

**AACE DISCRIMINATION & HARASSMENT  
POLICY AND PROCEDURE**

**Last updated: 1/12/05**

## **DISCRIMINATION AND HARASSMENT POLICY**

### **Overview**

AACE is committed to the prevention of any form of discrimination, sexual harassment or victimisation during student placements. AACE considers these to be unacceptable forms of behaviour and will not tolerate such behaviour under any circumstances.

This policy applies to all students and host families.

All students and host families have a right to be treated equitably and without harassment in their relationships with each other. All students and host families have the responsibility to respect the rights of each other, by not taking part in any action that may constitute harassment or discrimination.

People who have complaints made against them also have rights to procedural fairness and adequate safeguarding of their privacy. The rights and privacy of both parties to a complaint should be protected.

AACE's grievance procedure is a confidential process. If a student or family makes a complaint to AACE under this policy, AACE expects that the confidentiality of the process will be respected by all parties.

### **Discrimination policy**

This policy reflects the spirit and intent of federal and state anti-discrimination legislation in Australia.

AACE is therefore committed to ensuring that the services it provides and the accommodation provided by host families are free from any unlawful discrimination based on:-

- race/ethnicity
- gender
- national origin
- marital status
- sexual preference/lawful sexual activity

- age
- disability/impairment, including infectious disease
- industrial activity
- physical features
- pregnancy
- family responsibilities
- religious beliefs
- political conviction
- breastfeeding
- gender identity.

AACE is also committed to ensuring that the services it provides and the accommodation provided by host families are free from any unlawful discrimination based on a person's association (including as a relative) with someone who has one of the characteristics listed above.

Discrimination can take many forms, some of which are direct or open. Others may be indirect or hidden.

Direct discrimination occurs when a person is treated less favourably than another, simply because of a personal characteristic or status such as gender, race, sexuality, marital status (as listed above).

Indirect discrimination occurs when a policy or requirement which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as age, race, family circumstances or gender (as listed above).

### **Harassment policy**

AACE is committed to providing an environment that is free from sexual harassment and from harassment on the discriminatory grounds listed above.

While AACE does not intend to intervene in the personal relationships of students and host families, it does have a proper concern where harassment:-

- creates an intimidating, hostile or offensive environment
- adversely affects a student's participation in the Homestay program
- results in students or host families withdrawing from the Homestay program
- reflects on the integrity and standing of AACE.

### **Definitions**

Sexual harassment, discriminatory harassment and victimisation due to making a complaint are unlawful and amount to discrimination under federal and state anti-discrimination law.

Sexual harassment is unwelcome or unreciprocated behaviour. It is not mutually accepted behaviour.

Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, which are likely to make a person feel offended, humiliated or intimidated. It does not require an intention to harass and does not require the recipient to ask for the behaviour to stop.

Discriminatory harassment is a recognised form of discrimination which occurs when a person is harassed because of characteristics such as disability, gender, race and age (or any of the other grounds outlined in the above policy).

At law, unlawful harassment includes some things that might not be perceived to be harassment, such as the creation of an environment which is generally hostile to a person or group of people with particular characteristics.

Victimisation occurs when a person is treated unfairly or less favourably because of making or intending to make a complaint of sexual harassment or discrimination.

Some examples of behaviour which can be sexual harassment or discriminatory harassment include:-

- acting towards, or speaking to a person in a manner which threatens or vilifies that person

- making jokes, suggestive comments or offensive gestures related to a person's race, colour, ethnic origin, disability, gender or sexual characteristics
- distribution or display of material (including through e-mail) which may be offensive, such as sexually explicit posters or pictures, racist or sexist jokes or cartoons
- persistent questions about a person's private life
- personal comments about appearance, size, clothing
- demands for sexual favours, either directly or by implication
- unwanted and deliberate physical contact
- indecent assault, rape and other criminal offences.

