College of Intensive Care Medicine
of Australia and New Zealand
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PREVENTION OF BULLYING, DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

1. INTRODUCTION

The College of Intensive Care Medicine of Australia and New Zealand (the College) is committed to equality of opportunity and ensuring that the working and training environment is free from discrimination, bullying and sexual harassment. The purpose of this policy is to describe the behaviour expected of all College Fellows, trainees, international medical graduates (IMGs), volunteers or others in College activities, training programs and within the various workplaces and training environments in which they are located. This means that:

- Fellows and Trainees are to be treated in a fair and equitable manner regardless of gender, marital status, pregnancy, race, ethnicity, disability, sexual preference, religious and political beliefs (refer to protected attributes in Discrimination section below).
- The College expects work and training environments to be free of bullying, sexual harassment and unlawful discrimination. It should be understood that these unreasonable behaviours will not be tolerated under any circumstances.
- Bullying is a workplace issue, as defined in legislation. In the event that a trainee, Fellow or other person associated with the College is bullied in the workplace, the employer has primary responsibility. However, the issue may be referred to the College where training or the gaining of specialist qualifications are affected. Additionally, allegations under this policy against an individual outside the scope of the 'workplace' may be referred to the College.

2. DEFINITION OF BULLYING, HARASSMENT AND DISCRIMINATION

The College is commited to:

- Ensuring that policies and procedures about bullying, sexual harassment and inappropriate discrimination are available;
- Promoting appropriate standards of conduct at all times;
- Encouraging the reporting of behaviour that breaches this policy;
- Encouraging an effective complaints procedure based on the principles of natural justice;
- Treating all complaints in a sensitive, fair, timely and confidential manner and encouraging local resolution of the issues but if not resolved to encourage the involvement of bodies such as local anti-discrimination and human rights authorities, the Medical Board of Australia, the Medical Council of New Zealand or statutory workplace bodies.

2.1 Discrimination

Discrimination is treating a person with an identified attribute or personal characteristic (as

set out in legislation) less favourably than a person who does not have the attribute or personal characteristic. This includes unlawful discrimination in any aspect of the employment relationship including selection for employment, treatment during employment, promotion, employee benefits, conditions of employment, remuneration, transfer, discipline, training, work environment, supervision and termination of employment.

The Australian federal jurisdiction, the States and Territories of Australia, and New Zealand all have broadly similar legislation under human rights and equal opportunity legislation covering grounds of unlawful discrimination. These include:

- gender
- transgender, gender history and transsexual status
- pregnancy and potential pregnancy
- childbirth or breastfeeding
- marital status
- sexual orientation
- lawful sexual activity
- disability or impairment
- race (including colour, nationality, descent and origin)
- physical features
- age
- carer status and family responsibilities
- religious belief or activity
- political belief or activity
- trade union membership and industrial activity; and
- associated with a person who is identified by reference to any of these attributes

2.2 Harassment

Harassment is any type of unwanted behaviour that offends, humiliates or intimidates a person, and targets them on the basis of a characteristic covered by anti-discrimination law (refer to section 2.1 above). In general, harassment is any behaviour that is:

- unwelcome, not asked for and not returned;
- likely to humiliate (put someone down), seriously embarrass, offend or intimidate (threaten or scare) someone; and
- based on a personal characteristic (or family or friend's characteristic) protected by law.

2.3 Sexual Harassment

Sexual harassment is unwelcome sexual behaviour that could be expected to result in a person feeling offended, humiliated or intimidated. It can be physical, verbal or written and may involve:

- Behaviour that is accompanied by a direct or implied threat, benefit or promise. This type of sexual harassment is sometimes termed 'quid pro quo' harassment or 'sexual blackmail' because compliance is demanded in return for employment advantages or the avoidance of employment detriment;
- Physical contact, verbal comments, jokes, propositions, graphic verbal commentaries about an individual's body, questions or insinuations about a person's sexual or private life, and unnecessary touching of an individual or the display of offensive material. This includes offensive material accessed from the internet or sent electronically;

- Behaviour that creates a sexually permeated or hostile working environment; and
- Behaviour that would also be an offence under criminal law. For example, physical assault, indecent exposure, sexual assault, stalking or obscene communications.

