

Equal Opportunity Policy and Procedure

1. Purpose

This policy and procedure provides an overarching statement of the Institute's desire for equity and diversity for staff, students and the wider community and outlines the obligations of the Institute community with regard to unlawful discrimination, harassment, sexual harassment, bullying and victimisation. This document also sets out the procedure to manage equal opportunity complaints regarding unlawful discrimination, harassment, bullying or victimization. The procedure relating to sexual misconduct, including sexual assault and sexual harassment, is set out in the *Sexual Misconduct Response Policy and Procedure*.

2. Scope

This policy and procedure covers all staff and students of the Institute who are engaged in Institute-related activity either on or off Institute property. This includes contractors, trainees, consultants and volunteer workers or any other visitors whose workplace health and safety might be affected by the legitimate activities of the Institute. Such activities may extend beyond Institute premises and encompass electronic communications. For example, this policy and procedure applies during:

- field trips organised by the Institute
- staff functions
- staff attendance at conferences
- student orientation activity.

This policy and procedure should be read in conjunction with the *Sexual Misconduct Response Policy and Procedure*.

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3. Definitions

Term	Definition
Attribute	<p>As defined in the <i>Equal Opportunity Act 2010 (Vic)</i> and relevant Commonwealth legislation:</p> <ul style="list-style-type: none"> • Age or age group • breastfeeding • employment activity • family or carer's responsibilities • gender identity • impairment or disability, whether short term, long term or permanent, including behaviour that is a symptom or manifestation of a disability or a genetic predisposition to that disability • industrial activity • lawful sexual activity • marital status • national extraction or social origin • parental status or status as a carer • physical features • political opinion, belief or activity • pregnancy or potential pregnancy • race or colour; descent or ancestry; nationality (i.e. citizenship) or national origin; ethnicity or ethnic origin; national extraction or social origin • religious belief or activity • sex, gender identity or intersex status • sexual orientation or preference • personal association with a person who is identified by reference to any of the above attributes
Bullying	<ul style="list-style-type: none"> • Repeated, unreasonable behaviour directed toward a staff member or student, or a group of staff or students, by a staff member/s or student/s that creates a risk to health and safety.
Advocate	<p>An independent person who can provide a student with advice about the process and assist the student with the submission and presentation of his/her case.</p>

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Term	Definition
Direct discrimination	Is when a person treats, or proposes to treat, another person unfavourably because of that person's attribute. In relation to a person with an impairment or disability, direct discrimination also occurs if a person does not make, or proposes not to make, reasonable adjustments for that person, and a failure to make a reasonable adjustment has the effect, because the impairment or disability, of that person being treated unfavourably.
Discrimination	Is unfavourable treatment of a person due to that person's attribute, including an attribute that a person has, has had in the past, is presumed to have, or may have in future, and includes direct and indirect discrimination.
Equal Opportunity Complaints Procedure	The equal opportunity complaints procedure as set out in clause 6.2 of this policy and procedure.
Harassment	Means any discriminatory conduct of a person towards another person on the basis of an attribute of that other person that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the other person.
General Group Manager or Academic Registrar	The person holding the position known as the Group, General Manager/Academic Registrar at the Institute which may include their nominee.
Indirect discrimination	Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed that disadvantages a person or group because of a personal characteristic.
Institute or MIT	means the Melbourne Institute of Technology.
Institute Secretary	The person appointed as Institute secretary by the Board of Directors of the Institute.
Managing Director	The person holding the position Managing Director at the Institute, which may include their nominee.
Other visitors	Contractors, trainees, consultants and volunteer workers or any other visitors to the Institute.
Reasonable adjustment	An adjustment which is made to accommodate a person's attribute so that the person is not treated unfavourably because of that attribute, and which does not impose an unjustifiable hardship on the person making the adjustment.

