# BULLYING AND HARASSMENT POLICY

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<th>Policy Classification</th>
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<tr>
<td><strong>Policy Number:</strong> 09/2014</td>
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<tr>
<td><strong>Date of Origin:</strong> 2014</td>
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<tr>
<td><strong>Modification History:</strong></td>
</tr>
<tr>
<td><strong>Date of most recent review:</strong></td>
</tr>
<tr>
<td>February 2016</td>
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<td><strong>By Whom &amp; Position:</strong></td>
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<td>Mr Bob Munday, Assistant Principal, Pastoral Care</td>
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<tr>
<td><strong>Commencement Date:</strong> 2014</td>
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<tr>
<td><strong>Policy Audience:</strong> Public Domain</td>
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<tr>
<td><strong>Policy Status:</strong> Current</td>
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<tr>
<td><strong>Policy Review Date:</strong> February 2018</td>
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**Policy Approval:** This policy was approved by the Senior Leadership Team February 2016

This policy supersedes all previous policies relating to matters contained herein.
1. **Rationale**

1.1 Staff at Oakhill College are called to share in a special way in the mission of the Church. Church documents emphasise the need for well-educated and dedicated staff in Catholic schools, whose contribution to the life of a Catholic school gives witness to the values of the Gospel and the mission of the Church. The work of school leaders, teachers and support staff requires a sophisticated array of knowledge, skills and attributes, which, in the face of constant and rapid social, economic, technological and educational change, requires continual enhancement.

1.2 The College considers that harassment of any kind is unacceptable. The College also believes that all students and staff are entitled to study and work in an environment which is free from harassment of any kind.

1.3 The College is committed to providing a safe and productive teaching, learning, research and work environment in which the diversity of individuals within the College community is recognised and respected.

The legislative base for this policy is as follows:

- NSW Anti-Discrimination Act 1977
- NSW Disability Services Act 1993
- Sex Discrimination Act 1984 (Cth).
- Racial Discrimination Act 1975 (Cth).
- Workplace Relations Act 1996 (Cth).

1.4 This policy applies to all staff at Oakhill College.

2. **Policy Purpose**

2.1 This policy covers conduct that takes place at the College, as well as conduct that occurs in the course of any College endorsed activity.

3. **What is bullying and harassment**

3.1 Harassment in the teaching, learning, research or workplace environment includes a wide range of deliberate and unintentional behaviours which may humiliate, intimidate or offend and which are unwelcome and uninvited.

3.2 It includes behaviour which may be written, verbal, non-verbal or physical (including transmission of inappropriate electronic communications and display of inappropriate material from the internet) and is of a sexual nature or is based on:

- Race, where race includes colour, nationality and ethnic or national origin;
- Sex;
- Sexual orientation, lawful sexual activity or gender identity;
- Marital status;
- Parental status, pregnancy or breastfeeding;
- Physical features;
Impairment or disability including, for example, total or partial loss of body function or body part, mental or psychological disorder, disease, malformation or disfigurement;
- Age;
- Religious belief or activity;
- Status as a carer;
- Membership of a trade union or other industrial employee organisation;
- Political belief or activity or industrial activity;
- Personal association with someone who has, or is assumed to have, one of these personal characteristics.

3.3 Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the College environment unpleasant and sometimes even hostile. If a person is being harassed, their ability to study and to work effectively is affected.

4. What if I offend someone unintentionally?
4.1 What one person sees as reasonable behaviour can be seen differently by the person being harassed and by others at the College. The fact that harassment is not intended does not mean that it does not contravene this policy or that it is not unlawful.

5. What Should I Do If I Am Being Harassed at the College?
5.1 Do not ignore harassment, thinking it will go away. Ignoring the behaviour could be interpreted as tacit approval by the person causing the harassment. Harassment is not tolerated at the College. If you reasonably feel that you are being harassed, and you feel comfortable doing so, tell the person to stop, or make it clear that you find the behaviour offensive or unwelcome. If you do not feel comfortable speaking to the person directly, 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 raise a complaint, you should follow the steps outlined in the College’s Harassment Complaint Procedure as soon as possible after the incident or incidents have occurred.

5.2 Am I Allowed To Tell Anyone About My Complaint?
If you wish to raise a complaint and feel the need to tell a trusted friend or colleague about your complaint, you should be careful. Accusations of harassment can harm the reputation of those involved and could, ultimately, lead to an action for defamation. Treat the situation as confidential.
If your complaint is subsequently investigated in accordance with the steps outlined in the Harassment Complaint Procedure, it is even more important to ensure it remains confidential. There may be consequences (including disciplinary action) if there is a breach of confidentiality during the investigation process by any of the parties involved. If you feel you need to talk to a friend or family member about your complaint during the investigation stage, you should first discuss this with the investigators looking into your complaint.