The intention or motive of an alleged harasser is not relevant when determining whether the behaviour was unwelcome. Investigation of a complaint will consider how the conduct in question was perceived and experienced by the recipient rather than the intention behind it. Harassment does not have to be repeated or continuous to be against the law.

2.4 Victimisation

Victimisation occurs when a person is treated unfairly due to that person having made a complaint of harassment. Victimisation is behaviour that makes a person suffer a detriment including feeling uncomfortable, isolated, insecure or intimidated.

2.5 Individual Responsibility

While the College does not intrude into the personal relations of employees, Fellows, trainees or IMGs, it does have a concern where sexual relationships may represent an abuse of power in the training and work environment and:

- implicitly or explicitly becomes a condition of a person's recruitment, assessment, condition of employment, promotion or salary; or
- has the effect of interfering with an individual's training performance; or
- creates an environment that is offensive, hostile, intimidating and not conducive to productive working.

Sexual harassment does not include behaviour based on mutual attraction, friendship and respect. Sexual harassment does not include interactions that are consensual, welcome and reciprocated.

2.6 Bullying

Bullying is unreasonable behaviour that creates a risk to health and safety. It is behaviour that is repeated over time or occurs as part of a pattern of behaviour. 'Unreasonable behaviour' is behaviour that a reasonable person, having regard to all the circumstances, would expect could victimise, humiliate, undermine or threaten the person to whom the behaviour is directed. There are two broad categories of bullying:

a) *Direct bullying* – behaviour that is overt and usually involves conduct directed at a person to belittle or demean them. Examples include:
   - Aggressive and intimidating behaviour
   - Belittling, degrading or humiliating comments
   - Spreading misinformation or malicious rumours
   - Interfering with a person's property or work equipment
   - Displaying offensive material (e.g. pornography)

b) *Indirect bullying* – behaviour that excludes or removes benefits from a person. Examples include:
   - Assigning meaningless tasks unrelated to the job
   - Setting tasks that are unreasonably below or beyond a person's skill level

- Deliberately changing work rosters to inconvenience particular employees
- Deliberately withholding information that is vital for effective work performance.

3. CONDUCT

Fellows and others involved in College activities (e.g. Supervisors of Training, Examiners, etc.):

a) Shall not unlawfully discriminate, bully or sexually harass:

- an employee of the College;
- a contractor of the College;
- a member of the public;
- another Fellow, or committee member;
- a trainee or IMG;
- Any other person within their workplace.

b) Shall not victimise another person, or subject a person to any detriment because that person:

- Has made a complaint under their employer's or College policies;
- Has brought proceedings under their employer's or College policies;
- Has, or proposes to, give evidence or information in connection with proceedings, under their employer's or College policies.

Trainees:

a) Shall not, in the workplace, in the course of College activities, or in training, unlawfully discriminate, bully or sexually harass:

- an employee of the College;
- a contractor of the College;
- a member of the public;
- another Fellow;
- another trainee or IMG,
- any other person within their workplace.

b) A trainee shall not victimise another person, or subject a person to any detriment because that person:

- Has made a complaint under their employer's or College policies;
- Has brought proceedings under their employer's or College policies;
- Has, or proposes to give evidence or information in connection with proceedings, under their employer's or College policies.

4. COMPLAINTS

The first port of call for issue resolution for discrimination, bullying and harassment should occur in the local workplace as an employment issue. The employer's human resources department can provide advice on the complaints and resolution process in addition to counselling and support.

Complainants may also lodge a complaint with an external body such as the Human Rights Commission, Worksafe ar Fair Work Commission.

