



Policy Number:	COLLEGE 16
Policy Name:	Bullying & Harassment Policy
Contact Officer:	Deputy Principal – Community
Date Approved by Executive:	September 12, 2019
Date of Next Review:	September 2022
Related Policies:	Child Safe Policy Complaints & Concerns Policy Working with Children Policy Social Media Policy OH & S Policy Duty of Care Policy Sexual Harassment Policy

PREAMBLE

God is at the centre of our College...Mercy is the heartbeat of the Gospel. We encourage every student to grow in the fullness of life and realise their potential through the bread we break at school, the bread of relationships and the bread of conversation. Let us engage the heart and bring faith to life and life to faith (Thomas Groome).

LEGISLATION

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in *Ministerial Order No. 1359*. This policy applies to St Joseph's College staff, including employees, volunteers, contractors and clergy.

Further information relating to the Ministerial Order can be found at <https://www.safeguardingservices.com.au/wp-content/uploads/2022/02/Ministerial-Order-1359.pdf>

1. RATIONALE

1.1 As a Catholic College, with Jesus Christ as our role model, bullying and harassment is a violation of our core values of justice, hospitality and community. If the members of our Catholic College community are to be true witnesses, committed to and reflective of the Gospel values, then bullying and harassment of any kind is not to be condoned and is to be actively discouraged.

1.2 Students, staff, family members and visitors have the right to feel safe and valued, and to be treated with dignity and respect. The College is therefore committed to building and nurturing a workplace that is free from bullying. It is important that all staff share a responsibility for upholding professional standards of conduct and for building and nurturing a workplace where bullying does not occur. It is therefore expected that staff will desist from engaging in or condoning such behaviour and practices, and are expected to develop a high standard of courtesy and care for one other.

1.3 It is also expected that staff who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

1.4 As a Child Safe School, St Joseph's College is committed to ensuring that all students, especially indigenous children from multi-cultural backgrounds and children with learning or social disabilities are respected and treated with respect.

1.5 Staff members of St Joseph's College are entitled to a safe workplace, where they are free from sexual harassment (refer to Sexual Harassment Policy) and other forms of bullying or harassment.

2. PRINCIPLES

2.1 The College is committed to building and nurturing a workplace that is free from bullying.

2.2 The College is committed to implementing awareness-raising programs and strategies that heighten student and staff members' understanding of the impact of their behaviour on others and awareness of their rights and responsibilities.

2.3 The College aims to achieve resolution of complaints of perceived or actual incidents of bullying promptly. The College will endeavour to ensure that the offending behaviour stops.

2.4 The College aims to respond to complaints or reports of bullying in a sensitive, confidential, fair/impartial and timely manner.

2.5 The College encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

3. DEFINITION

3.1 Harassment is any verbal, physical or sexual conduct (including gestures) which is uninvited, unwelcome or offensive to a person.

3.2 Bullying is a repetitive attack on someone which causes distress (e.g. embarrassment, discomfort, hurt/pain), not only at the time of the attack but also by the threat of future attacks. Bullying behaviours are about an imbalance of power, where there is a deliberate intent to cause harm or distress by more powerful individuals or groups against those who are seen as less powerful.

3.3 Workplace bullying is defined as being repeated unreasonable behaviour directed at a worker or group of workers that creates a risk to health and safety.

3.4 The nature of bullying behaviour and harassment can be characterised by the following acts:

Verbal: Put downs, name calling, teasing and gossiping, comments of a sexual nature.

Physical: Actual contact (hitting, tripping, pushing, holding, spitting, inappropriate touching or persistent and unwanted eye contact). Interfering with a person(s) property.

Social: Exclusion (isolating, hiding, ignoring).

Psychological: Interference with property of others (hiding, damaging, stealing), extortion (demanding favours or money), threats or intimidation.

Written: Writing about someone, graffiti or sending notes that are derogatory, sexually offensive (including the misuse of e-mail, chatrooms, etc.).