6. Is there someone I can talk to if I am not sure what to do?
6.1 You should make an appointment to meet with the Academic Head in the first instance. Where that is not possible, contact should be made with the Deputy Principal’s Office for people with complaints of harassment at the College, and they are available to give advice and support in relation to harassment issues at the College.

The Academic Head and or Deputy Principal will, when made aware of any bullying or harassment;
- listen empathetically to your complaint and try to relieve any initial distress you may be feeling;
• suggest and explore options for resolving your complaint and possible outcomes;
• support and assist you to resolve the complaint informally; and
• support you and, if you wish, accompany you if you decide to raise a formal complaint.

6.2 The Academic Head / Deputy Principal will not determine the outcome of complaints. Investigation of complaints will be conducted by the Principal or his delegated Officer, who are senior members of the Leadership Team, or their respective delegates, in accordance with the Harassment Complaint Procedure. Designated investigators can delegate their investigatory role to any person either within or outside the College, provided they have prior written agreement from the College Solicitor.

The Academic Head / Deputy Principal will talk to you about your options and the process involved in resolving a complaint informally or formally. This will be done on a confidential basis. The person to whom you report your complaint, and any other person who subsequently may be made aware of your complaint will treat as confidential the information disclosed. Nothing will be done in relation to your complaint without your agreement, unless inaction may result in a breach of the law or the College's legal obligations to a third party (eg, an insurer).

7. Whom should I talk to if I have questions about this policy?

You should contact the Deputy Principal with questions about this policy.
Annexure
Who Is Covered By This Harassment Complaint Procedure?

This Harassment Complaints Procedure applies to:

- present students, enrolled at Oakhill College Australia (the College);
- past students, wishing to make a complaint and who were enrolled at the College at the time of the conduct which is the subject of the complaint;
- present staff of the College and other members of the College, including:
  - persons employed by the College;
  - persons engaged under a contract for services;
  - persons engaged wholly or partly on a commission basis;
  - persons appointed to a statutory office;
  - members of the College Board, Committee or other body established by or constituted under the College Statutes and Regulations;
  - persons who are volunteering their services to the College; and
  - visiting teaching or research staff and Academic Associates appointed under the College Statutes and Regulations.
- past staff and past members of the College wishing to make a complaint, and who were employed or engaged at the College at the time of the conduct which is the subject of the complaint;
- persons applying to become students, staff or other members of the College; and
- members of the public wishing to make a complaint, where their complaint arises as a result of contact with any of the above members of the College, either on the College grounds or in the course of a College endorsed activity.

This procedure covers conduct that takes place at the College as well as conduct that occurs in the course of any College endorsed activity.

What Sort Of Complaints Should Be Raised Under This Procedure?

Your complaint might be about any deliberate or unintentional behaviours or actions (whether by a staff member of the College, a member of the College community or a student of the College) that may humiliate, intimidate or offend and which you feel is in breach of the College Harassment Policy or this procedure.

What Can I Do If I Have a Complaint?

There are five steps in the College's Harassment Complaint Procedure:
Step 1 - Characterise Your Complaint

The best course of action for resolving your complaint will depend on the nature of that complaint. You should consider the nature of your complaint and the conduct that has affected you before moving ahead with the next step in the Harassment Procedure. If you are unsure whether conduct is in breach of the Harassment Policy or if you need assistance to characterise your complaint, you should contact the Academic Head or Deputy Principal whose role is described below.

Use common sense. If you have a genuine concern, then you should certainly talk to someone about it. You will not be blamed for speaking out or for failing to let the College know earlier.

You should be careful to make sure your understanding of the situation is not based on hearsay, gossip or rumour. Complaints against a person can be damaging, so it is important that you are as sure of your facts as possible.

Step 2 - Consider Resolving The Complaint Yourself

You may be able to resolve the situation yourself by identifying some action that may help. If your complaint is about a person's behaviour, you should consider telling the person that it is not acceptable and/or offensive or hurtful. Sometimes people behave inappropriately without realising it or considering the repercussions. Telling the person will give them a chance to stop or change what they are doing.

Step 3 - Report Your Complaint

If you are unable to, or it is inappropriate to resolve the complaint yourself, then explain the problem to your Academic Head or Deputy Principal. They have been trained to be the first point of contact and support for people with complaints about harassment.

