Harassment and Bullying Policy

This policy is current as of 1 January 2014 and will be reviewed at least annually by the Kaplan.

Scope

This policy is applicable to Kaplan Higher Education Pty Ltd, trading as Kaplan Online Higher Education.

Purpose

Kaplan is committed to maintaining a study environment that is free of harassment, bullying and discrimination at each and every level of our operations. Our emphasis is to provide a study environment, which values and fosters good working relationships that enable all staff and students to be treated with dignity and respect.

Introduction

Harassment whether occurring in the study environment or in a setting connected with study, is prohibited. Any retaliation against an individual who has complained of harassment, or retaliation against individuals for cooperating with an investigation of a complaint, will also not be tolerated.

Kaplan takes allegations of harassment seriously. To achieve our goal of providing a study environment free from harassment, Kaplan have established a procedure by which allegations of inappropriate conduct will be addressed. Where it is determined that harassment has occurred, Kaplan will act promptly to eliminate the improper conduct and take corrective action as is necessary, including disciplinary action where appropriate.

While the definition of sexual harassment is described in detail, this policy and the complaint procedure apply to all forms of harassment.

Definitions

What is Harassment?

Harassment is unwelcome conduct that a reasonable person would consider offensive, humiliating or intimidating toward employee/s, clients, students, contractors or suppliers to whom it is directed to and:

- May be verbal, written, visual, physical or electronic
- Will be uninvited and unwelcome
- May occur as a single incident or as a series of incidents
- May be subtle and implicit rather than explicit
- Frequently involves an abuse of power or trust and is often directed at a person who is unable to stop the behaviour
- Covers a range of behaviours that may be expressed in verbal, written, physical or psychological terms. This includes sexual and racial harassment, and harassment on grounds of colour, ethnic or national origin, marital status, religious or ethical belief, disability, political status, family status and sexual orientation
- Kaplan relies on employees and students at all levels to facilitate and encourage proper standards of personal and ethical conduct in the workplace
• Harassment complaints will be taken seriously and handled with sensitivity and impartiality
• Behaviour, words and gestures have different meanings in different cultures. What may be acceptable in one culture may not be in another. This needs to be taken into account in the workplace
• Claims of harassment may form grounds for complaint under relevant anti-discrimination legislation.

Remember if you have to ask yourself whether it is offensive, it probably is.

In some instances the harassment might take place outside the workplace or study environment: a graduation ceremony for example, or when a student makes unwelcome phone calls to another student at their home or follows them home.

What is Bullying?

Bullying is repeated behaviour that a reasonable person would consider to be humiliating, intimidating, offensive, undermining or threatening. Many people refer to bullying as harassment or discrimination. However, while the effects are essentially the same, bullying may not be unlawful under antidiscrimination legislation unless the bullying is linked to, or based on, one of the attributes covered by various anti-discrimination legislation (age, sex, race, disability etc).

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. Bullying behaviour, where repeated as part of a pattern of behaviour may include:

• physical or verbal abuse
• yelling, screaming or offensive language
• excluding or isolating employees or students
• persistent teasing, joking or holding a person up to ridicule
• repeatedly speaking to an employee or student in a manner which is sarcastic or designed to humiliate
• repeatedly sending offensive or humiliating e-mails
• deliberately changing class times to inconvenience particular students
• deliberately withholding information that is vital for effective performance
• sabotaging another student’s work.

What is Discrimination?

Discrimination is the singling out of a person or group for special favour or disfavour. In Australia when discrimination is based on certain grounds, it may form the basis for complaint by an individual under the relevant State or Federal anti-discrimination legislation or under unlawful termination provisions. These grounds include sex, marital status, pregnancy, parental status or family responsibilities, sexuality, race, colour, descent, national or ethnic origin, disability or medical condition, religion, age, criminal record or political belief or activity.

Discrimination may be direct or indirect. Indirect discrimination occurs where a rule, practice or policy, which on its face appears to be neutral, in effect has a disproportionate impact on members of a certain group. For example, a promotion policy based on years of service may constitute indirect discrimination against female employees since females are more likely than males to interrupt their careers for child-rearing purposes.
What is Sex-based Harassment?

