



AUSTRALIAN MATHS TRUST

<b>AMT Bullying, Discrimination and Harassment Policy</b>	
<b>Policy Number:</b> 18BDH	<b>Effective date:</b> February 2024 (v2.0)
<b>Policy Owner:</b> AMT CEO	<b>Policy Custodian:</b> Director Corporate Services
<b>Date of last review:</b> February 2020	<b>Date of next review:</b> February 2025
<b>Other relevant policies/guidelines:</b> AMT Safe Community Policy AMT Risk Policy	

<b>Definitions</b>	
<b>Child</b>	A person who is under the age of 12 years.
<b>Young Person</b>	A person who is over the age of 12 year but under 18 year.
<b>Safe organisation</b>	Discharges duty of care by taking steps to keep all in its care emotionally and physically safe, including from physical, sexual, emotional abuse (including bullying) or neglect.
<b>Safe staff member or volunteer</b>	Has been through a recruitment process, understands responsibilities and accountability and is supervised.
<b>Safe Program</b>	All risks have been assessed and events thought through and planned. These programs have had permission to proceed from AMT CEO or AMTT Ltd Board.
<b>AMT Member</b>	Is a child or young person who is registered in a program organised by AMT, or an adult attending an AMT event, or a member of staff or volunteer involved in AMT programs.
<b>Staff member</b>	A member of staff, including tutors and mentors.
<b>Volunteer</b>	A supervising adult who has been screened and appointed to a position of authority within AMT.
<b>AMT</b>	Australian Maths Trust
<b>Misconduct</b>	Means but is not limited to an allegation that an AMT member has engaged in one of the following activities at an event delivered by the AMT (e.g. residential school, workshop, ceremony, meeting or camp):

	<ul style="list-style-type: none"><li>• Improper behaviour towards an AMT member or parent/guardian</li><li>• Wilful or deliberate behaviour that is inconsistent with the continuation of their appointment at AMT</li><li>• Conduct that causes serious and imminent risk to the health and safety of a person, or the reputation or viability of AMT</li><li>• Illegal activity including, but not limited to theft and fraud</li><li>• Assault including but not limited to child sexual assault, sexual harassment, verbal or physical assault against a child, young person or adult member of AMT</li><li>• Being intoxicated (alcohol or drugs, other than prescribed drugs) whilst engaging in AMT activities</li><li>• Refusing to carry out a lawful and reasonable instruction that is consistent with their appointment at AMT.</li></ul>
<b>Executives</b>	CEO of AMT and any other AMT Executives in accordance with the AMT Organisation Chart.

### I. Scope

This policy applies to all AMT members.

This policy interacts with a number of other AMT policies, protocols and guidelines including

- Code of conduct (students)
- Professional Behaviour and Guidelines (staff/volunteers)
- Responding to Abuse Policy
- Guidelines for Responding to Concerns or Disclosures of Abuse
- Risk Management Policy

### II. Purpose

This Bullying, Discrimination and Harassment (“policy”) aims to assist the Australian Maths Trust (“AMT”, “our”, “us” or “we”) to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our organisation. It sets out our commitment to ensure that every person bound by the policy is treated with respect and dignity and protected from bullying, discrimination and harassment. It also seeks to ensure that everyone involved in our activities is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

This policy will continue to apply to a person even after he or she has stopped their association or employment with the Australian Maths Trust, if disciplinary action against that person has begun.

### **III. Policy Principles**

The vision of the Australian Maths Trust (AMT) is that all young Australians have the opportunity to realise their intellectual potential in mathematics and algorithmics.

AMT commits to our duty of care, ethical, legal, insurance, organisational and risk responsibilities; with its goal that we have safe people involved in AMT and all interactions and programs in AMT are emotionally and physically safe; based on the premise that AMT should be an abuse-free, harm-free, person valuing and respectful space.

Part of AMT's commitment to a safe community organisation includes taking disciplinary action against any person or organisation bound by this policy if they breach the policy using the Process for Responding to Complaints (Appendix 1).