The Academic Head / Deputy Principal will:

- listen empathetically to your concerns and try to relieve any initial distress you may be feeling;
- suggest and explore options for resolving your complaint and identify possible outcomes;
- support and assist you to resolve the complaint informally; and
- support you and, if you wish, accompany you if you decide to lodge a formal complaint.

However, the Academic Head / Deputy will not investigate or determine the outcome of complaints.

The Academic Head / Deputy Principal will talk to you about your options including resolving the complaint informally or making a formal complaint, and the process involved in lodging a formal complaint. This will be done on a confidential basis. The person to whom you report your complaint, and any other person who subsequently may be made aware of your complaint, will treat as confidential the information disclosed. Nothing will be done in relation to your complaint without your agreement, unless inaction might result in a breach of the law or the College's legal obligations to a third party (eg an insurer). They will also provide a report of the outcome of your contact with them to the Principal.

Step 4 - Resolving Your Complaint Informally

If you have not been able to resolve your complaint yourself (Step 2), it may be possible to have it resolved informally. Harassment Contact Officers can talk with you about a range of options for informal resolution. These may include the Harassment Contact Officer arranging a discussion between you and the other person or involving other relevant staff in the resolution process. The aim is to come to a resolution of the complaint as quickly as possible through having you and the other person agree on a way to resolve the complaint. This process will not involve an investigation of the complaint. If, however, the complaint is not able to be resolved informally, you can lodge a formal complaint, seeking an investigation.
Step 5 - Lodge a Formal Complaint

A formal complaint may be lodged with the Academic Head or any of the following:

- the relevant Assistant Principal
- the Chair of The College Board
- The Principal

If you lodge a complaint with the Academic Head / Deputy Principal, or one of those listed above, then he or she will report your complaint to the College Solicitor, who will appoint an appropriate investigator. The College Solicitor will notify the Principal that a formal complaint has been lodged.

Investigation of complaints will be conducted by designated investigators, who are senior members of the Leadership Team. The designated investigators may delegate their investigatory role to another appropriate person either within or outside the College, provided they have the prior written agreement of the College Solicitor.

At this stage, a designated investigator (or his or her respective delegate) will decide whether it is appropriate to deal with your complaint under this procedure. If the investigator considers that your complaint should be dealt with under this procedure, the steps set out below will be followed. If the complaint is not to be dealt with under this procedure, you will be notified accordingly.

In dealing with your complaint, one or more of the investigators (or their respective delegates) will set up a meeting to talk through your concerns. You may bring along a support person to that meeting and any future meetings if you feel that would help you.

During your interview, the investigator will want to identify any people relevant to your complaint, discuss any evidence that exists, and may seek your views as to what you would like done to resolve your complaint expeditiously (e.g., an apology from the person, a written warning etc). The investigator will also explain what will happen if the complaint is found to be supported or not supported.

A more formal investigation will then be conducted by one or more of the investigators or their respective delegates. The choice of investigators will be determined by the nature and the seriousness of the allegations raised. The investigators will take all reasonable steps to ensure the investigation is fair and unbiased. This means that:

- any person who is affected by the investigation will be given the opportunity to reply to the allegations and evidence made against them;
- the investigators will obtain specialist advice on matters outside their knowledge or expertise; and
- investigations will be carried out as quickly as reasonably practicable and with a degree of confidentiality consistent with the seriousness of the allegations raised.

The investigators will transfer the records of all interviews conducted and all records reviewed that affect the outcome of the investigation to the College’s Solicitor.

What Happens to me During the Resolution of my Complaint?

The College understands that there might be personal implications for a person who raises a complaint under this Harassment Complaint Procedure. The College is committed to minimising such implications. In addition to any support you receive from a Harassment Contact Officer, staff members can also access the College's Employment Assistance Program and students can speak with a student counsellor.

The College forbids any student, staff member or member of the College community from acting in a way that penalises or victimises a person who raises a complaint that falls within the scope of this Harassment Complaint Procedure. Failure to abide by this element of the Harassment Complaint Procedure may result in disciplinary action under the College Student Discipline Legislation, the Union Collective Agreement for
Am I Allowed to Tell Anyone About My Complaint?

You may feel the need to tell a trusted friend, family member or colleague about your complaint, but you should be careful and always treat the situation as confidential. If you lodge a formal complaint (Stage 5) then the importance of confidentiality in this process is paramount. You must not discuss the subject matter of an investigation or the fact that an investigation is underway. If you feel you need to talk to a friend or family member about your complaint during the investigation stage, you should first discuss this with the investigators looking into your complaint.

