



Anti-Discrimination Policy

Governing authority	Higher Education Committee
Responsible officer	Academic Director and CEO
Date of approval	12 February 2018
Date of effect	12 February 2018
Review date	2021

Purpose

This policy is designed to affirm and promote the right of all higher education students, staff and others affiliated with AGME's higher education operations to work and learn in an environment free from discrimination, bullying and harassment in any form.

Policy principles

This policy reflects AGME's commitment to higher education staff and students as set out in the AGME Strategic Plan and AGME Teaching and Learning Plan. Under this policy, AGME affirms the following.

- Discrimination, bullying, and harassment in employment and education is unlawful under a range of human rights and equal opportunity legislation.
- Everyone has a right to an environment free from discrimination, bullying, and harassment while engaged in work, learning or other activities with AGME.
- Everyone at AGME is to be treated fairly and with respect and dignity – AGME does not tolerate discrimination, bullying, or harassment within its community.
- AGME takes all reasonable steps to prevent discrimination, bullying and harassment, including through educative approaches and information.
- AGME takes all reasonable steps to encourage the reporting of such behaviour and provide appropriate support and referrals.
- AGME takes all reasonable steps to ensure that its systems are inclusive and not discriminatory. This includes fair, consistent and equitable processes in:
 - Staff recruitment and HR management practices
 - Student admissions and assessment
- AGME's teaching and learning strategies are designed to be inclusive of student diversity, including the under-representation and/or disadvantage experienced by some groups in the community, and create equivalent opportunities for academic success regardless of students' backgrounds. This includes a particular focus on Aboriginal and Torres Strait Islander peoples.



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Scope

This policy applies to all higher education committee members, staff, students and other affiliates of AGME while engaged in work, learning or other activity associated with the higher education operations of AGME.

Definitions

Bullying: repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety. This includes victimising, humiliating, intimidating or threatening.

Interpersonal conflict or disagreement, or reasonable direction and expectations of staff as part of performance management procedures, do not constitute bullying.

Discrimination: treating a person less favourably because of a personal characteristic or attribute (whether real or perceived/inferred). This includes sex or gender; relationship status, pregnancy, breastfeeding, parental status and family responsibility; sexuality or gender identity; disability; race, accent, colour, nationality, ethnicity, descent or ancestry, or immigration; age; religious or political belief or activity; trade union activity; lawful sexual activity; or personal association with any person who is identified on the basis of any of the above.

It is not considered discrimination if:

- a person is not offered a job because, notwithstanding that reasonable adjustments have been made, they cannot meet the inherent requirements;
- a student with a disability does not pass the requirements of a course, notwithstanding that reasonable adjustments have been made;
- AGME has gained an exemption or the law otherwise allows the organisation to target a job at a particular group of people to help redress past disadvantage;
- AGME implements specific equal employment opportunity strategies, plans or programs designed to ensure genuine equal opportunities in the workplace, particularly in relation to groups that have been disadvantaged in the past.

Harassment: when a person, or a group of people, is intimidated, insulted or humiliated because of one or more characteristics, or from working in a hostile or intimidating environment that makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Harassment can arise as the result of a single incident as well as repeated incidents.

References to bullying, discrimination and harassment in this policy also encompass:

Sexual harassment: an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.



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Sexual assault: any unwanted or forced sexual activity without consent. It covers a broad range of sexual activity. Sexual assault is a serious criminal matter.

Procedures

The following procedures apply in relation to bullying, discrimination or harassment:

1. Key responsibilities:

- All staff, students and other members of the AGME community must comply with this policy, AGME codes of conduct and other policies and procedures relevant to the respectful, fair and equitable treatment of others.
- The CEO and Academic Director will facilitate the provision of education and information to prevent and support action in response to discrimination, bullying and harassment for higher education staff and students. This includes providing advice and information on the handling of disclosures, including privacy and confidentiality.
- Management and staff in supervisory positions have a responsibility to ensure that information is provided as part of staff induction. All staff have a responsibility to ensure that when an instance of bullying, harassment or discrimination is brought to their attention, they facilitate appropriate action expeditiously in consultation with the CEO and/or Academic Director.

2. Making a Complaint: AGME will sensitively facilitate timely and appropriate action where a member of the higher education community wishes to make a complaint. These avenues include procedures for making formal complaints under the *Student Complaint Policy (Non-Academic)* and *Staff Complaint Policy* in the case of staff/affiliate complainants. Both parties must be afforded natural justice, which requires:

- the right to be heard;
- the right to be treated without bias or conflict of interest;
- a decision based on evidence.

3. Support: Staff, students or affiliates may be referred to other support and advocacy services. AGME will make available general information on counselling services that are available for immediate emotional help, such as Lifeline.

4. Key referral information: It is important to promote access to the right advice. The following key services will be promoted where appropriate:

- For advice about discrimination on the basis of personal characteristics, sexual harassment or racial or religious vilification, contact the [Victorian Equal Opportunity and Human Rights Commission](#) or the [Australian Human Rights Commission](#).



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- For support services for people who experience sexual assault, contact the [Centre Against Sexual Assault](#) - they offer an after hours crisis line and 15 local offices.
- To pursue an order to stop workplace bullying, contact the [Fair Work Commission](#) for further information.
- If the allegation of bullying or harassment involves assault or threats of assault, it may be appropriate to contact Victoria Police and inform them of the incident.

5. Consequences of a breach

Breaches of this policy will be addressed through the disciplinary procedures prescribed for staff (including under the code of conduct and employment agreements) and students (including the *Student Misconduct Policy*). Depending upon the nature, severity and implications of the breach, consequences may include referring to the authorities for legal consideration/action, a formal warning, retraining, and/or other disciplinary action (such as suspension or termination of employment, or exclusion from AGME).

Implementation & Monitoring

The CEO and Academic Director will monitor the effectiveness of this policy in relation to staff as part of AGME-wide HR management and reporting. This includes providing a report to the Governing Board or its delegated committee on an annual basis.

The CEO and Academic Director will monitor the effectiveness of this policy in relation to students including counselling services provided or facilitated by student support services. The Academic Director will provide a report to the Academic Board and Higher Education Committee in relation to student wellbeing on an annual basis.

Accountability

The Higher Education Committee has responsibility for the approval and implementation of this policy.

Review Procedures

This policy will be reviewed every three years by the Higher Education Committee or as anytime considered necessary by the Academic Director.