



PREVENTION OF BULLYING & HARASSMENT POLICY

Date approved		Date amended	February 2021	Date of next review	February 2022
Approved by	St Mary Star of the Sea College Board				
Author	Tony Fitzgerald, Principal				
Responsible body	College Board and Committees College Staff				
Supporting documents, procedures and policies	<ul style="list-style-type: none"> ▪ Australian Human Rights Commission ▪ AISNSW Discrimination, Harassment and Bullying Statement for Employees, Contractors and Volunteers ▪ Workplace Bullying: Violence, Harassment and Bullying Factsheet ▪ Lawstuff Australia – Bullying at school ▪ Findlaw Australia – Bullying at school ▪ College Handbook ▪ College Complaints and Grievance Policy ▪ College Pastoral Care Policy ▪ Student Welfare (Wellbeing) Policy ▪ Student Diary 				
Reference and legislation	<p>Commonwealth legislation</p> <ul style="list-style-type: none"> ▪ Disability Discrimination Act 1992 ▪ Human Rights and Equal Opportunity Commission Act 1986 ▪ Racial Discrimination Act 1975 ▪ Racial Hatred Act 1995 ▪ Sex Discrimination Act 1984 <p>NSW State Policies</p> <ul style="list-style-type: none"> ▪ Bullying, Preventing and Responding to Student Bullying in Schools ▪ Children and Young Persons (Care and Protection) Act 1998 <ul style="list-style-type: none"> ▪ National Safe Schools Framework Implementation Manual 				
Audience	Public - accessible to anyone				

CONTENTS

- 1. Purpose of policy3
- 2. Policy Statement (Principles).....3
- 3. Application and scope3
- 4. Definitions4
- 5. Responsibility of the Board8
- 6. Responsibility of College Administration8
- 7. Responsibility of Staff.....8
- 8. Responsibility of Parents and Caregivers9
- 9. Responsibility of Students9
- 10. Reporting Bullying9
- Version control and change history.....11

1. PURPOSE OF POLICY

St Mary Star of the Sea College recognises its duty to students and staff to provide a safe and positive environment where individual differences and diversity within the College are respected, accepted and valued. Behaviours involving bullying, harassment and/or discrimination pose a risk of injury or harm and will not be tolerated. The purpose of this policy is to support the maintenance of a safe environment where everyone is treated with fairness, respect, and dignity in line with the College's values and Code of Conduct.

This policy provides a general guide on:

- providing a safe, secure and accepting environment for all students and staff
- supporting the right of students and staff to feel safe at school
- enabling students and staff to function in an arena of safety, free from bullying and harassment
- providing students and staff with information to assist them to deal with occurrences of bullying and harassment
- assisting parents by offering strategies to support their daughter/s if they are being bullied or harassed.

As a Catholic organisation St Mary Star of the Sea College reserves the right to have regard to a person's suitability to work within the Catholic environment and their ability and willingness to support the teachings of the Catholic Church and Catholic values. It is critical that Catholic organisations can attract and retain staff members who respect the teachings and practices of the Catholic faith.

2. POLICY STATEMENT (PRINCIPLES)

The principles based on Gospel values, and the Benedictine tradition provide for the protection of the rights of students and staff. In the Catholic tradition we believe we are made in the image and likeness of God. This does not mean we are all the same but rather different so as to reflect the infinite attributes of a loving God. These principles reflect a respect for the dignity and value of each person. Procedures have been enacted to protect the rights of students and staff. These procedures are available in the Staff Handbook.

Students, staff and families have a right to:

- have their individual human worth, dignity and privacy respected
- feel proud of their culture, religion and heritage
- feel safe and live life free from abuse, neglect and/or exploitation
- experience a sense of hope for the future
- participate fully in the life of the College community
- have access to quality services, support, guidance and collegiality
- religious freedom and practice.

3. APPLICATION AND SCOPE

This policy applies to students, parents, all staff, teaching and non-teaching permanent, temporary, or casual, Executive members, the Principal, Board Directors and Committee

Members and is to provide the principles to protect the rights of students and staff at the College. This policy informs and guides the practice and development of all procedures to ensure the College is a safe environment in which to grow and learn or work.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related.

