Workplace Bullying Policy and Procedure

Section 1 - Purpose

(1) The purpose of this Policy and Procedures is to guide the University's approach to concerns or complaints about workplace bullying.

Section 2 - Background Information

(2) In line with the ACU Mission, Identity and Values which express a fundamental concern for the dignity of all human beings, this Policy and Procedure seeks to develop a supportive workplace with policies and procedures that provide a clear statement of the University's expectations of its staff in respect of conduct that may constitute workplace bullying and / or breach of the University's related policies, including but not limited to the Code of Conduct for Staff.

Section 3 - Policy and Procedures Statement

(3) The University is committed to providing a workplace that is free from bullying.

(4) All staff have a right to work in an environment free from bullying, and to be treated with dignity and respect.

(5) All managers and supervisors are responsible for actively intervening to prevent and stop any bullying behaviour that is occurring in their workplaces.

(6) The University provides these procedures by which all staff can have any complaint of workplace bullying addressed.

(7) All staff have a right to use the procedures in this Policy and procedure if they believe they have experienced bullying that can be dealt with under these procedures.

Section 4 - Application of Policy and Procedures

(8) This Policy and Procedure applies to all staff members who are subject to alleged bullying behaviour or any other behaviour that may constitute a breach of this Policy and is covered by the provisions of the ACU Staff Enterprise Agreement 2026-2029 (the Agreement). No aspect of this Policy limits the rights of a staff member to make a Protected Disclosure in accordance with the Protected Disclosures Policy.

(9) The University will apply this Policy and Procedure for dealing with complaints of workplace bullying. Any disputes in relation to such procedures are to be managed in accordance with the relevant Workplace Health and Safety Legislation of that State and are not subject to the dispute resolution provisions of the Agreement.

(10) This Policy and Procedure will remain unchanged for the life of the Agreement, other than to update the Policy to ensure regulatory compliance. Any changes to the Policy will occur by mutual agreement as per clause 6.3.4 of the

Agreement.

Section 5 - What is and is not Bullying?

(11) Bullying is defined as repeated and unreasonable behaviour directed towards a person, or a group of people, that creates a risk to health, safety and well-being[1]. Bullying hampers productivity by creating dysfunction and damaging morale within work environments. It includes behaviour (generally a pattern of behaviour) that intimidates, offends, degrades or humiliates another person, including by electronic means such as email, notice boards, blogs and social networking websites.

[1] Safe Work Australia “Guide for Preventing and Responding to Workplace Bullying”.

(12) Examples of behaviours that may amount to bullying include:

a. intimidation;
b. verbal abuse or threats, including yelling, screaming or offensive language;
c. excluding or isolating people from workplace activities;
d. assigning impossible tasks, meaningless tasks unrelated to the job, or giving someone the majority of unpleasant tasks;
e. undermining responsibility;
f. deliberately changing work rosters to inconvenience particular staff members;
g. withholding information essential to do a task properly;
h. copying emails that are critical about someone to others who do not need to know;
i. making threats or comments about job security without foundation;
j. spreading malicious rumours;
k. cyber bullying; and
l. physical abuse.

(13) The following behaviours do not constitute bullying:

a. reasonable management practices, including performance management and disciplinary procedures;
b. a direction to carry out reasonable duties and instructions; and
c. a direction to comply with University rules, resolutions and policies.

(14) "Vexatious" claims and claims made without reasonable cause:

a. staff members should not raise allegations which are vexatious or without reasonable cause;
b. “Vexatious” means that:
    i. the main purpose of a claim is to harass, annoy or embarrass the other party; or
    ii. there is another purpose for the grievance other than the settlement of the issues arising in the claim (or response).
c. "Without reasonable cause" means that a claim is made without there being any real reason, basis in fact(s) or purpose. Such claims include allegations that are:
    i. so obviously untenable that the claim cannot possibly succeed;
    ii. manifestly groundless; and/or
    iii. insufficiently particularised.

(15) Where a claim is determined as vexatious or made without reasonable cause, the staff member who raised the complaint will receive written notification of the determination which will include reasons as to why the complaint was deemed as vexatious and/or reasonable cause.

Section 6 - Procedures

(16) Staff members should normally raise a claim of bullying with their Nominated Supervisor and attempt to resolve such claims locally and informally. At this stage, the staff member, at their discretion, may also report their attempt to resolve their claim to Lodge a Complaint.

(17) Where the attempt to informally resolve the matter fails or is not appropriate, staff should discuss the matter with the next most senior University officer. At this stage, the staff member must report their attempt to resolve their issue to Lodge a Complaint and a member of People and Capability will contact them in relation to their grievance.

(18) In the case of all bullying complaints, the University will review the allegations and respond to the staff member who raised the complaint.

(19) While the procedural requirements of the various bullying resolution mechanisms vary, the University aims to ensure that:

a. bullying complaints are addressed sensitively, promptly and in accordance with relevant University policy and the principles of natural justice;
b. all reasonable steps are taken to respect the confidentiality of the people involved in a complaint;
c. fairness and impartiality prevail throughout the appropriate resolution process - until a bullying complaint is investigated and a decision is made, a grievance is an allegation, not a fact;
d. appropriate records are maintained throughout the resolution process;
e. persons who notify a bullying complaint are protected from victimisation or reprisal;
f. persons who notify a bullying complaint are regularly informed of the progress of the matter and of the consequences of any finding if the grievance is substantiated; and
g. persons who notify a bullying complaint are also entitled to make a protected disclosure in accordance with the Protected Disclosures Policy, provided that the disclosure is of the type that is identified as 'Reportable Conduct' under the Protected Disclosures Policy.

