WORKPLACE FAIRNESS RESOURCE MANUAL

EQUAL OPPORTUNITY

ANTI-RACISM & RELIGIOUS TOLERANCE

BULLYING & OCCUPATIONAL VIOLENCE

SEXUAL HARASSMENT
ACKNOWLEDGEMENTS:
This manual has been produced by the Workplace Fairness & Diversity Management Unit, People & Culture. All enquiries regarding this manual may be directed to the Workplace Fairness & Diversity Management Unit.
Foreword

It is with great pleasure that I endorse the Workplace Fairness Resource Manual. The manual has been developed to support the RMIT set of Fairness Policies and is designed to provide managers who have the responsibility to handle complaints with the resources to handle each case fairly, confidentially and in a timely manner.

RMIT is a diverse organisation encompassing staff and students from a range of cultural backgrounds with differing values, experiences and expectations. As an organisation we aspire to the highest ethical practice. This aspiration extends to all our relationships, including our behaviour towards each other, and is underpinned by our values of cultural diversity and fairness to all.

The principles of equal opportunity to which we aspire are embedded in the values of the University’s Strategic Plan, particularly in the value of fairness that includes:

- Learning opportunities cater for a diverse range of students including those who may be disadvantaged in relation to education or labour markets or both;
- Respect for Indigenous cultures is reflected in our work;
- Intellectual freedom and tolerance is nurtured and debate encouraged;
- A physically, culturally and socially safe work and study environment is provided for all staff and students; and
- Ethical, honest and open dealings characterise relationships with students, staff and partners.

Bearing these principles and values in mind, I trust that you will use this Workplace Fairness Resource Manual as a starting point for dealing with any issues of bullying or occupational violence, discrimination or sexual harassment should they arise. But expert assistance, advice and support is, and will remain, available through People and Culture.

Professor Margaret Gardner, AO
Vice-Chancellor and President
RMIT University
THE WORKPLACE FAIRNESS AND DIVERSITY MANAGEMENT UNIT, PEOPLE AND CULTURE

The Workplace Fairness and Diversity Management team, People and Culture work to support the University by:

- Providing advice, support and technical knowledge to University Managers, Staff and People and Culture team members in the management of complaints in the areas of equal employment opportunity, sexual harassment, discrimination, bullying & occupational violence, redeployment and the minimisation of an employee’s time away from the workplace.
- The promotion of equal opportunity and the prevention of unlawful discrimination and sexual harassment.
- The promotion of initiatives to increase the level of Indigenous Australian employment throughout all areas and at all levels of the University.
- Encouraging diversity and equity across the RMIT workforce; encouraging cross-cultural awareness and understanding which supports an environment that is culturally sensitive, inclusive and socially responsible.
- Positioning RMIT University as an “Employer of Choice” in the marketplace.

STAFF COMPLAINTS:

For further advice in managing a complaint involving staff members, please contact your Portfolio Human Resources Manager, People and Culture, or contact the Workplace Fairness and Diversity Management Unit, People and Culture, telephone 9925 4600.

www.rmit.edu.au/pc/workplacefairness

STUDENT COMPLAINTS:

For further advice in managing a complaint involving students, please contact the Academic Services Unit within the Academic Registrar’s Group, Students Portfolio. All student complaints will be dealt with the University’s Policy on Student Complaints.

Further information about this policy can be found at www.rmit.edu.au/academic-registrar/studentcomplaints.
WORKPLACE FAIRNESS RESOURCE MANUAL

Contents:

Section 1: Set of Fairness Policies:
- Anti-Racism & Religious Tolerance Policy
- Bullying & Occupational Violence Policy
- Equal Employment Opportunity Policy
- Sexual Harassment Policy
- Procedure for staff complaints

Section 2: EO Online Training Program:
EO Online Fair Play on Campus is an equal opportunity training program for all staff.

Section 3: How to Handle a Staff Complaint:
How to Handle a Staff Complaint is a comprehensive guide containing a series of checklists and tools to assist managers with the dealing and managing of complaints.
RMIT University supports a work and study environment where all members of the University community are treated with fairness, equity, dignity, courtesy, and respect, and which is free from all forms of race discrimination and racial or religious vilification.
<table>
<thead>
<tr>
<th>POLICY</th>
<th>ANTI-RACISM AND RELIGIOUS TOLERANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICY GROUP:</td>
<td>Organisation and Governance</td>
</tr>
</tbody>
</table>

**POLICY STATEMENT**

**INTENT**

To provide an environment at RMIT that is free from all forms of race discrimination and racial or religious vilification. To ensure that all staff and students are educated on the prevention of race discrimination, or racial or religious vilification, and to recognise the behaviours that may constitute race discrimination and racial or religious vilification.

**SCOPE**

This policy is applicable to all staff members, contractors, service providers, clients, customers, visitors and students when they are engaged in University activities and is applicable at all RMIT locations whether in Australia or overseas.

**OBJECTIVES**

- To prevent unlawful discrimination, including race discrimination and racial or religious vilification at RMIT University
- To convey clearly to persons covered by the scope of this policy that any behaviour which may constitute race discrimination and racial or religious vilification will not be tolerated in any form at RMIT University
- To provide persons covered by the scope of this policy with a healthy and safe environment for work and study that is free from behaviours, practices and processes that may constitute race discrimination and racial or religious vilification
- To acknowledge that persons covered by the scope of this policy are to be informed of this policy and have access to the information and training needed to prevent and address any incidences of race discrimination and racial or religious vilification that may occur
- To outline the responsibilities of managers and supervisors
- To encourage the early reporting of any allegations of race discrimination and racial or religious vilification
- To support any staff member or student who experiences race discrimination and racial or religious vilification whilst on placement, including providing assistance making use of any internal procedures in place at the site or in accessing external agencies
- To ensure that complaints will be dealt with in a sensitive, equitable, fair, timely and confidential manner, which ensures that persons against whom complaints have been made are accorded natural justice through the use of procedures that are impartial, open and fair to all parties
- To ensure as far as is practicable that persons making complaints are protected from victimisation or reprisals for reporting the discrimination to the University.

**POLICY PROVISIONS**

Race discrimination, or racial or religious vilification, is unacceptable and will not be tolerated by RMIT in any circumstances.

Race discrimination involves treating a person less favourably on the basis of that person’s race, in the same or similar circumstances, than another person.

Direct Race Discrimination occurs when a person is disadvantaged or treated less favourably than someone else because of the person's race, colour, descent or national or ethnic origin. Direct discrimination can occur regardless of the discriminator's motive and whether or not he or she is aware of the discrimination.
or considers the treatment less favourable.

Indirect Race Discrimination occurs when a practice or policy appears to be fair because it treats everyone in the same way, but in effect it disadvantages a higher proportion of people from one racial or ethnic group and is not reasonable in the circumstances.

Racial or Religious Vilification is behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person, or group of people, because of their race or religion.

The affirmation of cultural diversity, together with anti-racism strategies, enhances the productivity of work and study groups and contributes to the achievement of quality educational leadership and equitable outcomes for the members of the RMIT community.

Cultural diversity should be recognised and respected, and should not to be feared. It is an asset, not a hindrance. Culture reflects both the similarities that unite us as human beings and the differences that characterise our upbringing - variations in ethnic background, language, class, gender, socio-economic status, country of origin, regional differences, religious beliefs, sexual orientation and age.

Guiding Principles
The following principles will guide RMIT University in promoting equality of opportunity and dealing with race discrimination and racial or religious vilification:

- Respect for, and dignified and courteous treatment of all staff, students and all persons who deal with RMIT
- RMIT aims to establish a climate where race discrimination and racial or religious vilification does not occur and thus there will be an emphasis on prevention through training and awareness raising activities. RMIT will ensure that all members of the RMIT community have access to the information and support needed to prevent race discrimination and racial or religious vilification or to deal with it appropriately if it occurs
- RMIT aims to integrate training on equality of opportunity and the promotion of a diverse community into all levels of training, including induction, during supervisor and management training programs and to integrate information and training into key student activities during orientation, enrolment and at other times of the academic year
- RMIT acknowledges that all students and staff are to be informed of what constitutes unacceptable behaviour. Further, it acknowledges that all managers and supervisors are to be informed of their responsibility for ensuring the maintenance of proper standards of conduct within the university context
- RMIT will support any staff member or student who experiences race discrimination or racial or religious vilification whilst on placement including providing assistance in making use of any internal procedures in place at the site or in accessing external forums
- Complaints will be dealt with in a sensitive, impartial, timely and confidential manner, which ensures that persons against whom complaints have been made are accorded natural justice through the use of procedures that are impartial and open
- RMIT will ensure, as far as is practicable, that persons making complaints are, as far as is practicable, protected against victimisation and reprisals
- RMIT will actively encourage the reporting of behaviour that breaches this policy

Activities to be undertaken in support of this policy
RMIT will undertake activities in support of this policy including but not limited to:

- Prevention, training and educational activities to be undertaken, including
publication of resource materials and provision of an accessible on-line training program
- Identifying the resources necessary for the prevention of race discrimination and racial or religious vilification and promoting the benefits of diversity
- Research activities
- Evaluation and review activities

RMIT will ensure that the promotion of the advantages of diversity and the prevention of race discrimination and racial or religious vilification are recognised as key organisational goals and prime management responsibilities.

**Responsibilities of management, staff and students**

RMIT has a legal responsibility to prevent race discrimination or racial or religious vilification; otherwise it can be held liable for the behaviour of its employees and in some instances, its students.

All persons covered by the scope of this policy are required to:
- Comply with this policy
- Behave appropriately
- Promote a climate of mutual respect
- Maintain confidentiality concerning any complaint or investigation

**Managers** are accountable for the conduct of people they manage at RMIT.

It is integral to a manager's responsibilities that they identify, prevent and redress potential problems in the workplace or in the study environment before these become the subject of complaints. Therefore, any manager, academic or teaching staff member who observes inappropriate behaviour has a duty to raise it with the person so behaving and to take further action if the behaviour does not cease. This duty exists even in the absence of a complaint.

Staff members with managerial or supervisory responsibility or both are required to:
- Monitor the working and studying environment to ensure that acceptable standards of conduct are observed at all times and to take action if they observe unacceptable conduct
- Take appropriate steps according to this policy to prevent a discriminatory culture from developing at RMIT
- Promote this policy within their sphere of influence and to ensure that all persons have an understanding of the policy and its requirements
- Ensure that students and staff are aware of RMIT's commitment to assist them should they experience discrimination on placement
- Ensure that students and staff on placement are provided with adequate information about the policies and practices in existence at that site
- Encourage staff members to use the services of the University's Employee Assistance Program (EAP) to discuss their concerns and to manage the pressures of working life
- Manage complaints of discrimination in a timely, confidential and fair manner ensuring due process
- Attempt to resolve any complaint of discrimination at the local level, whenever possible

**How to deal with breaches of this policy**

Any complaints made by staff members under this policy will be dealt with via the Procedure for Staff Complaints – Fairness Policies.

Any complaints made by students under this policy will be dealt with via the Student Complaints Procedure.

If a serious breach of this policy by a customer, contractor, service provider or
visitor, while engaging with University staff or students, is confirmed, appropriate action must be taken in accordance with the relevant Service Contract or Agreement with the University.

All reports of this type of behaviour will be treated seriously and administered through the relevant complaints handling procedure (Staff Complaints - Fairness Policies or the Student Complaints Procedure)

**Victimisation**

RMIT will not tolerate victimisation and may take disciplinary action in response to any victimisation.

RMIT University will ensure, as far as is practicable, ensure that persons covered by the scope of this policy are not victimised or penalised for reporting alleged unreasonable behaviour at the University. Any person who is found to have victimised the person who has made or intends to make a complaint, or to have victimised a witness or associate of the person who has made, or intends to make a complaint, will be subject to the consequences of breaching this policy.

This also applies to a person who is associated with another person who has made a complaint.

**Consequences for breaches of this policy**

RMIT will treat all allegations of race discrimination and racial or religious vilification seriously and impartially. The consequences for breaching this policy will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- Gaining a commitment from one or more persons to cease, and not to repeat, the behaviour
- Making an apology to the affected person or persons
- Providing mediation between the parties, if both parties agree to mediation process and to the mediator
- Providing targeted training regarding prevention of unacceptable workplace behaviours
- Offering support to the person making the complaint
- Offering support to the person against whom the complaint is made
- Disciplinary action, up to and including dismissal, suspension or expulsion, against the person found responsible for sexual harassment
- Disciplinary action, up to and including dismissal, suspension or expulsion, against the person making a complaint of sexual harassment if, after investigation, the complaint is found to have been malicious or vexatious

Disciplinary action may be taken against anyone who victimises or retaliates against a person who has made a complaint.

**SUPPORTING PROCEDURES AND GUIDELINES**

<table>
<thead>
<tr>
<th>Procedure Staff Complaints - Fairness Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workplace Fairness Guidelines</td>
</tr>
<tr>
<td>Student Complaints Policy</td>
</tr>
<tr>
<td>Student Complaints Procedure</td>
</tr>
</tbody>
</table>

**SUPPORTING / RELATED DOCUMENTS:**

<table>
<thead>
<tr>
<th>Associated RMIT Fairness Policies:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Opportunity</td>
</tr>
<tr>
<td>Sexual Harassment</td>
</tr>
<tr>
<td>Bullying and Occupational Violence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Student Discipline - Statute 6.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Discipline - Regulation 6.1.1</td>
</tr>
</tbody>
</table>

Royal Melbourne Institute of Technology Academic & General Staff Enterprise Agreement 2005
POLICY FURTHER INFORMATION

RMIT Statute and/or Regulation Reference Number

The RMIT Statute and/or Regulation Reference Number - TBA

Relevant State / Federal Govt. Legislation

Equal Opportunity Act 1995 (Vic)
Racial and Religious Tolerance Act 2001 (Vic)
Racial Discrimination Act 1975 (Cth)
Human Rights and Equal Opportunity Commission Act 1986 (Cth)

Commencement date 1 Oct 1998
Review date 31 Dec 2012

REVISION HISTORY – section maintained by the University Policy Officer

<table>
<thead>
<tr>
<th>Revision Ref. No.</th>
<th>Approved / Rescinded</th>
<th>Date</th>
<th>Committee Board / Resolution Number</th>
<th>Document Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Approved minor amendments for HEWRR compliance</td>
<td>31 August 2007</td>
<td>ED People and Culture</td>
<td></td>
</tr>
</tbody>
</table>

ACCOUNTABILITIES

Implementation: People and Culture
Compliance: People and Culture
Monitoring and evaluation: People and Culture
Audit and Risk Management Committee
Development / Review: People and Culture
Approval authority: RMIT Council
Interpretation and advice: People and Culture

WHO SHOULD KNOW THIS POLICY?

Persons covered by the scope of this policy.

EFFECTIVENESS OF THIS POLICY

Performance indicator(s) Reduction in the incidence of reported race discrimination or racial or religious vilification
Reduction in the numbers of race discrimination or racial or religious vilification complaints lodged with the relevant external agencies.

POLICY SUPPORTING INFORMATION

Definitions and acronyms

Behaviour includes the actions of an individual or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

Clients, Customers, Visitors and Service Providers means people who are...
not staff or students, but who have a reason to engage with students and staff
due to a contract or agreement with the University.

**Race Discrimination, Direct**
A person is disadvantaged or treated less favourably than someone else because
of their race, colour, descent or national or ethnic origin. Direct discrimination
can occur regardless of the discriminator’s motive and whether or not he or she is
aware of the discrimination or considers the treatment less favourable.

**Race Discrimination, Indirect**
When a practice or policy appears to be fair because it treats everyone in the
same way, but in effect it disadvantages a higher proportion of people from one
racial or ethnic group and is not reasonable in the circumstances. An example of
this would be unreasonably enforcing a rule about clothing or uniforms which
disproportionately disadvantages people from a particular racial or ethnic group
by contravening the religious or cultural beliefs about appropriate clothing.

**Natural Justice** is the minimum standard of fairness to be applied in the
investigation and adjudication of a complaint. It is also referred to as procedural
fairness.
The requirements of natural justice are:
• fully informing a person of any allegation(s) made against them
• giving them the opportunity to state their case, provide an explanation or
  put forward a defence
• ensuring that proper investigation of the allegations occurs, that all
  parties are heard and relevant submissions are considered
• ensuring that the decision-maker acts fairly and without bias

**Racial or Religious Vilification**
Behaviour that incites or encourages hatred, serious contempt, revulsion or
severe ridicule against another person, or group of people, because of their race
or religion. An act of racial or religious vilification is a public act which is
reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate
and which is done because of the race, colour or national or ethnic origin of the
person.

Examples of racial or religious vilification include, but are not limited to, jokes
about cultural practices, dress or ethnic stereotypes which are insulting and
offensive, as are racist graffiti, posters or other material displayed or distributed
in the workplace or educational institution.

**Repeated Behaviour** refers to the persistent nature of the behaviour, not the
specific form the behaviour takes. Behaviour is considered repeated if an
established pattern can be identified.

**Risk to Health and Safety** includes a risk to the mental or physical health of a
person covered by the scope of this policy.

**Unreasonable behaviour** is behaviour that a reasonable person, having regard
to all the circumstances, would expect to victimise, humiliate, undermine or
threaten.

**Victimisation**
When a person is subjected to less favourable treatment because it is known or
suspected that they:
• have made or propose to make a complaint against any person under this
  procedure
• have brought or propose to bring proceedings under any of the anti-
  discrimination laws
• have furnished any information or documents relating to a complaint
This also applies to a person who is associated with another person who has made a complaint.

**Key words for search engine**
- Anti-Racism
- Complaints
- Discrimination
- Fairness
- Race
- Racial
- Religion
- Religious
- Vilification

**Answers to FAQ's**
FAQ’s can be found on the Workplace Fairness & Diversity Management web site to respond to common queries:

Information and confidential advice may be obtained from the following areas internally and externally:

- **People and Culture - Workplace Fairness & Diversity Management Unit**
  Telephone: (03) 9925 4600

- **RMIT Student Services**
  Telephone: (03) 9925 2905

- **Employee Assistance Program - OSA Group**
  Confidential Counselling Service for all RMIT Staff and their immediate families.
  Telephone Number: (03) 9658 0000
  or, from country areas 1300 361 008

- **Managers Hotline - OSA Group**
  To provide managers and supervisors with confidential support and coaching on their people management issues.
  Telephone: 1300 361 008

- **Victorian Equal Opportunity and Human Rights Commission**
  Telephone: (03) 9281 7111
  Free call: 1800 134 142
  TTY: (03) 9281 7110
  Facsimile (03) 9281 7171
  Address: Level 3,
  380 Lonsdale Street
  Melbourne 3000

- **The Victoria Police**
  The Police are able to provide assistance in the case of sexual assault. Contact should be made with the local Community Policing Squad.