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Term	Definition
Senior officer	The Group General Manager and Campus Director or their nominees and such other staff designated as senior officers by the Institute.
Sexual harassment	<p>Under the Equal Opportunity Act 2010 (Vic), Anti Discrimination Act 1977 (NSW) and the Sex Discrimination Act 1984 (Cth), is when a person:</p> <ul style="list-style-type: none"> • makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or • engages in any other unwelcome conduct of a sexual nature in relation to another person <p>in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.</p> <p>Behaviour that has a sexual element or implication is considered to be sexual in nature.</p>
Student	Means a student of the Institute.
Student Services Officer	Means those staff designated as Student Services Officers (SSO) by the Institute.
Supervisor	In this context means the Institute staff member who directly supervises a person expected to comply with this policy and procedure, whether that person has been engaged as a staff member, volunteer, contractor, or consultant.
Unreasonable behaviour	In relation to bullying, behaviour that a reasonable person would, having regard to all the circumstances, expect to victimise, humiliate, undermine, threaten or intimidate another person.

4. Policy Statement

4.1. General

4.1.1 The Institute is desirous of developing and maintaining an educational and employment environment that:

- promotes respect for persons, integrity, equitable treatment and natural justice;
- provides equal opportunity in the workplace free from unlawful discrimination, harassment, sexual harassment, bullying and victimisation;
- takes all reasonable and proportionate measures to eliminate unlawful discrimination, harassment, sexual harassment, bullying or victimisation as far as possible and provide a safe environment;
- requires the use of inclusive language and images representing a diversity of cultures, genders and experiences.

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- 4.1.2 These intentions are consistent with the intent of equal opportunity, antidiscrimination and occupational health and safety legislation.
- 4.1.5 Staff, students and other visitors bound by this policy and procedure must comply with all relevant legislation listed in this policy and procedure. Failure to do so may lead to the person being held legally responsible, and in some circumstances the Institute may also be held responsible. In particular, staff should note that it is unlawful to engage in sexual or discriminatory harassment, bullying or victimisation under legislation listed above relating specifically to the workplace. Serious penalties apply to breaches of such legislation.
- 4.1.6 In some circumstances the Institute may take special measures that lawfully discriminate between groups of individuals in order to provide substantive equality of opportunity for members of a group with a particular attribute.
- 4.1.7 The Institute will endeavour to:
- Provide that its structures and practices are free from unlawful discrimination, both direct and indirect
 - Provide staff and students with information about unlawful discrimination, harassment, sexual harassment, bullying and victimisation.
 - Provide that its policies, procedures, official documentation and publications accord with equal opportunity and occupational health and safety principles.
 - Support and assist managers, supervisors and heads of units to exercise their leadership and authority to ensure a supportive, flexible, safe and diverse work and study environment.
 - Provide advice and support to staff and students through relevant supervisors and student advisers who are trained by the Institute to provide specialist advice and support.

4.2. Discrimination and discriminatory harassment

- 4.2.1 Staff, students and other visitors must not unlawfully discriminate, directly or indirectly, against other persons based on an attribute or perceived attribute.
- 4.2.2 In order to avoid direct or indirect discrimination, the Institute through its head of school, manager or supervisor will consider and implement reasonable adjustments to any requirement, condition or practice which may disadvantage a person with an attribute and/or which is otherwise unreasonable in the circumstances.

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- 4.2.3 Whether a requirement, condition or practice is unreasonable in the circumstances, and therefore potentially an occurrence of indirect discrimination, depends on:
- the nature and extent of the disadvantage resulting from the imposition or proposed imposition of the requirement, condition or practice;
 - whether the disadvantage is proportionate to the result sought by the person imposing or proposing to impose that requirement, condition or practice;
 - the cost of any alternative requirement, condition or practice;
 - the financial circumstances of the person imposing or proposing to impose that requirement, condition or practice;
 - whether reasonable adjustments can be made to the requirement, condition or practice to reduce the disadvantage caused.
- 4.2.4 Staff, students and other visitors must not engage in discriminatory harassment toward other persons including by physical, visual, verbal and non-verbal behaviour.
- 4.2.5 Examples of discriminatory harassment include behaviour such as:
- making derogatory comments or taunts about a person's religion;
 - continually asking a person about their sexual orientation;
 - emailing insulting jokes to someone about a particular racial group to which that person belongs;
 - making offensive non-verbal gestures referring to a person's race.
- 4.2.6 In determining whether a staff member or student has engaged in discriminatory harassment toward another staff member or student it is irrelevant whether or not the first person is aware of the harassment, and whether or not it is intentional.
- 4.3. Breastfeeding**
- 4.3.1 The Institute acknowledges the importance of breastfeeding and supports those staff members and students who breastfeed whether in private or public. The Institute shall, where practicable, accommodate the needs of staff who are breastfeeding.
- 4.3.2 The Institute will, where practicable, provide access to suitable facilities to feed children and/or express and store breast milk and other food for children.
- 4.3.3 A staff member who is breastfeeding shall be entitled to reasonable breaks in paid time for lactation purposes