The College encourages the resolution of grievances at a local level. In many cases resolution may be reached by addressing the offender directly, clearly explaining the impact of his or her behaviour. If the concern is not taken seriously or acted upon, the complainant may choose to take further action.

The College has a complaints mechanism that can be activated. However, this has limited investigative power for issues in the primary place of employment due to jurisdictional considerations. Complaints arising out of conduct at official College activities (e.g. College board and committee meetings) may be lodged with the College.

Should a Fellow or trainee wish to inform the College of any complaint relating to bullying, discrimination and harassment, there are two resolution processes available: an **informal resolution process**, and a **formal resolution process**. Each of these processes will be conducted in a confidential and timely manner and will use procedural fairness to ensure equity and neutrality to all parties involved. A Fellow or trainee may also seek advice or support from the College when a complaint resolution process is already underway in the workplace. In such a case the College will limit its involvement to the provision of such advice or support.

5. RESOLUTION OF COMPLAINTS

5.1 Informal Resolution Process

The complainant may not feel comfortable addressing the matter directly with the offender and may wish to speak to a College representative for advice and to consider his or her options. The first point of contact should normally be the College Chief Executive Officer (CEO) or a designated staff member. The procedures to be followed are outlined in Appendix A.

5.2 Formal Resolution Process

Formal resolution follows a complaint that has been put in writing to the College and warrants further investigation. The complaint:

- Should be put in writing (a formal letter) and signed by the complainant;
- Be addressed directly to the CEO of the College; and
- Must contain details of the matters or events associated with the grievance.

The College CEO (or a senior Fellow delegated by the CEO) shall be appointed as the investigator and conduct an enquiry into the grievance (see Appendix A).

6. APPEALS PROCESS

If a complainant is not satisfied with the outcome of a resolution process, he or she may appeal to the College for a review of the process and/or outcome in accordance with the College's appeals process outlined in training document T-31 *Appeals, Review and Reconsideration Processes*.

7. FURTHER INFORMATION

7.1 Legislation

a) New Zealand

New Zealand Human Rights Act 1993
Employment Relations Act 2000

b) Australia

Federal Sex Discrimination Act 1984
Racial Discrimination Act 1975
Disability Discrimination Act 1992
Human Rights and Equal Opportunity Commission Act 1985
Workplace Relations Act 1996
Occupational Health and Safety Act 1985
Trade Practices Act 1974
Age Discrimination Act 2004

c) New South Wales

Occupational Health and Safety Act 2000
Anti-Discrimination Act 1977
Equal Opportunity Act 1984

d) Queensland

Workplace Health and Safety Act 1995
Whistle-blower Protection Act 1994
Industrial Relations Act 1999
Anti-Discrimination Act 1991
Public Service Act 1996
Crime and Misconduct Act 2001

e) Northern Territory

Anti-Discrimination Act 1992
The Work Health Act 1986

f) South Australia

Occupational Health, Safety and Welfare Act 1986
South Australian Equal Opportunity Act 1984

g) Tasmania

Anti-Discrimination Act 1998

h) Victoria

Equal Opportunity Act 1995
Racial and Religious Tolerance Act 2001
Occupational Health and Safety Act 2004

i) Western Australia

Equal Opportunity Act 1984
Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996
Public Sector Management Act 1994
Workers' Compensation and Injury Management Act 1981

7.2 External Agencies

External advice can be found through the following agencies in Australia and New Zealand:

