

Anti-Bullying, Anti-Harassment and Anti-Discrimination Policy

Introduction:

Ave Maria College is committed to providing an environment free from all forms of discrimination, victimisation, harassment, bullying and violence, which includes occupational bullying and occupational violence. We value the diversity of our school community and respect the differences between employees, students and all other members of our community, recognizing that each person has individual talents and skills to bring to their work. At Ave Maria College we believe that all employees and students are entitled to work in an environment in which they can enjoy their work and their relationships with their colleagues and fellow students, free from unwanted negative behaviour of any kind.

Formulated by: College Executive and the OHS Committee

This policy is to be read in conjunction with the *Preventing and responding to bullying at work brochure*, Worksafe Victoria, June 2009; and takes into account the *Privacy Act 2000* (Cth), *Human Rights (Sexual Conduct) Act 1994* (Cth); *Anti-discrimination Act 1991* (Cth); *Occupation Health and Safety Act (Vic) 2004*; *Equal Opportunity Act 1995* (Vic); *Racial Discrimination Act 1975* (Cth); *Sex Discrimination Act 1984*(Cth); *Disability Discrimination Act 1992*(Cth) and *Education Standards 2005*; *Fair Work Act 2009* (Cth).

Mission Statement:

We are each created in God's image and we are called to see the good in others. This occurs through fostering relationships imbued with integrity and compassion between all members of the College community.

Scope of this Policy:

This policy applies to all staff, students, parents, governing authorities, contractors, suppliers and visitors, with respect to activities occurring on the College campus and College related activities occurring off-campus.

This Policy does not limit or constrain the College's right to manage the workplace. For example, work assignments, performance reviews, mentoring, work evaluation and disciplinary measures taken by a manager, supervisor or teacher, in good faith and for valid reasons, do not constitute bullying or harassment in the workplace.

These supervisory and management actions must remain respectful of the individual. This Policy will not, under any circumstances, be used to impede the supervisory relationship, nor is it intended to inhibit normal social interaction at the College.

What is Bullying?

Bullying is defined as: repeated unreasonable behaviour directed toward a person, or group of people, that creates a risk to health and safety. It may occur in public or in private.

Bullying may include, but not limited to:

1. Deliberately or repeatedly ignoring someone and unwanted exclusion.
2. Unwelcome physical contact or physical attack.
3. Damaging or interfering with a person's property or equipment.
4. Putting someone down.
5. Verbal abuse or threat.
6. Spreading rumours or innuendo about someone.

Bullying can be carried out verbally, physically or in writing, e.g. via email, internet chat rooms, social media, instant messaging and mobile phone technologies such as text messaging.

Harassment and Discrimination

Discrimination and harassment on the basis of any of the attributes listed below are unlawful

1. Age.
2. Lawful sexual activity.
3. Physical features.
4. Industrial activity.
5. Career status.
6. Disability.
7. Marital status.
8. Parental status.
9. Political belief or activity, pregnancy, race.
10. Religious belief or activity.
11. Sex.
12. Personal association with a person who is identified with reference to any of the above attributes.

What is Harassment?

Harassment is any behaviour that is unwelcome and is based on one of the legislatively proscribed attributes listed above. It will usually be repeated behaviour, but can also consist of a single act.

Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the work environment unpleasant and sometimes even hostile. If a person is being harassed their ability to do their work is affected. They often become stressed and suffer health problems as a result.

Harassment can often be the result of behaviour that is not intended to offend or harm, such as jokes or unwanted attention. The fact that harassment is not intended does not mean that it is not unlawful. The differences between people should be acknowledged and respected – never ridiculed.

Harassment often involves an abuse of power, for example, a person in a position of authority may harass a person over whom they have authority. Abuse of power can also happen when certain groups are in a minority in the workplace and are therefore in a vulnerable position, for example, people from non-English speaking backgrounds.

It does not include lawful behaviour that is mutually acceptable to the parties.

Types of Harassment

There are many types of harassment. These can range from direct forms, such as abuse, threats, name calling and sexual advances; to less direct forms, such as where a hostile work environment is created, but no direct attacks are made on an individual.

Examples of verbal harassment:

1. Sexual comments, advances or propositions.
2. Racist comments or jokes.
3. Spreading rumours.
4. Belittling someone's work or contribution in a meeting.
5. Repeated unwelcome invitations.
6. Obscene telephone calls, unsolicited letters, faxes, E-Mail.

Examples of non-verbal harassment:

1. Putting offensive material on notice boards, computer screen savers, E-mail, etc.
2. Displaying sexist or racist cartoons or literature.

3. Demoting, failing to promote, or transferring someone because they refuse requests for sexual favours.
4. Mimicking someone with a disability.
5. Practical jokes which are unwelcome.
6. Ignoring someone, or being cold or distant with them.