### **IV. CEO Responsibilities**

The AMT CEO is responsible for ensuring that this policy is:

- Implemented and complied with by all AMT members including staff, volunteers, students as well as other persons associated with AMT programs, activities, events or schools.
- Enforced by activating the Process for Responding Complaints when there is a breach of this policy.
- Published, promoted and distributed to all members of AMT

### **V. Responsibilities of AMT Members and others associated with AMT activities (individuals)**

Individuals will:

- Make themselves aware of the contents of this policy,
- Agree to comply with all relevant provisions of the policy, and
- Be accountable for their behaviour

### **VI. Policy Standards in relation to Bullying, Discrimination and Harassment**

1. AMT is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of bullying, discrimination and harassment.
2. AMT prohibits all forms of bullying, discriminatory and harassing. (See Dictionary for explanation of these terms)
3. Any person who believes they are being, or have been, bullied, discriminated against or harassed by an AMT member or another person bound by this policy, is encouraged to raise their concerns as per the "Process for Responding to Complaints". If the issue concerns the AMT CEO, they should raise their concerns with the AMTT Ltd Board Chair.

4. Bystanders observing bullying, discriminatory or harassing behaviours will be supported to report their concerns as per the “Process for Responding to Complaints”. If the issue concerns the AMT CEO, they should raise their concerns with the AMTT Ltd Board Chair.
5. Where complaints of bullying, discriminatory or harassing behaviour are made, the AMT Process for Responding to Complaints will be activated.
6. All complaints will be dealt with promptly, seriously, sensitively and confidentially. The AMT may take disciplinary action against an individual who contravenes this policy.
7. Individuals may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation

### **VII. What is not unlawful conduct?**

AMT has a legitimate right to direct and control how work is performed. Supervisory staff have a responsibility to monitor workflow and give feedback. Legitimate comments or advice including criticisms regarding standards of work, workplace behaviour or feedback on performance are not unlawful.

This Policy does not apply to situations where an employee has a grievance about legitimate and reasonable including:

- Performance management processes;
- Disciplinary action; and
- Allocation of work.

### **VIII. Complaint Process**

#### **Reporting of Incidents**

If a person experiences behaviour in breach of this Policy or believes that another individual is acting in breach of this Policy, then they should follow the process as laid out in the “Process for Responding to Complaints”.

Wherever possible, an attempt will be made to resolve the matter informally. If that is not reasonably possible or is unsuccessful then the person experiencing the conduct may make a formal complaint.

A person who makes a complaint will not be victimised, penalized or disadvantaged as a result of making a complaint provided that the complaint is made honestly and fairly. Persons who make false or malicious complaints will however be subject to disciplinary action.

#### **Investigation**

Any complaint of Unlawful Conduct will be promptly, fully and impartially investigated.

Any person about whom a complaint is made will be entitled to know the details of the allegations made against them and be given an opportunity to respond to those allegations.

All parties will be entitled to be accompanied by a support person at any meeting in relation to the investigation of the complaint.

### **Confidentiality**

All persons involved in the investigation of a complaint, including the parties and any witnesses must keep information about the complaint confidential except where disclosure is required for the purposes of the investigation or by law. Breach of confidentiality is a disciplinary offence and will be dealt with accordingly.

### **Outcomes**

AMT will take appropriate action to ensure that any Unlawful Conduct which it finds has occurred does not continue. Anyone found to have breached this policy or the law or to have made a false or malicious complaint will be subject to disciplinary action.

This may include, but is not limited to the following:

- Counselling;
- Apology;
- Warning;
- Training;
- Demotion;
- Suspension; or
- Dismissal.

A complainant who is not satisfied with the outcome of an investigation can contact an external agency such as the Equal Opportunity Commission, Worksafe or Fair Work Commission for advice or help.

## **IX. Dictionary of Terms**

This Dictionary sets out the meaning of words used in this policy, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

**Bullying** is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying. The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours;
- psychological harassment such as intimidation;
- Initiation rituals; or

- Assigning meaningless tasks unrelated to the job; and
- Undermining work performance by deliberately withholding information vital for effective work performance.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. The Australian Maths Trust will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at an event or program should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the Australian Maths Trust.

Reasonable supervisor/team leader/pastoral actions are not deemed to be bullying behaviours<sup>1</sup>.

Reasonable supervisor/team leader action can include, but is not limited to:

- counselling you because of concerns about your behaviour
- allocating reasonable tasks to you in keeping with your team area
- changing your roster in a reasonable way,
- giving you critical feedback about your actions when this is done in privacy and in a respectful manner
- being left out of meetings when they are not relevant to your role
- good natured interactions with peers,
- someone disagreeing with your opinion in a respectful way
- accidentally being overlooked in a social invitation (so long as this is not a consistent and repeated occurrence)

**Workplace Violence** is any incident where a person is threatened, attacked or physically assaulted whilst at work or a work-related event. Examples may include:

- Hitting, shoving, pushing;
- Attacks involving any weapon such as a knife, gun etc.;
- Threats of physical harm such as “I’m going to kill you...you’re dead!”, and
- Throwing objects.

