

LA TROBE UNIVERSITY

POLICY ON WORKPLACE BULLYING

The University is committed to ensuring as far as is practicable, that members of the University are able to work and study in an environment that is free from bullying.

Bullying is defined by the Victorian Work Cover Authority as behaviour that intimidates, humiliates and/or undermines a person or group. Bullying is not a one-off situation; it is behaviour that is repeated over time.

Bullying can also encompass unfair and excessive criticism; constantly setting and altering work assignments; setting unrealistic work targets and the setting of impossible deadlines which are designed to bring into question a person's reputation or standing. Within an academic environment, bullying can potentially manifest itself through direct or implied threats which can unfairly bring into question:

- A person's reputation within the community;
- Access to workplace or study arrangements that are made available to other staff or students; and
- Merit based decision-making

Workplace bullying by any member of the University is deemed to be unacceptable behaviour and depending on the circumstances of each case may be subject to disciplinary action as defined in Clause 13.7 of the 2004-2008 La Trobe University Enterprise Bargaining Agreement, or under Statute 16 - *Student Discipline and Misconduct*, or may involve mediation to resolve the matter.

Bullying of members of the University by persons other than employees, for example by students or members of the public, is also considered unacceptable behaviour and the University will take all reasonable measures to prevent such bullying of staff.

Improper or vexatious use of these procedures is also considered to be unacceptable behaviour and may be subject to the disciplinary procedures contained in the LTU EBA or Statute 16.

COMPLAINTS PROCEDURE

All members of the University are encouraged to report instances of bullying and all reports will be treated as a serious matter and will be investigated in a timely manner.

An allegation of workplace bullying must be registered with, in the case of staff, the Director (Human Resources), or in the case of student to student bullying where it is not possible to resolve this through mediation, an allegation should be registered with the appropriate Senior Officer as specified in Regulation 16.1, via an incident report form or statement.

The incident report (or statement) must be signed by the person making the complaint and must contain the following details:

- The name of the person who is the subject of the complaint
- A description of the incident(s) of bullying and/or harassment in sufficient detail to enable the person who is the subject of the complaint to understand the precise nature of the allegation and to provide a response to the University
- The dates or periods during which the alleged incident(s) occurred
- The names of any people who may have witnessed the incident(s) described

In accordance with established procedures and to extend the rights of natural justice to all parties, members of the University that are the subject of a bullying allegation will be informed of the nature of the complaint and will be afforded representation rights in accordance with the 2004-2008 LTU EBA or in the case of students, in accordance with section 8(3) of Regulation 16.1 - *Student Discipline and Misconduct - General Misconduct*.

If there is insufficient detail in the complaint, the Director (Human Resources), or the appropriate Senior Officer as specified in Regulation 16.1, may write to the complainant requesting more information. An external investigator may also be commissioned to conduct interviews and prepare statements if deemed appropriate or to gather facts relevant to allegations of bullying.

Once the Director (Human Resources), or appropriate Senior Officer as specified in Regulation 16.1, has all the relevant information, a decision will be taken in respect to what action needs to be taken to address the allegation. This may take the form of an investigation pursuant to the disciplinary procedure in the 2004-2008 LTU EBA or Statute 16, if it is deemed to be appropriate, or may involve the provision of mediation services to resolve the matter.

If students are involved they may be subject to penalties as set out in Statute 16 - *Student Discipline and Misconduct*.

The University may re-deploy or suspend staff or make other reasonable arrangements whilst the matter is being addressed. Such action will be in accordance with the 2004-2008 LTU EBA and entered into on a non-prejudicial basis to ensure that the University fulfils its obligations under the Occupational Health and Safety Act, which requires the University to provide and maintain where practicable, a safe and healthy workplace.

The La Trobe University Council approved the Workplace Bullying Policy at its meeting on 5 August 2002 (Reference C02/54(M))

Editorial changes on September 2004
Editorial changes on June 2007