Examples of physical harassment:

1. Unwelcome physical contact, such as kissing, hugging, pinching, patting, touching, brushing up against a person.
2. Hitting, pushing, shoving, or throwing objects at a person.

What is Discrimination?

Discrimination is making unlawful distinctions between individuals and groups on the basis of any of the proscribed attributes listed above. Direct discrimination occurs when a person is denied a benefit or an opportunity on the grounds of any of the proscribed attributes. Indirect discrimination occurs when a policy, rule or practice has a discriminatory effect against a group of people (for example a height requirement may discriminate against women). Discrimination will also occur if it is based on a perception that a person had one of those attributes, even if they don't, in fact, have that attribute.

College Policy Opposes Discrimination/Bullying/Harassment/Violence

It is against Ave Maria College Policy and it is a breach of the law to harass, bully or discriminate against an employee, student or visitor

Discrimination/Bullying/Harassment/Violence will not be tolerated at Ave Maria College. If, after an investigation by an appropriate person, it is found that bullying, discrimination, harassment or violence has taken place, the person responsible will be disciplined. In serious cases, dismissal, expulsion or restraining orders may be the result. Serious cases of harassment involving assault may also constitute a crime.

What to do if you are harassed, bullied or suffer discrimination?

Ave Maria College expects all community members to behave in a professional/appropriate manner and to treat each other with dignity and respect when they are engaged in activities related to the College.

If you feel that you are being harassed, bullied or suffering discrimination, tell the person to stop, that the behaviour is unacceptable and that it must not happen again. It is important to say these things to the harasser as the person might interpret silence as tacit consent. If, however, you are too frightened or embarrassed to say anything, this does not mean that your complaint will not be taken seriously.

If the behaviour does not stop, or even if it does stop but you wish to report it.

It is a good idea to make a written note of any discrimination, bullying or harassment, including details of dates, times, witnesses, what happened, and what you said/felt.

Be frank and open with those who are investigating the complaint about what happened. This will enable appropriate action to be taken.

You can also get advice from your union, or a government agency such as the Equal Opportunity Commission Victoria or from the Catholic Education Office, Melbourne.

Expectations of Community Members

All persons who experience discrimination, bullying or harassment are encouraged to report it. When the matter is reported, it will be seen as a serious matter and will be investigated in a timely manner. The reporting and investigation procedures for dealing with matters covered by this policy are as per the Complaints Handling Procedure which is attached to this policy, a copy of which is in the Staff Handbook on



Ave Space, the Student Planner and on the College website. Community members in positions of leadership and those who hold supervisory positions have responsibility to build an environment free of bullying.

Any difficulty in defining what constitutes bullying or harassing behaviour should not deter anyone from complaining of behaviour, which causes him or her distress. Likewise no one should be deterred from making a complaint under this policy because of embarrassment or fear of intimidation or publicity. The College will respect the sensitivity of all parties involved in complaints under this policy and the consequences of such complaints.

Employees are legally obliged to ensure that they do not discriminate against or harass other employees, students or visitors at Ave Maria College. Students are expected to ensure that they do not discriminate against or harass other students, staff or visitors at Ave Maria College. As a condition of their presence on the school grounds, visitors are expected to ensure that they do not discriminate against or harass other visitors, staff or students at Ave Maria College.

Employees, students and visitors must also ensure that they do not encourage others to do so.

If you become aware that a staff member, student or visitor is being harassed or subjected to discrimination, you can assist them in a number of ways. Tell them that you are willing to act as a witness if they decide to make a complaint. Back them up or support them in saying "no" to the alleged offender. However, it is not your responsibility to say anything to the alleged offender. Remember that if you spread rumours about anyone, you may be subject to a defamation action.

Retaliation Prohibited

This Policy seeks to encourage all members of the College community to address incidents of discrimination, bullying or harassment. Retaliation against members of the College community for reporting or complaining of discrimination, bullying or harassment or enforcing this Policy is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual, or group of individuals, for exercising rights under this Policy, will be subject to appropriate and prompt disciplinary or remedial action.

False Allegations

This Policy should not be used to bring knowingly false or malicious allegations against any member of the College community. Disciplinary action will be taken against any person or group of persons found to have made false allegations or any person is found to have in bad faith encouraged another person or group of persons to make a false allegation.