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4.4. Sexual harassment

- 4.4.1 Staff, students and other visitors must not sexually harass other staff or students including by physical, visual, verbal and non-verbal behaviour.
- 4.4.2 In determining whether alleged behaviour amounts to sexual harassment it is irrelevant whether or not the person is aware of the harassment, and whether or not it is intentional.
- 4.4.3 It is not necessary for the person who has been harassed to have told the harasser that the behaviour was unwelcome for the behaviour to constitute sexual harassment.
- 4.4.4 Behaviour need not be repeated or continuous, as a single incident or comment can amount to sexual harassment.
- 4.4.5 Unwelcome behaviour is behaviour that is uninvited, unwanted, and unreciprocated by the recipient/s. Sexual harassment is not sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual or reciprocated. This is because this is not 'unwelcome' behaviour and it would not be reasonable to anticipate that this behaviour would offend, humiliate or intimidate.
- 4.4.6 Examples of behaviour of a sexual nature that could constitute sexual harassment include:
- Displaying pornographic or sexually explicit material (posters, screen savers etc);
 - Unwelcome physical contact, gestures or other non-verbal communication;
 - Sexually explicit emails, comments, jokes or conversations;
 - Sexual insults or taunting;
 - Asking someone for sex;
 - Making promises or threats in return for sexual favours;
 - Sexual orientation-based insults or taunts;
 - Indecent assault, rape or stalking (which are also criminal offences).
- 4.4.7 In determining whether a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct, the following factors may be considered:
- The sex, age, marital status, sexual orientation, religious belief, race, colour, or national or ethnic origin, of the person harassed;
 - The context in which the harassment occurred;
 - Any other relevant circumstance, including the nature of the relationship between the parties.

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4.5. Bullying

- 4.5.1 Staff, students and other visitors must not engage in behaviour that constitutes bullying towards other staff or students, including physical, visual, verbal and nonverbal behaviour.
- 4.5.2 In determining whether the behaviour of a person constitutes bullying it is irrelevant whether or not the person is aware of the bullying, and whether or not it is intentional.
- 4.5.3 Bullying behaviour may be obvious and direct or extremely subtle and indirect. Examples of behaviour that could constitute bullying include:
- Physical or verbal abuse (including remarks or attacks about an individual's family, sex, sexuality, gender identity, race or culture, education or economic background)
 - Yelling, screaming or offensive language;
 - Excluding or isolating a staff member or student;
 - Ganging up on an individual;
 - Deliberately withholding information needed for getting work done;
 - Spreading rumours or innuendo about someone;
 - Posting offensive material on social media sites;
 - Psychological harassment;
 - Unjustified criticism or complaints;
 - Intimidation;
 - Assigning staff members meaningless tasks not related to their job;
 - Giving staff members impossible jobs that cannot be done in the given time or with the available resources;
 - Interfering with someone's personal property or equipment;
 - Deliberately changing work hours or arrangements, such as rosters and leave, to inconvenience particular staff members;
 - Pushing, shoving, tripping, grabbing you in the workplace.
- 4.5.4 Behaviour is considered 'repeated' if an established pattern can be identified. The requirement for the behaviour to be 'repeated' refers to the persistent nature of the behaviour and may involve a series of diverse incidents.
- 4.5.5 Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, threaten, or intimidate another person.
- 4.5.6 Bullying can include actions of individuals or a group, and may involve using a system of work or assessment as a means of victimising, humiliating, undermining or threatening an individual or group.