**Grievance** means a grievance made under Bullying, Discrimination and Harassment Policy.

**Discrimination** occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

In Australia, it is against the law to discriminate against someone because of:

- age
- sex or gender
- gender identity
- intersex status

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<sup>1</sup> Adapted from “*I think I am being bullied, what do I do?*” ACT Work Safe © 2012

- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

Some exceptions to state, territory and federal anti-discrimination law apply.

**Gender expression:** The term ‘gender expression’ refers to the way in which a person externally expresses their gender or how they are perceived by others.

**Gender identity:** The term ‘gender identity’ refers to a person’s deeply held internal and individual sense of gender.

**Harassment** is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person’s race, sex, pregnancy, marital status or sexual orientation (see the list under “Discrimination”).

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also “Vilification”).

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

**Sexual harassment** is one type of harassment and means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment may be viewed through the lens of the sexual violence continuum and can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional. Sexual harassment is not limited to members of the opposite sex.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency.

Sexual orientation and identity: The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual, transgender, intersex or same-sex attracted.

**Victimisation** means treating someone unfairly or unfavorably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

**Vilification** means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.



## **Appendix 1: Process for Responding to Complaints**

### **Introduction to the Process**

Where a complaint of bullying, discriminatory or harassing behaviours as defined in the Dictionary is made, the Australian Maths Trust (AMT) will provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about an AMT member or other person bound by the Bullying, Discrimination and Harassment policy (respondent) if they feel they have been a recipient of such behaviours.

Depending on the nature of the alleged behaviours the complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the relevant Executive will consider whether that is an appropriate way to handle the particular complaint. In the case of formal complaints, these will be handled by the AMT CEO.

If the formal complaint involves the CEO, the AMTT Ltd Board Chair will handle the complaint. In the case of allegations of reportable behaviours, the allegation will be reported to an appropriate authority by the AMT CEO.

### **Types of complaints that may be addressed by this process**

The type of complaints that may be addressed using this process include, but are not limited to, allegations of the following behaviours as outlined in the Dictionary:

- Bullying behaviours
- Discrimination,
- Harassment, including all forms of [non-sexual] abuse, victimization and vilification
- Sexual harassment, including sexual abuse and sexual offence

## Process for Responding to Complaints

### Personal approach

Talk to the person

### Not resolved?

Go to Informal or Formal Approach



### Informal and Formal Approaches

#### Receipt and Triaging of Complaint by Executive

- Ascertain how you would like complaint resolved
- Explore options for resolution
- Consider support options
- Complaint reported to authorities where required ##

#### Pathway options presented by Executive

1. No problem
2. Do not wish to proceed
3. Resolve yourself
4. Mediation\*
5. Formal approach

### Informal approach

Select from **Options 1 – 4** in Pathway Options

### Formal Approach

**Option 5** from Pathway Options

1. Complainant submits complaint in writing to CEO

2. Assessment of complaint by CEO

3. CEO provides Respondent with written complaint and requests a response to the complaint in writing

4. Where the facts of the complaint are disputed, an investigation will be conducted by the AMT Investigator

5. Upon receipt of Investigation Report, decision-making by CEO undertaken

6. Option to appeal CEO decision

7. Decision finalised and actioning of outcomes by CEO

8. Documenting of outcomes by CEO

## Where a matter is required to be reported to authorities, then the internal AMT process will be paused pending an outcome from authorities

\* Where mediation is selected, it can only take place if it has been assessed as an appropriate pathway by the CEO. Where it is deemed appropriate, it will be led by an external mediator.



## AUSTRALIAN MATHS TRUST

### Improper complaints and victimisation

The Australian Maths Trust aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process, the AMT CEO considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the AMT may take disciplinary action against the complainant.

### Complaints Procedure

The Australian Maths Trust is committed to supporting people associated with our activities to make and resolve any complaints they may have in a fair, timely and effective way.

**We will deal with complaints on a confidential basis.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with the complaint.

To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their written response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide a structure for a **personal, informal or formal approach** to deal with complaints.

#### Personal approach

Wherever possible, the AMT supports an informal and direct approach to complaints.

#### **Talk with the other person** (if safe, reasonable and appropriate)

If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

#### Informal and Formal Approaches

##### Receipt and Triaging of the Complaint

We encourage you to talk with the relevant Supervisor in the first instance if:

- Step 1 (above) is not appropriate;
- You are not sure how to handle the problem by yourself;
- You want to talk confidentially with someone and find out what options are available to address your concern; or
- The concern continues after you approached the other person.