Where to go for more information

For more information about workplace discrimination and harassment, you can approach the following (some examples):

- Independent Education Union, 120 Clarendon Street, South Melbourne 3205, Telephone (03) 9254 1860
- Equal Opportunity Commission Victoria, 380 Lonsdale Street, Melbourne 3000, Telephone (03) 9281 7111
- Melbourne Archdiocese – the Manager, Student Wellbeing Unit CEO, James Gould House, 228 Victoria Parade, East Melbourne 3002, Telephone (03) 9267 0228
- Worksafe Victoria-Ground Floor, 222 Exhibition Street, Melbourne 3000 Telephone 1800 136 089

This Policy replaces the Anti-Bullying Policy and the Anti-Harassment Anti-Discrimination Policy

Ratified: Board of Governance

Date: 23 October 2012

Complaints Handling Procedure of Ave Maria College

At Ave Maria College we are committed to providing a pleasant environment for all staff, students, parents, governing authorities, contractors, suppliers and visitors. We acknowledge, however, that people can sometimes feel aggrieved about something that is happening at the College which appears to be discriminatory or to constitute bullying or harassment. An employee or student can have a complaint about any decision, behaviour, act or omission (whether by the Principal, members of the College Executive or other staff/students) that he/she feels is discriminatory or constitutes harassment.

The purpose of this document is to provide a procedure by which employees, students and visitors can have such complaints addressed.

If you feel that you are being harassed, bullied or discriminated against, this Complaints Handling Procedure is available to you so your concerns can be addressed.

Key Elements of our Complaints Handling Procedure

The following are the key elements of our Complaints Handling Procedure:

Impartiality: If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

Confidentiality: You can feel secure that if you do make a complaint under this policy, it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint and the Complaints Officers.

No victimisation: You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. The College Executive will ensure that a person who makes a complaint is not victimised in any way.

Timeliness: Each complaint will be finalised within as short a period of time as possible. All complaints should be finalised within one month.

What to do if you have a complaint?

1. Approach the person involved

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. Telling the person will give them a chance to stop or change what they are doing.

2. Go to the Complaints Officers

If you don't feel as if you can approach the person directly, then go and explain the problem to a member of the College Executive as the designated Complaints Officers. Their names are listed at the end of this policy. A Complaints Officer will advise you about what your options are and what will happen if you decide to make a formal complaint. A student may wish to raise the concern with her Year Level Team Leader prior to the matter being referred to a Complaints Officer. No action will be taken in relation to the complaint without your agreement.



What happens next?

Once you have made the complaint to a Complaints Officer, he/she will then consider whether there are any reasons why he/she should not proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for a particular Complaints Officer to deal with your complaint it will, with your consent, be referred to another appropriate person(s) from the College Executive.

A Complaints Officer(s) will then interview you. A person of your choice may be present at the interview in a support role. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way Ave Maria College is dealing with the complaint. A Complaints Officer(s) will then take a written record of the complaint.

A Complaints Officer(s) will then talk to the person about whom the complaint is made to hear that side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g. possible defamation action, initiation of a complaint for harassment).

The Complaints Officer(s) will then tell you what the other people said and discuss what should be done to sort out the problem. You should tell the Complaints Officer(s) what action you would like taken, e.g. a written apology from the person, a written warning, etc.

Review

If the complaint remains unresolved it will be reviewed by the Principal who will make a final decision as to the outcome of the complaint. (Note that this review step will only be possible if the Principal has not been acting as the Complaints Officer).

Possible outcomes

If the complaint is proved, the following are possible outcomes:

- a written apology
- an official warning
- counseling
- disciplinary action
- expulsion
- restraining order; or
- dismissal

If the complaint is unproved (not enough evidence), possible outcomes are:

- relevant training for all staff and/or students
- monitoring of behaviour of employees and/or staff; and/or
- review of visitor procedures

If the complaint is proved not to have happened at all, the following are possible outcomes:

- counseling for the person who made the complaint
- a written apology
- an official warning
- disciplinary action
- expulsion
- restraining order; or
- dismissal



One of the Complaints Officers will make sure that whatever outcome is decided upon actually happens. He/she will also assess the effectiveness of the outcome from time to time.

Appeals

Catholic Education Office - Melbourne – the Manager, Student Wellbeing Unit, James Goold House, 228 Victoria Parade, East Melbourne 3002, Telephone (03) 9267 0228.

If you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you, you may appeal to the Principal (if he/she is not the Complaints Officer in the particular case) or to the person listed above.

The Principal or other designated person will look at the way the complaint was handled and examine the outcome. If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action. If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again.

The appeal will be dealt with by someone other than the person who first handled the complaint.

Go to an external agency

If you are not happy with the way your complaint has been dealt with by the College, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint.

See Ave Maria College's Anti-Bullying, Anti-Harassment, Anti-Discrimination Policy for names and addresses of external agencies.

Complaints Officers

The following people are contact officers whom you can speak to about your complaint:

Mrs Elizabeth Hanney	Principal
Mr Phillip Tascone	Deputy Principal
Mr Patrick Jurd Director	Director of Faith and Religious Education
Mr Michael Horne	Head of School Years 10-12
Ms Joanna Hammer	Head of School Years 7-9

Ratified: February 2006, Reviewed 2008, 2011, 2012
These procedures will be formally reviewed as necessary.