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4.5.7 The risk to health or safety created by bullying includes any risks to the psychological or physical health of the staff member or student.

4.5.8 Bullying is not:

- Reasonable comment, advice or administrative action (including negative feedback) from supervisors or lecturers on work, academic performance or behaviour;
- Disciplinary action;
- The implementation of organisational change;
- The allocation of work in compliance with systems;
- Conflict or differences of opinion between individuals;
- A single incident of bullying-style behaviour.

4.6. Victimisation

Staff, students and other visitors must not victimise other staff or students, including by physical, visual, verbal and non-verbal behaviour.

5. Complaints

- 5.1 A staff member who believes that he or she has experienced unlawful discrimination, harassment, bullying or victimisation may make a complaint under the Equal Opportunity Complaints Procedure.
- 5.2 A student who believes that he or she has experienced unlawful discrimination, harassment, bullying or victimisation may make a complaint under the Equal Opportunity Complaints Procedure.
- 5.3 Unlawful discrimination, harassment, bullying or victimisation may be regarded as serious misconduct or misconduct (staff) or general misconduct (students) and may result in disciplinary action being taken under the Employee Disciplinary Procedures, Suspension, Misconduct Procedures (MIT Employee Manual section 14.2) regarding a complaint against a staff member or the Student General Misconduct Policy and Procedure regarding a complaint against a student.
- 5.4 Complaints relating to sexual misconduct are not covered by this policy, see clause 6.1.1.

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6. Procedure

6.1. Equal Opportunity Complaints

- 6.1.1 Complaints relating to sexual misconduct including sexual assault, rape, any other behaviour of a sexual nature, which is a crime in the relevant jurisdiction of Victoria or NSW, sexual harassment and any other behaviour of a sexual nature that constitutes student or staff misconduct, will be dealt with in accordance with the *Sexual Misconduct Response Policy and Procedure* (students). There is no limit as to the timeframe when sexual assault and sexual harassment complaints can be reported.
- 6.1.2 If the alleged behaviour involves actual or threatened physical assault (excluding sexual assault), it may be referred by the Chief Executive Officer or a senior officer to the police. However, survivors have the right to veto the incident being reported to the police or any third party without consent.
- 6.1.3 Supervisors or managers to whom a complaint regarding unlawful discrimination, harassment, bullying and victimisation is made should refer to this policy and procedure.
- 6.1.4 A staff member who believes that they have experienced unlawful discrimination, harassment, bullying or victimisation by another staff member may make a complaint under the Equal Opportunity Complaints Procedure.
- 6.1.5 A student who believes they have experienced unlawful discrimination, harassment, bullying or victimisation may make a complaint under the Equal Opportunity Complaints Procedure against a student or staff member, or a group of students or staff.
- 6.1.6 A complaint concerning a senior officer should be addressed to and dealt with by the Managing Director of the Institute under the Investigation and Determination process set out in the Equal Opportunity Complaints Procedure.
- 6.1.7 A complaint concerning the Managing Director or CEO of the Institute should be addressed to and dealt with by the Chair of Institute's Board of Directors.

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6.1.8 A complainant may make a complaint by:

- seeking advice and informal resolution of the complaint without lodging a written complaint (Stage 1 – advice and informal resolution)
- lodging a written complaint and requesting conciliation (Stage 2 - conciliation)
- requesting investigation by the Institute (Stage 3 – investigation and determination).

These three stages (collectively known as the Equal Opportunity Complaints Procedure) are intended to, but may not always, be undertaken in sequence and at the direction of the complainant.

6.1.9 A student who is concerned about a single incident of bullying-style behaviour may raise the issue with a student adviser, senior officer, Human Resources officer or Health and Safety representative.

6.1.10 Only those staff members involved in the Equal Opportunity Complaints Procedure will have access to material relating to the complaint.