- **RMIT Ombuds**
  RMIT Ombuds provides an avenue of confidential and independent review for staff and students who have unresolved complaints.
  Telephone Number (03) 9925 2930

- **The Centre for International Students Information and Support (ISIS)**
  Telephone Number (03) 9925 2963

- **RMIT Campus Nurse Service**
  Telephone: (03) 9925 2297
  Addresses: City Campus - Building 13, Level B, Room 1
  Corner of Victoria and Russell Sts. Melbourne
  Bundoora West Campus - Building 202, Level 3
  Brunswick Campus - Building 514, Level 2, Room 3
RMIT recognise the right of all staff to work in an environment where all members of the community are treated with fairness, equity, dignity, courtesy and respect and which is free from bullying and occupational violence.
## POLICY

### BULLYING AND OCCUPATIONAL VIOLENCE

### POLICY GROUP:
Organisation and Governance

### POLICY STATEMENT

#### INTENT
To provide a work environment that is free from bullying and occupational violence.

#### SCOPE
This policy is applicable to all staff, contractors, service providers, clients, customers and visitors when they are engaged in University activities and is applicable to all RMIT locations whether in Australia or overseas.

#### OBJECTIVES

- to convey clearly to all staff that behaviour which constitutes bullying or occupational violence will not be tolerated in any form at RMIT University
- to encourage the University community to understand, and to have access to, the information and training needed to prevent bullying or occupational violence and to address any incidents
- to encourage the early reporting of any allegations of bullying or occupational violence
- to provide support for those staff who report bullying or occupational violence
- to investigate and resolve complaints of alleged bullying or occupational violence received from persons covered by the scope of this policy
- to ensure, as far as is practicable, that the persons covered by the scope of this policy are not victimised or penalised for reporting the alleged bullying or occupational violence to the University.

#### POLICY PROVISIONS

All persons covered by the scope of this policy are expected to behave in a manner that does not constitute bullying or occupational violence.

RMIT has a legal responsibility to prevent bullying and occupational violence otherwise it can be held liable for the behaviour of its employees. All persons covered by the scope of this policy are required to:

- Comply with this policy
- Behave appropriately
- Promote a climate of mutual respect
- Maintain confidentiality concerning any complaint or investigation

Managers and supervisors are accountable for the conduct of the people they manage at RMIT. Managers and supervisors will actively participate in complying with and promoting the Policy by:

- Maintaining an environment, that encourages communication between all members of their team
- Identifying, preventing and redressing problems expeditiously, without prejudice or victimisation
- Recruiting, promoting, training, developing and transferring staff on the basis of merit and performance
- Ensuring that all University people management practices, policies and procedures, are applied fairly and consistently
- Practising behaviours that are not bullying in type
- Responsibly acting upon any behaviour within the working environment that may be construed as bullying
- Providing confidential advice and information to staff, including acting upon any complaints that staff may make, or lodge, in accordance to University policies or procedures

A manager or supervisor who does not take action to prevent or address
workplace bullying or occupational violence will be at risk of both disciplinary action and being in breach of, and subject to sanctions under, the Occupational Health and Safety Act 2004.

All staff members are encouraged to take measures to prevent, and to take action to address, bullying behaviour.

**How to deal with breaches of this policy**

Any complaints made by staff members under this policy will be dealt with via the Procedure for Staff Complaints - Fairness Policies.

If a serious breach of this policy by a customer, contractor, service provider or visitor, while engaging with University staff is confirmed, appropriate action must be taken in accordance with the relevant Service Contract or Agreement with the University.

All reports of this type of behaviour will be treated seriously and administered through the relevant complaints handling procedure (Staff Complaints - Fairness Policies).

The consequences for breaching the Bullying and Occupational Violence Policy will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- Disciplinary action, up to and including dismissal or suspension, against the person found responsible for bullying
- Disciplinary action, up to and including dismissal or suspension, against the person making a complaint of bullying if, after investigation, the complaint is found to have been malicious or vexatious
- Disciplinary action may be taken against anyone who retaliates against a person who has made a complaint
- In some circumstances it would be a recommendation that the matter be reported to the Victoria Police, particularly incidents which involve sexual or physical assault and stalking

**SUPPORTING PROCEDURES AND GUIDELINES**

- Procedure for Staff Complaints - Fairness Policies
- Workplace Fairness Guidelines
- RMIT Issues Resolution Procedure (Occupational Health and Safety)
- RMIT Occupational Health and Safety Policy 4.9.12, Incident Reporting, Investigation and Recording Policy and Procedures

**SUPPORTING RELATED DOCUMENTS:**

- Associated RMIT Fairness Policies:
  - RMIT Equal Opportunity
  - RMIT Sexual Harassment
  - RMIT Anti-Racism and Religious Tolerance
- Relevant Australian Workplace Agreements (AWAs)
  - Royal Melbourne Institute of Technology Academic & General Staff Enterprise Agreement 2005
  - Royal Melbourne Institute of Technology Security Services Enterprise Agreement 2006
  - Royal Melbourne Institute of Technology Senior Executives Staff Enterprise Agreement 2006
  - Victorian TAFE Teaching Staff Multi Employer Certified Agreement 2003
  - RMIT Code of Ethics
- Children’s Services (Victoria) Award 2005
- RMIT Incident Report Form

**POLICY FURTHER INFORMATION**

- RMIT Statute and / or Regulation Reference Number
Relevant State / Federal Govt. Legislation

- Occupational Health and Safety Act 2004 (Victoria)
- WorkSafe Victoria Guidance Note - Prevention of Bullying and Violence at Work
- Equal Opportunity Act 1995 (Victoria)
- Racial and Religious Intolerance Act 2000 (Victoria)
- Crimes Act 1958 (Victoria)
- Disability Discrimination Act 1992 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Human Rights and Equal Opportunity Act 1986 (Commonwealth)

Commencement date: 1 June 2007
Review date: 31 December 2012

REVISION HISTORY – section maintained by the University Policy Officer

<table>
<thead>
<tr>
<th>Revision Ref. No.</th>
<th>Approved / Rescinded</th>
<th>Date</th>
<th>Committee Board / Resolution Number</th>
<th>Document Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Approved minor amendments for HEWRR compliance</td>
<td>31 August 2007</td>
<td>ED People and Culture</td>
<td></td>
</tr>
</tbody>
</table>

ACCOUNTABILITIES

Implementation: People and Culture
Compliance: People and Culture
Monitoring and evaluation: People and Culture
Audit and Risk Management Committee
Development/Review: People and Culture
Approval authority: RMIT Council
Interpretation and advice: People and Culture

WHO SHOULD KNOW THIS POLICY?

Persons covered by the scope of this policy.

EFFECTIVENESS OF THIS POLICY

Performance indicator(s): A reduction in the recorded complaints of bullying
A reduction in the recorded WorkCover claims that cite bullying or occupational violence as a cause of injury

POLICY SUPPORTING INFORMATION

Definitions and acronyms

**Bullying** is repeated unreasonable behaviour directed toward an employee or a group of employees (including, for the purposes of this policy, contractors, service providers, clients, customers and visitors when they are engaged in University activities) that aims to victimise, humiliate, undermine or threaten, creating a risk to health and safety.

A single incidence of bullying-type behaviour does not constitute bullying because it is neither ongoing nor repeated. However any incidence of bullying-type behaviour will not be tolerated, condoned or ignored. A single incidence may constitute occupational violence.

Bullying behaviour can include but is not limited to:
- Verbal abuse
- Excluding or isolating an individual or a group of individuals
- Psychological or emotional harassment including sarcasm, criticism,
insults, practical jokes, spreading derogatory innuendo or rumours
• Intimidation
• Assigning duties with unreasonable or unachievable objectives, or meaningless tasks unrelated to the job
• Deliberate damage of personal property
• Intimidating or humiliating practices

**Bullying does not include** the legitimate exercise of reasonable managerial or supervisory authority, for example:
• performance management processes
• disciplinary action
• allocation of duties or
• implementation of organisational change processes

**Occupational Violence** is any incident in which an employee is threatened or physically attacked whilst engaged in University activities. The perpetrator can be a staff member, student, contractor, service provider, client, customer, visitor or a person known to the organisation.

Occupational Violence can include but is not limited to:
• Striking, kicking, scratching, spitting or other types of direct contact
• Throwing objects
• Attacking with knives, guns, or other weapons
• Pushing, shoving, tripping, grabbing
• Any form of indecent physical assault
• Threats to commit any of the above

**Behaviour** includes the actions of an individual or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

**Clients, Customers, Visitors and Service Providers** means people who are not staff or students, but who have a reason to engage with students and staff due to a contract or agreement with the University.

**Repeated Behaviour** refers to the persistent nature of the behaviour, not the specific form the behaviour takes. Behaviour is considered repeated if an established pattern can be identified.

**Unreasonable behaviour** is behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

**Violent Behaviour** - Please refer to **Occupational Violence**

### Key words
- Fairness, complaints, bullying, violence, behaviour

### Answers to FAQ’s
FAQ’s can be found on the Workplace Fairness & Diversity Management website to respond to common queries

Information and confidential advice may be obtained from the following areas internally and externally:

- **People and Culture - Workplace Fairness & Diversity Management Unit**
  Telephone: (03) 9925 4600

- **Employee Assistance Program - OSA Group**
  Confidential Counselling Service for all RMIT Staff and their immediate families.
  Telephone Number: (03) 9658 0000
  or, from country areas 1300 361 008
- **Managers Hotline - OSA Group**
  To provide managers and supervisors with confidential support and coaching on their people management issues.
  Telephone: 1300 361 008

- **Victorian Equal Opportunity and Human Rights Commission**
  Telephone: (03) 9281 7111
  Free call: 1800 134 142
  TTY: (03) 9281 7110
  Facsimile (03) 9281 7171
  Address: Level 3, 380 Lonsdale Street, Melbourne 3000

- **The Victoria Police**
  The Police are able to provide assistance in the case of sexual assault. Contact should be made with the local Community Policing Squad.

- **RMIT Ombuds**
  RMIT Ombuds provides an avenue of confidential and independent review for staff members who have unresolved complaints.
  Telephone: (03) 9925 2930

- **Worksafe Victoria:**
  Telephone: (03) 9641 1444
  1800 136 089 (Toll Free)
RMIT University recognise the right of all members of the community to work and study in an environment where they are treated with fairness, equity, dignity, courtesy, and respect.
| POLICY GROUP: | Organisation and Governance  
|             | Student |
| POLICY STATEMENT |
| INTENT | To provide an environment at RMIT that promotes equal opportunity and prevents unlawful discrimination. To ensure that all staff and students are educated in the prevention of unlawful discrimination, and to recognise the behaviours that may constitute unlawful discrimination. |
| SCOPE | This policy is applicable to all staff members, contractors, service providers, clients, customers, visitors and students when they are engaged in University activities and is applicable at all RMIT locations whether in Australia or overseas. |
| OBJECTIVES | • To prevent unlawful discrimination on the basis of the attributes and areas listed under both State and Federal anti-discrimination legislation  
• To convey clearly to persons covered by the scope of this policy that any behaviour which may constitute unlawful discrimination will not be tolerated in any form at RMIT University  
• To provide persons covered by the scope of this policy with a healthy and safe environment for work and study that is free from behaviours, practices and processes that may constitute discrimination  
• To acknowledge that persons covered by the scope of this policy are to be informed of this policy and have access to the information and training needed to prevent discrimination and to address any incidences of discrimination that may occur  
• To outline the responsibilities of managers and supervisors  
• To encourage the early reporting of any allegations of discrimination  
• To support any staff member or student who experiences unlawful discrimination whilst on placement, including providing assistance making use of any internal procedures in place at the site or in accessing external agencies  
• To ensure that complaints will be dealt with in a sensitive, equitable, fair, timely and confidential manner, which ensures that persons against whom complaints have been made are accorded natural justice through the use of procedures that are impartial, open and fair to all parties.  
• To ensure as far as is practicable that persons making complaints are protected from victimisation or reprisals for reporting the discrimination to the University |
| POLICY PROVISIONS | Unlawful discrimination is unacceptable and will not be tolerated by RMIT in any circumstances.  
Unlawful discrimination involves treating a person with an attribute less favourably, in the same or similar circumstances, than another person.  
It is unlawful to discriminate on the basis of the following attributes (characteristics):  
• Age,  
• Breast feeding  
• Gender identity  
• Impairment  
• Industrial activity  
• Lawful sexual activity  
• Marital status  
• Parental status or status as a carer |
- Physical features
- Political belief or activity
- Pregnancy
- Race
- Religious belief or activity
- Sex
- Sexual orientation
- Personal association with a person who is identified by reference to any of the above attributes

Direct discrimination occurs when a person is disadvantaged or treated less favourably than someone else because of an attribute. Direct discrimination can occur regardless of the discriminator’s motive and whether or not he or she is aware of the discrimination or considers the treatment less favourable.

Indirect discrimination occurs when a practice or policy appears to be fair because it treats everyone in the same way, but in effect it disadvantages a higher proportion of people possessing the attribute and is not reasonable in the circumstances.

RMIT aims to integrate training on equality of opportunity and the promotion of a diverse community into all levels of training, including induction, training for supervisors and management training programs and to integrate information and training into key student activities during Orientation, enrolment and at other times of the academic year.

RMIT acknowledges that all students and staff are to be informed of what constitutes unacceptable behaviour. Further, it acknowledges that all managers and supervisors are to be informed of their responsibility for ensuring the maintenance of proper standards of conduct within the university context.

**Guiding Principles**

The following principles will guide RMIT University in promoting equality of opportunity and dealing with unlawful discrimination:
- Respect for, and dignified and courteous treatment of all staff, students and all persons who deal with RMIT
- RMIT will support any staff member or student who experiences discrimination whilst on placement including providing assistance in making use of any internal procedures in place at the site or in accessing external forums
- Complaints will be dealt with in a sensitive, impartial, timely and confidential manner, which ensures that persons against whom complaints have been made are accorded natural justice through the use of procedures that are impartial and open
- RMIT will ensure, as far as is practicable, that persons making complaints are protected against victimisation and reprisals
- RMIT will actively encourage the reporting of behaviour that breaches this policy.

**Activities to be undertaken in support of this policy**

RMIT will undertake activities in support of this policy including but not limited to:
- Prevention, training and educational activities to be undertaken, including publication of resource materials and provision of an accessible on-line training program
- Identifying the resources necessary for the prevention of unlawful discrimination and promoting the benefits of diversity
- Research activities
- Evaluation and review activities
RMIT will ensure that the promotion of the prevention of unlawful discrimination is recognised as key organisational goal and a prime management responsibility.

**Responsibilities of management, staff and students**

RMIT has a legal responsibility to prevent discrimination otherwise it can be held liable for the behaviour of its employees and in some instances, its students. All persons covered by the scope of this policy are required to:

- Comply with this policy
- Behave appropriately
- Promote a climate of mutual respect
- Maintain confidentiality concerning any complaint or investigation

**Managers** are accountable for the conduct of people they manage at RMIT.

It is integral to a manager’s responsibilities that they identify, prevent and redress potential problems in the workplace or in the study environment before these become the subject of complaints. Therefore, any manager, academic or teaching staff member who observes inappropriate behaviour has a duty to raise it with the person so behaving and to take further action if the behaviour does not cease. This duty exists even in the absence of a complaint.

Staff members with managerial or supervisory responsibility or both are required to:

- Monitor the working and studying environment to ensure that acceptable standards of conduct are maintained at all times and to take action if they observe unacceptable conduct
- Take appropriate steps according to this policy to prevent a discriminatory culture from developing at RMIT
- Promote this policy within their sphere of influence and to ensure that all persons have an understanding of the policy and its requirements
- Ensure that persons covered by the scope of this policy are aware of RMIT’s commitment to assist them should they experience discrimination on placement
- Ensure that students and staff on placement are provided with adequate information about the policies and practices in existence at that site
- Encourage staff members to use the services of the University’s Employee Assistance Program (EAP) to discuss their concerns and to manage the pressures of working life
- Manage complaints of discrimination in a timely, confidential and fair manner ensuring due process
- Attempt to resolve any complaint of discrimination at the local level, whenever possible

**How to deal with breaches of this policy**

Any complaints made by staff members under this policy will be dealt with via the Procedure for Staff Complaints – Fairness Policies.

Any complaints made by students under this policy will be dealt with via the Student Complaints Procedure.

If a serious breach of this policy by a customer, contractor, service provider or visitor, while engaging with University staff or students, is confirmed, appropriate action must be taken in accordance with the relevant Service Contract or Agreement with the University.

All reports of this type of behaviour will be treated seriously and administered through the relevant complaints handling procedure (Staff Complaints – Fairness Policies or the Student Complaints Procedure).

**Victimisation**
RMIT will not tolerate victimisation and may take disciplinary action in response to any victimisation.

RMIT University will ensure, as far as is practicable, that persons covered by the scope of this policy are not victimised or penalised for reporting alleged unreasonable behaviour at the University. Any person who is found to have victimised the person who has made or intends to make a complaint, or to have victimised a witness or associate of the person who has made, or intends to make a complaint, will be subject to the consequences of breaching this policy.

**Consequences for breaching this policy**

RMIT will treat all allegations of unlawful discrimination seriously and impartially. The consequences will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- Gaining a commitment from one or more persons to cease, and not to repeat, the behaviour
- Making an apology to the affected person or persons
- Providing mediation between the parties, if both parties agree to mediation process and to the mediator
- Providing targeted training regarding prevention of unacceptable workplace behaviours
- Offering support to the person making the complaint
- Offering support to the person against whom the complaint is made
- Disciplinary action, up to and including dismissal, suspension or expulsion, against the person found responsible for discrimination
- Disciplinary action, up to and including dismissal, suspension or expulsion, against the person making a complaint of discrimination if, after investigation, the complaint is found to have been malicious or vexatious

Disciplinary action may be taken against anyone who retaliates against a person who has made a complaint.

**SUPPORTING PROCEDURES AND GUIDELINES**

- Procedure for Staff Complaints – Fairness Policies
- Workplace Fairness Guidelines
- Student Complaints Policy
- Student Complaints Procedure

**SUPPORTING / RELATED DOCUMENTS:**

- Associated RMIT Fairness Policies:
  - Sexual Harassment
  - Anti-Racism and Religious Tolerance
  - Bullying and Occupational Violence
- Student Discipline - Statute 6.1
- Student Discipline - Regulation 6.1.1
- Relevant Australian Workplace Agreements (AWAs)
  - Royal Melbourne Institute of Technology Academic & General Staff Enterprise Agreement 2005
  - Royal Melbourne Institute of Technology Security Services Enterprise Agreement 2006
  - Royal Melbourne Institute of Technology Senior Executive Enterprise Agreement 2006
  - Victorian TAFE Teaching Staff Multi Employer Certified Agreement 2003
POLICY FURTHER INFORMATION

RMIT Statute and / or Regulation Reference Number

Equal Opportunity Act 1995 (Vic)
Sex Discrimination Act 1984 (Cth)
Disability Discrimination Act 1992 (Cth)
Age Discrimination Act 2004 (Cth)
Human Rights and Equal Opportunity Commission Act 1986 (Cth)

Relevant State / Federal Govt. Legislation

Commencement date 22 December 1997 Review date 31 December 2012

ACCOUNTABILITIES

Implementation: People and Culture
Compliance: People and Culture
Monitoring and evaluation: People and Culture Audit & Risk Management Committee
Development / Review: People and Culture
Approval authority: RMIT Council
Interpretation and advice People and Culture

WHO SHOULD KNOW THIS POLICY?