Cyberbullying: Online Harassment: Repeatedly sending offensive messages and/or the posting of nasty, hurtful or sexual comments using electronic means. Online harassment can include repeated threats of harm/intimidation or continual inappropriate comments, pretending to be someone else on a site and/or posting material that makes another person look as if they are participating in cyberbullying. It may also include sending or posting material that is sensitive or embarrassing including forwarding private messages or images, deliberately excluding another from an online group, mailing list or text/chat/MSN type conversation. Inappropriate use of sexual images or material is not acceptable.

Cyberbullying may occur using the following applications: Email, personal websites, chatrooms, social networking sites such as Snapchat, Facebook, and other such sites; video uploading sites such as YouTube; blogs, wikis, SMS, MSN, forums, webcams and phones.

4. INDICATIONS OF BULLYING AND HARASSMENT

4.1 A student or staff member who is being bullied or harassed at St Joseph's College may display some of the following signs and symptoms:

Emotional

- Changes in personality
- Mood swings (e.g. angry outbursts, unexplained crying)
- Disturbed sleep patterns
- Signs of depression and a lower self-esteem
- Psychosomatic complaints (e.g. headaches and stomach aches)

Physical

- Nervous tics and cowed body language
- Changes in eating habits
- Self-harming
- Signs of bruising, cuts, scratches and torn clothing

Social

- Withdrawing from family and friends
- Reluctant to participate in social activities
- Refusal to work or play with certain class members
- Refusal to work or socialise with certain individuals or groups

Behavioural

- Reluctant to attend the College
- Changes in College and or home routines (e.g. deliberately arriving late to school or hanging around after school)
- Truancy
- Unusual misbehaviour in class
- More easily or noticeably distracted in class or in the workplace

Home

- Bullying own family members
- Withdrawn or aggressive behaviours towards family members or friends
- Requesting extra money and 'losing' personal and valuable items

Academic

- Decrease in output of class/home work
- Decline in academic grades/marks for students; decline in professional behaviours for staff

5. WHAT IS NOT BULLYING - EMPLOYEE

5.1 Many things occur in the workplace that are not considered to be bullying. Reasonable management action carried out in a fair way is not bullying. For example:

- Setting reasonable performance goals, standards and deadlines;
- Allocating work to a worker in a transparent and appropriate way;
- Fairly rostering and allocating working hours;
- Transferring a worker for reasonable and explained reasons;
- Deciding not to select a worker for promotion following a reasonable selection process; or
- Informing a worker about unsatisfactory work performance.

NOTE: Serious cases of bullying may constitute a criminal offence. Bullying is also against the College OH & S Policy as it can create an unsafe work environment.

6. PROCEDURE FOR RESOLVING COMPLAINTS - STUDENTS

6.1 What should I do if I feel that I'm being bullied/cyber bullied or harassed?

- a) Take clear and assertive action in the first instance;
- b) Tell the person that their behaviour offends you. They may not realise this;
- c) Tell the person to stop;
- d) Tell or contact your Homeroom Teacher/House Leader or ask a trusted person to do so. The House-Leader/Senior staff will investigate the matter. The College Counsellor/Wellbeing Team will also be informed.

6.2 Student Investigation processes may involve:

- a) Interviews – Speaking directly with the offending student about their behaviour or actions;
- b) Consulting with Homeroom Teacher/House Leader/Senior Staff Member about the offending behavioural and appropriate action to take;
- c) Behavioural Tracking;
- d) Notification to parents/guardians;
- e) Counselling;
- f) Notification to Police or advice to inform Police or other relevant agencies;
- g) The initiation of restorative processes to enable an opportunity for the affected relationship to be restored;
- h) Appropriate action taken in relation to the person performing the acts of bullying and harassment that may include suspension and parent involvement in interviews and action plans resulting from the bullying behaviours.

7. PROCEDURE FOR RESOLVING COMPLAINTS – STAFF/VOLUNTEERS

7.1 A complaint can be resolved using informal resolution processes and/or formal resolution processes. The approach taken should reflect the seriousness of the matter.

