

Bullying Prevention and Management Policy

Section 1 - Summary

(1) This Policy affirms Victoria University's (VU) commitment to creating a work and study environment that is, as far as possible, free from bullying.

(2) This Policy:

- a. conveys clearly to all members of the University community that bullying will not be tolerated at VU;
- b. states VU's duty to proactively identify and address bullying behaviour; and
- c. sets out how VU will address incidents of alleged bullying.

Section 2 - Accountability

Accountable/Responsible Officer	Role
Accountable Officer	Vice-President, People and Culture
Responsible Officer	Vice-President, People and Culture

Section 3 - Scope

(3) This Policy applies to:

- a. all staff across VU, in all domestic and offshore locations, including student residences, and while engaged in all work-related activities such as conferences and work-sponsored social occasions;
- b. all contractors and consultants performing work on VU sites or on behalf of VU;
- c. all onshore and offshore students enrolled or registered in any University program, whether Award or Non-Award, including:
 - i. students with provisional enrolment status; and
 - ii. people whose studies were completed or terminated within the six months prior to the bringing of their complaint under this policy, provided that the matter to which the complaint relates occurred during the course of their enrolment;
- d. visiting academics, honorary, adjunct and exchange staff;
- e. the Council and its committees;
- f. any volunteer in the workplace and study environment.

(4) People who perform work on a University site, but are not University staff, contractors, visitors or students, must abide by this Policy while on site. The relevant University staff responsible for engaging the services will ensure that the service provider is fully informed of their responsibilities under this Policy.

(5) This Policy does not allow for a complaint by a person who is not a staff member, contractor, student, or former student of the University. However, the University will take all reasonable steps to successfully resolve matters that arise in these circumstances via its [Public Complaints Policy](#) and associated processes.

Section 4 - Definitions

(6) Bullying

(7) Repeated Behaviour (Bullying): 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.

(8) Unreasonable Behaviour: Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Section 5 - Policy Statement

(9) VU does not tolerate any form of bullying by, or of, any member of the University community.

Part A - What is Bullying?

(10) Bullying is repeated, unreasonable behaviour directed at a person, or group of people, that creates a risk to health and safety.

(11) Bullying is behaviour which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person or group of people. The behaviour can include actions of an individual or a group, and may involve the bully using a system of work or inappropriately asserting power.

(12) Bullies may be:

- a. In a position of authority or power over the person or group they bully; or
- b. A peer of the person or group they bully.

(13) In some instances, people bully a person they report to or are taught by. This kind of bullying may also be experienced as a group action, where more than one person acts together to engage in bullying of a manager, teacher or supervisor.

(14) Examples of bullying might include, but are not limited to:

- a. Repeated verbal denigration or humiliation.
- b. Offensive words or conduct (NB: depending on the nature of the words, this may also constitute sexual harassment)
- c. Interfering with work product or sabotage of work.
- d. Physical attacks of any kind.
- e. "Pranks" or repeated teasing which involve embarrassment, distress or disadvantage to a person or a group.

- f. Spreading rumours that are damaging to another person, whether substantively true or not.
- g. Repeated and systemic exclusion of a person or group from work discussions, work opportunities, or workplace-facilitated social events.
- h. Denigration of a person or group via electronic communication methods, including all forms of online communication and social media ("cyberbullying").

Criminal Bullying

(15) In Victoria, serious bullying is now a crime and bullies can be prosecuted under the [Crimes Act 1958 \(Vic\)](#). This has been the case since 2011 and is known as Brodie's Law.

(16) Brodie's Law applies to all forms of serious bullying, including physical bullying, psychological bullying, verbal bullying and cyberbullying.

(17) Serious bullying may also include conduct or behaviour that is intended, or could reasonably be expected, to cause the victim of the bullying to engage in suicidal thoughts or thoughts or actions that involve self-harm.

Not all Conflict is Bullying

(18) Bullying does not include:

- a. a single incident of unreasonable behaviour (however, a single incident of unreasonable behaviour can still be addressed as a disciplinary issue);
- b. low-level workplace conflict; or
- c. the legitimate exercise of reasonable managerial or supervisory actions carried out in a fair and reasonable manner (e.g. performance discussions).

Part B - VU's Responsibility

(19) VU has a legal responsibility to provide a safe environment for work and study, which includes an environment that is free of bullying. As part of this, VU will act to investigate and address any incidents of bullying that come to its attention.

(20) VU recognises its duty to ensure that those with control make themselves aware of the potential for bullying to occur and to put controls in place to prevent it.

(21) Managers and supervisors have an active responsibility to identify and investigate possible bullying situations. Indications that such behaviour might be occurring may include, but are not limited to:

- a. Complaints (note that these do not need to be formal complaints; once a leader becomes aware of the potential issue, they have an obligation to act).
- b. High turnover of staff or lower than average retention rates for students.
- c. Increased levels of sick or stress leave.
- d. People that suddenly become disengaged, withdrawn or isolated.

