



# Prevention of Student Bullying, including Cyberbullying and Harassment, Policy – Version 1

## 1 Document Control

Version	Date	Amended by	Comments
1	10/09/2020	Executive Manager Student Life	Initial Policy

## 2 Purpose

Box Hill Institute (BHI) has a commitment to fostering an environment that is safe, inclusive and respectful. The purpose of this policy is to outline BHI's prevention strategies and response to instances of student bullying (including cyberbullying) and harassment.

## 3 Scope

This policy applies to all students of the BHI Community:

- Wherever and whenever students may be engaging with others as a result of their BHI studies.
- Student treatment of other students, staff, clients, and of other members of the public encountered in the course of their studies.

This Policy should be read in conjunction with the Student Code of Conduct, the Conduct Management Policy and Procedure and the Complaints Policy and Procedure.

## 4 Policy Statement

BHI is committed to providing a safe, flexible and respectful environment for students, employees and clients free from all forms of bullying including cyberbullying and harassment.

All students are required to treat others with dignity, courtesy and respect and behave in a manner that is consistent with the BHI Student Code of Conduct.

By effectively implementing our *Prevention of Student Bullying (including cyberbullying) and Harassment, Policy* we will attract and retain talented students and create a positive environment for all.

## 5 Student Rights and Responsibilities

All students are entitled to:

- study free from bullying, including cyberbullying and harassment,
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised

All students must:

- not harass, bully or cyberbully others on a digital platform or online environment

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- follow the standards of behaviour outlined in this policy and the Student Code of Conduct
- inform a staff member if they are being harassed or if they see someone else being harassed
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.

## 6 Staff Responsibilities

Staff members will have access to appropriate resources to address issues surrounding bullying including cyberbullying or harassment. Such information will be included in staff induction materials and on the BHI Staff intranet. The Don't Be a Jerk at Work campaign was launched in 2018 to reinforce the strong messaging that bullying has no place at Box Hill Institute.

Student awareness campaigns will include respectful behaviour expectations, promotion of reporting channels and will be included in student inductions and on the BHI Student Web. The Student Code of Conduct is agreed to at the time of enrolment which includes the appropriate use of information communication technologies.

### Staff must also:

- model appropriate standards of behaviour
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- help students resolve complaints informally
- refer formal student complaints about breaches of this policy to the Customer Relations Officer for investigation
- ensure students who raise an issue or make a complaint are not victimised

## 7 Unacceptable student conduct

Bullying, (including cyberbullying) and harassment are unacceptable at BHI and are unlawful. Students found to have engaged in such conduct will be counselled, warned or disciplined in accordance with the Institute policies and procedures including the Student Conduct Management Policy and Procedure. Severe or repeated breaches can lead to exclusion from the Institute.

## 7.1 Bullying

Bullying is an ongoing or repeated misuse of power in relationships, with the intention to cause deliberate psychological harm. Bullying behaviours can be verbal, physical or social. If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people. Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- Verbal: name calling, teasing, sarcasm and other forms of demeaning language, threatening to cause someone harm.
- Physical: poking, hitting, punching, kicking, spitting, tripping or pushing someone, breaking someone's things, pulling faces or making rude hand signals.
- Social: lying, spreading rumours, constant unconstructive criticism, isolation, leaving someone out on purpose, embarrassing someone in public.
- Cyberbullying: using technology to hurt someone else by sending hurtful messages, pictures or comments.

## 7.2 Harassment

Harassment can be against the law when a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exemptions and exceptions apply.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race
- asking intrusive questions about someone's personal life, including his or her sex life

The law also has specific provisions relating to certain types of harassment.

- Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.
- Harassment linked to the disability of a person or their associate is against the law.

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- Offensive behaviour based on racial hatred is against the law. Racial hatred is defined as something done in public that offends, insults, humiliates or intimidates a person or group of people because of their race, colour or national or ethnic origin.

A single incident is enough to constitute harassment, it doesn't have to be repeated.

## 7.3 Cyberbullying

Cyberbullying is bullying that is done through the use of technology. For example, using the Internet, a mobile phone or a camera to hurt or embarrass someone is considered cyberbullying. A cyberbully can be someone you know, or a stranger.

Behaviours that may constitute cyber-bullying include:

- Mean or hurtful text messages through social networking sites like Facebook and Twitter, or through sites where people can ask / answer questions.
- People sending photos and videos of someone to others to try and embarrass or hurt them.
- People spreading rumours about someone via emails or social networking sites or text messages.
- People trying to stop someone from communicating with others.
- People setting up fake profiles pretending to be someone, or posting messages or status updates from their accounts.

## 8 Resolving issues

All BHI employees have a critical role in supporting members of the BHI Community who are impacted by bullying, harassment and cyber-bullying, and a duty of care to ensure everyone feels safe and supported at the Institute.

BHI strongly encourages any student who believes they have been bullied, harassed or cyber-bullied to take appropriate action through the Complaint: Student, Customer, Client and Stakeholder Policy and Procedure.

Students who do not feel safe or confident to take such action may seek assistance from Student Life Team for advice and support.