7.2 The employer should endeavour to commence investigations into the complaint (whether informal or formal processes are being followed) within two working days of the receipt of the complaint.

7.2.1 For the purposes of this complaint resolution process:

- A person who makes a complaint is a Complainant; and
- A person about whose actions or behaviour a complaint relates, is a Respondent.

7.3 The outcome of the complaint will be communicated to both the Complainant and Respondent.

8. INFORMAL RESOLUTION PROCESS – STAFF/VOLUNTEER

8.1 The informal options open to a Complainant to attempt to resolve a complaint include:

8.1.1 Speaking directly with the Respondent

In the first instance, if the Complainant feels comfortable about speaking directly with the Respondent, this may be the quickest and easiest way of resolving the matter. The Complainant should address the issue with the Respondent in unambiguous terms and in plain language.

8.1.2 Consulting with a St Joseph's College Position of Leadership

If the Complainant does not feel comfortable about approaching the Respondent directly (this may be the case particularly where the Respondent is in a position of authority), the Complainant may prefer to seek the assistance of a Position of Leadership. A Contact Officer can provide information and support to the Complainant and/or Respondent regarding bullying issues, including options for

resolving the matter. Contact Officers do not take any action on behalf of the staff member such as approaching the Respondent or conducting mediation.

8.1.3 Reporting the matter to a member of the College Executive Team

The Complainant may report the matter to a member of the College Executive Team who can assist with exploring resolution strategies. This may include suggesting that the Complainant speak directly with the Respondent.

8.1.4 Where appropriate, and in consultation with the Complainant, the member of the College Executive Team may approach the Respondent and talk to them informally about the matter.

8.2 Other informal resolution options which may also be considered at this stage include:

- Facilitated discussion;
- Mediation; and
- Entering into mutual agreements on workplace practices.

9. REFERRAL TO FORMAL INVESTIGATION – STAFF/VOLUNTEER

9.1 At the end of the informal process, a matter raised is sufficiently serious such that a formal investigation is warranted, then the College reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal or external investigation (see below).

10. FORMAL RESOLUTION PROCESS – STAFF/VOLUNTEER

10.1 Lodging a Formal Complaint

A formal complaint can be made by a Complainant to the Principal or member of College Executive. The complaint should be in writing and set out the details of the specific allegations including dates, times, locations, what happened, what was said, witnesses (if any), and steps already taken to attempt to resolve the matter. Wherever possible, it should be supported by relevant documentation. Note that a complaint may not be pursued if it relates to events that occurred more than 12 months ago.

10.2 Initial response

Following receipt of a formal complaint, the Principal or member of College Executive will meet with the Complainant to discuss the complaint. This will involve canvassing options for resolution which may include informal resolution processes. In the event that the complaint is to be dealt with formally, the Complainant will be informed of:

- How the complaint will be investigated (e.g. interviews, viewing documents);
- The expected timeframe for any investigation;
- Who can be present at investigation interviews;
- What support is available for persons involved in the process;
- The interim measures, if any, that will be implemented to ensure the health, safety and welfare of any person pending the resolution of the complaint; and
- If the complaint raises issues which place the College under a legal obligation to report the matter to law enforcement agencies.

10.3 Formal Internal Investigation

Where appropriate, a formal investigation may be conducted into a complaint. A staff member will be appointed to conduct the investigation. The Investigating Officer is someone who is independent and will conduct the investigation impartially. The Investigating Officer will:

- Interview the parties involved, and witnesses if any;
- Review relevant evidence, such as emails and other documentary evidence; and
- Report on whether or not the complaint is substantiated.

10.4 Investigation Outcomes and Action to be Taken

If a complaint is substantiated, appropriate action, will be taken which may include:

- An apology;
- Changes to work practices;
- Disciplinary action, including dismissal;
- An undertaking that the behaviour will not be repeated;
- Reversal of an action or decision or substitution of a different action or decision; and/or
- Training.