Persons covered by the scope of this policy.

EFFECTIVENESS OF THIS POLICY

Performance indicator(s) Reduction in the incidence of reported unlawful discrimination
Reduction in the incidence of complaints of unlawful discrimination lodged with the relevant external agencies

POLICY SUPPORTING INFORMATION

Definitions and acronyms Attribute The characteristics of a person on the basis of which discrimination is prohibited. The attributes are:
- Age
- Breast feeding
- Gender identity
- Impairment
- Industrial activity
- Lawful sexual activity
- Marital status
• Parental status or status as a carer
• Physical features
• Political belief or activity
• Pregnancy
• Race
• Religious belief or activity
• Sex
• Sexual orientation
• Personal association with a person who is identified by reference to any of the above attributes

Carer
A person on whom another person is wholly or substantially dependent for ongoing care and attention, other than a person who provides that care and attention on a commercial basis.

Clients, Customers, Visitors and Service Providers - Persons who are not staff or students, but who have a reason to engage with students or staff or both due to a contract or agreement with the University.

Discrimination, Direct
A person is disadvantaged or treated less favourably than someone else because of an attribute. Direct discrimination can occur regardless of the discriminator's motive and whether or not he or she is aware of the discrimination or considers the treatment less favourable.

Discrimination, Indirect
When a practice or policy appears to be fair because it treats everyone in the same way, but in effect it disadvantages a higher proportion of people possessing the attribute and is not reasonable in the circumstances.

Gender Identity
A person's sense of being male or female, resulting from a combination of genetic and environmental influences. Persons may consider themselves to be transsexual, transgender, intersex (one having both male and female sexual characteristics and organs; at birth, an unambiguous assignment of male or female cannot be made), a cross-dresser or other gender self-perception.

Impairment
The total or partial loss of a bodily function; the total or partial loss of a part of the body; the malformation or disfigurement of part of the body; a malfunction of a part of the body including a mental or psychological disease or disorder and a condition or disorder resulting in developmental delay; and, the presence in the body of organisms that may cause disease.

Natural Justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint. It is also referred to as procedural fairness. The requirements of natural justice are:
  • fully informing a person of any allegation(s) made against them;
  • giving them the opportunity to state their case, provide an explanation or put forward a defence;
  • ensuring that proper investigation of the allegations occurs, that all parties are heard and relevant submissions are considered; and
  • ensuring that the decision-maker acts fairly and without bias.

Parental Status
The status of being a parent, or not being a parent

Physical Features
<table>
<thead>
<tr>
<th>Key words for search engine</th>
<th>A person’s height, mass, size or other bodily characteristics. The attribute does not include personal adornments such as tattoos or piercings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Answers to FAQ's</td>
<td>FAQ’s can be found on the Workplace Fairness &amp; Diversity Management web site to respond to common queries</td>
</tr>
</tbody>
</table>

Information and confidential advice may be obtained from the following areas internally and externally:

- **People and Culture**
  
  *Workplace Fairness & Diversity Management Unit*
  
  Telephone: (03) 9925 4600

- **RMIT Student Services**
  
  Telephone: (03) 9925 2905

- **Employee Assistance Program - OSA Group**
  
  Confidential Counselling Service for all RMIT Staff and their immediate families.
  
  Telephone Number: (03) 9658 0000
  or, from country areas 1300 361 008

- **Managers Hotline - OSA Group**
  
  To provide managers and supervisors with confidential support and coaching on their people management issues.
  
  Telephone: 1300 361 008

- **Victorian Equal Opportunity and Human Rights Commission**
  
  Telephone: (03) 9281 7111

  Free call: 1800 134 142
  TTY: (03) 9281 7110
  Facsimile (03) 9281 7171
  Address: Level 3, 380 Lonsdale Street, Melbourne 3000

- **The Victoria Police**
  
  The Police are able to provide assistance in the case of sexual assault. Contact should be made with the local Community Policing Squad.

- **Centre Against Sexual Assault (CASA)**
  
  Telephone Number: (03) 9344 2210 (business hours)
  
  Address: 270 Cardigan Street, Carlton
  
  CASA after hours state-wide telephone service:
  
  Carlton 9349 1766
  Free call 1800 806 292

- **RMIT Ombuds**
  
  RMIT Ombuds provides an avenue of confidential and independent review for staff and students who have unresolved complaints.
  
  Telephone Number (03) 9925 2930

- **The Centre for International Students Information and Support (ISIS)**
  
  Telephone Number (03) 9925 2963
<table>
<thead>
<tr>
<th><strong>RMIT Campus Nurse Service</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone: (03) 9925 2297</td>
</tr>
<tr>
<td>Addresses: City Campus - Building 13, Level B, Room 1</td>
</tr>
<tr>
<td>Corner of Victoria and Russell Sts. Melbourne</td>
</tr>
<tr>
<td>Bundoora West Campus - Building 202, Level 3</td>
</tr>
<tr>
<td>Brunswick Campus - Building 514, Level 2, Room 3</td>
</tr>
</tbody>
</table>
RMIT recognise the right of all staff to work in an environment where all members of the community are treated with fairness, equity, dignity, courtesy and respect and which is free from sexual harassment and sex discrimination.
| POLICY GROUP: | Organisation and Governance  
Student |
|----------------|--------------------------------|

**POLICY STATEMENT**

**INTENT**
To provide an environment at RMIT that is free from sexual harassment. To ensure that all staff and students are educated in the prevention of sexual harassment and to recognise the behaviours that may constitute sexual harassment.

**SCOPE**
This policy is applicable to all staff members, contractors, service providers, clients, customers, visitors and students when they are engaged in University activities, and is applicable to all RMIT locations whether in Australia or overseas.

**OBJECTIVES**
- To prevent all forms of sexual harassment at RMIT University
- To convey clearly to all persons covered by the scope of this policy that any behaviour which may constitute sexual harassment will not be tolerated in any form at RMIT University.
- To provide persons covered by the scope of this policy with a healthy and safe environment for work and study that is free from behaviours, practices and processes that may constitute sexual harassment
- To acknowledge that persons covered by the scope of this policy are to be informed of this policy and have access to the information and training needed to prevent sexual harassment and to address any incidences of sexual harassment that may occur
- To outline the responsibilities of managers and supervisors.
- To encourage the early reporting of any allegations of sexual harassment
- To support any staff member or student who experiences sexual harassment whilst on placement including providing assistance in making use of any internal procedures in place at the site or in accessing external agencies
- To ensure that complaints will be dealt with in a sensitive, equitable, fair, timely and confidential manner, which ensures that persons against whom complaints have been made are accorded natural justice through the use of procedures that are impartial, open and fair to all parties
- To ensure as far as is practicable that persons making complaints are protected from victimisation or reprisals for reporting the harassment to the University

**POLICY PROVISIONS**

Sexual harassment is unlawful, unacceptable and will not be tolerated by RMIT in any circumstances.

Sexual harassment is defined as any unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, spoken comments or in writing, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile environment.

The prevention of sexual harassment is a key component in attaining high ethical standards and ensuring excellence in all activities and is a management responsibility that enhances the ability of students and staff to reach their full potential in a safe, quality focussed learning and working environment. It contributes to the achievement of the quality management principles that are essential to the achievement of the teaching and learning strategy, and for work groups it contributes to productivity and high quality outcomes.
RMIT acknowledges that persons covered by the scope of this policy are to be informed of this policy and to have access to the information and training needed to prevent sexual harassment and to address any incidences of sexual harassment that may occur.

RMIT aims to integrate training regarding sexual harassment and the promotion of a diverse community into all levels of training, including induction, during supervisor and management training programs, and to integrate information and training into key student activities during orientation, enrolment and at other times of the academic year.

Prevention, training and educational activities to be undertaken include the publication of resource materials and provision of an accessible on-line training program.

Guiding Principles
The following principles will guide RMIT University in promoting equality of opportunity and dealing with sexual harassment:

- Respect for, and the dignified and courteous treatment of, all staff, students and all persons who deal with RMIT
- RMIT aims to establish a climate where sexual harassment does not occur, emphasising prevention through training and awareness raising activities. RMIT will ensure that all members of the RMIT community have access to the information and support needed to prevent sexual harassment or to deal with it appropriately if it occurs
- RMIT acknowledges that all persons covered by the scope of this policy are to be informed of what constitutes unacceptable behaviour
- Further, it acknowledges that all managers and supervisors are to be informed of their responsibility for ensuring the maintenance of proper standards of conduct within the university context
- RMIT will support any staff member or student who experiences sexual harassment whilst on placement including providing assistance in making use of any internal procedures in place at the site or in accessing external forums
- Complaints will be dealt with in a sensitive, impartial, timely and confidential manner, which ensures that persons against whom complaints have been made are accorded natural justice through the use of procedures that are impartial and open
- RMIT will ensure, as far as is practicable, that persons making complaints are protected against victimisation and reprisals
- RMIT will actively encourage the reporting of behaviour that breaches this policy

Activities to be undertaken in support of this policy
RMIT will undertake activities in support of this policy including but not limited to:
- Identifying the resources necessary for the prevention of sexual harassment
- Research activities
- Evaluation and review activities

RMIT will ensure that the prevention of sexual harassment is recognised as a key organisational goal and prime management responsibility.

Responsibilities of management, staff and students
RMIT has a legal responsibility to prevent sexual harassment otherwise it can be held liable for the behaviour of its employees and, in some instances, its students.

All persons covered by the scope of this policy are required to:
- Comply with this policy
• Behave appropriately
• Promote a climate of mutual respect
• Maintain confidentiality concerning any complaint or investigation

Managers are accountable for the conduct of people they manage at RMIT.

It is integral to a manager’s responsibilities that they identify, prevent and redress potential problems in the workplace or in the study environment before these become the subject of complaints. Therefore, any manager, academic or teaching staff member who observes inappropriate behaviour has a duty to raise it with the person so behaving and to take further action if the behaviour does not cease. This duty exists even in the absence of a complaint.

Staff members with managerial or supervisory responsibility or both are required to:
• Monitor the working and studying environment to ensure that acceptable standards of conduct are observed at all times and to take action if they observe unacceptable conduct that could constitute sexual harassment
• Take appropriate steps according to this policy to prevent a sexual harassment culture from developing at RMIT
• Promote this policy within their sphere of influence and to ensure that all persons have an understanding of the policy and its requirements
• Ensure that students and staff are aware of RMIT’s commitment to assist them should they experience sexual harassment on placement
• Ensure that students and staff on placement are provided with adequate information about the policies and practices in existence at that site
• Encourage staff members to use the services of the University’s Employee Assistance Program (EAP) to discuss their concerns and to manage the pressures of working life
• Manage complaints of sexual harassment in a timely, confidential and fair manner ensuring due process
• Attempt to resolve any complaint of sexual harassment at the local level, whenever possible

How to deal with breaches of this policy
Any complaints made by staff members under this policy will be dealt with via the Procedure for Staff Complaints – Fairness Policies.

Any complaints made by students under this policy will be dealt with via the Student Complaints Procedure.

If a serious breach of this policy by a customer, contractor, service provider or visitor, while engaging with University staff or students, is confirmed, appropriate action must be taken in accordance with the relevant Service Contract or Agreement with the University.

All reports of this type of behaviour will be treated seriously and administered through the relevant complaints handling procedure (Staff Complaints – Fairness Policies or the Student Complaints Procedure).

Victimisation
RMIT will not tolerate victimisation and may take disciplinary action in response to any victimisation.

RMIT University will ensure, as far as is practicable, that persons covered by the scope of this policy are not victimised or penalised for reporting alleged unreasonable behaviour at the University. Any person who is found to have victimised the person who has made or intends to make a complaint, or to have victimised a witness or associate of the person who has made, or intends to make a complaint, will be subject to the consequences of breaching this policy.
Consequences for breaches of this policy

RMIT will treat all allegations of sexual harassment seriously and impartially. The consequences for breaching this policy will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- Gaining a commitment from one or more persons to cease, and not to repeat, the behaviour
- Making an apology to the affected person or persons
- Providing mediation between the parties, if both parties agree to mediation process and to the mediator
- Providing targeted training regarding prevention of unacceptable workplace behaviours
- Offering support to the person making the complaint
- Offering support to the person against whom the complaint is made
- Referral of matter to the Victoria Police
- Disciplinary action, up to and including dismissal, suspension or expulsion, against the person found responsible for sexual harassment;
- Disciplinary action, up to and including dismissal, suspension or expulsion, against the person making a complaint of sexual harassment if, after investigation, the complaint is found to have been malicious or vexatious.

Disciplinary action may be taken against anyone who victimises or retaliates against a person who has made a complaint.

| SUPPORTING PROCEDURES AND GUIDELINES | Procedure for Staff Complaints – Fairness Policies  
|                                       | Workplace Fairness Guidelines  
|                                       | Student Complaints Policy  
|                                       | Student Complaints Procedure |

Supporting / Related Documents:

- Associated RMIT Fairness Policies:
  - Equal Opportunity
  - Bullying and Occupational Violence
  - Anti-Racism and Religious Tolerance

- Student Discipline - Statute 6.1
- Student Discipline - Regulation 6.1.1

Relevant Australian Workplace Agreements (AWAs)

- Royal Melbourne Institute of Technology Academic & General Staff Enterprise Agreement 2005
- Royal Melbourne Institute of Technology Security Services Enterprise Agreement 2006
- Royal Melbourne Institute of Technology Senior Executive Staff Enterprise Agreement 2006
- Victorian TAFE Teaching Staff Multi Employer Certified Agreement 2003

Children’s Services (Victoria) Award 2005

RMIT Code of Ethics

<table>
<thead>
<tr>
<th>POLICY FURTHER INFORMATION</th>
<th>RMIT Statute and / or Regulation Reference Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Equal Opportunity Act 1995 (Vic)</td>
</tr>
<tr>
<td></td>
<td>Crimes Act 1958 (Vic)</td>
</tr>
<tr>
<td></td>
<td>Sex Discrimination Act 1984 (Cth)</td>
</tr>
<tr>
<td></td>
<td>Human Rights and Equal Opportunity Commission Act 1986 (Cth)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commencement date</th>
<th>Review date</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 Dec 1997</td>
<td>31 December 2011</td>
</tr>
</tbody>
</table>
ACCOUNTABILITIES

Implementation: People and Culture
Compliance: People and Culture
Monitoring and evaluation: People and Culture
Audit and Risk Management Committee
Development / Review: People and Culture
Approval authority: RMIT Council
Interpretation and advice: People and Culture

WHO SHOULD KNOW THIS POLICY?

Persons covered by the scope of this policy.

EFFECTIVENESS OF THIS POLICY

Performance indicator(s): Reduction in the incidence of reported sexual harassment
Reduction in the incidence of complaints of sexual harassment

POLICY SUPPORTING INFORMATION

Definitions and acronyms

Sexual Harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, spoken or written comments, jokes, propositions, the display of offensive material or other behaviour that creates a sexually hostile environment.

Examples of sexual harassment can include, but are not confined to:

- uninvited touching, kisses, embraces or other physical contact, including unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them, touching or fiddling with a person’s clothes, such as lifting up skirts, flicking bra straps or putting hands in a person’s pockets
- jokes or comments with sexual overtones which the recipient finds offensive
- making threats or promises in return for sexual favours. Such threats or promises may be implied or explicit
- displays of sexually graphic material including posters, pinups, cartoons, graffiti, material from the internet or messages left on notice boards, desks or common areas, including material transmitted by e-mail and including offensive screen-savers
- repeated invitations to go out after prior refusal; “flashing” or sexual gestures
- sex-based insults, taunts, teasing or name-calling or sexually explicit conversation
- staring or leering at a person or at parts of their body;
- requests for sex or persistent questions or insinuations about a person’s
private life

- offensive phone calls or letters
- stalking

Some behaviour may also constitute a criminal offence such as sexual assault or stalking.

**Sexual Harassment does not include** behaviour that is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.

**Clients, Customers, Visitors and Service Providers** are persons who are not staff or students, but who have a reason to engage with students or staff or both due to a contract or agreement with the University.

**Natural Justice** is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint. It is also referred to as procedural fairness. The requirements of natural justice are:

- fully informing a person of any allegation(s) made against them
- giving them the opportunity to state their case, provide an explanation or put forward a defence
- ensuring that proper investigation of the allegations occurs, that all parties are heard and relevant submissions are considered
- ensuring that the decision-maker acts fairly and without bias

**Victimisation**

When a person is subjected to less favourable treatment because it is known or suspected that they:

- have made or propose to make a complaint against any person under this procedure
- have brought or propose to bring proceedings under any of the anti-discrimination laws
- have furnished any information or documents relating to a complaint

This also applies to a person who is associated with another person who has made a complaint.

---

**Key words for search engine**

Sexual Harassment, Fairness, Complaints, Discrimination

**Answers to FAQ's**

FAQ's can be found on the Workplace Fairness & Diversity Management web site to respond to common queries

**Information and confidential advice may be obtained from the following areas internally and externally:**

- **People and Culture** - 
  **Workplace Fairness & Diversity Management Unit**
  Telephone: (03) 9925 4600

- **RMIT Student Services**
  Telephone: (03) 9925 2905

- **Employee Assistance Program - OSA Group**
  Confidential Counselling Service for all RMIT Staff and their immediate families.
  Telephone Number: (03) 9658 0000
  or, from country areas 1300 361 008

- **Managers Hotline - OSA Group**
  To provide managers and supervisors with confidential support and coaching on their people management issues.
  Telephone: 1300 361 008
• **Victorian Equal Opportunity and Human Rights Commission**
  Telephone: (03) 9281 7111  
  Free call: 1800 134 142  
  TTY: (03) 9281 7110  
  Facsimile (03) 9281 7171  
  Address: Level 3,  
  380 Lonsdale Street  
  Melbourne 3000

• **The Victoria Police**
  The Police are able to provide assistance in the case of sexual assault. Contact should be made with the local Community Policing Squad.

