p>Harassment Harassment is either unwanted gender-based behaviour, or targets (intentionally or unintentionally) a person or a group of people because of their (or their relatives, colleagues or friends) gender, pregnancy, race, ethno-religion, marital status, age, actual or presumed disability, actual or presumed transgender, actual or presumed homosexuality, or actual or presumed carers responsibilities. Number of acts Harassment may be a single act.</p> <p>Deliberateness Harassment, while often deliberate, can also easily be unintentional (not meant). It may happen because of a different world view about what is acceptable behaviour and what isn't. The harasser did not understand that their behaviour could be seen or felt as harassing.</p> <p>Who does it Harassment is done by all levels of staff, students and visitors, towards all levels of staff, students and visitors. Harassment, and particularly sexual harassment, is more often done by men towards women.</p>	<p>Bullying Bullying intentionally targets an individual or group of people, for some/any reason.</p> <p>Number of acts Bullying is generally more than one act. Bullying behaviour is repeated behaviour but often the first bullying act is such that it is not clear until the second or third act that bullying is what is going on.</p> <p>Deliberateness Bullying is almost always deliberate. Most bullies know exactly what they are doing.</p> <p>Who does it Bullying is done by all levels but it is more often done by a manager/supervisor towards someone/several people in their own team. Bullying is done by almost as many women as men although, all bullies, whether male or female, are more likely to bully women than men.</p>
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Guidelines to follow:

- Don't do anything that can be seen as sexual or personally invasive
- Don't get involved in group baiting or group threats against one person or another group of people
- Don't target just one person with a particular type of behaviour, and don't target them over and over again with different types of behaviour
- If you are in a more powerful position or situation than them - be extremely careful how you behave towards them at all times, as it will be easy for your behaviour to be misinterpreted, and/or seen as controlling or bullying or harassment
- If you would not do it to, or in front of, every member of your family, don't do it
- If you would not like it done to you, don't do it to someone else
- The less well you know the person, the less you know what they like and don't like, and therefore the more careful you must be
- If you can't be sure that everyone who is there or who could overhear it will like it, don't do it.
- If anyone indicates in any way at all that you they don't like your behaviour or find it bullying or harassing, stop doing it and apologise – sincerely
- If someone bullies or harasses you, don't bully or harass them back.

Responsibilities of managers and supervisors

All managers and supervisors have the responsibility in ensuring that this policy is adhered to and in taking appropriate action in circumstances where they become aware of existing or possible harassment or unlawful discrimination. If you are a manager or supervisor you must:

1. Be a good role model - do not engage in any behaviour which could be interpreted as bullying or harassment
2. Make it clear to all those you supervise that bullying or harassing behaviour from any of them will not be tolerated
3. If you are asked to sort out a complaint of bullying/harassment, you must act immediately -by following the instructions in our complaints procedure and accompanying guidelines.

The responsibilities of everyone else

It is the responsibility of all staff and students to respect the rights of others and never get involved in or encourage any type of bullying or harassment.

Your rights

Everyone who works or studies at, or visits, CALAM Training has the right to an environment that has no bullying and no harassment. If you are bullied or harassed, or if someone you know is bullied or harassed, you have the right to use the complaints procedure to resolve the situation. If you are accused of bullying or harassing someone else, you have the right to a fair go in the way the complaint is handled.

Rights of a Complainant

The complainant has the following rights:

- to be treated with dignity and respect and not be victimised following the grievance
- to have his/her grievance taken seriously
- to have his/her grievance heard confidentially and by an impartial person
- to have the right of access to the grievance and any relevant documentation which is produced once the matter is being investigated
- to be represented and/or to obtain advice from anyone or any organisation inside or outside the College
- to call witnesses.

Rights of a Respondent

The respondent has the following rights:

- to have the grievance process commenced within 15 working days of lodgement of the Complaint Form;
- to be able to provide a response;
- to be given adequate time to provide a response;
- to be treated with dignity and respect;
- to be assumed innocent unless or until proven otherwise;
- to have the matter heard confidentially and by an impartial person;
- to have the right of access to the grievance and any relevant documentation which is produced once the matter is being investigated;
- to be advised by the Principal, if documents are not to be destroyed when the matter has been subject to an investigation;
- to be represented and/or to obtain advice from anyone or any organisation inside or outside the College
- to call witnesses.

OPTIONS FOR RESOLVING BULLYING AND HARASSMENT COMPLAINTS

We will deal with any bullying or harassment complaint seriously, sympathetically, quickly, impartially (fairly) and confidentially in line with our complaints procedure as outlined in our Complaints and Appeals Policies published in the Student Handbook and on the CALAM Training website www.calam.edu.au; and at all times the rights of the complainant and the respondent will be respected

The resolution process is aimed at producing responsive, local solutions involving a minimum number of people. The process emphasises positive outcomes and focus on resolutions that work towards a rapid establishment of good working/learning relationships, whilst ensuring that the principles of natural justice are exercised.

Option 1 - Personal Resolution

In many cases the person who feels they are being bullied or harassed, only wants the behaviour to stop. They may not want to file a formal grievance against anyone or make the issues known to other people and may seek a personal solution to the problem. Taking such action does not rule out the possibility of that person making a formal grievance at a later date.

The advantages of this approach are:

- it allows the individual to feel that they can help themselves
- it keeps the incident at a local level
- it gives the person who has been complained against an opportunity if necessary, to correct their behaviour, in many cases the person would be unaware that their behaviour was offensive
- it causes least disruption to the workplace and to the parties involved

Option 2 – Resolution with Assistance

If personal resolution is not successful or if the student/client wants assistance to resolve the issue, the following steps may be taken:

- CALAM Training has a Complaint and Appeals Policy that allows for both academic and non-academic grievances
- Obtain a copy of the relevant Complaint and Appeals Policy (copies on the CALAM Training website or in the Student Handbook)
- Follow the steps as outlined

Publication

This policy will be made available to students and persons seeking to enrol with CALAM Training by publication on the website www.calam.edu.au and by inclusion in the Participant Handbook.

<p>AUTHORITY RECORD:</p> <p>Compiled by Rod Bullpitt</p> <p>Checked by: Geoff Ward</p> <p>Approved by: CALAM Training Council</p> <p>Issue Date: 28 October 2010</p> <p>Date Effective: 3 November 2010</p> <p>Version No: 3</p> <p>Version Date Effective: 3 November 2010</p> <p>Obsolete: N/A</p>	<p>This document belongs to:</p> <p>-----</p> <p>It is: <input type="checkbox"/> Controlled</p> <p><input checked="" type="checkbox"/> Uncontrolled</p>
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