6.1.11 In some circumstances, the seriousness of the allegations may place the Institute under a legal obligation to ensure that a matter is investigated beyond that which the complainant may wish. In these cases, the Institute may initiate or expedite a complaint under this procedure and/or bring an allegation of misconduct or serious misconduct to the attention of the relevant Head of School/unit under the relevant Student Misconduct Procedure or Employee Disciplinary Procedures, Suspension, Misconduct Procedures.

6.1.12 At any stage of the complaints procedure, the Institute may direct staff to take action to address concerns regarding the health and safety of staff and students of the Institute. Such actions should not be seen as an implication of guilt.

6.1.13 Unlawful discrimination, harassment, sexual harassment, bullying or victimisation by staff may be regarded as serious misconduct or misconduct and may result in disciplinary action being taken under the Employee Disciplinary Procedures, Suspension, Misconduct Procedures (MIT Employee Manual section 14.2).

6.1.14 While staff and students are encouraged to use the Institute Equal Opportunity Complaints Procedure, they have a right to seek advice from and/or lodge a complaint with external bodies including Victoria Police, the Victorian Equal Opportunity and Human Rights Commission, and the Australian Human Rights Commission. Survivors have the right to veto the incident being reported to the police or any third party without consent.

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6.2. Equal Opportunity Complaints Procedure

Stage 1: advice and informal resolution

Procedure	Responsibility	Timeline
<p>a) A student complainant may seek advice from a student adviser, support person or an Advocate.</p> <p>b) A staff complainant may seek advice from their supervisor.</p> <p>c) After seeking advice, the complainant may seek informal resolution of his or her complaint either directly with the respondent or by asking a senior officer to speak to the respondent on their behalf.</p>	Complainant	In a timely manner
<p>d) A senior officer who has been asked to speak to the respondent on behalf of the complainant will, after seeking advice from staff in HR, convey to the respondent the complainant's concerns and reiterate the Institute's Equal Opportunity Policy without assessing the merits of the case, and, if necessary, take practical steps to ensure, as far as possible, that the behaviour that allegedly occurred ceases and will not recur.</p> <ul style="list-style-type: none"> • If the complaint is not resolved: • the complainant or the respondent may request conciliation (Stage 2); or • the complainant may request investigation and determination (Stage 3). 	<p>Senior officer who receives complaint</p> <p>Complainant or respondent</p>	<p>commence process within 10 working days of receiving complaint and finalise as soon as practicable and notify complainant within 5 working days of finalising.</p> <p>Within 10 working days of receiving notification</p>

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Stage 2: conciliation

Procedure	Responsibility	Timeline
<p>a) A complainant may lodge with a senior officer a written complaint and a request for conciliation, setting out his or her complaint in the form of a brief summary (up to two pages) of the relevant incidents.</p> <p>A respondent to a complaint may also, after seeking the advice of a student adviser (in the case of a student respondent) or the supervisor (in the case of a staff respondent), submit a written request for conciliation to the senior officer.</p>	<p>Complainant</p> <p>Respondent</p>	<p>In a timely manner</p>
<p>b) Upon receipt of the request for conciliation, the senior officer will review the complaint and:</p> <ul style="list-style-type: none"> if it is determined conciliation is appropriate, invite the parties to participate in conciliation, appoint a conciliator and provide the respondent and the conciliator with a copy of the complaint; or if it is determined that conciliation should not proceed, refer the parties to their student adviser (in the case of a student) or supervisor (in the case of a staff member) to discuss further options <p>Conciliation only occurs if both parties agree to it voluntarily. Complainants may be accompanied by a support person or an Advocate, but that person cannot be a legal practitioner.</p>	<p>Senior Officer</p> <p>Respondent</p>	<p>Within 5 working days</p> <p>Within 10 working days from the date seeking conciliation</p>
<p>c) The respondent will be given the opportunity to seek advice from a student adviser (in the case of a student) or supervisor (in the case of a staff member) and to submit a short written response to the complaint (of up to two pages) to the senior officer. The senior officer will provide a copy of the response to the conciliator and the complainant.</p>	<p>Conciliator</p>	<p>Hold conciliation within 15</p>