Australian Human Rights Commission	1300 656 419 https://www.humanrights.gov.au/
ACT Human Rights Commission	(02) 6205 2222 http://hrc.act.gov.au/
Anti-Discrimination Board of NSW	(02) 9268 5544 http://www.antidiscrimination.justice.nsw.gov.au/
NT Anti-Discrimination Commission	(08) 8999 1444 http://www.adc.nt.gov.au/
Anti-Discrimination QLD	1300 130 670 http://www.adcq.qld.gov.au/
Equal Opportunity Commission SA	(08) 8207 1977 http://www.eoc.sa.gov.au/
TAS Anti-Discrimination Commission	(03) 6165 7515 http://www.antidiscrimination.tas.gov.au/
VIC Equal Opportunity and Human Rights Commission	1300 292 153 http://www.humanrightscommission.vic.gov.au/
Equal Opportunity Commission WA	(08) 9216 3900 http://www.eoc.wa.gov.au/
Human Rights Commission NZ	0800 496 877 https://www.hrc.co.nz/

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This document has been prepared having regard to general circumstances, and it is the responsibility of the practitioner to have regard to the particular circumstances of each case, and the application of this document in each case.

Documents are reviewed from time to time, and it is the responsibility of the practitioner to ensure that the practitioner has obtained the current version. Documents have been prepared having regard to the information available at the time of their preparation, and the practitioner should therefore have regard to any information, research or material which may have been published or become available subsequently.

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APPENDIX A: COLLEGE COMPLAINT RESOLUTION PROCESS

1. KEY ASPECTS OF THE PROCESS

1.1. Confidentiality

Confidentiality needs to be maintained in procedures in order to protect the rights and welfare of all those involved in a complaint resolution process. If an allegation of discrimination, harassment or bullying is made, information should only be accessible to people who 'need-to-know' or other relevant people such as witnesses, except where the College is compelled by law to produce documents.

1.2. Impartiality

The procedures should be conducted in a fair and equitable manner at all times.

1.3. Timeframes

All disputes, both informal and formal, should be addressed efficiently and in a timely manner.

1.4. Defamation

Allegations of unlawful discrimination, bullying and sexual harassment are serious matters and can potentially damage an individual's reputation. To minimise the risk of defamation it is important to maintain confidentiality and involve as few people as possible in the dispute resolution process. Individuals appointed to assist in dispute management, are protected under the doctrine of 'qualified privilege' provided they act in accordance with the dispute resolution procedures and not maliciously.

1.5. False Accusations

False accusations of discrimination, harassment or bullying will be viewed seriously and, where found to be malicious, may expose the complainant to risk of defamation proceedings or disciplinary action.

1.6. Intent

Behaviour or comments acceptable to one person may offend or be unwelcome to another. Perceptions and interpretations are likely to differ because of diverse backgrounds, cultures and views. "Innocent intent" is not a defence or excuse against harassment or discrimination complaints nor a justification for bullying behaviour.

1.7. Support Person

A support person is responsible for providing assistance to the complainant or the respondent of a discrimination, bullying or sexual harassment dispute. A support person may be a family member, trusted advisor or a co-worker. The support person's role is to be conducted in the spirit of conciliation as well as fair and equitable outcomes. A support person is also bound by the requirement for confidentiality and cannot act as a witness and a support person in the same complaint.

1.8. Counselling and Support

A complainant may wish to seek counselling or assistance from someone independent.

2. RESOLVING INFORMAL COMPLAINTS

Informal disputes emphasise resolution rather than the presentation of factual proof or substantiation of a dispute. Informal disputes are those that can be resolved by the complainant or through discussion between the parties. Informal disputes do not require a formal investigation.

Options before raising a complaint with the College include the following:

Action Taken Directly by the Complainant

If appropriate, the complainant should speak directly to the person(s) whose behaviour they find unacceptable and make it clear that they want the offending behaviour to stop. If the complainant's concern is not taken seriously, he/she may choose to take further action under these procedures.

Speaking to a Neutral Third Party

Many employers have a recognised contact officer program to enable reporting of harassment, discrimination or bullying. Other neutral third parties may also be utilised.

Speaking to the Human Resources/Chief Executive Officer

If appropriate, the complainant can speak directly to their employer about ways in which he/she can assist in ensuring the offending behaviour is stopped.