At the initial interview and during the investigation stage, all parties involved will be warned of the consequences if there is a breach of confidentiality. These consequences include disciplinary action under the College Student Discipline Legislation (Statute and Regulation 6.1), the Union Collective Agreement for Academic and General Staff 2006-2008, the College’s Australian Workplace Agreements or in accordance with the College’s disciplinary procedures for TAFE teachers.

Can I Raise a Complaint Anonymously?

Yes, anonymous complaints may be made to the Manager of Equity and Equal Opportunity, although you are encouraged to disclose your identity to this person who will keep your identity confidential.

However, there are significant limits on the College’s ability to act on or investigate anonymous complaints. For example, if an anonymous complaint leaves out key facts or information then the College might be unable to pursue investigation without taking the risk that other people may realise a complaint has been raised and discover who has made it. There is also the inherent difficulty in resolving disputes about factual matters when the other person has not had a fair chance to debate the point with the complainant.

If your complaint does not involve conduct affecting you, you can make a complaint on the basis that your identity is disclosed to the Manager, Equity and Equal Opportunity and any person investigating your complaint, but not disclosed to the person against whom the complaint is made. The College will do what it reasonably can to preserve your anonymity in such a case (but you will appreciate that sometimes this is not always practicable if the source of the complaint is fairly obvious).

On receipt of an anonymous complaint, the Manager of Equity and Equal Opportunity will consider appropriate actions and may refer the complaint to the College Solicitor to pass on to an appropriate investigator.

What Happens If a Formal Complaint is Made Against Me?

If a formal complaint is made against you, you will be contacted by an investigator. You can seek support and advice from a Harassment Contact Officer; however, it must not be the Harassment Contact Officer who is providing support to the person making the complaint. In addition to any support you receive from a Harassment Contact Officer, staff members can access the College’s Employment Assistance Program and students can speak with a student counsellor.

Throughout the investigation period, you will be treated fairly and will be accorded natural justice. The same obligation of confidentiality to which the complainant is subject, will also apply to you (see Section 5).
**What Happens Once The Investigation of a Formal Complaint Has Been Completed?**

After the investigators have completed the investigation, they will provide a report to the Vice-Chancellor. If the complaint has been made against the Vice-Chancellor, the investigators will report to the Chancellor. The Chancellor will also stand in the place of the Vice-Chancellor if he or she acts as an investigator.

Within 10 working days of receiving the investigators' report, the Vice-Chancellor will consider recommendations in the report and adopt any recommended outcome that he or she considers is appropriate. The Vice-Chancellor will contact all of the parties to the complaint about the outcome of the investigation and provide details of any steps that need to be taken as result of the investigation. A report reflecting the outcome of the complaint will also be provided to the Manager, Equity and Equal Opportunity for record keeping and reporting purposes.

The Vice-Chancellor's decision is the final step in this Harassment Procedure and cannot be appealed.

**What Are The Possible Outcomes of Raising a Formal Complaint?**

If your complaint proves to be well-founded, the following are possible outcomes (in relation to the person about whom you complain):

- a written apology;
- counselling;
- an official warning;
- steps such as changes in a person's employment duties, appropriate training, monitoring behaviour or implementing a revised study program;
- disciplinary action under the College Student Discipline Policy;
- referral to relevant regulatory bodies and authorities.

If there is not enough evidence to support your complaint, or if the evidence gathered conflicts and that conflict cannot be reconciled, the following are possible outcomes:

- no further action;
- appropriate training for relevant persons;
- monitoring of behaviour of relevant persons;
- steps such as changes in a person's employment duties or a revised study program.

If your complaint is unfounded (i.e., the subject of your complaint is not proven) there may be no further action taken. If, however, your complaint was unfounded and not made in good faith, the following are possible outcomes (for you):

- a written apology by you;
- counselling;
- an official warning;
- appropriate training;
- disciplinary action under the College Student Discipline Legislation, referral to relevant regulatory bodies and authorities.

**General Reporting by the Principal or their Delegate.**

The Principal is required to report to the College Board annually on the number and types of complaints reported. The Principal or their Delegate may also make general proposals to improve the compliance culture of the College and the operation of this Harassment Complaint Procedure.
Who Should I Talk To If I Have ANY Questions About This Harassment Procedure?

You should contact the Deputy Principal.