### 8.1 Support for students

If a student has been harassed, bullied or cyber-bullied or witnessed others and needs help, they should contact Student Life. Student Life delivers free services and programs to help students succeed with their study and life goals and enjoy their time at Box Hill Institute and CAE. Services are accessible across all campuses and include counselling, welfare support, disability liaison and indigenous support. Student Life staff are here to help. Contact details are:

#### Student Life

Phone (03) 9286 9891

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Email [studentlife@boxhill.edu.au](mailto:studentlife@boxhill.edu.au)

SMS 0429 680 448

E-counselling <https://ecounselling.boxhill.edu.au/>

**Lifeline** (13 11 14) is a free and confidential service staffed by trained telephone counsellors.  
<http://www.lifeline.org.au>

The **Australian Human Rights Commission** (1300 656 419) has a complaint handling service that may investigate complaints of discrimination, harassment and bullying  
[http://www.humanrights.gov.au/complaints\\_information/index.html](http://www.humanrights.gov.au/complaints_information/index.html)

## 8.2 Disciplinary action

To avoid any doubt, BHI may initiate or take action in respect of a BHI student under the Student Conduct Management Policy and Procedure, at any time; if it considers that a student engaged or may have engaged in conduct contrary to this Policy. Failure to comply with this policy will result in disciplinary action that may jeopardise the student's continued enrolment.

## 9 Code of Conduct

Students are required to adhere to the Student Code of Conduct which states:

- *Harassment, assault or abuse of any kind including verbal, physical, psychological and sexual as well as bullying, including cyberbullying, is not acceptable and will not be tolerated.*
- *You must not use information communication technologies (ICTs), such as social media, mobile phones, text or instant messaging and websites to engage in behaviour that could be reasonably considered to have a negative impact on yourself or another person, cause them harm, or make them feel unsafe.*

## 10 Definitions

Term	Definition
<b>Bullying</b>	Bullying is an ongoing or repeated misuse of power in relationships, with the intention to cause deliberate psychological harm. Bullying behaviours can be verbal, physical or social.
<b>Complaint</b>	A genuine concern from a student/s about the behaviour of another person, or matters that adversely affect their ability to engage productively in a positive environment, that they believe is bullying, harassment or cyber bullying complaint under this policy.

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<b>Cyberbullying</b>	Cyberbullying is bullying that is done through the use of technology. For example, using the Internet, a mobile phone or a camera to hurt or embarrass someone is considered cyberbullying.
<b>Discrimination</b>	<p>Discrimination happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This is known as 'direct discrimination'.</p> <p>It is also discrimination when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share. This is known as 'indirect discrimination'.</p>
<b>Exemptions</b>	<p>It is against the law to discriminate against someone because of their personal characteristics, but the law recognises that discrimination may be justified in certain circumstances. Exemptions provide a way for individuals and organisations to legally discriminate in certain circumstances for a limited period of time.</p> <p>Under the Equal Opportunity Act 2010, the Victorian Civil and Administrative Tribunal (VCAT) can grant temporary exemptions, allowing discrimination to be lawful in some circumstances.</p>
<b>Harassment</b>	When a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status.
<b>Personal Characteristics</b>	<p>Defined by Australian Human Rights Commission as:</p> <p>Discrimination can be against the law if it is based on a person's:</p> <ul style="list-style-type: none"><li>• age</li><li>• disability, or</li><li>• race, including colour, national or ethnic origin or immigrant status</li><li>• sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding</li><li>• sexual orientation, gender identity or intersex status</li></ul> <p>Discrimination on these grounds is against the law in a number of areas of public life, including: employment, education, getting or using services or renting or buying a house or unit. Some limited exceptions and exemptions apply.</p>

## 11 Related Documents

- Student Code of Conduct
- Complaint: Student, Customer, Client and Stakeholder Policy & Procedure
- Student Conduct Management Policy & Procedure
- Sexual Assault and Sexual Harassment Policy & Procedure

## 12 Related Legislation and Registration

### 12.1 Box Hill Institute

Nil

### 12.2 External

- Human Rights Commission Act 1986 (Cth)
- Charter of Human Rights and Responsibilities Act 2006
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 2010 (Vic)
- Gender Equality Act 2020
- Racial Discrimination Act 1975
- Racial Hatred Act 1995
- Sex Discrimination Act 1984
- VRQA Minimum Standards for Registration to Provide an Accredited SS Course

## 13 Higher Education Standards Framework (HESF) 2015 Records

Records will be maintained in accordance with the requirements of BHI Records Management Policy and Procedures.

Where the privacy of individuals may otherwise be compromised, records will be maintained as confidential.

## 14 Review

This policy and any associated procedures must be reviewed no later than three (3) years from the date of approval. The policy and associated procedures will remain in force until such time as they have been reviewed and re- approved or rescinded. The policy and procedures may be rescinded or amended as part of continuous improvement prior to the scheduled review date.

## 15 Responsibilities

Executive Manager Student Life is responsible for the implementation of this policy.

## 16 Policy Owner

The Executive Director Student Experience is the owner of this policy.

Executive Director Signature	Date Endorsed	Author Title
Jennifer Newport	25 September 2020	Executive Manager Student Life



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## 17 Approval Body

The CEO is the approval body.

CEO	Date Approved
Vivienne King	24 September 2020