10.4.1 Assistance may also be offered to a Complainant or other persons involved which may include:

- Counselling;
- Redressing any inequality resulting from the action or decision the subject of the complaint;
- Mentoring and support.

10.4.2 If an investigation is inconclusive (i.e. a complaint cannot be proved due to a lack of evidence) further action may nevertheless be taken which may include counselling, mediation, changed working arrangements and/or conducting training for employees on relevant policies.

10.5 Formal Complaint – External

A Complainant may choose to seek assistance or information at any time during the process from statutory support agencies in Victoria. Information and contact details for the support agencies are outlined in Appendix 2. Each agency will have specific requirements for lodging a complaint and will have varied investigation procedures.

10.5.1 In dealing with complaints, the College may seek external advice and assistance from professional mediators, investigators, external agencies and any other appropriate persons.

11. CONFIDENTIALITY

11.1 Students, Staff and/or Volunteers involved in a complaint of bullying or its investigation, must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution, either informally or formally, as detailed above for students and staff/volunteers.

11.2 The use of Social Media to disclose, discuss or convey in any way shape or form, anything relating to the complaint (Informal or Formal) is strictly prohibited during or after these processes. Such actions may constitute bullying or harassment in which a new complaint may arise.

12. VEXATIOUS CLAIMS

12.1 The College will not deal with complaints under this policy that:

- Are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter;
- Do not have sufficient detail so as to allow investigation or resolution of the matter;
- Taken at their highest, do not constitute bullying as defined by this policy.

12.2 Where a Complainant makes frivolous, vexatious or malicious claims against a Respondent, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution, then depending on the circumstances, disciplinary action may be taken against a Complainant.

13. NOTE FROM THE AUSTRALIAN GOVERNMENT CHILDREN'S E-SAFETY COMMISSIONER:



Australian Government
Children's eSafety Commissioner

The Office of the Children's eSafety Commissioner - resolving complaints with schools

What information we will give you?

When we notify a complaint to a school principal, we may provide information about:

- a) the name of the student who is the target of the cyberbullying
- b) a summary of the cyberbullying material
- c) suggested options to help resolve the complaint in accordance with your school policies
- d) action taken by us to date with respect to the complaint.

We will also advise you of any conditions that apply to the use of the information supplied by us (see below).

What actions should schools take?

If we notify you about a cyberbullying complaint concerning students in your school, you can help resolve the complaint by undertaking to do the following (to the extent you are capable of doing so):