• **Centre Against Sexual Assault (CASA)**
  Telephone Number: (03) 9344 2210 (business hours)  
  Address: 270 Cardigan Street, Carlton  
  CASA after hours state-wide telephone service:  
  Carlton 9349 1766  
  Free call 1800 806 292

• **RMIT Ombuds**
  RMIT Ombuds provides an avenue of confidential and independent review for staff and students who have unresolved complaints.  
  Telephone Number (03) 9925 2930

• **The Centre for International Students Information and Support (ISIS)**
  Telephone Number (03) 9925 2963

• **RMIT Campus Nurse Service**
  Telephone: (03) 9925 2297  
  Addresses: City Campus - Building 13, Level B, Room 1  
  Corner of Victoria and Russell Sts, Melbourne  
  Bundoora West Campus - Building 202, Level 3  
  Brunswick Campus - Building 514, Level 2, Room 3
## PROCEDURE

### Operational Responsibility
People and Culture

### Related Policies
- Equal Opportunity
- Sexual Harassment
- Anti-Racism and Religious Tolerance
- Bullying and Occupational Violence

## PROCEDURE STATEMENT

### Intent:
To provide staff members with a complaint resolution process in the areas of equal opportunity, sexual harassment, racial or religious discrimination, and bullying and occupational violence. To ensure that complaints made by staff members will be dealt with ethically, in a sensitive, impartial, timely and confidential manner which ensures all parties involved in the complaint are accorded the principles of natural justice.

### Procedure Scope:
University-wide

### Exclusions:
This procedure does not apply to issues involving recruitment, redeployment, promotion, classification, the content of university policies, issues resolution in relation to the implementation of Workplace Agreements or to any other issue for which there is an alternative internal issues resolution process available.

## PROCEDURE STEPS AND ACTIONS

<table>
<thead>
<tr>
<th>Procedure Steps and Actions</th>
<th>Responsibility</th>
<th>Indicative Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reporting Incidents</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If a person considering making the complaint believes the behaviour is a risk to health and safety, they should also complete and submit an RMIT Incident Report Form. In any situation in which a person believes the behaviour poses an immediate threat, the person should contact RMIT Security on extension 53333.</td>
<td>Staff Member</td>
<td>As soon as practicable but generally within 12 months of the alleged incident.</td>
</tr>
<tr>
<td><strong>Advice and Support</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A person who is considering making a complaint may contact People and Culture to discuss their concerns with a consultant and obtain options for resolution, including details of the informal and formal resolution processes. The purpose of the discussion is to obtain information and advice only. All records relating to complaints are confidential. The options available to the person making a complaint include, but are not limited to:</td>
<td>Staff Member</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• choosing to resolve the matter personally at the local level, with or without assistance and support</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• choosing an informal resolution process</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• choosing a formal resolution process</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• taking no further action</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Go to Steps 4, 5, or 6 as appropriate, or take no further action.

↓

Witnesses

3. Any person who considers that they have witnessed unreasonable or unacceptable workplace behaviour, even if they have not been subjected to that behaviour, should obtain confidential advice and support from their manager or from People and Culture.

↓

Complaint handled at the local level

4. The manager and staff member should attempt to resolve the complaint at the local level.
   - All parties are to work together to resolve the complaint in a timely manner
   - The details of the complaint are to be fully documented and dated
   - The staff member is to be kept fully informed of the proposed actions, the timeframe for completion and to agree to the proposed resolution.
   - It is essential that all parties to the complaint act in good faith to obtain a resolution. Good faith includes acting in a sincere fashion without malice, maintaining confidentiality and being prepared to be truthful.

If it is inappropriate for the complaint to be addressed by the direct manager, the staff member may refer the complaint to a manager at the level above.

If the staff member is unable or unwilling to address the complaint within their own management structure, they can refer the complaint directly to People and Culture. Go to Step 5.

If the actions taken by the manager do not resolve the complaint, the actions taken to resolve the complaint do not occur in a timely manner, or the staff member is dissatisfied with the outcome, the staff member can refer the complaint directly to People and Culture. Go to Step 6.

↓

Informal Complaint

5. A complaint is submitted to the Executive Director People

Staff Member
and Culture.

The informal resolution process:
- is intended to obtain a mutually acceptable outcome for all parties
- is intended to allow the parties to continue in a productive working relationship
- requires the cooperation and commitment of all parties

The staff member will:
- Provide details of the complaint
- Act in good faith
- Actively involve themselves in the complaint handling process

A Case Manager from People and Culture may be appointed to coordinate the complaint handling process and to assist in facilitating an agreement between the parties. The Case Manager will not investigate the complaint nor will they form any view about the merits of the complaint.

The appointed Case Manager will:
- act in good faith
- aim to resolve the complaint in a timely manner

If the staff member is unable or unwilling to be directly involved in the complaint handling process People and Culture may suspend or terminate any further action on the complaint.

Complaints should be made as soon as practicable, and generally within 12 months of the incident occurring. If the incident occurred more than twelve months prior to a complaint being made, the matter will be referred to the Executive Director, People and Culture to determine whether the complaint can be progressed while still affording natural justice to all parties.

If the actions taken under the informal complaint handling process do not resolve the complaint, they do not occur in a timely manner, or the staff member is dissatisfied with the outcome, the staff member can refer a formal complaint directly to People and Culture.

Go to Step 6.

Formal Complaint

6. A formal complaint is submitted to the Executive Director People and Culture.

Should a formal complaint be submitted to People and Culture, or the University otherwise becomes aware of circumstances that might be in breach of one of these policies, an investigation will be undertaken into those matters. The aim of an investigation is to test the

| People and Culture Case Manager | As soon as practicable but within 12 months of the alleged incident | Staff member People and Culture Case Manager/Investigator |

Staff Complaints Procedure-Fairness Policies.doc
Approved by Council 7 May 2007
Page 3 of 7
allegations and to make findings that will be submitted to the Executive Director, People and Culture.

The investigation will:

- be conducted by a Case Manager, or an Investigator who is external to the University, appointed by the Executive Director, People & Culture
- apply the principles of natural justice
- be undertaken in a timely manner
- test the allegations made
- result in a finding as to whether, on the balance of probability, actions contravening policy have occurred
- result in a report being made to the Executive Director, People and Culture which outlines the investigation and the evidence, provides the findings of the investigation and in some cases provides recommendations for resolution

The staff member will:

- Provide details of the complaint in writing
- Act in good faith
- Actively involve themselves in the investigation process

The Executive Director, People and Culture will:

- Review the findings of the investigation and determine an outcome
- Direct what action will be undertaken to resolve the complaint

If the person making a complaint is unable or unwilling to be directly involved in the investigation process the Executive Director, People and Culture may suspend or terminate the complaint investigation process.

Complaints should be made as soon as practicable, and generally within 12 months of the incident occurring. If the incident occurred more than twelve months prior to a complaint being made, the matter will be referred to the Executive Director, People and Culture to determine whether the complaint can be progressed while still affording natural justice to all parties.

---

Outcome

7. Outcomes of complaints will be determined by the Executive Director, People and Culture and may include, but are not restricted to, the following:

- Disciplinary action, up to and including dismissal or suspension, against the person found responsible for bullying or occupational violence
- Disciplinary action, up to and including dismissal or suspension, against the person making a
complaint of bullying or occupational violence if, after investigation, the complaint is found to have been malicious or vexatious
- Disciplinary action may be taken against anyone who retaliates against a person who has made a complaint
- In some circumstances it would be a recommendation that the matter be reported to the Victoria Police particularly incidents which involve sexual or physical assault and stalking
- Complaint not upheld

↓

Ombuds Review
8. If the complaint remains unresolved, the staff member may seek a review of the complaint handling process or outcome from the RMIT Ombuds Office.

Referral to an External Agency
9. At any time during the complaint process the staff member has the right to take their complaint to an external agency, for example the Victorian Equal Opportunity and Human Rights Commission.

The referral to an external agency will immediately terminate any internal staff complaint resolution process. However concurrent internal processes, such as disciplinary action under a Workplace Agreement, may continue.

A person who is found, by an external agency, to have been responsible for unacceptable workplace behaviour may also be subject to the consequences of a breach of any of the policies in the RMIT Fairness set of Policies.

Supporting Guidelines, flow-charts, check-lists, etc: Workplace Fairness Guidelines

Links to related forms, records and electronic databases: SAP

PROCEDURE FURTHER INFORMATION
Commencement Date: ! June 2007 Review Date: 31 December 2012

REVISION HISTORY

<table>
<thead>
<tr>
<th>Revision Ref. No.</th>
<th>Approved / Rescinded</th>
<th>Date</th>
<th>Committee Board / Resolution Number</th>
<th>Document Reference</th>
</tr>
</thead>
</table>

ACCOUNTABILITIES

Implementation: People and Culture

Compliance: People and Culture
### Development/Review:
People and Culture

### Approval Authority:
Council

### Interpretation and Advice:
People and Culture

### Data Collection and Analysis:
People and Culture

#### WHO SHOULD KNOW THIS PROCEDURE?
All persons, except students, covered by the scope of the RMIT Fairness Policies.

#### EFFECTIVENESS OF THIS PROCEDURE

| How will the efficiency and effectiveness of this procedure be measured? | All requests for advice/support from staff will be recorded.  
All complaints referred to People and Culture will be recorded.  
All outcomes will be recorded.  
Reporting on complaints referred to the RMIT Ombuds Office or to external agencies.  
A quarterly report to will be submitted to the Audit & Risk Management Committee of Council highlighting the number and type of incidences recorded and the effectiveness of process in improving organisational capacity to deal with and resolve conflicts. |

#### PROCEDURE SUPPORTING INFORMATION

| Definitions and Acronyms: | Case Manager - A staff member employed in Workplace Fairness and Diversity Management team, People and Culture, who is appointed to administer or investigate a complaint.  
Complaint - An issue that arises during the course of a staff member’s work that they believe to be unfair, together with the act of resolving the issue.  
Consultant - A staff member employed in People and Culture, particularly those employed in Workplace Fairness and Diversity Management team.  
Frivolous - Complaints that appear to be absurdly trifling or lacking in serious intent. To decline to accept a complaint on this ground reflects the right to prevent an abuse of process.  
Malicious - Complaints that appear to have been made to be deliberately harmful to, or seek revenge against, a person or persons. To decline to accept a complaint on this ground reflects the right to prevent an abuse of process.  
Manager - The person to whom the staff member directly reports. In the event a complaint is to be managed at the local level, the role of the manager of the staff member will be to investigate the initial complaint with the intention of reaching a resolution that is agreed by all parties.  
Misconceived - The complaint has been “founded upon the wrong idea.” For example, a complaint of sexual harassment involving behaviour that is not of a sexual nature is misconceived. |

Staff Complaints Procedure-Fairness Policies.doc
Approved by Council 7 May 2007
Page 6 of 7
**Natural Justice** - The minimum standard of fairness to be applied in the investigation and adjudication of a complaint. It is also referred to as procedural fairness.

The requirements of natural justice are:
- Fully informing a person of any allegation(s) made against them;
- Giving them the opportunity to state their case, provide an explanation or put forward a defence;
- Ensuring that proper investigation of the allegations occurs, that all parties are heard and relevant submissions are considered; and
- Ensuring that the decision-maker acts fairly and without bias.

**Support Person** – May include a friend, a family member, or an officer of a trade union. They are not advocates and should not advocate on behalf of the person making a complaint or the person against whom the complaint is made. The role of the support person is to assist the party and to act within the bounds of the processes established for the meeting or interview. The support person should not be in receipt of specific payment for acting as a support person. Industrial officers may act as support persons, with the provisos as stated. In addition to support persons, parties may have an interpreter or other person with specialist skills, or other necessary equipment, present at all meetings.

**Vexatious** - The complaint is not being brought in good faith to obtain resolution but rather is being brought to annoy, or to seek revenge against, the person against whom the complaint was made. To decline to accept a complaint on this ground reflects the right to prevent an abuse of process.

**Key Words for Search Engine (SIM):** Bullying, cultural, culture, complaint, disability, discrimination, diversity, equity, equality, fairness, harassment, prejudice, race, racial, racism, religion, religious, sexual harassment, vilification, victimisation
RMIT has implemented an equal opportunity online training program for all staff. The purpose of the program is to provide staff with a better understanding of equal opportunity and discrimination issues and their application on campus.

What is EO Online
EO Online is a self-paced online equal opportunity training program for all employees. It contains many real life examples and employs interactive learning techniques.

Where do I find EO Online
EO Online is located on the RMIT staff information page or through the People & Culture, Workplace Fairness & Diversity Unit.

www.rmit.edu.au/workplacefairness
To All Staff

RMIT is a diverse organisation encompassing staff and students from a range of cultural backgrounds with differing values, experiences and expectations. As an organisation, we aspire to the highest ethical practice. This aspiration extends to all relationships, including our behaviour towards each other.

Equal opportunity principles are embedded in the values of the University’s Strategic Plan, particularly in the value of fairness, which states that:

- Learning opportunities cater for a diverse range of students, including those who may be disadvantaged in relation to education and/or labour markets;
- Respect for Indigenous cultures is reflected in our work;
- Intellectual freedom and tolerance is nurtured and debate encouraged;
- A physically, culturally and socially safe work and study environment is provided for all staff and students; and
- Ethical, honest and open dealings characterise relationships with students, staff and partners.

In accordance with our commitment to provide a fair and safe workplace for both staff and students, RMIT has implemented an equal opportunity online training program for all staff to complete. The program is called "EO Online: Fair Play on Campus". The purpose of the program is to provide staff with a better understanding of equal opportunity and discrimination issues and their application on campus. It is important that staff are aware of not only how these issues may affect them but also the impact they have on creating a workplace culture in which all students and staff are treated fairly and equitably.

I strongly encourage you to invest this relatively short time in developing your understanding of these important equity principles and their application within our university.

Professor Margaret Gardner, AO

Vice-Chancellor and President
EO Online is a self-paced online equal opportunity training program for all staff. The purpose of the program is to provide staff with a better understanding of equal opportunity and discrimination issues and their application on campus. It is important that staff are aware of not only how these issues may affect them but also the impact they have on creating a workplace culture in which all students and staff are treated fairly and equitably. It contains many real life examples and employs interactive learning techniques. EO Online is updated annually.

**Why is EO Online important?**

- EO Online is important as it raises staff awareness of discrimination and harassment issues.
- RMIT has a legal responsibility to ensure that all staff are aware of their rights and responsibilities in relation to state and federal anti-discrimination laws.

**What will staff gain from completing EO Online?**

- Staff will be able to make a contribution to the prevention of unacceptable behaviour in the workplace.
- Know what to do if issues are raised by fellow staff
- Be aware of RMIT's complaint process and external bodies.

**What are the benefits of learning EO Online?**

- Learn anytime, at a pace to suit your own needs
- Uses relevant university issues and case studies
- Reference material available at all times
- Learning is flexible and delivered to your desktop

**Who and when should staff complete EO Online?**

- All staff should complete Module 1
- Managers, teachers, and staff with supervisory responsibilities should complete Module 2
- Staff will be asked to revisit EO Online every 2 years
An equal opportunity professional development program for Australian Universities.

Developed by a consortium of four universities led by University of Wollongong.

Sponsored by consortium partners and Office of the Director of Employment Equity and Diversity.

Every attempt has been made to meet WC3 international accessibility guidelines.

Module 1
What you need to know

Module 2
Managers & Supervisors
EO Online has been designed for educational purposes only and should not, under any circumstances, be regarded as or substituted for legal advice.

I Understand This Statement
Welcome to EO Online.

Equity principles, terminology and application will be explained to you as you work through EO Online with real life case studies and interactive learning techniques.

EO Online is presented in two modules. All staff should work through module 1. Staff with managerial or supervisory responsibilities should work through modules 1 and 2.

When you complete each module you will arrive at the User Registration and Feedback page. To ensure that you and your university have a record of your accomplishment, please register your completion by filling in the form on this page. A personalised Certificate of Attainment will then be created that you can print for your records. You will also receive a copy by email.

- Work from the beginning to the end of each module at your own pace,
  following the prompts in the lower right hand corner
- Explore the real life examples, scenarios and quizzes as you progress
- As an approximate guide, each module takes 60 - 90 minutes to complete, but it will depend on your familiarity with the content.

You don't have to complete the modules in one go - you can take as many sessions as you wish. Simply use your browser's Bookmarks or Favourites to mark the page you want to come back to. If you don't know how, see your browser's Help for instructions, or call your Helpdesk.

To navigate this site you can use:

- The left hand tool bar or modular content across the top of the screen
- The site map for each module
- Prompts in the lower right hand corner
- The "back" arrow, situated in tool bar at the top of your screen.
Objectives

Program Objectives

The University is committed to creating a positive environment in which all students and staff are treated fairly and equitably. Everyone has the right to study and work in an environment free of harassment and discrimination.

This program aims to assist with this goal by providing:

- self paced, equal opportunity training for a broad range of university staff
- theoretical knowledge and a practical understanding of how to apply equal opportunity principles in work and study environments
- real life case studies, examples and interactive learning techniques for self assessment.

Participant Learning Objectives

By working through the EO Online modules, you will:

- learn how to deal with and prevent discrimination and harassment in the workplace
- understand your legal rights and responsibilities to achieve a discrimination and harassment free campus
- increase your awareness of equity policies, issues and strategies in your university
- have a reference for dealing with grievances.
Module 1
Big Picture

Diversity in the workforce

In the last fifty years, the make-up of the Australian workforce has changed significantly. Today the workforce is made up of people of diverse backgrounds - people of different ages, aspirations, classes, countries, nationalities of origin, gender, intellectual ability, personality, physical ability, primary language, professional experience, religion, sexual orientation, socio-economic backgrounds and workstyles. [ODEOPE, Managing for Diversity, 1996, p.7]

How up-to-date is your idea of the modern, diverse Australian workforce? Challenge yourself with these quick questions (feel free to guess!)

1. What percentage of Australian women over 15 do you think are in paid employment?
   a) 45%
   b) 64%
   c) 55%

2. What percentage of the Australian workforce do you think was born overseas?
   a) 25%
   b) 10%
   c) 40%

3. What fraction of the Australian workforce do you think is 45 years and over?
   a) one-quarter
   b) one-third
   c) one-half
4. What do you think is the percentage of people who work part-time in Australia (less than 35 hours per week)?

a) 27%
b) 13%
c) 22%

5. True or false? 5% of full-time workers have a primary responsibility to care for someone else (outside their paid employment)

a) true
b) false

Module 1

Equal Employment Opportunity

Introduction

Equal employment opportunity (EEO) principles and programs aim to:

- develop a diverse and skilled University workforce that reflects the make-up of the community; and
- provide a discrimination - and harassment - free workplace.

A diverse workforce is one that includes, across all levels and classifications, people of both genders, all ages, cultures, religions and backgrounds with and without disabilities or carers' responsibilities.

Some groups have been and continue to be under-represented in University workforces and these EEO groups are the targets of EEO programs. They are:

- women
- Aboriginal people and Torres Strait Islanders
- members of racial, ethnic, and ethno-religious minority groups, and
- people with a disability.

The NSW Anti-Discrimination Act and the WA Equal Opportunity Act require Universities in NSW and WA to implement EEO programs and report annually on progress to the Director of Equal Opportunity in Public Employment in their state.

Nationally, the Equal Opportunity for Women in the Workplace Act applies to all Universities with more than 100 employees. This Act requires Universities to establish an equal opportunity program for women.
The Act aims to promote:

- merit in employment
- equal employment opportunity and the elimination of discrimination; and
- consultation between employers and employees on these issues.