This Policy does not form part of any employee's contract of employment. Nor does it form part of any other worker's contract for service.

Who does this apply to?

This statement applies to all employees, contractors and volunteers engaged by the School and applies to behaviour:

- in the workplace, including while working outside normal working hours;
- while undertaking work activities including interaction with parents or other third parties and while working away from the College (eg school trips or sport activities);
- and at work-related events eg conferences and social functions.

What are our obligations?

Everyone at the College has the legal obligation not to discriminate against, or harass for any unlawful reason, or bully for any reason any employee, agent, contract worker, contractor, supplier, parent, student or visitor.

You must always consider how your behaviour will be viewed by the person or people you are dealing with. You might unlawfully harass someone, bully someone or unlawfully discriminate against someone even if you do not mean to do or say anything offensive. It is not a legally acceptable defence to say that you did not mean or intend to humiliate, offend or intimidate somebody else.

It is sometimes difficult to know whether someone will find your behaviour acceptable. What is offensive to one person may not be offensive to another. You should be careful not to risk being misunderstood and, as a result, becoming the subject of a complaint.

Any alleged breach by an employee, if substantiated, of expected standards of behaviour such as bullying, harassment and/or discrimination will be deemed an act of misconduct, constituting a breach of the conditions of employment and may therefore result in appropriate disciplinary measures (including termination of employment).

4. DEFINITIONS

Child: A person under 18 years of age.

Discrimination: Discrimination is treating someone unfairly because of a characteristic they have, or they are assumed to have, that is protected by New South Wales law. These characteristics are:

- disability (includes diseases and illnesses)
- sex (includes pregnancy and breastfeeding)
- race
- age
- marital or domestic status
- homosexuality
- transgender status
- carer's responsibilities.

There are two kinds of discrimination, direct and indirect.

Direct discrimination occurs if a person treats or proposes to treat someone unfavourably due to that person's personal characteristics.

Indirect discrimination can occur when there is a rule or condition that is the same for everyone but in effect disadvantages people from a particular group more than people from other groups. The rule may seem equitable and unbiased at face value. A rule or condition will not be considered discriminatory if it is reasonable in the circumstances.

Harassment: Any verbal, physical or sexual conduct (including gestures) which is:

- unwelcome, uninvited or unreciprocated;
- offensive, humiliating and/or intimidating; and
- is based on a ground of discrimination.

It can include verbal comments or abuse, physical contact, threats, displaying inappropriate and offensive images or documents, stalking, offensive communication, jokes and ridicule, propositions, and inappropriate initiation rites.

Harassment is not always deliberate and can consist of just one act where this is of a serious nature. There is no requirement that the harasser intended to offend or harm for an action to be considered harassment or for the person harassed to inform the harasser that the conduct is unwelcome.

Sexual Harassment: Sexual harassment is a form of harassment on the ground of sex or conduct of a sexual nature such as unwanted sexual advances, unwelcome requests for sexual favours or physical contact, derogatory sexual comments, taunts, intrusive questions, and rumours.

Unlawful sexual harassment includes but is not limited to: pressure or demands for dates or sexual favours; unnecessary familiarity – for example, deliberately brushing against a person or constantly staring at a person; unwanted physical contact – for example, touching or fondling; sexual jokes or innuendo; offensive telephone calls; offensive sexual

gestures; unwelcome comments or questions about a person's sex life; display, circulation of sexual material, including magazines, posters or pictures (including in electronic format); sending email or text messages which contain sexual content or tone; or sexual assault.

It is important to understand that some of these forms of sexual harassment are also criminal behaviour and may be treated as a criminal offence.

Mutual attraction between people is not sexual harassment. Conduct which is welcome or consensual is not unlawful, and friendships (sexual or otherwise) which develop between people who meet at work are a private concern provided they do not impact on the workplace or the College.