Through Contacting the College

Where the complainant feels that the College may be able to provide useful advice or assist with mediating a satisfactory outcome, or in cases where the complainant is not comfortable with any of the above options, the College CEO may be contacted for assistance.

INFORMAL RESOLUTION
Self Help A person may choose to address the unwelcome behaviour by communicating to the initiator of the action that they find the behaviour offensive, intimidating, humiliating or bullying.
Seek Assistance The person may seek assistance and support.
Mediation Mediation is a negotiation between the parties (without three-way face-to-face contact) and discusses the options, considers the alternatives and reaches a consensual agreement. The College may nominate an independent mediator to assist the parties to negotiate a resolution which is acceptable to the parties. Resolution may include an acknowledgment and apology, agreement to stop the conduct, compensation, workplace adjustment.

INFORMAL RESOLUTION
Resolution Resolution is achieved when the complainant is satisfied that the uninvited or unwelcome behaviour has stopped. If the allegations are denied, or a satisfactory resolution cannot be achieved through informal action, then the complainant can choose to pursue the dispute through the formal procedures.

3. FORMAL RESOLUTION PROCESS

3.1 Definition of a Formal Complaint

Formal complaints focus on whether a complaint can be substantiated. They are complaints that will need to be put into writing and will necessitate a formal investigation. A formal investigation is where a statement is prepared and provided to the respondent for a response. The complaint is then investigated to the extent that the College is able. The College cannot compel the participation of individuals, compel an individual to give evidence or compel an individual or employer to produce documents or records. An investigator will work to establish what evidence or facts can either substantiate or refute the allegations, based on a reasonable assumption of innocence.

Where an allegation is of a serious nature, or where conciliation is either rejected or has failed, formal investigation may be the appropriate response. Although individual employees may wish to withdraw a discrimination, bullying or sexual harassment complaint, there may be instances, for example, sexual harassment, where the employer is required to fulfil legal obligations and continue to investigate the matter. Report findings from a College investigation will form the basis of appropriate action in responding to both the individual and organisational matters addressed in the findings.

3.2 Summary of the Process

The steps involved in a standard formal complaint are as follows:

i. Complainant submits their complaint in writing to the College CEO.

ii. The CEO will act as, or appoint, an impartial investigator to lead the process.

iii. The investigator arranges separate interviews with the complainant and respondent to gather information.

iv. If applicable the investigator interviews any witnesses.

v. The investigator prepare a report of their findings and feedback is provided to both the complainant and respondent.

vi. The investigator arranges a meeting between both parties to provide options for a satisfactory resolution. Options may include:

- The respondent apologises for their behaviour and commits to more respectful behaviour
- If the behaviour is serious in nature, disciplinary action may be taken as listed in section 2.1
- The complaint is found to be unsubstantiated and closed

- Either the complainant or the respondent may appeal any decision as outlined in section 5.

3.3 Investigation of a Complaint

The parties must adhere to the following steps:

3.3.1 Lodgement of a Formal Complaint

All formal complaints should be in writing, signed and lodged directly with the Chief Executive Officer (CEO). The CEO will review the complaint and appoint an investigator to review the incident. An investigator must be sufficiently removed from the situation and be relatively unknown to both the complainant/s and respondent/s.

3.3.2 Arranging an Interview with the Complainant

The complainant may elect to have a support person with them at the time of the interview. Note: If there is more than one complainant, it is essential they are interviewed separately. Prior to the interview, it is essential the investigator reflects on the level of seriousness of the allegation. For example, if the allegation is substantiated, could it lead to disciplinary action?

The interview should take place in a private and confidential environment where there will be no interruptions. The complainant should feel comfortable at all times and, if necessary, breaks should be included during the interview process. The complainant may wish to seek counselling or assistance from someone independent.

3.3.3 Conducting an Interview with the Complainant

Inform the complainant about the investigation process. Obtain information from all relevant sources and ensure the complainant knows that formal records will be kept. Advise the complainant where the records will be stored, and who will have access to them. Ensure the complainant and the support person are fully aware of and understand their responsibility in relation to confidentiality.