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Procedure	Responsibility	Timeline
<p>d) The conciliator will conciliate the complaint and:</p> <ul style="list-style-type: none"> • Determine whether a genuine complaint exists; • Identify the key points of concern between the parties; • Determine an appropriate course of action to resolve the matter; and • Advise the parties of the outcome. <p>e) If the complaint is not resolved through conciliation, the complainant or senior officer may request the complaint be investigated and a determination made</p>	Complainant or senior officer	<p>working days of parties agreeing to conciliation</p> <p>Within 5 working days of completion of conciliation</p>

Stage 3: investigation and determination

Procedure	Responsibility	Timeline
a) A complainant or the senior officer who wishes to refer a complaint for an investigation, may lodge a written complaint (if a complaint has not already been lodged under Stage 2, or if Stage 2 has been completed without resolution) and make a written request for investigation by submitting details of relevant incidents to the Managing Director.	Complainant or senior officer	In a timely manner
b) The Managing Director determines whether to refer the matter for investigation or such other alternative action under clause 6.4, as he or she determines appropriate. In the event of the matter being referred for investigation, the Managing Director will appoint an individual investigator or panel of investigators to conduct the investigation.	Managing Director	Within 10 working days of receipt of the complaint

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Procedure	Responsibility	Timeline
c) The Investigator conducts the investigation and reports to Managing Director.	Investigator	Within 20 working days of appointment
d) The Managing Director will consider the report, determine the outcomes of the investigation and inform the complainant and respondent of the findings and relevant outcomes of the investigation.	Managing Director	Within 5 working days of receipt of the report

6.3. Conciliation

- 6.3.1 The conciliator will invite the complainant and the respondent to meet with him or her either together or separately. The role of the conciliator is not to make a formal finding.
- 6.3.2 The complainant and respondent may have a support person or Advocate during the conciliation, but that person cannot be a legal practitioner.
- 6.3.3 The appointment of the conciliator may come from within the Institute or external to the Institute as deem appropriate in the circumstances.

6.4. Investigation

- 6.4.1 Upon receipt of a request for investigation, the Managing Director may do one or more of the following:
- seek advice from the Institute Secretary or consult with any other person they determine appropriate
 - refer the complaint for informal resolution or conciliation
 - refer the matter for investigation by the Institute
 - refer the matter to an external agency
 - refer the matter to alternative complaints resolution processes within or external to the Institute
 - decline to investigate a complaint if it is malicious, frivolous, vexatious, misconceived or lacking in substance
 - decline to investigate a complaint if more than 12 months has elapsed between the event complained of and the complaint notification and there is no relevant exceptional circumstances to address the complaint after this delay
 - recommend actions as necessary to address any immediate concerns regarding persons' health and safety, and participation in Institute work or study.

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6.4.2 Where the Managing Director is satisfied that a complaint is malicious, frivolous or vexatious, he or she may bring an allegation of misconduct against the complainant to the attention of the relevant senior officer under the Student Misconduct Procedure or the Employee Disciplinary Procedures, Suspension, Misconduct Procedures.

6.4.3 The investigator/s will:

- notify the complainant and the respondent of the investigation;
- provide the respondent with a copy of the complaint if the respondent has not already received a copy;
- give the respondent an opportunity to seek advice from a student adviser (in the case of a student) or supervisor (in the case of a staff member) and to respond to the complaint in writing within ten working days of the date of notification of the investigation;
- conduct the investigation with regard for procedural fairness, timeliness, privacy and the person's health and safety;
- determine whether the allegations are proven upon assessment of the weight of evidence and on the balance of probabilities; and
- at the conclusion of the investigation, prepare a report, setting out the complaint or terms of reference, how the investigation was conducted, relevant facts, conclusions and findings.

6.4.4 Outcomes from an investigation may include any one or more of the following:

- a finding that the complaint was not substantiated;
- a finding that the complaint was substantiated or substantiated in part;
- remedial action to restore the complainant to the position that the complainant was in prior to the incident(s) that led to the complaint;
- training in the Equal Opportunity Policy and Procedure;
- referral to other support services;
- further monitoring of the situation;
- statement of regret or apology, where appropriate;
- requirement to change processes or procedures;
- recommendation that disciplinary action be taken against a student under the Student Misconduct Procedure or a staff member under the Employee Disciplinary Procedures, Suspension, Misconduct Procedures.