However, great care should be taken before engaging in conduct you believe to be welcome. Always remember that some people may not feel comfortable telling you that your behaviour is offending them and is not welcome. This may be because of their personality or may be because they are too worried about the possible impact on their employment if they complain. It is **your** responsibility to ensure that you do not engage in conduct which is not welcome. Similarly, it is your responsibility to tell someone if you do not feel comfortable with their behaviour, or at least to raise the issue with your Manager or Supervisor or some other appropriate person.

You should also remember that even conduct which is welcome may not be appropriate in the workplace. If you are unsure whether conduct is appropriate, you should speak to your KLA Coordinator, the Assistant Principal or the Principal.

Further, any personal friendships that develop should not adversely impact on the College, your responsibilities to do your work or on the performance or productivity of your co-workers.

Bullying:

Repeated and unreasonable behaviour directed towards an individual or group that creates a risk to health and safety or welfare. The behaviour may occur within or outside of St Mary Star of the Sea College premises.

Bullying can be both obvious and subtle. It usually takes the form of less favourable treatment of a person by another or others in the form of repeated conduct or a pattern that:

- insults,
- intimidates,
- threatens,
- undermines,
- offends,
- degrades, or
- humiliates.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- Repeated hurtful remarks or making fun of a person’s work or of them as a person (including family, sex, sexuality, gender identity, race or culture, education, or economic background).
- Constant criticism or criticising people in front of others.
- Excluding or stopping a person from working with people or taking part in activities that relates to their work.
- Intimidation including verbal abuse, swearing, or shouting.
- Over detailed supervision of an employee or unwarranted monitoring of performance.
- Physically pushing, shoving, tripping, grabbing, or threatening a person with any type of object.
- Initiation practices, where a person is made to do humiliating or inappropriate things to be accepted as part of the team or group.
- Abusive or intimidating emails, letters, or other forms of electronic written communication.

Cyber bullying can involve:

- Online fights using electronic messages with angry or vulgar messages.
- Repeatedly sending nasty, mean and insulting messages.
- Posting or sending gossip or rumours about a person to damage his/her reputation or friendships.
- Sharing someone’s secrets or embarrassing information or images online.
- Intentionally and cruelly excluding someone from an online group.
- Repeated, intense harassment and denigration that includes threats or creates significant fear.

What bullying is not:

Staff	Students
Reasonable management action that is carried out in a reasonable way An employer or manager can: <ul style="list-style-type: none"> • Make decisions about poor performance • Take disciplinary action • Direct and control the way work is carried out 	Disagreements where students might have a difference of opinion or an argument is not necessarily bullying. Conflict situations do need to be closely monitored in case they do evolve into bullying. However, disagreements are a part of life and it is important for students to develop skills to deal with such situations in a safe and caring environment.
Differences of opinion or occasional problems in working relationships	Behaviour such as loss of temper, shouting, swearing or mean behaviour do not normally constitute bullying. However, while they may not be bullying, students should feel free to seek support and advice if such situations cause them distress.

Victimisation

Victimisation means subjecting a person to some detriment, for example, ostracising an employee or excluding them from an

opportunity or activity. A person must not be victimised because they have made or propose to make a complaint of unlawful discrimination, harassment or bullying or because they have provided information in relation to a complaint.

Violence

Violence is the intentional use of physical force or power, threatened or actual, against another person that results in psychological harm, injury or in some cases, death.

5. RESPONSIBILITY OF THE BOARD

The Board will provide good governance and leadership by supporting the Principal in his responsibility to provide sound processes that take their origin in the Gospels, Benedictine tradition and Catholic social teaching, recognising that, “Each person is created in the image and likeness of God and has a God given dignity.”

6. RESPONSIBILITY OF THE COLLEGE ADMINISTRATION

Where possible the Principal and leadership team utilise the principle of subsidiarity to ensure the processes developed are appropriate to maintaining the rights and protecting the rights of staff and students at the College.

The Principal and the leadership team will model the values upon which the rights of others are based, among these values are:

- Justice
- Respect
- Collaboration
- Compassion

The basic tenant is a belief in the value of each person and that each person is to be treated with dignity and respect, and working together to resolve the issue will be the strategy used.