For more information, a link to the Equal Opportunity for Women Agency website is included on the Resources page.
Module 1

Australian Anti-Discrimination Laws

Introduction

Australian anti-discrimination laws make it "unlawful" to discriminate against or harass someone in a number of areas of life including:

- at work
- in education
- in providing goods and services
Module 1

Discrimination

Introduction

In everyday life we discriminate all the time. For example, we discriminate between things we like and things we don't like, such as food, movies, TV shows or music. These are personal choices and generally they don't affect anyone other than ourselves.

Anti-discrimination laws prohibit specific types of discrimination, that is, discrimination that unfairly affects or disadvantages other people at work, in education or other specific areas of life listed in the legislation because they possess an attribute named in the laws (such as their race, a disability etc).

- direct discrimination
- indirect discrimination
Module 1
Harassment

Introduction

Anti-discrimination laws classify harassment as a form of discrimination. Anyone can be harassed.

Harassment is often about one person or group using power inappropriately over another person or group, but it can also occur where there is no power relationship.

In general, harassment is any form of behaviour that:

- is unwelcome to the recipient/s
- offends, intimidates or humiliates the recipient/s
- targets the recipient/s for one of the reasons covered by anti-discrimination laws, such as their sex, race or disability, for example.

In tribunals, whether or not behaviour constitutes harassment is assessed on a case-by-case basis. In some cases, a single act may amount to harassment.
Module 1
Making Complaints

Introduction

If you are discriminated against or harassed you can complain about this treatment. You can either use your own University's grievance procedures, or you can complain directly to one of the external agencies that administer anti-discrimination laws. However it is always preferable to try and resolve problems as quickly and directly as possible.

If you feel you can, you should raise your problem with the person concerned first because it might be based on a simple misunderstanding, for example. However sometimes you may not feel able speak to the person directly. This does not mean that you cannot make a complaint.

Select "Contacts" from the menu at left to find contact people at your University.
Module 1

Directory listing for accessibility

**The Big Picture**
- Diversity in the workforce
- Diversity in the university
- International law links

Learning summary: Big picture

**Equal Opportunity**
- Special measures
- Your rights & responsibilities
- Programs to assist EEO groups

Learning summary: Equal opportunity

**Discrimination**
- Direct discrimination
- Direct discrimination quiz
- Indirect discrimination
- Case study: Indirect discrimination

Learning summary: Discrimination

**Harassment**
- Sexual & racial harassment
- Unwelcome & criminal conduct
- Hostile work environments
- Internet & email issues
- Bullying
- Inappropriate relationships
- Case study: Inappropriate relationships
- Harassment quiz

Learning summary: Harassment

**Module 1: What you need to know**

**Australian Anti-Discrimination Laws**

Grounds of discrimination & harassment
- National:
  - race
  - racial hatred
  - sex
  - disability
  - age
- NSW
- ACT
- Qld
- WA
- Vic
- SA

Your responsibilities under anti-discrimination law

Summary of national & state laws

Learning summary: Laws

**Making Complaints about Discrimination & Harassment**

- Internal complaint process
- Confidentiality
- Natural justice
- Victimisation
- External complaint process
Module 2
Menu

Equal Employment Opportunity

Liability for Discrimination and Harassment in Employment

Reasonable Adjustment

Grievance Handling
Module 2

Equal Employment Opportunity

Responsibilities of managers and supervisors

Under University policies and anti-discrimination laws, managers and supervisors are required to implement equal opportunity in the workplace on a day-to-day basis. In practice, this means that you must:

- take active steps to prevent and eliminate discrimination and harassment in your work area
- deal fairly and equitably with complaints or grievances from your staff by following the correct procedures and maintaining confidentiality
- manage staff fairly, including consulting your staff about decisions affecting them
- provide all staff with equitable access to development opportunities such as training and benefits such as study leave
- ensure that academic staff have equal opportunity to conduct their research
- conduct recruitment and selection processes fairly and in accordance with correct procedures, including by ensuring that all applicants receive equal opportunity
- assist staff who are members of equal employment opportunity (EEO) target groups:
  - Aboriginal people and Torres Strait Islanders,
  - members of racial, ethnic, and ethno-religious minority groups,
  - people with a disability, and
  - women,
  - to achieve equal opportunity at work by taking into account any additional needs they may have.

The benefits of managing your staff fairly and in accordance with EEO principles include:

- more co-operative workplace relations and reduced workplace conflict,
- increased employee job satisfaction and morale, and
- increased productivity.
Module 2

Liability for Discrimination and Harassment in Employment

Introduction

The responsibility of managers and supervisors to prevent and eliminate discrimination and harassment in the workplace extends to all aspects of the recruitment, selection, appointment, promotion and management of staff. Anti-discrimination laws state that **discrimination in employment** on the prohibited grounds can occur in:

- recruitment and selection and all related decisions;
- the terms and conditions offered to a potential employee;
- the terms and conditions afforded an employee;
- denying or limiting access to opportunities for promotion, transfer, training or any other benefit;
- dismissing an employee; or
- subjecting an employee to any other detriment.

As a managers or supervisor, you need to have a good understanding of your responsibilities under anti-discrimination laws because unlawful behaviour by your employees can attract organisational liability.

Anti-discrimination laws set out three types of liability for unlawful discrimination and harassment:

- Vicarious liability
- Personal liability
- Accessory liability
Module 2
Reasonable Adjustment

Introduction

Reasonable adjustments are workplace changes that are necessary to eliminate any discriminatory barriers to equal opportunity that exist for people with disabilities or carers' responsibilities.

Identifying and implementing necessary adjustments is a key element of the managerial responsibility to prevent and eliminate discrimination.

Anti-discrimination legislation does not define "reasonable adjustment". Instead, the nature of the adjustment required in any given situation must be assessed on a case-by-case basis taking into account the specific circumstances.

Failure to provide reasonable adjustments may constitute unlawful indirect discrimination, unless it can be shown that making the adjustment would impose unjustifiable hardship on the organisation. All relevant circumstances are taken into account in determining what constitutes unjustifiable hardship, including the size and financial situation of the organisation.

Managers should keep a record of any adjustments made.
Module 2

Grievance Handling

Introduction

Dealing quickly and effectively with complaints and grievances that arise in workgroups is a basic managerial responsibility. This occurs on two levels:

- dealing with minor workplace disputes and disagreements on a day-to-day basis; and
- occasionally, dealing with more serious complaints or grievances that allege unlawful behaviour such as discrimination and/or harassment.

Complaints of the latter nature, that is, those that could potentially result in external legal action, must be handled appropriately and seriously from the outset.

Failure to do so could potentially compromise the University's ability to defend against vicarious liability by having taken "all reasonable steps" to prevent and eliminate discrimination and harassment in the workplace.
Module 2

Directory listing for accessibility

**Module 2: Managers & Supervisors**

- Grievance Handling
- Reasonable Adjustment
- Liability for Discrimination & Harassment
- Equal Employment Opportunity

**Liability for Discrimination & Harassment**

- Vicarious liability
- Reasonable steps
- Personal liability
- Accessory liability
  - Quiz
- Learning summary: Liability for Discrimination & harassment

**Equal Employment Opportunity**

- Responsibilities of managers & supervisors
  - Strategies for implementing equal opportunity in the workplace
  - Learning summary: Equal employment opportunity

**Grievance Handling**

- Principles for managing complaints
- Grievance handling scenario
- Learning summary: Grievance handling

**Reasonable Adjustment**

- Reasonable adjustment for people with disabilities
- Inherent requirements for the job
  - Employment questions
    - Quiz
  - Student issues
    - Reasonable adjustment for people with carers' responsibilities
      - NSW & quiz
      - ACT & quiz
      - Qld & quiz
      - WA & quiz
      - Vic & quiz
- Learning summary: Reasonable adjustment
Credits

EO Online is the product of a consortium of NSW universities.

Content author

Ruth Jost, Consultant

Site and software design

Centre for Educational Development of Interactive Resources, (CEDIR) University of Wollongong

Version 1
Team Leader, Sarah Lambert
Instructional Designer, Robert Corderoy
Programmer, Rob Werner
Graphic Designers, Adam Orvad and Sandy Houston

Version 2
Team Leader, Paula McGregor
Instructional Designer, Christine Brown
Programmer, Sarah Redman
Graphic Designer, Adam Orvad

Version 3
Team Leader, Paula McGregor
Instructional Designer, Christine Brown
Programmer, Dhammika Ruberu, Widya Wijaya
Graphic Designer, Adam Orvad

Project initiated and led by

Robyn Weekes, Equal Employment Opportunity, University of Wollongong.

Project contributors and partners

Sarah McCormick, Division of Human Resources (Equal Opportunity), Charles Sturt University

Glynis Wattus, Equity and Diversity Unit, University of Newcastle

Ruth Thompson & Della Aynsley, Equity and Diversity Unit, University of Technology, Sydney
Sponsored by

Project partners and the Office of the Director of Equal Opportunity in Public Employment

Acknowledgements

The author and project partners wish to thank the following people and organisations:

Meredith Osborne, Consultant, for contributing valuable research to the Harassment and Liability sections

Sandra Vassalo, Consultant, for contributing valuable guidance on accessibility

Office of the Director of Equal Opportunity in Public Employment, whose Fair Ways brochure on EEO in Universities was a key resource

Human Rights and Equal Opportunity Commission and especially the Disability Rights Unit

NSW Anti-Discrimination Board

Marketing and other units from the consortium universities, which provided photographs from their photographic resources.

Most of the case law referred to throughout the text can be accessed on the web at:

Australian Legal Information Institute

SCALEplus

Intellectual Property Notice

Use of this program is restricted to participating universities as a resource for staff training and referral within their university.

Disclaimer Notice

Information contained in the program should not be regarded as legal advice and the consortium expressly disclaims any liability for any omission or error arising from its use. The program should be seen as providing general guidance and opinion based on legislation and university policy. If formal legal advice is required, the services of a competent practitioner should be sought.
Acknowledgements
These guidelines have been produced by the Workplace Fairness and Diversity Management Unit of People and Culture. Enquiries regarding these guidelines may be directed to the Workplace Fairness and Diversity Management Unit.
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>2</td>
</tr>
<tr>
<td>How To Use These Guidelines</td>
<td>3</td>
</tr>
<tr>
<td>Basic Principles Of Rmit Complaint Handling</td>
<td>4</td>
</tr>
<tr>
<td>How Will The Complaint Handler Manage The Complaint?</td>
<td>9</td>
</tr>
<tr>
<td>Talking To The Person Making The Complaint</td>
<td>13</td>
</tr>
<tr>
<td>What Will The Complaint Handler Do Next?</td>
<td>17</td>
</tr>
<tr>
<td>Talking To The Person Against Whom A Complaint Is Made</td>
<td>18</td>
</tr>
<tr>
<td>Resolution Of The Complaint</td>
<td>21</td>
</tr>
<tr>
<td>Talking With The Parties To The Complaint</td>
<td>22</td>
</tr>
<tr>
<td>What Should A Person Making A Complaint Do?</td>
<td>26</td>
</tr>
<tr>
<td>What Should A Person Against Whom A Complaint Is Made Do</td>
<td>27</td>
</tr>
<tr>
<td>What Should A Manager Do?</td>
<td>28</td>
</tr>
<tr>
<td>Can Someone Else Make A Complaint For Me?</td>
<td>29</td>
</tr>
<tr>
<td>Anonymous Complaints</td>
<td>31</td>
</tr>
<tr>
<td>Defamation</td>
<td>32</td>
</tr>
<tr>
<td>Victimisation</td>
<td>33</td>
</tr>
<tr>
<td>Natural Justice</td>
<td>34</td>
</tr>
<tr>
<td>Other Agencies And Protections Available</td>
<td>35</td>
</tr>
<tr>
<td>Resources</td>
<td>36</td>
</tr>
</tbody>
</table>
INTRODUCTION

What are these guidelines for?
For the purposes of these guidelines any manager, supervisor or complaint handler who has responsibility for dealing with a staff complaint under the Fairness Policies will be termed a “complaint handler.”

These guidelines have been developed to assist complaint handlers in managing initial complaints from staff members.

The aim of these guidelines is to provide information as to how a complaint will be dealt with at RMIT and where to go for further assistance.

RMIT wants to make sure that all complaints are dealt with fairly, confidentially and in a timely manner.

RMIT also wants to make sure that complaints are handled in a consistent manner, whatever procedure is being used, and that staff using the processes and dealing with complaints are given support and assistance in carrying out their role in the process.

RMIT wants to make sure that all participants have a clear understanding of their role, rights and responsibilities and know how to get further information and assistance.
HOW TO USE THESE GUIDELINES

If the person making the complaint is a member of staff:
A member of staff may be thinking about making a complaint under the Anti-Racism and Religious Tolerance Policy, the Equal Opportunity Policy, the Sexual Harassment Policy or Bullying and Occupational Violence Policy. They may have already made a complaint. They may be deciding whether or not to proceed to the stage of making a formal complaint. These guidelines describe how staff complaints will be dealt with if they decide to go beyond the initial enquiry stage. RMIT Fairness policies and procedure may be viewed at http://www.rmit.edu.au/browse;ID=bj6h3jdj4qpa

If the person making the complaint is a student:
Students may be considering making a complaint under the Student Complaints Policy, Anti-Racism Policy, the Equal Opportunity Policy or the Sexual Harassment Policy. They may have already made a complaint. They may also be deciding whether or not to proceed to the stage of making a formal written complaint. The Student Complaints Policy outlines the processes for making a complaint.
Note: The scope of RMIT Policy regarding Bullying and Occupational Violence Policy does not extend to students. Please refer to Student Discipline Policy and Regulation for information. Further advice may be obtained from the Academic Services Unit. Portfolios have trained Student Complaints Liaison Officers who are able to assist students with their initial complaint and refer them to the appropriate person. The Policy for Student Complaints outlines the processes for making a complaint and can be viewed at http://www.rmit.edu.au/academic-registrar/studentcomplaints

If you are a manager or supervisor:
It is the responsibility of a manager or supervisor to be aware of the relevant RMIT policies and procedures, to understand how to deal with a complaint and to ensure that their area complies with the requirements of policies and procedures.

The manager or supervisor should understand what is expected of all participants in the process, but may contact the relevant Portfolio Human Resources Manager or the Workplace Fairness & Diversity Management Unit for advice. It is important that all participants are given the information and support they need to properly carry out their roles in the process. It is particularly important that the people handling complaints have the skills, abilities, experience and personal qualities that are required to deal fairly, impartially, effectively and confidentially with complaints. It is a manager or supervisor’s responsibility to ensure that they and their staff are trained to handle complaints at each level.
BASIC PRINCIPLES OF RMIT COMPLAINT HANDLING

RMIT wants all its complaint handling to be -

- Fair
- Timely
- Confidential
- Impartial
- Aimed at resolution
- Applying natural justice
- Inclusive of Support Persons
- Preventative
- Ensuring no recrimination/victimisation
- Enabling, monitoring/providing feedback

Fairness
Complaints should be handled in a manner that is fair to all participants. All participants are entitled to be treated with respect and courtesy whatever the content of their complaint or response.

Fair to the person making a complaint
Fairness to the person making complaint means that they should have the opportunity to make a complaint that fully outlines their concerns and which allows their complaint to be understood. They should be able to make a complaint to a person who will deal with their complaint impartially and without bias, in a timely and respectful manner. They should be able to make complaints that are taken seriously and in which genuine attempts are made to find an appropriate solution or resolution. Persons making complaints should be aware of their rights and responsibilities. Persons making complaints must be able to pursue genuine complaints without fear of later reprisal, recrimination or victimisation.

If a person makes a complaint at RMIT University it is their complaint. It is the person making complaint’s choice whether or not they wish to proceed to the next stage of the complaint process. It is their choice if they decide to withdraw from the process at any stage. The complaint handler should not ‘take over’ the complaint, no matter how strongly the complaint-handler feels about the subject matter of the complaint. The complaint handler may discuss the options available, and the pros and cons of each option, but should not try to influence the person making complaint’s decision. RMIT wants to encourage people with genuine complaints to come forward. Persons considering making complaints will feel more confident if they know they can control the process and will not be ‘trapped’ by the process.

There may be cases where RMIT becomes aware of a situation where it should take preventative action but the person making the complaint decides to discontinue the formal process. Under the set of Fairness Policies, even in the absence of a complaint, any manager, academic or teaching staff member who observes any inappropriate behaviour has a duty to act. If there is a basis for taking action in relation to an individual, apart from what the person making a complaint may allege, then action may be taken. If there is no evidence, other than the allegations made by a person making a complaint, RMIT cannot take direct action in relation to an individual.
In cases where RMIT senior management become aware of breaches of policy but the person making a complaint does not wish to proceed, they may be asked to have further discussions with someone from senior management aimed at enabling that person to proceed with their complaint. This situation must be handled carefully and a person making complaint should not be pressured into proceeding with a complaint against their wishes or better judgement. If the person making complaint chooses to withdraw their complaint they may be asked to sign a letter of acknowledgement that confirms they do not wish to proceed with the complaint. The person making a complaint should never be blamed for choosing not to proceed with a complaint, even though a complaint handler may feel disappointed or frustrated about that decision.

Fair to the person against whom a complaint is made
Fairness to persons against whom a complaint is made means that they should have the opportunity to tell their side of the story fully and in a way that allows their response to be understood. They should be able to offer a response or explanation to a person who will deal with their response impartially and without bias, in a timely and respectful way. Their response should be taken seriously and a genuine attempt should be made to find an appropriate solution or resolution. Persons against whom complaint is made should be aware of their rights and responsibilities. Persons against whom complaint is made must be able to respond to complaints without fear of later reprisal or recrimination, except where disciplinary action is taken through proper and appropriate procedures.

Complaints may be made against individuals, but they may also be made against RMIT’s actions, and processes, procedures or service delivery rather than against an individual. In such cases the person making a complaint and the person or persons providing the response on behalf of RMIT should be treated fairly in the same way as in a complaint against an individual.