Sex-based harassment is unwelcome conduct of a sexual nature, which a reasonable person would consider would cause the person subjected to such conduct, offence, humiliation or intimidation, or would give that person any reason to believe that she or he would be disadvantaged in any way at work by refusing to accept or tolerate the sexual harassment.

Sexual harassment may include (but is not limited to):

- physical contact (for example, touching, leering, patting or unnecessary familiarity)
- demands for sexual favours or persistent demands for out of study social activities
- offensive or demeaning comments, jokes and innuendo
- unwelcome or uncalled for remarks or insinuations about a person's sexual activities or private life
- name calling, physical threats or offensive gestures
- campaigns of hate or silence.

What are the Effects of Harassment, Bullying and Other Forms of Discrimination?

Harassment, bullying and other forms of discrimination have no place in a fair, non-discriminatory and productive work environment. They have effects on the person harassed who may feel embarrassed, intimidated, angry, humiliated, anxious or even afraid. It can lead to:

- severe distress and/or ill health
- low morale and/or reduced productivity
- increased leave being taken
- absenteeism, course deferral, course withdrawal or changing courses
- a poor image of Kaplan in the eyes of the staff and public
- relationship problems, disputes and exposure of staff members and Kaplan to potential actions under relevant legislation.

Prohibited Conduct

It is unlawful and unacceptable at Kaplan for any staff member or student to harass (including sexually harass), bully or discriminate against another staff member or student. This is irrespective of whether the relevant harassment, bullying or discrimination is such that it may form the basis for a complaint by a staff member or student. Employees and students guilty of engaging in harassing, bullying or discriminating behaviour will be subject to disciplinary action, which may include termination of their employment/study with Kaplan.

Further to specific harassment and discrimination legislation, under Occupational Health and Safety Acts, employers and employees and education providers have a legal responsibility to comply with any measures that promote health and safety in the workplace. Because of this duty, employers need to eliminate or reduce the risks to employees' health and safety caused by workplace harassment, bullying and discrimination.
Complaint Procedure

To ensure that the study environment is free of harassment, bullying and discrimination, Kaplan has established a formal complaint procedure.

Any student who believes that he or she has been the subject of harassment or believes that he or she has witnessed another student being subjected to harassment should immediately report the situation in confidence to Student Services or the relevant campus Director. The report may be done orally or in writing.

In no instance will the student be required to report the perceived problem to an individual whom the student believes is causing or condoning the problem. If the particular circumstances makes reporting the conduct to any of the above listed individuals inappropriate, the student should report the situation to the Vice President, Higher Education.

All complaints for harassment will be promptly investigated with care and will remain, to the extent practicable under the circumstances, confidential. The investigation will include a private interview with the person filing the complaint, witnesses, and the person alleged to have committed the harassment. Victimization of any party will not be tolerated. Each situation will be assessed on a case-by-case basis.

At the completion of the investigation, to the extent appropriate under the circumstances, the investigator(s) will inform the person filing the complaint and the person alleged to have committed the harassment of the results of the investigation.

Students are assured that they will not be victimized or disadvantaged for making a complaint. Please refer to the Complaints and Appeals Policy for further information on complaint procedures.

Corrective or Disciplinary Action

Managers are responsible for ensuring students understand this policy and monitor the work environment to ensure it is free from harassment. Managers may be legally liable if they have not acted reasonably to prevent and resolve incidents of harassment. All students and staff have a responsibility to treat their fellow students and staff with respect and dignity and to raise issues of concern.

When it is determined that there has been harassment, bullying or discrimination; prompt action will be taken to eliminate the offending conduct. Corrective or disciplinary action will be taken, as appropriate given the totality of the circumstances.

Specifically:

- Management retains the right to take whatever action it deems appropriate under the circumstances
- Action may range from counselling to termination of employment/study, and may include other forms of disciplinary/ corrective action as deemed appropriate under the circumstances.

Kaplan also recognises that false accusations of harassment and retaliatory conduct resulting from a report of harassment can have serious effects on innocent individuals and may warrant disciplinary action to the person make the false complaint. We trust that all employees and students will continue to act responsibly to ensure a work environment free of harassment.

Responsible Officer

The responsible officer for the implementation and relevant training of this policy is the Vice President, Higher Education Australia.