The College will treat all complaints seriously and confidentially with the appropriate support and action taken to resolve the offending behaviour.

Victimisation of people making complaints is unlawful and will not be tolerated. This will be dealt with under the St Mary Star of the Sea College Complaints and Grievance Policy.

7. RESPONSIBILITY OF STAFF

The staff has a responsibility to be respectful and inclusive of each other and the students. Further, the staff is to develop an understanding and appreciation of the students and their families and be sensitive to their individual differences and needs.

It is the responsibility of the College to educate students about bullying and harassment at the College and how to both report and seek support should they be victims of bullying or observe bullying of others. Each staff member has a responsibility to:

- Model appropriate behaviour at all times.
- Deal with all reported and observed incidents of bullying in accordance with this policy.
- Ensure that any incident of bullying that they observe or is reported to them, is recorded appropriately.
- Be vigilant in monitoring students who have been identified as either persistent bullies or victims.
- Acknowledge the right of parents/carers to speak with College authorities if they believe their child is being bullied.

Staff should be aware of how to address complaints through the College grievance procedure. Should the need be such that further information is required it may be necessary to make contact with:

- Worksafe NSW
- Australian Human Rights Commission
- The Union ie Independent Education Union
- A qualified legal professional or a community legal service such as Youth Law Australia.

8. RESPONSIBILITY OF PARENTS AND CARERS

Parents should listen to their daughter/s to find out what has happened and who is involved. They need to provide the College with accurate information. Their daughter/s need/s to know the course of actions that parents are taking.

Contact with the College should be as prompt as possible. Feedback to the parent should also be prompt. The College's course of action should be made clear to parents and students. Contact with the College should continue to ensure problems do not continue.

9. RESPONSIBILITY OF STUDENTS

The responsibility of each student is to communicate with parents and teachers and to actively support structures put in place to ensure the rights of the individual.

10. REPORTING BULLYING

STUDENTS AND FAMILIES:

Students and their parents/carers are sometimes reluctant to pursue bullying incidents for fear that it will only make matters worse.

A key part of the College's bullying prevention and intervention strategy is to encourage reporting of bullying incidents as well as providing an assurance to students who experience bullying (and parents/carers) that:

- Bullying is not tolerated within the College
- Their concerns will be taken seriously
- The College has a clear strategy for dealing with bullying issues.

Bullying incidents can be advised to the College verbally or in writing through any of the following avenues:

- Informing a trusted teacher
- Informing the College Counsellor
- Informing a student's House Coordinator
- Informing the Assistant Principal, Dean of Pastoral Care or the Principal.

COLLEGE STAFF:

Any employee who is experiencing discrimination, harassment or bullying or is aware of such behaviour in the workplace, should in the first instance raise this with their Manager or KLA Coordinator. Managers and Coordinators shall refer any matters of concern to the Principal or Director People and Culture.

Where it is not practical or appropriate to discuss a matter with a Manager or Coordinator, a staff member can contact a member of the Executive Team. If a staff member is unsure about any aspect of this Policy, staff can contact the Director People and Culture for guidance.

Complaints and grievances will be dealt with in accordance with the *St Mary Star of the Sea College Complaints and Grievance Policy*.

VERSION CONTROL AND CHANGE HISTORY

Version control	Date effective	Approved by	Amendment
1.0		Board	Initial adoption
2.0	June 2014	Board	Updated with reference to Australian Human Rights Commission documents
3.0	February 2015	Board	Reference and Legislation added. Rewording in Application and Scope. Addition to basic tenant in Point 6.
4.0	February 2017	Board	Review of policy
5.0	October 2018	Board	Review of policy
6.0	October 2019	Board	Review of policy
7.0	November 2020	Board	Review of policy
8.0	February 2021		<p>Reorder of Policy Point 2 and Point 4</p> <p>Revised definitions for Discrimination, Harassment and Bullying</p> <p>Additions to Point 6. Responsibilities</p> <p>Addition to Point 1. Purpose</p> <p>Addition to Point 2. Application and Scope</p> <p>Addition in Point 3. Obligations</p> <p>Separation of Students/Families and Staff in Point 10.</p>