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7. Responsibilities

7.1. Student Services Officer (SSO)

A student who is a complainant or a respondent to a complaint may seek advice from a student services officer who can assist by:

- clarifying whether the alleged behaviour may constitute unlawful discrimination, harassment, ~~sexual harassment~~, bullying or victimisation;
- providing information about this policy and procedure;
- advising of their rights under relevant legislation;
- advising of the options available to them, including making a complaint to an external body;
- encouraging the complainant or respondent to seek appropriate support and providing referrals;
- exploring options to resolve the matter.

7.2. Confidentiality

The Institute expects that all parties involved will treat all complaints confidentially and will make every attempt to resolve the problem at the lowest possible level.

If the matter is deemed to be of a particularly serious nature, there will be limits to the confidentiality:

- a staff member may need to consult a more senior officer or seek advice from an appropriate source; and
- in the activation of investigation and misconduct procedures, as specified in appropriate agreements and policies (for example, Employee Disciplinary Procedures, Suspension, Misconduct Procedures and Student Misconduct Procedure) such procedures will, of necessity, involve disclosure of details to relevant parties on a 'need to know' basis.

8. Training Requirements

8.1 All Institute fixed-term and continuing staff are required to successfully complete the Institute compliance induction and training. Staff must complete the training within their probationary period or within their first six months of employment if their probation period exceeds six months.

8.2 In addition, all fixed-term and continuing staff are required to successfully complete the Institute's refresher course on discrimination, harassment and bullying every three years.

8.3 It is the supervisor's responsibility to monitor staff's training completion status. heads of units are responsible for monitoring overall compliance in their area.

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9. Responsibilities

- 9.1 The Institute's intention is that staff, students and other visitors are not subjected to behaviours, practices or processes that may constitute discrimination, harassment, vilification, or victimisation.
- 9.2 The Institute undertakes educative processes within the Institute community to develop awareness of issues related to discrimination and harassment, including sexual harassment and provides mechanisms to deal with complaints under this policy and procedure.
- 9.3 Managers and supervisors have a particular responsibility to ensure that all reasonable steps are taken to ensure the workplace is free from discrimination and harassment, including sexual harassment, and that relevant policies and procedures regarding the resolution of complaints are followed.
- 9.4 The Group General Manager is responsible for the promulgation and supervision of this policy in accordance with the scope and intentions outlined above. Enquiries about interpretation of this policy should be directed to the Group General Manager.

10. Implementation and communication

This policy will be communicated and supervised through the Institute via:

- Announcement on the Institute's webpage;
- Internal circulation to staff;
- Staff professional development;
- Student orientation programs; and
- Student handbook.

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11. Supporting documents and References

Government legislation:

Age Discrimination Act 2004 (Cth)
Anti-Discrimination Act 1977 (NSW)
Australian Human Rights Commission Act 1986 (Cth)
Crimes Act 1900 (NSW)
Crimes Act 1958 (Vic)
Disability Discrimination Act 1992 (Cth)
Disability Standards for Education 2005 (Cth)
Equal Opportunity Act 2010 (Vic)
Fair Work Act 2009 (Cth)
Health and Safety Act 2011 (NSW)
Health Records Act 2001 (Vic)
Health Records and Information Privacy Act 2002 (NSW)
Occupational Health and Safety Act 2004 (Vic)
Privacy Act 1988 (Cth)
Racial and Religious Tolerance Act 2001 (Vic)
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Workplace Gender Equality Act 2012 (Cth)

Institute documents:

MIT Employee Manual
Sexual Misconduct Response Policy and Procedure
Unlawful Discrimination, Sexual Harassment and Victimisation Policy and Procedure
Employee Disciplinary Procedures, Suspension, Misconduct Procedures
Student General Misconduct Policy and Procedure

Other:

Other relevant Australian University Policy and Procedures
Worksafe Victoria, guide to Workplace Bullying –prevention and response Victorian
Equal Opportunity and Human Rights Commission

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