Part C - Individuals' Responsibility

(22) As a member of the VU community, you are expected to:

- a. Comply with this policy;
- b. Behave in an appropriate manner at all times;

- c. Behave in a manner which does not constitute bullying;
- d. Promote a climate of mutual respect;
- e. Promptly report any bullying you experience within the University;
- f. Maintain appropriate confidentiality concerning any complaint or investigation;
- g. If a disclosure of bullying is made to you by a person aged under 18 years, report the matter using the Child Safety Reporting Process under the [Safety and Welfare of Children and Young People Policy](#) (this is mandatory).

(23) If you observe a person being bullied, you are expected to:

- a. Check on the welfare of the person.
- b. If appropriate, possible and safe to do so, intervene to interrupt the bullying in the moment.
- c. Report what you have witnessed.
- d. If the victim of the bullying is a person aged under 18 years, report the matter using the Child Safety Reporting Process under the [Safety and Welfare of Children and Young People Policy](#) (this is mandatory).

(24) If you have any teaching, supervisory or managerial responsibility, you are also expected to:

- a. Model an appropriate standard of personal conduct;
- b. Maintain an environment that encourages communication and respect;
- c. Assess and monitor the work environment to ensure that bullying risk factors (for example negative leadership styles, poor workplace relationships and vulnerable workers) that may exist are appropriately managed and do not lead to bullying behaviours;
- d. Identify and take action to redress potential problems expeditiously and at an early stage;
- e. Alert People & Culture or a Student Adviser to any potentially serious bullying situations and liaise with them to address issues of concern;
- f. Provide confidential advice and information to anyone who has concerns about bullying, including acting upon any complaints that are made or lodged, in accordance to University [policies and procedures](#).

Part D - Breaches of this Policy

(25) VU treats all allegations of bullying as serious matters.

(26) In addressing allegations of bullying:

- a. VU will exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially.
- b. Confidentiality will be maintained wherever possible in the handling of complaints of bullying.

(27) People making complaints should not suffer adverse consequences or reprisals from VU or any of its staff as the result of making a complaint. If victimisation occurs, VU will take steps to address it.

If you have been Bullied

(28) If you experience bullying at VU, you are strongly encouraged to report the matter. You may choose to:

- a. Address the issue directly with the person who you believe has bullied you, if you feel comfortable to do so.
- b. Seek advice from your manager or a People and Culture adviser (if you are a member of staff).
- c. Seek advice from student advisers (if you are a student).

(29) After, or instead of, pursuing the options outlined in (28), you may choose to lodge a complaint.

(30) The processes for lodging a complaint, and the methods through which matters are explored and resolved, are detailed in the [Staff Complaints Resolution Procedure](#).

If an Allegation is made that you have Bullied a Person or Group

(31) If an allegation is made against you, VU will address the matter as detailed in the [Staff Complaints Resolution Procedure](#).

(32) You will be given an opportunity to know the case against you and have the opportunity to respond to allegations made.

(33) The consequences for substantiated breaches of this policy will depend on the seriousness of the case. Outcomes for you will include:

- a. disciplinary action in accordance with the relevant industrial instrument (for staff);
- b. disciplinary action in accordance with the [Student Misconduct Regulations 2019](#) (for students).

(34) Disciplinary action will also be taken against anyone who retaliates against or victimises a person who has made a complaint.

(35) If the matter involves very serious bullying, in addition to the possible termination of your employment or enrolment, VU may also refer the matter to Victoria Police for investigation as a criminal offence.

If you make a Vexatious Complaint

(36) A vexatious complaint is where a groundless complaint is lodged to cause harm to, or harass, the respondent.

(37) If VU has reasonable grounds to regard a complaint as vexatious, it may decline to investigate the matter.

(38) If you make a vexatious complaint, outcomes for you may include:

- a. disciplinary action in accordance with the relevant industrial instrument (for staff);
- b. disciplinary action in accordance with the [Student Misconduct Regulations 2019](#) (for students).

Section 6 - Procedures

(39) [Student Complaints Resolution Procedure](#)

(40) [Staff Complaints Resolution Procedure](#)

Section 7 - Guidelines

(41) Nil.

Status and Details

Status	Historic
Effective Date	5th June 2018
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Accountable Officer	Lisa Line Deputy Vice-Chancellor Enterprise and Digital Lisa.Line@vu.edu.au
Responsible Officer	Simone Wright Chief Human Resources Officer 9919 5447
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Glossary Terms and Definitions

"Bullying" - Repeated, unreasonable behaviour, directed towards a person or a group of people that creates a risk to health and safety, and includes behaviour by verbal, written, cyber or electronic means. Bullying behaviour may not be intentional.