Explain to the complainant that the major purpose of the interview is to clarify the nature of their complaint. This will include a detailed description of what took place, how the discrimination, bullying or sexual harassment has affected him/her, and if there have been any reprisals, threats or unfavourable treatment directed towards him/her since the incident was reported.

Clarify the complainant's understanding of the incident or situation. If possible, the complainant should provide specific details about incidents, times, dates, places, frequency of occurrence and the names of possible witnesses (copies of any notes, diary entries or records should also be produced). Allow time as you may need more than one interview. Be sensitive to 'power perceptions' and watch for gender imbalances.

Where possible the investigator should provide feedback to the complainant advising him/her, on the basis of the initial interview, whether the incident appears to contravene College policies.

The complainant should be asked to clarify what they believe will resolve the problem, for

example:

- What is their desired outcome?
- Is the complainant seeking more than feedback to be given to the respondent about their perceived unacceptable behaviour?
- Are they seeking assurances that such behaviour will not occur again?
- Do they want a formal apology from the respondent?

At the conclusion of the interview, the investigator will review the procedure to date and advise the complainant when the respondent will be interviewed, and an expected time when the investigator can report back to the complainant. Remind the complainant of the requirement for confidentiality.

Ensure the complainant knows where he/she can also access internal and external confidential advice, support and counselling.

3.3.4 Arranging an Interview with the Respondent

The respondent will be advised that someone has made a serious complaint about him/her and that he/she may have a support person present with them during the interview. The investigator will ensure that both the respondent and the support person are fully aware of and understand their responsibility in relation to confidentiality.

The respondent will be advised of the principles and purpose of the investigation, and that a written or verbal response to the allegation(s) is required. The respondent should be provided with a detailed description of the allegations and why they contravene College policy.

The respondent may wish to seek counselling or assistance from someone independent. The respondent may elect to have a support person with them at the time of the interview. Note: If there is more than one respondent, it is essential they are interviewed separately.

The investigator will obtain the respondent's account of the alleged events and ensure open rather than closed questions are used. If an allegation is denied, the respondent should be asked for their view as to why he/she believe the complaint was made, and how the issue may be resolved. The respondent should also be asked to nominate any witness/es to be interviewed during the investigation.

The investigator will review all information obtained from both the complainant and the respondent and will interview any witness/es if deemed necessary. Feedback will be given to both the complainant and respondent, followed by an arranged meeting between all parties involved to discuss the resolution options.

Prior to the interview, it is essential the investigator reflects on the level of seriousness of the allegation. For example, if the allegation is substantiated, could it lead to disciplinary action? If disciplinary action is an outcome of the investigation process then implementation of the recommendation/s should meet the relevant award or contract of employment disciplinary provisions.

The interview should take place in a private and confidential environment where there will be no interruptions. The respondent should feel comfortable at all times and, if necessary, breaks should be included during the interview process.

3.3.5 Witnesses

Witnesses cannot be compelled to participate. Witnesses should only be interviewed in circumstances where:

- the investigator does not have enough information and believes witness statements will assist in making a determination; or
- the complainant or respondent is concerned that the investigator does not have enough information to make a determination; or
- the allegation or counter-allegation is serious enough to result in disciplinary action.

It is strongly recommended that the investigator should only interview enough witnesses to make a determination. Ensure the witness/es and the support person are fully aware of and understand their responsibility in relation to confidentiality and the confidentiality agreement, and that potentially the evidence they provide could be referred to in an external legal hearing.

3.3.6 Conducting Interviews with Witnesses

An identified witness should be interviewed privately and he/she will be informed that there will be no reprisals for providing information that may assist with the investigation, and that this information will not be disclosed to either party without his/her permission.