### **Grievance procedure**

AACE is required to ensure that all students and host families are not subject to discrimination, victimisation or harassment. Any concerns can be discussed privately and confidentially with one of the following persons (**Contact Officers**):

**Joane Grimaldi** – Assistant to the Managing Director, AACE, Level 8, 30 Collins St, Melbourne 3000. [amd@aace.net.au](mailto:amd@aace.net.au) or (03) 8612 5512

**Kotaro Ito** - Section Head of Marketing-Research and Development, AACE, Level 8, 30 Collins St, Melbourne 3000. [mrd@aace.net.au](mailto:mrd@aace.net.au) or (03) 8612 5530

Raising an allegation of harassment, discrimination or victimisation against another person is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. AACE will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

Use of the Grievance Procedures to deal with issues of harassment, victimisation or discrimination is purely voluntary and not mandatory. If, however, a student or member of a host family makes a complaint under this policy, AACE expects that they will follow AACE's procedures. AACE will investigate and deal with the matter as promptly and sensitively as possible and will provide assistance to the parties as set out in this policy. AACE will have privacy obligations towards all parties of a complaint and so requires that during its investigation of a complaint all parties will maintain confidentiality of the process.

If a student or member of a host family decides not to raise the issue in the manner outlined in this policy or by seeking external help, AACE expects that this will be the end of the matter. In particular, the person should not seek to progress the issue informally eg. allowing the matter to be the subject of innuendo or gossip, harassing the other party, etc. Breach of this aspect of the policy will not be tolerated by AACE.

### **Complaint handling guidelines**

AACE has established confidential procedures for handling complaints under this policy. These procedures are based on the principle that the rights and privacy of both parties to a complaint should be safeguarded. AACE considers that it is important that any complaint is dealt with as promptly as possible and with sensitivity. If you have a complaint or a harassment problem you can speak confidentially to one of the Contact Officers, or contact the relevant agencies for advice:

- Melbourne - Equal Opportunity Commission of Victoria
- Sydney - Anti-Discrimination Board of New South Wales
- Brisbane - Anti-discrimination Commission of Queensland.

The relevant agencies and AACE encourage the internal resolution of complaints if possible. The AACE internal complaint handling guidelines are as follows:

- 1 If you feel comfortable doing so, you should first advise the other person, verbally or in writing, in a direct or firm manner that his or her behaviour is unacceptable. This may be enough to stop the unwelcome behaviour. You can speak with a Contact Officer who can assist with this step or suggest other options.

It is suggested that you keep diary notes of all incidents with names, dates, witnesses and any response you make in respect to the incidents.

- 2 Speak with a Contact Officer about the incident(s). The Contact Officer will discuss options for stopping the harassment. This may involve nominating one of the internal conciliators who will first discuss and clarify the allegations with the relevant parties and then attempt to find a suitable and appropriate resolution. The conciliators are **Joane Grimaldi and Kotaro Ito (see previous page)**. If you wish to progress the complaint formally, AACE may ask you to put your complaint in writing so as to clarify the allegations and so the person about whom you are complaining is given an adequate opportunity to respond to the allegations.

3 If either party is unhappy with the progress of the complaint or the resolution, he/she can request that AACE appoint an independent mediator. If the complainant is dissatisfied with the progress or resolution he/she can lodge a complaint with the relevant agencies as listed above. Both parties will be afforded natural justice. This means that:

- complaints will be investigated promptly
- the allegations will be put to the person alleged of harassment and/or discrimination
- each party will be given the opportunity to express his or her version of events
- the person alleged of harassment and/or discrimination will be treated as innocent unless the allegations are proven.

All file notes relating to the complaint will be kept in specially provided locked files. Only Contact Officers and conciliators dealing with particular complaints will have access to these files. However, students and host families should be aware that if the complaint is a serious one which could amount to criminal conduct or could lead to legal action under discrimination laws, and is not resolved quickly between the parties, AACE may need to notify the police or obtain legal advice.

Students and host families involved in a harassment or discrimination complaint may also be offered professional support services such as counselling or medical advice, as appropriate.

These guidelines may not be practical for every case, and you or the Contact Officer may suggest more applicable resolution procedures.

### **Outcome of grievance process**

Any person who has been found to have harassed, discriminated against or victimised another person may be disciplined in respect of his or her participation in the Homestay program. The discipline will be appropriate to the severity of the offence, but may involve a warning or expulsion from the Homestay program.

Similarly, any person found to have made a complaint that is vexatious or based on facts that they should have reasonably believed to be untrue will also be subject to similar disciplinary action.