The relevant Supervisor will:

- Ask how you would like your concern to be resolved and if you need support
- Seek to provide different options for you to address your concern
- Appoint a support person, if you wish
- Refer you to an appropriate person to help you address your concern, if appropriate
- Inform the relevant government authorities and/or police, if required by law to do so<sup>2</sup>
- Consider whether or not the nature and seriousness of the complaint requires a formal resolution procedure
- Where possible and appropriate, maintain confidentiality.

### **Pathway Options Presented**

After talking with the relevant Supervisor, you may decide:

- There is no problem
- The problem is minor and you do not wish to take the matter forward
- To try and resolve the problem yourself, with or without a support person
- To resolve the problem with the help of someone impartial, such as a mediator or
- To resolve the matter through a formal process.

### **Informal approach**

Where an informal approach pathway is selected, the relevant Supervisor will assist the complainant to select the appropriate pathway and where required assist them to activate the process.

Where mediation is selected, it can only take place if it has been assessed as an appropriate pathway by the CEO. Where it is deemed appropriate, it will be led by an external mediator

### **Formal approach**

#### **Making a formal complaint**

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- Make a formal complaint in writing to the CEO, or
- If the complaint is about the CEO, make a formal complaint to the Chair of the AMTT Ltd Board

#### **Step 1: Receive the Complaint**

- The complainant submits a written account of the complaint to the AMT CEO.
- The CEO will discuss support with the complainant and implement appropriate options.

#### **Step 2: Assess the Complaint**

The AMT CEO will:

- Assess the relationship between you and the respondent (e.g. An actual or perceived power imbalance between you and the respondent)

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<sup>2</sup> Where a matter is required to be reported to authorities, then the internal AMT process will be paused pending an outcome from authorities

- Assess any interim arrangements (safety measures) required and implement them until the complaint process is completed
- Decide whether he or she is the most appropriate person to receive and handle the complaint
- Take into account your wishes, regarding how the complaint should be handled
- Consider the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway

### **Step 3: Deliver Complaint to Respondent**

The AMT CEO will:

- Provide the information received from you to the respondent and ask for a written response within a specified timeframe.
- Discuss support with the respondent and implement appropriate options

### **Step 4: Investigating the complaint**

- Upon receipt of the Respondent's response to the complaint, where there is a significant disputing of facts, an investigation may be conducted by an external investigator to determine the facts surrounding the complaint.
- Following the investigation, a written report will be provided to the CEO.
- Any costs incurred by AMT relating to the complaint process set out in this process (e.g. investigation or mediation) will be met by the AMT.

### **Step 5: Decision-making**

Once a written report of the investigation has been received, the CEO will make their decision on the outcome of the complaint. They will:

- Decide if there is enough information to determine whether the matter alleged in the complaint did or did not occur; and/or
- Determine what, if any, further action to take, including taking disciplinary action.
- Advise the complainant and respondent of their decision in writing

### **Step 6: Option to appeal decision**

Once the complainant and respondent have been provided with a written decision outlining the CEO's decision and intended outcome, they will have 28 days to submit a written appeal to the CEO against the decision and /or the intended outcome.

### **Step 7: Decision finalised and actioning of outcomes by CEO**

The CEO will consider the written submissions and either adjust decision and intended outcome or uphold one or both.

Once the decision and intended outcomes have been finalised, the CEO will action the outcome.

### **Step 8: Documenting the decision and outcomes**

The decision and outcomes will be documented, and a copy will be delivered to both complainant and respondent.

The CEO will record the complaint, the steps taken to resolve it and the outcome. A copy of this documentation will be tabled at the next meeting of the AMTT Ltd Board. This information will be stored in a confidential and secure place by The Australian Maths Trust.

**Other Options:**

Approaching external organisations

Individuals can also make complaints to external organisations under anti-discrimination, child protection and other relevant laws.

If this option is taken, then your complaint may be investigated. There may also be an attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. A tribunal will make a finding and decide what action, if any, will be taken.

If you do lodge a complaint with an external organisation, an appropriate person from AMT will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing.

Serious incidents, such as assault or sexual assault, will be reported to the police.

<b>DOCUMENT VERSION CONTROL</b>			
<b>VERSION NUMBER</b>	<b>DATE</b>	<b>CHANGES</b>	<b>STAFF MEMBER</b>
1.0	February 2020	New	Nathan Ford (CEO)
2.0	February 2024	Minor revisions: Removal of legacy roles (DCEO/Business Manager), replacement with and definition of 'Executives'	Nathan Ford