In instances where the witness does not give permission to disclose his/her submission to either party, the investigator will only refer to the information provided in 'general terms'. For example, by using phrases such as "I have spoken to various people about the allegation and it appears there is some evidence to support the complaint" or "other people in the work area confirmed that they have observed the alleged incidents occurring."

In order for the investigator to maintain confidentiality and to not influence the witness, the witness should not be told any more than they already know. It is essential the witness does not discuss the complaint with individuals who are not involved in the complaint resolution procedures.

3.3.7 Determining the Outcome of the Complaint

Following an investigation, coordination of the implementation process of any recommendations arising from the investigation is required. Before determining a final outcome to the complaint, the investigator will review all relevant documentation and evidence. To determine the outcome of the complaint, the investigator should consider two main points:

a) How serious is the allegation?

b) Is there agreement between the complainant and the respondent on the major facts of the allegation? (This does not necessarily require agreement on the interpretation of those facts).

4. REMEDIES TO A FORMAL COMPLAINT

Where discrimination, bullying or sexual harassment behaviour is found to have occurred, a successful outcome to a complaint can be that this behaviour stops and more respectful behaviour is put in place.

4.1 Disciplinary Action

If the investigator assesses the complaint to be of a serious nature, disciplinary action may need to be considered. At this stage, the investigator should forward the recommendations arising from the investigation to the CEO of the College (if the investigator is not the CEO). Disciplinary action and outcomes recommended by the investigator include:

4.1.1 *In relation to a complaint against a Fellow:*

- Censure
- Suspension of Fellowship
- Termination of Fellowship

4.1.2 *In relation to a complaint against a Trainee:*

- Censure
- Suspension from the Training Program
- Termination from the Training Program

4.1.3 *In relation to a complaint against an IMG:*

- Censure
- Withdrawal or suspension of oversight temporarily or permanently
- Advice to the Medical Board of Australia/Medical Council of New Zealand

4.1.4 In relation to a Supervisor of Training, withdrawal of supervision rights.

4.1.5 In relation to a workplace involving training, initiation of a review of the relevant intensive care unit or relevant department .

The CEO will refer the recommendation of the investigation to the appropriate College committee or the Board for endorsement and action.

5. ACTING ON UNSUBSTANTIATED COMPLAINTS

If the complaint is **not** substantiated the following outcomes may be considered:

- both parties to be informed of the finding and the relevant reasons;
- the complainant will be advised that if he/she is unsatisfied with the outcome, he/she can lodge an appeal either internally through the College's appeals process, or externally through the relevant statutory bodies.

6. INTERNAL REVIEW

The *complainant* may invoke the College's appeals policy T-31 *Appeals, Review and Reconsideration Process* to request a review of the investigation process and findings if the complainant is dissatisfied with either the process or the outcome. The *respondent* may request an internal review if they are dissatisfied with the investigation process (not the outcome). It will then be determined if an internal review panel is necessary to assist in either a complainant or respondent's request for an appeal. Members will be appointed to the review panel in accordance with training document T-31.

7. SUMMARY OF PARTIES RIGHTS

RIGHTS OF THE COMPLAINANT	RIGHTS OF THE RESPONDENT
1. To have their complaint treated informally or formally, at their option. 2. To have their complaint investigated and conciliated if requested. 3. To have support or representation throughout the process. 4. To express concerns without fear of retribution or of suffering detriment. 5. To withdraw a complaint. 6. To have the situation remedied. 7. To privacy – to have the matter kept strictly confidential on a “need to know” basis.	1. To be informed of what he/she is accused of and who is making the allegations. 2. To respond to the allegations. 3. To fair treatment and procedures free from prejudgment and discrimination 4. To have support or representation throughout the process. 5. Not to be dismissed unfairly or otherwise treated unfairly, harshly or unreasonably (taking into account all the circumstances). 6. To privacy, with all information of the allegations kept strictly confidential on a “need to know’ basis. 7. To be protected from defamation and malicious complaints.

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