Timeliness
Timely handling of complaints is important as a matter of fairness to person making complaints and person against whom a complaint is made. It is also much easier to find an effective solution or resolution to a complaint if the situation is addressed quickly rather than letting the matter drag on. However, neither a person making a complaint nor a person against whom a complaint is made should be rushed through the process, which may result in them being dissatisfied with the process. Solutions may take time to develop. Practical considerations may also mean that delays will sometimes be inevitable. Some RMIT policies and procedures have prerequisite time limits to which it is important to adhere. Despite there being no specific time limits on managing complaints, they should be dealt with as speedily as is reasonably practicable. It is critical that the complaint handler keeps the parties informed of future steps in the process, what the timeframe for action is, when the next contact will be made and the revised timeframes if there is to be a delay. The parties should be given reasons for any delay, unless doing so would breach a confidence. In the latter case the parties should be given as much explanation as possible.
Confidentiality
Complaints must be handled as confidentially as possible. If both the person making the complaint and the person against whom the complaint is made are to have confidence, and trust, in the University’s complaint handling processes it is essential that the complaint handler keep all information absolutely confidential, except where it is necessary to provide information to another person as part of the complaint handling process. Information relating to complaints may need to be passed on to a central administrative area, e.g. Workplace Fairness and Diversity Management Unit, People and Culture, or Academic Registrar, for record-keeping purposes as part of the complaint handling process. It is important to remember that even genuine complaints may not be well-founded. It is not fair to the person making a complaint or person against whom complaint is made to discuss widely a complaint that may not be a well-founded. Complaints may eventually be resolved between the parties without an investigation or a determination that apportions blame. It is more difficult to resolve complaints which have been widely discussed. Often the ‘gossip mill’ gets the facts and circumstances completely wrong. Sometimes people may ‘take sides,’ interfere in the process, their positions may become entrenched and bias may result. Persons making complaints and persons against whom complaints are made may find it more difficult to compromise or work together in future if the subject matter of the complaint has become ‘public knowledge.’ Persons making complaints and persons against whom complaints are made should be told that complaints would be dealt with confidentially, except when it is necessary to provide information to another person as part of the complaint handling process. Where information is being given to another individual, that person should only be given such information as is necessary, what they ‘need to know’. If it is not necessary to give information that may identify the parties, then that information should not be given. The person being given the information should also be asked to maintain confidentiality.

Impartiality
In the interests of fairness, complaints must be handled with complete impartiality. The complaint handler does not act as anyone’s advocate. The complaint handler is not a judge and does not decide who is right and who is wrong. Complete impartiality must be maintained no matter what the complaint handler’s views are about the situation. If the complaint handler believes they cannot be impartial they should arrange for someone else to handle the complaint. If the complaint handler believes they have a conflict of interest, or if the complaint handler believes that either party might see them as having a conflict of interest which cannot be clarified in discussion with the relevant party, they should arrange for someone else to handle the complaint.

Aimed at Resolution
Attempting to resolve a complaint is the essential aim of the RMIT complaint handling process. The RMIT complaint handling process is not intended to determine ‘the truth’. Resolving a complaint does not mean ‘fixing the problem’ to suit the complaint handler or RMIT. Nor does it mean giving the person making a complaint everything they want or finding a solution that makes everyone happy. Resolving a complaint does mean assisting the person making complaint and, in most cases a person against whom a complaint is made, to work out an acceptable way of dealing with the situation. Effective resolution of a complaint should also involve ensuring that the problems or breaches of RMIT policy will not recur.
There are different methods of resolving a complaint. A complaint may be resolved with the person making a complaint alone, without needing to involve another person. More usually however resolution will involve discussions with both the person making a complaint and the person against whom a complaint is made and, at times, senior staff or managers. These discussions may involve the parties meeting together in the same room, or each party discussing their situation separately, or a combination of these approaches. The method of managing the complaint will depend on factors such as the nature of the complaint, the attitude and personalities of the parties, the relative power positions of the parties and whether the parties will have contact in the future. RMIT encourages complaint handlers to bring parties together at some stage in the process, especially if the parties will have contact with each other in the future.

Not all complaints can be resolved. RMIT asks all participants to try to resolve the complaint but if a complaint cannot be resolved person making complaints will be advised of their options including taking the matter further within RMIT or taking the matter to an appropriate external authority.

Please refer to the section of these guidelines titled “HOW WILL THE COMPLAINT HANDLER MANAGE THIS COMPLAINT?” for suggestions regarding the process of resolving a complaint.

Natural Justice
Natural Justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint. It may also be referred to as procedural fairness. The requirements of natural justice are:

- fully informing a person of any allegation(s) made against them;
- giving them the opportunity to state their case, provide an explanation or put forward a defence;
- ensuring that proper investigation of the allegations occurs, that all parties are heard and relevant submissions are considered; and
- ensuring that the decision-maker acts fairly and without bias.

Support Persons
Parties to a complaint have the right to seek assistance with the process of complaint resolution from a support person. A support person may include a friend, a family member, or other person. They are not advocates and should not advocate on behalf of the person they are supporting. The role of the support person is to assist the party and to act within the bounds of the processes established for resolving the complaint. The support person should not be in receipt of specific payment for acting as a support person. In addition to support persons, parties may have an interpreter or other person with specialist skills, or other necessary equipment, present at all meetings.
Prevention
RMIT wants to ensure that there are no breaches of its policies. In addition, RMIT has a legal obligation to prevent unlawful discrimination, sexual harassment and bullying. One of the purposes of having a complaints system is to ensure that future incidents which might breach the law or the University’s internal policies can be prevented. Prevention should be considered at all stages of complaint handling, whether or not there has been a determination regarding any breach of policy or the law.

Victimisation
All parties to the complaint handling process must be able to take part without fear of recrimination, reprisals or victimisation. In some cases, such as discrimination and sexual harassment complaints, the law specifically says that it is unlawful to victimise a person who has made a complaint of discrimination or sexual harassment. If the person making complaint is genuine and is acting in good faith then the person making complaint can make a complaint of victimisation, even if subsequently it is found that there was no unlawful discrimination or harassment.

Monitoring and Feedback
Monitoring of formal complaints is an aid to the prevention of breaches of RMIT policy and improving the RMIT study and work environment. Feedback on complaints and the complaint handling process can also assist in prevention of future complaints. Monitoring is also important in the resolution of complaints. A complaint handler may include a component of monitoring in the resolution to ensure that problems experienced by any party can be addressed. To ensure continual improvement all participants in the complaint process are asked to cooperate with any monitoring and feedback aspects of the complaint handling processes.
HOW WILL THE COMPLAINT HANDLER MANAGE THE COMPLAINT?

This section gives some suggestions and guidance on the process of managing complaints received from staff members in relation to the set of Fairness Policies. It is important to make sure the complaint handler is familiar with the specific requirements of the procedure, Staff Complaints – Fairness Policies.

REMINDER - The complaint handler is not alone in this process. If advice or assistance is required please contact your Portfolio HR Manager or the Workplace Fairness and Diversity Management team.

Preparation
Before meeting with the person who is considering making a complaint, the complaint handler should aim to do the following:

- Be familiar with the person’s name
- Read any material
- Check the procedure
- Have notepaper and pens available
- Arrange a suitable meeting venue, consider privacy, neutral space, seating arrangements
- Time, be clear about how much time is available for the meeting, work out availability for the next step in the process, check time lines in procedure
- Think about potential issues, will the person be bringing a support person? Are there any language/cultural differences, does the complaint handler have any potential conflict of interest
- Be clear about the role of the complaint handler which should be:
  - To provide information
  - To assist in considering the available options
  - To attempt to resolve the complaint
  - Not to investigate to determine the truth
  - Not to make judgements
  - Not to impose solutions
  - Not to act as an advocate
  - Not to become personally involved

What records do I keep?
The complaint handler may wish to keep notes and documentation while handling the complaint. Any such notes or documentation should be kept in a private and secure place where no one else will see them. This is to keep the process confidential. Do not leave the papers on your desk or in a drawer to which others have access.

Where notes should be kept remember that they may be given to either party as a result of a Freedom of Information application, or court or Tribunal proceedings. The notes should be given to the relevant senior staff for safe keeping along with other complaint documentation.
RMIT records or files usually comprise the following:

**Personal Files**
These are held by People and Culture. The official personal files are the only official University records of interactions between the University and individual members of staff. The University maintains an official personal file for each member of staff. The files are in two parts, a correspondence file and a set of records on the staff human resources management system, which contains personal data, employment history, leave data and pay. The University policy on access to Personal Files can be found at http://www.rmit.edu.au/browse;ID=rc2q1qjc8ufaz

Official personal files cannot be accessed by anyone except the individual member of staff, their authorised nominee or one of the University’s delegated officers, e.g. Vice-Chancellor, or other authorised persons.

**Recruitment Files**
These files contain all material relating to the selection process. When a position is filled all the necessary material including the selection committee report is placed on a recruitment file relevant to that position. The only information which is transferred to the Personal file is the position description, the successful applicant’s application, the appointment approval form, and the letter of offer and acceptance.

Following an appointment all recruitment files must be returned to People and Culture. All closed recruitment files must be retained for twelve months from the date of the finalisation of the appeals process. This is a legislative requirement under the Records Act 1973.

**Work Plans**
All documents relating to Work Plans and performance must be stored securely in the relevant work area and are not be accessed by unauthorised personnel

**WorkCover Files**
WorkCover claim files are held by the authorised WorkCover Claims agent, on behalf of the Victorian WorkCover Authority. However, WorkCover records relating to members of staff who have sustained injury arising out of, or in the course, of their employment, are maintained and stored securely by the Health & Safety Unit, People and Culture.

**Complaints**
Portfolios or Groups may receive complaints lodged by members of staff or students. These could involve grievances, or complaints under the University’s anti-discrimination or bullying policies. All documents relating to complaints must be stored securely in the relevant work area and are not be accessed by unauthorised personnel.

Complaint records held by People and Culture are stored securely in the relevant work area and cannot be accessed by unauthorised personnel.
Confidentiality and Privacy of Staff Information Policy
The above policy provides information for all RMIT staff regarding the use of, and access to, confidential, private and personal staff information held by the University.
It states that information of a private and personal nature relating to past or present University staff must not be released unless with the consent of the staff member or to comply with a legal obligation or in the event of an emergency.

Freedom of Information Act 1982 (FOI Act)
The FOI Act provides that a person can access documents held by a government department, authority, or body (such as RMIT). This means that RMIT staff members and students can access documents pertaining to them which do not contain exempt information (such as private information about another person – which cannot be disclosed).
The ‘documents’ is defined to mean written (such as files, reports, e-mails and diary entries) and non-written information (such as audio or visual videos or tapes or discs, CD’s and discs and photographs).
Accordingly, you need to be aware that any document created here at RMIT may be the subject of an FOI request and may need to be disclosed.

Confidentiality of documents
Portfolios and Groups must ensure that files containing sensitive information relating to staff or students are kept in locked filing cabinets. It is the duty of the officer in charge to maintain confidential records. Failure to do so could result in possible legal claims.
For example, there may have been a complaint of sexual harassment made against a member of staff. At this stage it is an allegation and there have been no findings of guilt or otherwise. Should details of that complaint be circulated, the person being complained against could well have an action in defamation against the person making the complaint as well as any other person who published the allegation.

Who should have access to the files?
Only authorised personnel should have access to any file containing confidential or sensitive material. It is up to the officers in charge to ensure that files cannot be read or taken away by staff who have no rights to access them. The following protocols should be established:
• Files or documents should not be left on desks or tables overnight, or left unattended.
• Care should be taken to ensure that discussions, file notes, letters or records that might contain confidential information are not accidentally overheard or read.
• If anyone, other than a party to a complaint or grievance, asks for information about a complaint, it must not be given to them. This rule includes the line manager, or other staff, at any time prior to their appropriate involvement.
• If information is requested by anyone other than a party to a complaint it is important not to indicate whether or not a complaint has even been received.

In properly established grievance procedures that may involve complaints about management, or discrimination, there may need to be communication to a superior or other relevant person. Communications can only be made to persons who require knowledge of the grievance etc, to carry out their official duties in a proper manner. However the information must not be circulated beyond the persons who share an interest in resolving the matter. The need for confidentiality is just one aspect of the person against whom complaint is made’s right to have a complaint dealt with in accordance with the principles of natural justice.
Conclusion

In order to protect staff and students from a breach of confidentiality and comply with State laws and RMIT policies, the following procedures should be established in the keeping of records.

- All files containing confidential or sensitive information relating to individuals or the university must be stored in safe, secure cabinets.

- Only authorised members of staff, or the member of staff or student who is the subject of the file, should be given access to these files. That is those members of staff who require information to enable them to carry out their functions.
TALKING TO THE PERSON MAKING THE COMPLAINT

Please refer to the checklist provided in the Resources section of these guidelines.

Comfort
Introduction
Check person seems comfortable- offer chair, water or tea, place for bag/books, have tissues within reach
Reassure that there is ample time
Check the person making complaint’s time constraints

Check understanding
Arrange an interpreter or other assistance if there is any verbal communication difficulty
Third party
If the person making complaint has brought someone with them explain that the role of the support person is to give support and not to state the complaint or act as an advocate.
Establish control and keep control

Preliminary information
Tell the person making complaint what information is to hand
Ask the person making complaint to give their version of events
Ask the person making complaint what they would like done about the situation
Pay attention
Listen carefully

Which policy?
Check which policy may be relevant to the complaint.
Provide a copy of the relevant policy and procedure.
It may be necessary to discuss alternative dispute resolution procedures.

Progress to date
Check what steps they have already taken
Ask them if they have sought advice from others, ask for names
Ask them what happened

The role of the complaint handler
Describe the procedure in brief
Explain which stage the process has reached
Explain the role of the complaint handler - information/options/attempting to resolve
Explain what the complaint handler does not do, i.e. make judgements/decisions/take sides/act as an advocate/investigate
Explain that the complaint handler is impartial
Explain any time frames in the process
Explain the next step
Be familiar with process or use the website or this Guideline Kit to look it up with them
Be clear that this stage is a resolution stage and the person against whom complaint is made will be advised, but it is not an investigation/determination stage

**Person making complaint has control over the complaint**
Confirm with them that if they wish to continue/withdraw they may do so at anytime

**Confidentiality**
Explain that the complaint handler will keep everything they say confidential except as required by the process
Tell the person making complaint who will be given information
Tell the person making complaint what sort of information the complaint handler will be passing on
Tell them that the third person is required to keep everything confidential
Tell the person making complaint what documentation etc. the complaint handler will complete and what happens to forms/records

**Check whether the person making complaint wishes to continue**
Ask whether they want to continue with the complaint

**Get the whole story**
The complaint handler will already have some initial information, but talk to the person making complaint about what has happened-
Ask questions to find out the whole story (Finding out the whole story is necessary to ensure the complaint handler can assist in resolving the complaint. The complaint handler does not cross-examine to trip them up.)
Encourage the person making complaint to talk with active listening skills
Use “uh-huh,” “mm,” “what happened next?” to encourage disclosure
Listen carefully
Pay attention
Listen for the person making complaint's concerns
Ask different sorts of questions - closed questions, open questions
Empathise but do not sympathise

**Check the complaint handler understands**
Explain that the complaint handler wants to make sure that they understand
Repeat back/summarise
Use reframing if necessary
Staff complaints declined
Under certain circumstances staff complaints may be declined. If the complaint handler believes that the complaint is

- frivolous,
- misconceived,
- vexatious,
- not in good faith,
- not relevant to the person making the complaint’s relationship with RMIT, or
- not relevant to the Anti-Racism and Religious Tolerance Policy, the Equal Opportunity Policy, the Sexual Harassment Policy or the Bullying and Occupational Violence Policy, they may refer the matter to the Executive Director People and Culture for a determination regarding the validity of the complaint.

There are further steps the person making a complaint can take if the complaint is declined. The complaint handler should also discuss any other options they can think of for resolving the matter.
It is better to deal with a complaint that may be misconceived rather than to decline a potentially serious complaint which is not resolved and which later may be referred to an external agency.

Complaint in writing
The complaint handler may already have a complaint in writing - if so, check that it is an accurate summary of the situation
If not, request that the complaint be submitted in writing
Do not write the complaint for the person making the complaint (unless there is justification such as their having a disability which prevents their writing the complaint, and in those circumstances only if it is dictated directly by them).
Do assist the person making complaint in obtaining a clear and accurate summary of the situation from their own point of view - clarify but do not “put words in their mouth.”

Options for resolution
Ask the person making complaint if they have any ideas on what they would like to see happen
Make it clear that the complaint handler cannot punish or compensate
Make it clear that the complaint handler is looking for a resolution that both parties will find acceptable
Discuss any ideas the person making complaint or complaint handler may have for resolution
Keep as many options on the table as possible
Try to think of different ways of addressing the person making the complaint’s concerns
Think creatively about resolving the complaint - make lateral suggestions
Be positive
Consider offering support through the Employee Assistance Program
What next?
Tell the person making a complaint what the complaint handler will be doing next - speaking with them/ making enquiries/ talking to the person against whom complaint is made.
Discuss with the person making complaint anything they may be required to do - provide more information/ think about options for resolution of the complaint.
Tell the person making a complaint when the complaint handler will be speaking to them next.
Check that the complaint handler has contact details for the person making complaint, person against whom complaint is made, line manager, etc.
Ask the person making a complaint to contact the complaint handler if they have any problems in the meantime.

Victimisation
Tell the person making the complaint that no one is allowed to treat them badly because they have made a complaint.
If there is any trouble they should contact the complaint handler immediately.

Request discretion
Ask the person making complaint not to discuss the situation with others except discrete support person.
Explain reasons - people take sides/ the situation blows out of proportion/ it becomes more difficult to resolve.

Complete paperwork
Record details of the conversation
Write a case management action plan with timeframes for contacting the person against whom complaint is made etc.
WHAT WILL THE COMPLAINT HANDLER DO NEXT?

There are no hard and fast rules about what should happen next.

The complaint handler may need to find out some more background information. If the complaint handler is making enquiries, ensure they are done without identifying the parties. The complaint handler may wish to get some assistance or advice. They may want to talk to the person against whom complaint is made straight away or after they have obtained additional information.

In cases where a written complaint is made against an individual, the complaint handler must talk to that person at some stage. The person against whom complaint is made is entitled to know what the complaint is about, and who has made the complaint, so that they have a fair opportunity to put the other side of the story or to provide an explanation.

Impartiality
These procedures will also assist in protecting the complaint handler and will produce an impartial process according to the rules of natural justice.

Consistency & Fairness
Before the complaint handler talks to the person against whom complaint is made, they should prepare themselves in a similar way to the way they were prepared before seeing the person making complaint. In addition consider the possibilities for resolution that the complaint handler may be thinking of discussing with the person against whom complaint is made.

The complaint handler will need to contact the person against whom complaint is made and arrange a time to meet. Be prepared for a certain amount of curiosity, anxiety and possible hostility. Be very clear that the complaint handler is impartial and that the complaint is being dealt with under the relevant complaint procedure. The complaint handler should explain that they would like to talk about the complaint to see if it can be resolved. Try not to engage in lengthy discussions over the telephone. Also be prepared to offer Employee Assistance Program involvement if necessary.
TALKING TO THE PERSON AGAINST WHOM A COMPLAINT IS MADE

Please refer to the checklist provided in the Resources section of these guidelines.

Comfort
Introduction
Check person seems comfortable – offer chair, tea or water, and place for bag/books, and have tissues within reach.
Reassure the person making complaint that the complaint handler has time to listen
Reassure them that there is ample time
Check their time constraints
Be prepared for anxiety

Check understanding
Arrange an interpreter or other assistance if there is a need. Referral list is included in the appendices.

Support Person
If the person against whom the complaint is made has brought someone with them, explain to person it is appropriate for them to be there, provided that the support person is not legally qualified and in receipt of payment for services, and they may not speak on behalf of the person they are supporting. It is very important that the complaint handler hears what the person against whom complaint is made has to say. Establish control and keep control.