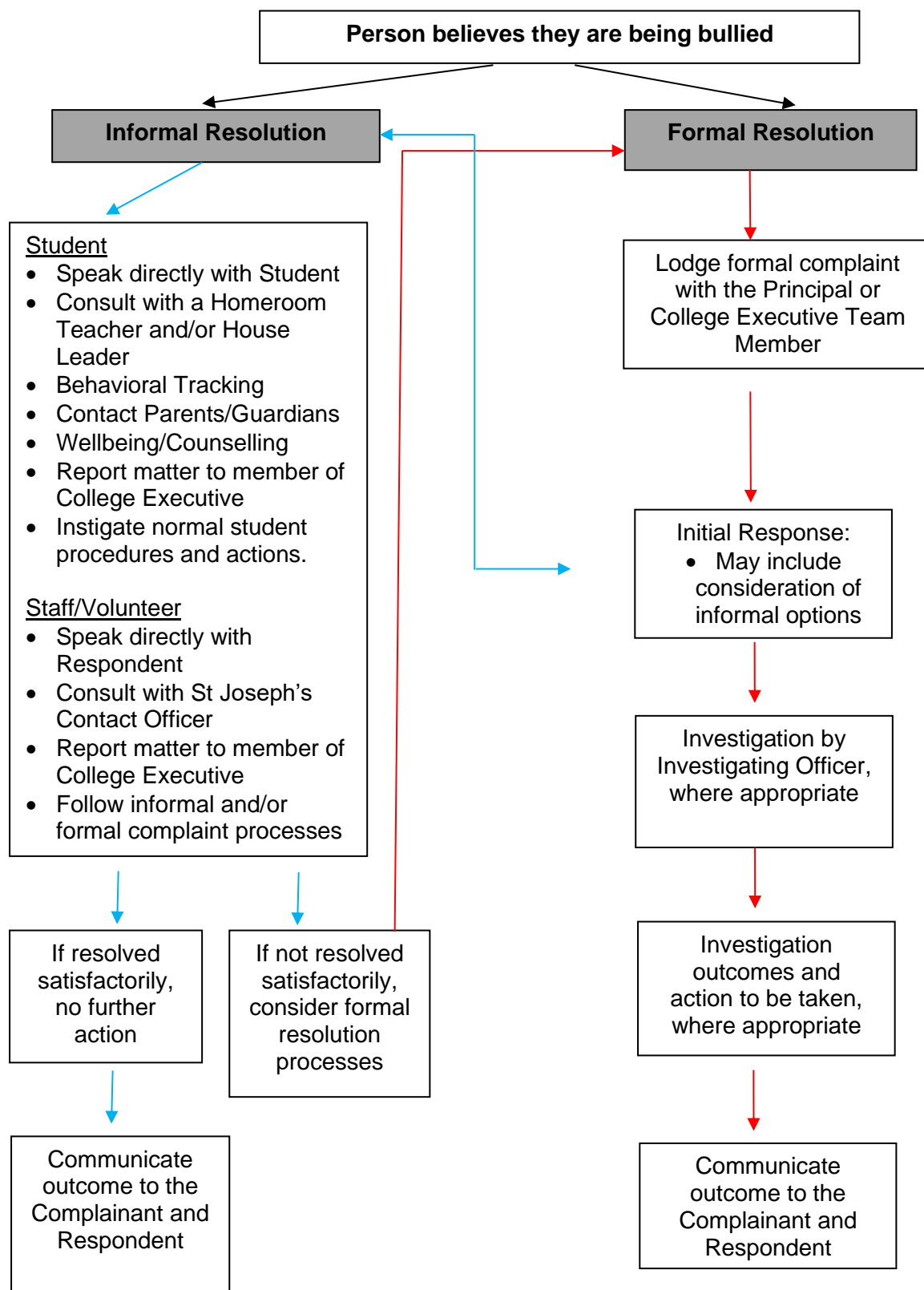
- a) acknowledge receipt of the notification within 24 hours to an email address provided by us
- b) inform us of the types of actions the school proposes to take and the time period for that action to be taken by email within 5 working days of the notification
- c) meet any conditions placed on information that has been disclosed
- d) inform us of the outcomes of the action you have taken within 3 weeks from receipt of the notification
- e) talk to us if you feel that you are unable to resolve the complaint and/or that you have a serious concern that the bullying will continue so we can discuss any further assistance we may be able to provide.

Disclosure of information - conditions

When we disclose information to you, amongst other things we may ask you to:

1. Only discuss the information with the students involved and—with the students' consent—their parents or guardians.
2. Only disclose the information to third parties with the consent of the affected students or as required by law.
3. Comply with applicable privacy laws and policies in relation to the personal information disclosed.

APPENDIX 1: COMPLAINTS PROCEDURE FLOWCHART



APPENDIX 2: SUPPORT AGENCIES

Work Safe Victoria

Ground Floor, 222 Exhibition Street, Melbourne, Vic, 3000

Work Safe Victoria is a statutory body set up to, amongst other things, enforce Victoria's occupational health and safety laws and assist injured workers back into the workforce.

Phone 1800 136 089

Website www.worksafe.vic.gov.au

Fair Work Commission

Level 4, 11 Exhibition Street, Melbourne, Vic, 3000

Fair Work Commission is a statutory body set up to deal with various workplace matters, and now includes a jurisdiction to deal with complaints of bullying.

Phone (03) 8661 7777

Website www.fwc.gov.au