(20) As advised in clause 16 of this Policy and Procedure, most bullying complaints should be able to be resolved at local level. Before entering the formal process, the grievant should attempt to resolve the bullying complaint with their Nominated Supervisor, or next most senior University officer.

(21) In circumstances where the bullying complaint is unable to be resolved at the informal stage or local level, the nominated supervisor or next most senior University officer who has received the complaint may refer the matter to relevant Member of the Executive. The relevant Member of the Executive in consultation with the Chief People Officer may attempt to conciliate or mediate the matter, by agreement with the parties, or appoint an appropriate independent (internally or externally appointed) person who will investigate the matter to make findings of fact.

(22) In the event that the matter is referred for investigation, the investigator will:

a. conduct the investigation with due regard to procedural fairness, timeliness, and the individual's safety and well-being;
b. notify the parties of the investigation;
c. seek sufficient particulars of the alleged conduct to enable the complaint/concern to be factually investigated;
d. provide the respondent with a summary of allegations and/or a statement of the alleged conduct;

e. provide the respondent with an opportunity to respond to the complaint and/or alleged conduct;
f. interview the parties and, where necessary, any witnesses;
g. review any relevant documentation; and
h. prepare a report setting out the complaint, how the investigation was conducted, relevant facts, and findings, and present this to the relevant Member of the Executive.

(23) The relevant Member of the Executive will then make a decision based on the investigation report as to whether the alleged conduct is proven, proven in part or not proven. The decision, along with a summary of reasons for making the decision and a clear statement of what actions will follow, will be provided to the complainant, the respondent/s, and People and Capability.

(24) If the complaint is dealt with formally, the University will aim to ensure:

a. before a complaint is investigated, the grievant relevantly describes their allegations (in most instances, but not all, this will need to be in writing), including particulars of the allegations so that they can be investigated appropriately;
b. the person against whom the allegations are made is provided with a copy of the allegations that will be investigated; and
c. all parties are informed in writing of the outcomes of any investigative process.

Outcome and Referral

(25) The University, through its investigation of the complaint and findings of fact under clauses 21 and 22 of this Policy and Procedure, seeks to prevent the staff member from being further bullied and enable normal working relationships to resume.

(26) If a bullying complaint is investigated and findings are made that substantiate any or all of the allegations made, the relevant Member of the Executive may refer the matter to the relevant nominated supervisor in order for them to take appropriate action to prevent any behaviours that are identified as bullying. This may include, but is not limited to:

a. requiring the individual or group of individuals to stop the specified behaviour(s);
b. regular monitoring of behaviours by the University;
c. requiring compliance with this Policy and Procedure and any other relevant University policy; and
d. provision of information, additional support and training of relevant staff.

(27) The relevant nominated supervisor/Member of the Executive may also:

a. counsel the staff member involved on their behaviour and the findings made as a result of the investigation;
b. commence disciplinary action in accordance with Section 7 of the Agreement (or its successor), which could lead to disciplinary action being taken, including termination of employment;
c. take some other form of appropriate action; or
d. take no further action.

(28) Notwithstanding the above, the primary purpose of this Policy and Procedure is to identify bullying behaviour and to take action to prevent its occurrence in the workplace. This Policy must not be used for the sole purpose of seeking a desired change in work arrangements (such as transfer, alternative duties, and/or reporting lines, etc.) or to receive compensation or any other pecuniary outcome.

(29) This Policy and Procedure is a complete code for the University to manage and resolve workplace bullying

complaints. This Policy and Procedure in no way limits a staff member's rights, including their access to a State based WorkCover Authority and/or the Fair Work Commission or any other jurisdiction (court or tribunal).

Section 7 - Confidentiality and Victimisation

(30) The parties to a bullying complaint are required, at all stages of this Policy and Procedure, to maintain confidentiality in relation to the concern or complaint. The parties must not disclose, by any form of communication, either the fact or the substance of the allegations or issues to anyone other than an advocate, staff representative (as defined under the Agreement (or its successor) or a qualified counsellor.

(31) A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint under this Policy and Procedure.

(32) Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by the University, and may result in disciplinary action. Any such breach will be referred for investigation and handling in accordance with the Misconduct and Serious Misconduct Policy.

Section 8 - Revisions made to this Policy and Procedure

(33) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description
18 October 2016	Major	Revised to enhance the Bullying in the Working or Learning Environment Statement and augment procedures and support available to staff who wish to make a bullying complaint.
1 July 2019	Major	Updated to incorporate the provisions of the ACU Staff Enterprise Agreement 2017-2021.
18 July 2022	Editorial	Reference to Director, Human Resources updated to Cheif People Officer. Updated notifications.hr@acu.edu.au to Lodge a Complaint.

(34) From time to time the University may make changes to this Policy and Procedure to improve the effectiveness of its operation.

Section 9 - Further Assistance

(35) Any staff member who requires assistance in understanding this Policy and Procedure should first consult their Nominated Supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit Service Central.

Section 10 - Associated Information

(36) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Status and Details

Status	Current
Effective Date	19th December 2023
Review Date	30th April 2024
Approval Authority	Vice-Chancellor and President
Approval Date	19th December 2023
Expiry Date	Not Applicable
Responsible Executive	Angelle Laurence Chief People Officer
Responsible Manager	Angelle Laurence Chief People Officer
Enquiries Contact	Bernardine Lynch ER and Safety Committees and Policy Officer People and Capability