Initial information
Give the person against whom complaint is made a brief description of the complaint and tell them who has made it
Listen to the reaction
Deal with emotion
Pay attention

Which policy?
Explain which policy is relevant to the complaint.
Provide a copy of the relevant policy and procedure.
Explain what has happened so far

Role of the complaint handler
Describe in brief the steps to be taken according to the relevant policy/procedure
Explain which stage the complaint has reached
Explain what the complaint handler does, i.e. information/options/attempting to resolve
Explain what the complaint handler does not do, i.e. make judgements/decisions/take sides/act as advocate/investigate
Explain that the complaint handler is impartial
Explain any time frames in the relevant policy or procedure
Explain that the complaint handler will try to resolve the complaint but if there is no success, it will be up to the person making complaint whether they want to take the complaint to the next stage.

Confidentiality
Explain that the complaint handler will keep everything they say confidential except as required in the process
Tell the person against whom the complaint is made who will be given information
Tell the person against whom the complaint is made what sort of information will be passed on
Ask the support person to keep everything confidential
Tell the person against whom the complaint is made what forms etc. may be completed and what happens to forms/records

Complaint in detail
Provide the person against whom the complaint is made with full details of the complaint
Provide them with a copy of the written complaint and ensure that any reference to other parties has been deleted, where appropriate.

Get the whole response
The complaint handler should already have some initial information
Talk to the person against whom the complaint is made about what has happened
Ask questions to find out the whole story (Finding out the whole story is necessary to ensure the complaint handler can assist in resolving the complaint. The complaint handler does not cross-examine to trip them up.)
Encourage the person against whom the complaint is made to talk with active listening skills
Use “uh-huh,” “mm,” “what happened next?” to encourage disclosure
Listen carefully
Pay attention
Listen for their concerns
Ask different sorts of questions - closed questions, open questions
Make notes of the response
Empathise but do not sympathise.

Check the complaint handler understands
The complaint handler should explain that they want to make sure they understand
Repeat back/summarise Use reframing if necessary

Options for resolution
Ask the person against whom complaint is made if they have any ideas on what they would like to see happen
Make it clear that the complaint handler cannot punish or compensate
Make it clear that the complaint handler is looking for something that both parties will find acceptable
Discuss any ideas that the complaint handler, the person making the complaint or the person against whom complaint is made may have for resolution
Keep as many options on the table as possible
Think creatively about resolving the complaint - make lateral suggestions
Be positive
Consider offering support through the Employee Assistance Program

What next?
Tell the person against whom complaint is made what the complaint handler will be doing next - speaking with them, making enquiries, talking to the parties together or separately
Discuss with the person against whom complaint is made anything they may be required to do - provide more information, think about options for resolution of the complaint
Tell the person against whom complaint is made when the complaint handler will be speaking to them next
Check that the complaint handler has contact details for the person against whom complaint is made, line manager, etc.
Ask the person making complaint to contact the complaint handler if they have any problems in the meantime
Victimisation
Tell the person against whom complaint is made that no one is allowed to treat a person making complaint badly because they have made a complaint

Request discretion
Ask the person against whom complaint is made not to discuss the situation with others except a discrete support person
Explain reasons - people take sides/ the situation blows out of proportion/ it becomes more difficult to resolve

Complete paperwork
Record details of the conversation
Write a case management action plan with timeframes for contacting the person against whom complaint is made etc.
RESOLUTION OF THE COMPLAINT

Please refer to the checklist provided in the Resources section of these guidelines.

How to resolve the complaint
At this point in the process the complaint handler should have some ideas on whether the complaint might be resolved. Any resolution should include preventative action to reduce the risk of recurrence, even though the complaint handler does not have to decide whether any wrongdoing occurred.

When a person complains of harassment, it is expected that the resolution will include ensuring that the perceived wrong treatment will stop and some assurances be given that the problem that they see as having happened will not recur.

Any resolution must be practical. It is no use agreeing on a resolution that is unlikely to work in practice. Any resolution must be capable of being clearly written down to ensure it is clear who will do what and when.

Where appropriate, resolution should include monitoring. This may be as simple as the complaint handler regularly telephoning each of the parties for a given period to ask how the situation is proceeding.

There is an infinite variety of ways in which complaints can be resolved, but here are some ideas which are often included:

Possible Outcomes
An acceptable outcome will be specific to that complaint but may include:

- An explanation (complaints sometimes arise out of a misunderstanding or miscommunication between the parties)
- An apology (this can be a direct apology or it might be ‘I apologise for anything I said which may have offended you’)
- An undertaking to review a policy or process
- An undertaking as to how the parties will approach each other in future, i.e. professionally, with respect and courtesy etc.
- Provision of training
- Agreement to attend training
- Provision of some non monetary benefit
- An assurance that the relevant RMIT policy is understood and complied with
- Referral to relevant senior member of staff if the person making complaint is seeking compensation.

Discussions about resolution may be with both parties together, each party separately or a combination of these approaches. The best way is dependent on factors such as the nature of the complaint, the attitude and personalities of the parties, the relative power positions of the parties and whether the parties will have contact in the future. The complaint handler should consider what may assist in resolving the matter. RMIT encourages complaint handlers to bring parties together at some stage in the process, especially if the parties will have contact with each other in the future. Whether the parties are brought together or not, the complaint handler will be acting in a mediation or conciliation role to see if the parties can resolve the complaint.
TALKING WITH THE PARTIES TO THE COMPLAINT

Please refer to the checklist provided in the Resources section of these guidelines,

If the complaint handler decides to talk to the parties together it is important that he or she maintain control of the meeting. The complaint handler may also wish to have another complaint handler present. If the complaint handler decides to co-conciliate it is important that all parties agree and keep in mind a gender balance. This does not mean that the complaint handler does not allow the parties to have their say or to discuss the issues. It does mean that having their say or having the discussion should take place in an environment where one party does not dominate over the other and where there is no personal abuse. It will be up to the complaint handler to set the tone of the meeting and to keep the meeting on track. The following framework is suggested. This basic framework assists in keeping control while enabling communication. Of course, by the time you get the parties together they will have trust and confidence in you.

If the complaint handler decides not to have the parties in the same room, a time should still be arranged to meet with each party in separate rooms that are in close proximity with each other, to enable the complaint handler can go back and forwards. The complaint handler can attempt to resolve the complaint by meeting with the parties at different times but this is usually time consuming and less likely to produce an agreement. The following framework may still be useful in giving the complaint handler ideas for the discussion, even if it is decided not to have the parties together in the same room.

Ensure the complaint handler has prepared for the meeting. When arranging the meeting it should be explained to the parties that it has been decided to have both the person making complaint and person against whom complaint is made in the meeting as it might help to resolve the complaint or at least clarify some issues.

Comfort
Make sure both parties are comfortable.

Role of the complaint handler
Confirm with each of the parties that they are aware the complaint handler is impartial. The complaint handler will attempt to assist the parties in resolving the matter but they do not apportion blame or what will happen next. Explain that the complaint handler will be making a recommendation to the relevant senior member of staff.

The complaint handler will chair the meeting

Rules
Explain “the rules” -
- Treat the other party with respect
- Listen to the other party
- Do not interrupt each other
- There are to be no personal attacks or abuse

Confidentiality
Confirm that they agree that anything said in the meeting will remain confidential to them and the complaint handler, unless any of the parties are required to disclose what was said.
Support Persons
It is better that support persons are not in attendance at this meeting - ask if the party would be agreeable to the third party waiting outside
If the third party/parties are already in attendance at the meeting confirm with them that they expected to maintain confidentiality. Confirm with them that they cannot take an active part in the meeting

Meeting process
Confirm with each of the parties that:

- The complaint handler will ask each of them to give a short summary of their concerns - suggest a timeframe of 5-10 minutes with no interruptions from the other party
- The complaint handler may ask some clarifying questions during or after they speak
- The complaint handler would then like to discuss some options with them
- At some point the complaint handler may ask to speak with each party alone
- If either party wishes to have a break, or go out to talk to the third party, they are free to ask for a recess
- Ask if they have any questions

Parties’ concerns
Use this time to define the parties’ concerns
The complaint handler should ask any questions required to clarify an issue
Ask questions to clarify for the parties what the concerns appear to be, using appropriate reframing if necessary
Note concerns
Note areas of agreement

Identify Areas of Agreement
The complaint handler should tell the parties what they consider they agree on
The complaint handler should tell the parties what questions they consider need to be addressed - use white board if necessary
Discuss any suggestions each party may have for resolving each question
Develop a conditional agreement, i.e. if all other issues were resolved would this proposal resolve this issue for you?

Negotiation for resolution
The complaint handler may have to consult with the parties separately or together to seek resolution
The complaint handler should advise the parties that they will not, without permission, repeat to the other party anything said in private session.
Consider talking about compromise. It may be necessary for each party to consider some sort of compromise in order to resolve the matter
Consider talking about any areas of uncertainty and the consequences of not reaching a resolution.
Consider talking about the other’s party’s perspective. What would you do if you were in their position? What do you think their response will be?
Agreement
If an agreement is reached congratulate the parties on their sensible approach
Draw up a written record of the agreement
Include in it full details of who will do what, when, and how.
Include any monitoring/feedback.
An agreement will usually include a mention of maintaining confidentiality.
It is usual to include confirmation that this is intended to be a final resolution of the matter.
Be clear about what if anything the complaint handler will do next

No Agreement
Thank the parties for their efforts
The complaint handler should decide and explain whether it is necessary to hold any further meetings either separately or together
If so, make meeting arrangements immediately
If not, explain that it is up to person making complaint to determine what will they will do next
The complaint handler should discuss with the person making complaint whether they intend to take the matter further.
The complaint handler should advise the person against whom complaint is made whether the person making complaint is intending to take the matter further.
Be clear about proposed time frames with each party
The complaint handler should ask the parties to contact them should they have any further queries or concerns

Complete paperwork
Record details of the conversation
Write a case management action plan with timeframes if necessary

What to do if the complaint is resolved
The complaint handler should make sure that they follow through all the required steps in the specific process.
The complaint handler should ensure that all paperwork is maintained in a safe, secure place
If the complaint handler has undertaken to do any monitoring or follow up work make sure it is done. Think about what worked well and what did not.

What to do if the complaint is not resolved
Do not worry! Complaints often cannot be resolved.
If the complaint handler thinks more discussions might help, then have those discussions.
If the complaint handler thinks it might help to get some advice or information then do so.
Be careful not to drag things on too long if there is no realistic prospect of the matter resolving.
Provide information to the person making complaint about further options available under RMIT policies and procedures.
If the complaint cannot be resolved it is the person making complaint who will decide what to do next. The person making complaint may wish to discuss options and pros and cons with the complaint handler.
Remember that the person making the complaint will decide what to do next. Think about what worked well and what did not.
WHAT SHOULD A PERSON MAKING A COMPLAINT DO?

RMIT expects staff to act genuinely and responsibly when making complaints. The specific complaint procedures have specific expectations as to the rights and responsibilities of person making complaints. RMIT’s general expectations regarding the responsibilities of person making complaints are as follows:

- Raise concerns as early as possible because it is fair and will assist in obtaining an effective solution
- Be truthful and act in good faith
- Be prepared to provide relevant information to the complaint handler, e.g. documents and details of previous actions
- Try to ensure that your support person understands that their role is to support and assist you, not to act as your advocate
- Follow the appropriate complaints process - give it a chance to work for you
- Maintain confidentiality
- Treat others with respect and courtesy
- Stick to any agreement made, but contact the complaint handler if things go wrong
WHAT SHOULD A PERSON AGAINST WHOM A COMPLAINT IS MADE DO?

RMIT expects staff to act genuinely and responsibly when complaints are made against them, whether complaints are made against them personally or because the complaint comes within their area of responsibility. The specific complaint procedures have specific expectations as to the rights and responsibilities of the person against whom a complaint is made. RMIT's general expectations regarding the responsibilities of the person against whom complaint is made are as follows:

- Be truthful and act in good faith
- Be prepared to provide relevant information to complaint handler, e.g. documents, and details of previous actions
- Follow the appropriate complaint process, i.e. give it a chance to work for you
- Maintain confidentiality
- Treat others with respect and courtesy
- Do not treat the person making complaint badly because they have made a complaint
- Stick to any agreement made but contact the complaint handler if things go wrong
WHAT SHOULD A MANAGER DO?

RMIT managers are responsible for ensuring that all RMIT Policies are understood and implemented within their areas of responsibility. For example, a manager could be morally, legally and financially responsible for acts of unlawful bullying, discrimination or sexual harassment that occur in their area.

It is the manager’s responsibility to make sure that all staff members are aware of, and have access to, the relevant policies and procedures. It is the manager’s responsibility to take all reasonable steps to prevent breaches of RMIT policies, and to make sure that complaints are handled in accordance with the University’s complaint handling processes. The manager may also have the responsibility of asking people to handle complaints on their behalf and, in doing so, to ensure they are provided with appropriate training and support.

In asking people to agree to handle complaints consider their personal skills and qualities, for example:

- Good listener
- Good verbal communication skills
- Trustworthy, including being able to maintain confidentiality
- Mature in their judgement
- Practical
- Flexible
- Culturally sensitive - not racist, sexist etc.
- Independent
- Fair minded
- Approachable
- Non-authoritarian
- Responsible
- Reliable
- Having commonsense but understanding that ‘commonsense’ is individual and may not provide the answer

It is important to have a range of people handling complaints to ensure that any potential person making complaint will be able to be case managed by someone in whom they can confide and have confidence. Try to have both male and female complaint handlers of differing ethnic backgrounds, ages and status, who are drawn from among academic, general and TAFE staff members.

The complaint handler may require their manager’s advice on technical matters, practical support in arranging meeting locations, dates and times, time release from work commitments or workload management to undertake case management duties, and training or other matters. It is the manager’s responsibility to provide them with as much support and assistance as necessary.
CAN SOMEONE ELSE MAKE A COMPLAINT FOR ME?

Can someone accompany me to see the complaint handler?
A situation may arise where a person making complaint wants another person to accompany them when they meet with the complaint handler. Generally however, it is unnecessary for another person to attend. The presence of a person other than the complaint handler and the person making the complaint is usually not conducive to confidential, prompt and effective resolution.

Due to the wide variety of complaint handlers and the various levels of positions they may hold, it should be unlikely that a person making complaint would feel that they were unable to approach a complaint handler without having another person present.

In limited circumstances, another person may be permitted to attend in order to provide moral support for the person making the complaint. In no way should that person act as a representative of the person making the complaint and they will be advised by the complaint handler not to take an active or representative role in the making of the complaint. It is important that the person making the complaint speaks on their own behalf so that the information is not distorted in any way.

What happens when a complaint is made by someone other than the affected person?
In normal circumstances, should a complaint handler be approached by a member of staff who wishes to make a complaint on behalf of another person the following procedure will be adopted:

- The informing person will be advised that the University's preferred course of action is that the complaint is to be made by the affected person.
- The affected person will be approached by the complaint handler and it will be indicated to them that a complaint has been made on their behalf. They will be asked if they wish to take the matter further.
- If the affected person does wish to take the matter further then they should be advised to approach a complaint handler who will go through the options available to them.
- If the affected person does not wish to make a formal complaint they should be informed that, in the absence of a formal complaint, RMIT cannot take specific action against the person against whom complaint is made, as fairness requires that the full allegation be put to the person against whom complaint is made and they are to be given an opportunity to respond.

However, the fact that an approach has been made by the informing person should be brought to the attention of Senior Management who might, in some cases, decide to inform the person against whom complaint is made that they are aware of an allegation regarding their behaviour and, although at this stage no formal complaint has been made against them, any inappropriate behaviour in which they have been involved will not be tolerated further. If such behaviour occurs in the future, it may result in formal complaints and possible disciplinary action up and including dismissal.

If the informing person has themselves witnessed the alleged inappropriate behaviour and the informing person considers themselves to have been discriminated against, harassed by the actions or bullied, then they can make a complaint on their own behalf and the normal procedures will be followed. A formal complaint is required to enable RMIT to put full allegations to the person against whom complaint is made and to give the person against
whom complaint is made an opportunity to respond. Accordingly, complaints that remain anonymous cannot result in direct formal action against any person. In certain circumstances, a warning may be given to the person against whom complaint is made.
ANONYMOUS COMPLAINTS

What are anonymous complaints?

Anonymous complaints can take two forms:

- A complaint is brought by a person who either will not identify themselves (for example, the complaint is submitted through an intermediary) or who sends a letter of complaint without disclosing their identity. In this situation, the University must ensure that attention is paid to the allegations. Obviously, the University cannot be certain whether the information is true or correct but such information cannot be ignored. By ignoring information which later proves to be accurate, the University might in some cases be failing to take reasonable steps to prevent incidences of discrimination or harassment.

- A person making complaint gives their identity but approaches a complaint handler because they want RMIT to be aware of the alleged situation, but do not want their identity revealed. Again the University must take all reasonable steps to prevent inappropriate behaviour from occurring and so it should not ignore the complaint. On the other hand, formal action cannot be taken against the person who allegedly discriminated against or harassed the person making complaint unless the identity of the person making complaint is given. This is because it would not be fair to take formal action unless the person has had a proper opportunity to respond to the specific allegations. They cannot do so unless they are informed of the identity of the person making complaint and the circumstances surrounding the alleged conduct.

Method for dealing with an anonymous complaint

Any anonymous complaint received by a complaint handler should be forwarded to the Workplace Fairness and Diversity Management Unit, People and Culture.

The Workplace Fairness and Diversity Management Unit, People and Culture maintain all such documentation confidentially.

If the allegations suggest that discrimination, harassment or inappropriate behaviour is occurring Senior Management should try to discreetly monitor any possible problem areas in a responsible but strictly confidential manner.
DEFAMATION

What is defamation?
Defamation is the publication of false and derogatory statements in respect of another person without lawful justification.

What is a defamatory statement?
A defamatory statement is one where looking at the ordinary and natural meaning of the words, the statement would damage a person’s reputation in the opinion of reasonable people generally, or is likely to injure another’s reputation, expose another to hatred, ridicule or contempt, cause another to be shunned or avoided, or which has a tendency to injure another in their office, profession or trade. A statement can be defamatory whether it is made verbally or in writing.

If a person maliciously makes false allegations in a workplace that an employee has been bullying, unlawfully discriminating against, or sexually harassing another employee, then they may be defaming the employee, who can sue for defamation.

What is not a defamatory statement?
The law of defamation does offer defences to persons in certain situations. It is accepted that it is in the interest of society that people be able to communicate frankly to each other without fear of a defamation action. A person cannot be sued for defamation if the communication was made under a legal or moral duty where the recipient of the communication has a legitimate interest in receiving the communication, and the communication is honest and made without malice (qualified privilege). A person cannot be sued for making statements either orally or in documents in the context of legal proceedings (absolute privilege).

It would not be defamation for a person to make a private complaint or enquiry in good faith, in accordance with the procedures set out in these guidelines and for complaint handlers and Senior Management to deal with the complaint in the manner set out in these guidelines. They are proper processes and there is lawful justification for any statement made about another person.

It is very important that:

- All parties keep to the truth and facts of the matter and do not make statements which are not based on the truth and facts;
- The proper processes are followed;
- All participants are advised at all stages that they must maintain confidentiality.

The area of defamation is a very technical, legal area. If you have any further queries about defamation, then you should seek independent legal advice.
VICTIMISATION

What is Victimisation?
It is against the law and RMIT’s anti-discrimination policies to victimise anybody because they have made, or wish to make a complaint of discrimination or sexual harassment.

In general, where a person has made a complaint, even where the allegation turns out not to be true, then it will still be unlawful to victimise that person.

Victimisation means treating anybody less favourably in relation to their employment because they have made a complaint or have suggested that they wish to make a complaint. A person can be victimised or treated badly by their employer, supervisor or colleague. Any such behaviour would be unlawful if the poor treatment is given because the alleged victim has either made a complaint or is perceived to be going to make a complaint. Any form of retaliation or retribution against an alleged victim who has or is going to make a complaint is against the law.

It is also unlawful to victimise anyone who is, or might act as, a witness to any act of discrimination. Any of the following behaviour could amount to victimisation:

- Threatening;
- Physically assaulting;
- Inflicting damage on a person’s possessions;
- Disciplinary action against the alleged victim that would not have been taken unless they had complained;
- Change in duties;
- Transfer to another section;
- Not promoting a person because they were seen as a “troublemaker”;
- Suspension in duties
- Swearing or yelling
- Social isolation of or silent treatment towards the person

The Legislation
The following Acts make victimisation against an alleged victim unlawful:

- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
- Equal Opportunity Act 1995 (Victoria)
- Racial and Religious Tolerance Act 2001 (Victoria)
- Disability Discrimination Act 1992 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Human Rights and Equal Opportunity Act 1986 (Commonwealth)
- Age Discrimination Act 2004 (Commonwealth)
NATURAL JUSTICE

What is natural justice?
Natural justice (also known as procedural fairness) is a system of rules about fair procedure. It prescribes rules which must be followed by government departments and public bodies (such as RMIT) in certain decision making processes.

The rules of natural justice require:

- That persons be allowed an adequate opportunity to present their case where certain interests and rights may be adversely affected by a decision maker (the hearing rule).
- The deciding authority to be unbiased when conducting the hearing or making the decision.

In order to satisfy the rules of natural justice, the decision making process must be fair and flexible.

The Procedure for Staff Complaints – Fairness Policies is written to be fair to all employees. This helps to prevent discrimination and harassment and to resolve any problems. It is important that all employees be treated fairly. (Fair treatment means that a person should be given an opportunity to put their side of the story). Where an allegation is put to an alleged bully/discriminator/harasser, that person should be provided with enough information to be able to put their side of the story properly, without having to guess about those who may have been involved and when and where the incidents took place.

If Workplace Agreements or union issues are involved, management should always seek advice from People and Culture.
OTHER AGENCIES AND PROTECTIONS AVAILABLE

RMIT Ombuds

The Role of the University Ombuds aims to ensure that all staff and student complaints or concerns are dealt with in a fair, equitable and appropriate manner. The RMIT Ombuds provides an avenue of confidential and independent review for staff and students who have unresolved complaints. The Ombuds is not an advocate but aims to mediate and conciliate disputes with a focus on systemic improvement.

Before lodging a complaint with the RMIT Ombuds, all avenues of complaint resolution currently in place must have been explored.

If the person making the complaint is dissatisfied with the determinations of the RMIT Ombuds, they can lodge a complaint with the Victorian Ombudsman. Further information can be obtained from the website of the Victorian Ombudsman, www.ombudsman.vic.gov.au.

Whistleblowers Protection Act 2001

The University and its employees are subject to the provisions of the Whistleblowers Protection Act 2001.

The Act has three main purposes:

• To encourage and facilitate disclosure of improper conduct by public officers and public bodies
• To provide protection for persons who disclose improper conduct and who may suffer reprisals in relation to these disclosures.
• To provide for the investigation of disclosures.

"Improper conduct" means

• corrupt conduct, or
• a substantial mismanagement of public resources, or
• conduct involving substantial risk to public health or safety or to the environment, that would, if proved, constitute a criminal offence or reasonable ground for dismissing or terminating the services of a public officer who engaged in that conduct.

Protection of Whistleblowers

Section 5 of the Act permits a natural person who believes on reasonable grounds that a public officer or a public body has engaged in or proposes to engage in improper conduct in their capacity as public officer/public body or has taken or proposes to take detrimental action against a whistleblower in contravention of the Act to disclose that improper conduct or detrimental action. Such a disclosure becomes known as a “protected disclosure”.

A person who makes a protected disclosure is then afforded a number of protections under the Act including immunity from civil, criminal or disciplinary action for making the disclosure, protection from defamation action and protection from reprisals for making the disclosure.

A person who obtains or receives information relating to a protected disclosure must maintain the confidentiality of that information (except in certain prescribed circumstances) and it is a criminal offence to breach such confidentiality obligations.

RESOURCES
### Talking to the Person making the complaint

The following checklist is a helpful tool to assist managers and complaint handlers prepare for a meeting with the Person making complaint.

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction / Comfort</td>
<td>Introduction and check the person is comfortable</td>
</tr>
<tr>
<td>Check understanding</td>
<td>Arrange an interpreter or other assistance if there is a need</td>
</tr>
<tr>
<td>Third party</td>
<td>Explain the role of the support person should one attend the meeting</td>
</tr>
<tr>
<td>Preliminary information</td>
<td>Outline information at hand, ask person making complaint to give their version of events and what they would like to do about the situation.</td>
</tr>
<tr>
<td>Outline procedure</td>
<td>Check which procedure applies to person making complaint</td>
</tr>
<tr>
<td>Progress to date</td>
<td>Check what steps they have already taken, what happened?</td>
</tr>
<tr>
<td>Describe the role</td>
<td>The role of the complaint handler, timeframes, next steps.</td>
</tr>
<tr>
<td>Complaint Control</td>
<td>Confirm that it is up to them if they wish to continue/ withdraw at any time</td>
</tr>
<tr>
<td>Outline confidentiality aspects</td>
<td></td>
</tr>
<tr>
<td>Check whether the person making complaint wishes to continue</td>
<td></td>
</tr>
<tr>
<td>Get the whole story</td>
<td>Ask the person making complaint to talk about what has happened. Encourage the complaint to talk. Ask questions to find out the whole story.</td>
</tr>
<tr>
<td>Check that the complaint handler understands</td>
<td></td>
</tr>
<tr>
<td>Staff complaints declined</td>
<td>Under certain circumstances staff complaints may be declined.</td>
</tr>
<tr>
<td>Complaint in writing</td>
<td>Ask the person making complaint to put their complaint in writing.</td>
</tr>
<tr>
<td>Options for resolution</td>
<td>Ask the person making complaint if they have any ideas on what they would like to see happen to resolve the matter</td>
</tr>
<tr>
<td>Outline next steps in the process</td>
<td></td>
</tr>
<tr>
<td>Outline Victimisation information and request discretion.</td>
<td></td>
</tr>
<tr>
<td>Complete paperwork</td>
<td>Record details of conversations and actions agreed.</td>
</tr>
</tbody>
</table>
**Talking to the Person against whom the complaint is made**

The following checklist is a helpful tool to assist managers and complaint handlers prepare for a meeting with the Person against whom complaint is made.

- Introduction / Comfort - Introduction and check person is comfortable.
- Check the person against whom complaint is made understanding - Arrange an interpreter or other assistance if there is a need.
- Third party - Explain the role of the support person should one attend the meeting.
- Outline initial information at hand - Outline a brief description of the complaint and who has made it.
- Outline procedure – check which procedure applies to the complaint.
- Progress to date – Check what steps have taken place.
- Describe the role of the complaint handler, timeframes, and next steps in the process.
- Outline confidentiality aspects.
- Outline the nature of the complaint – provide a copy of the written complaint to the person against whom complaint is made.
- Get the whole response – Ask to the person against whom complaint is made to talk about what has happened. Encourage the person against whom complaint is made to talk. Ask questions to find out the whole story.
- Check that the complaint handler understands.
- Complaint in writing – Ask the person against whom complaint is made to put their complaint in writing.
- Options for resolution – Ask the person against whom complaint is made if they have any ideas on what they would like to see happen.
- Outline next steps in the process.
- Outline Victimisation information and request discretion.
- Complete paperwork - Record details of conversations and actions agreed.
Resolution of the Complaint
The following checklist is a helpful tool to assist managers and complaint handlers look at possible ways of resolving the complaint.

☐ How to resolve the complaint - Any resolution should be preventative action to reduce the risk of recurrence. Also should be practical and where appropriate should be monitored.

☐ Possible Outcomes - The complaint handler should consider possible outcomes/options that may assist in resolving the matter.

☐ Bring the Parties together for resolution.
Talking to both parties to the complaint

The following checklist is a helpful tool to assist managers and complaint handlers prepare for a meeting with the person making complaint and person against whom complaint is made.

☐ Introduction / Comfort - Introduction and check both parties are comfortable.

☐ Confirm the role of the complaint handler.

☐ Explain the rules of the meeting.

☐ Confidentiality - Agree that anything said in the meeting will remain confidential unless parties are required to disclose what was said.

☐ Third parties – Clarify their role if in attendance.

☐ Meeting process- Ask parties to give a short summary of their concerns. Suggest timeframes.

☐ Parties concerns- Define the parties concerns.

☐ Agreement / issues - Outline what parties agree on / questions they need to consider, suggestions for resolving questions.

☐ Negotiation for resolution- this may take place separately or together with parties.

☐ Agreement - If agreement is reached congratulate parties, draw a record of the agreement.

☐ Non Agreement - Further meetings to be held.

☐ Complete paperwork - Record details of conversations and actions agreed.
Staff Complaints - Fairness Policies

Complaint Handler’s Working Notes:

Complaint Handler / Supervisor Name: ___________________________ Date of Meeting: _____________
Name of Person making Complaint: ___________________________ Contact Number: _____________
Name of Person against whom Complaint is made: ___________________________ Contact Number: _____________

Case Category: Please tick what the basis of the complaint is.

☐ Sexual Harassment
☐ Discrimination Race/ Religion
☐ Bullying/Occupational Violence
☐ Discrimination (EEO), e.g. Disability/Sex
☐ Other

Case details:

Please provide a summary of what this complaint is about. Please attach any supporting documentation relevant to the case.

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

NOTE – Attach all additional supporting documentation and refer to the staff complaint handling procedure and relevant Fairness policies which include Bullying and Occupational Violence, Sexual Harassment, Equal Employment Opportunity, Anti-Racism and Religious Tolerance.

Print Name:________________________________________

Signature:________________________________________ Date:___________________
REFERRALS:

You may seek information and confidential advice from the following areas either internally or externally to RMIT University:

<table>
<thead>
<tr>
<th>Information Provider</th>
<th>Description of Services</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workplace Fairness &amp; Diversity Management Unit, or the Portfolio HR Managers, People and Culture</td>
<td>Provide advice and assistance for dealing with complaint matters involving staff</td>
<td>(03) 9925 4600</td>
</tr>
<tr>
<td>Academic Services Unit, Students Portfolio</td>
<td>Provide advice and assistance for dealing with complaint matters involving students</td>
<td>(03) 9925 9048</td>
</tr>
<tr>
<td>Employee Assistance Program, OSA Group</td>
<td>Confidential Counselling Service for all RMIT Staff and their immediate families.</td>
<td>(03) 9658 0000 or, from country areas 1300 361 008</td>
</tr>
<tr>
<td>Managers Hotline, OSA Group</td>
<td>To provide managers and supervisors with confidential support and coaching on their people management issues.</td>
<td>1300 361 008</td>
</tr>
<tr>
<td>Student Counselling Support</td>
<td>Confidential counselling support for all RMIT Students</td>
<td>(03) 9925 4365</td>
</tr>
<tr>
<td>Victoria Police</td>
<td>The Police are able to provide assistance in sexual assault cases. Contact should be made with the local Community Policing Squad.</td>
<td>Contact your local branch</td>
</tr>
<tr>
<td>RMIT Ombuds</td>
<td>RMIT Ombuds provides an avenue of confidential and independent review for staff and students who have unresolved complaints.</td>
<td>(03) 9925 2930</td>
</tr>
<tr>
<td>Victorian Ombudsman</td>
<td>Staff can lodge a complaint with the Victorian Ombudsman if they are dissatisfied with the outcomes reached by the RMIT Ombudsman.</td>
<td>(03) 9613 6222 1800 806 314 Level 3, 459 Collins Street South Tower Melbourne Victoria</td>
</tr>
<tr>
<td>RMIT Legal Services</td>
<td>Legal services are responsible for the provision of legal services to the University.</td>
<td>(03) 9925 3180</td>
</tr>
<tr>
<td>Information Provider</td>
<td>Description of Services</td>
<td>Contact Details</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>The Centre for International Students Information and Support (ISIS)</td>
<td>ISIS provide guidance, support and advice on International Student issues</td>
<td>(03) 9925 2963</td>
</tr>
<tr>
<td>RMIT Campus Nurse Service</td>
<td>Confidential health advice and support for students</td>
<td>(03) 9925 2297</td>
</tr>
<tr>
<td>City Campus</td>
<td>- Building 13, Level B, Room 1, Corner of Victoria and Russell Sts. Melbourne</td>
<td></td>
</tr>
<tr>
<td>Bundoora West Campus</td>
<td>– Building 202, Level 3</td>
<td></td>
</tr>
<tr>
<td>Brunswick Campus</td>
<td>- Building 514, Level 2, Room 3</td>
<td></td>
</tr>
</tbody>
</table>

References:

<table>
<thead>
<tr>
<th>Resource</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>EO Online training for Staff members</td>
<td></td>
</tr>
<tr>
<td>Equal Employment Opportunity Policy</td>
<td><a href="http://www.rmit.edu.au/browse;ID=rc2g1gic8ufaz">http://www.rmit.edu.au/browse;ID=rc2g1gic8ufaz</a></td>
</tr>
<tr>
<td>Sexual Harassment Policy</td>
<td></td>
</tr>
<tr>
<td>Anti-Racism and Religious Tolerance</td>
<td></td>
</tr>
<tr>
<td>Bullying and Occupational</td>
<td>Ref to be advised</td>
</tr>
<tr>
<td>Student Services</td>
<td><a href="http://www.rmit.edu.au/students/services">http://www.rmit.edu.au/students/services</a></td>
</tr>
<tr>
<td>Academic Registrar's Unit</td>
<td><a href="http://www.rmit.edu.au/academic-registrar/studentcomplaints">www.rmit.edu.au/academic-registrar/studentcomplaints</a></td>
</tr>
<tr>
<td>Freedom of Information</td>
<td><a href="http://www.rmit.edu.au/browse;ID=o4rl1gzdxapuz">http://www.rmit.edu.au/browse;ID=o4rl1gzdxapuz</a></td>
</tr>
</tbody>
</table>
Employee Assistance Program:
RMIT has a contractual arrangement with the OSA Group, the largest provider of Employee Assistance Programs in Victoria, to provide a professional, free and confidential counselling service to all RMIT staff and their immediate families. The Employee Assistance Program can help with problems that affect a person’s psychological or emotional well-being. Common problems may include:

- Work related issues (e.g. conflict, organisational change, redundancy)
- Personal issues (e.g. stress, depression, anxiety)
- Alcohol and other substance abuse issues
- Interpersonal relationships
- Grief
- Other personal or work problems.

Managers’ Hotline Service:
The OSA Group also provides a “Help Line” for managers and supervisors to obtain immediate one-on-one support and coaching regarding “people management” issues. This telephone-based service is designed to support managers in proactively addressing issues at an early stage, and to obtain support from their HR and other internal resources. Calls to the Managers’ Hotline are responded to immediately. Alternatively, an appointment for a telephone consultation can be arranged at a convenient time. OSA Group consultants are experienced in a range of staff management issues and can assist managers to:

- Encourage an employee to access the Employee Assistance Program
- Manage vulnerable and distressed employees
- Respond to a situation where an employee is at risk of self-harm or suicide
- Manage the impact of these situations on work teams in the workplace
- Manage performance issues for employees with significant personal problems
- Manage challenging interpersonal and team dynamics

Formal Referral
This is a targeted intervention designed to support both management and staff to resolve persistent performance or behavioural issues. Intervention initiated through a formal referral involves organisational input and feedback. The OSA Group consultant would discuss the formal referral process if this course of action is adopted.

Should you wish to speak to an OSA Group consultant about the Employee Assistance Program, or the Managers’ Hotline service, please telephone 9658 0000 or 1300 361 008 (outside Melbourne metropolitan area).
The Workplace Fairness and Diversity Management team work to support the University by:

- Providing advice, support and technical knowledge to University Managers, Staff and People & Culture team members in the management of complaints in the areas of bullying & occupational violence, equal employment opportunity, sexual harassment, discrimination, anti racism & religious tolerance and diversity, redeployment, assistance involving IR issues and the minimisation of an employee's time away from the workplace.
- The promotion of equal opportunity and the prevention of unlawful discrimination and sexual harassment.
- Encouraging diversity and equity across the RMIT workforce; encouraging cross-cultural awareness and understanding and producing an environment that is culturally sensitive, inclusive and socially responsible.
- Positioning RMIT University as an “Employer of Choice” in the marketplace.
- The promotion of initiatives to increase the level of Indigenous Australian employment throughout all areas and at all levels of the University.

Further Information:

- Set of Fairness Policies
- Equal Opportunity for Women in the Workplace Agency (EOWA) Submissions
- EO Online

Contact Information:

Workplace Fairness & Diversity Management Unit
People & Culture
Tel: 9925 4600
www.rmit.edu.au/pc/workplacefairness

— EOWA EMPLOYER OF CHOICE FOR WOMEN —

Workplace Fairness and Diversity Management Unit
Complaint Handler's Working Notes:

Person Managing the Complaint / Supervisor Name: ___________________________ Date: ____________
Staff Member’s Name: ___________________________ Contact Number: ___________________________
Complaint against Name: ___________________________ Contact Number: ___________________________

Case Category-: Please tick what the basis of the complaint is.

☐ Sexual Harassment
☐ Discrimination Race/Disability/Sex
☐ Bullying / Occupational Violence
☐ Equal Employment Opportunity

Case details:
Please provide a summary of what this complaint is about. Please attach any supporting documentation relevant to the case.

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

NOTE – Attach all additional supporting documentation and refer to the staff complaint handling procedure and relevant Fairness policies which include Bullying and Occupational Violence, Sexual Harassment, Equal Employment Opportunity, Anti-Racism and Religious Tolerance.

For further information or advice please contact the Workplace Fairness & Diversity Management Unit on 9925 4600

Person managing the complaint/ supervisor: ______________________________________

Signature: ____________________________________________ Date: ________________________