

POLICY 5 ANTI-BULLYING, HARASSMENT AND DISCRIMINATION POLICY (STAFF & VISITORS)

The daily life of the College will be permeated with the values of Jesus Christ and the teachings of the Catholic Church. Special links will be maintained with the Sisters of Our Lady of the Missions as the College Founders and their special charism reinforced in the College.

1.0 Introduction

Sacred Heart Girls College (SHGC) is committed to providing a safe, inclusive, and equitable environment for staff, students and visitors. SHGC celebrates difference, challenges prejudice and seeks to ensure fairness. SHGC's staff and students are its greatest asset and every member of the school community should be respected and valued for their unique perspectives and contributions.

SHGC's Vision is to *Ignite the Passion: inspiring young women to change the world* through the virtues of Faith, Hope, and Justice. In accordance with this vision and these virtues, SHGC is committed to providing an environment where everyone is valued and treated with respect, and where bullying, harassment, and discrimination are unacceptable.

SHGC regards instances of bullying, harassment, and/or discrimination seriously.

2.0 Purpose

- to foster a positive culture for working, learning and studying which supports a diverse and collegial community with respect for the rights of others.
- to promote an inclusive environment where individuals are treated with dignity and respect, free from bullying, harassment and discrimination.
- to ensure complains of bullying, harassment and discrimination are taken seriously and dealt with promptly and with due sensitivity.
- to establish a framework for raising, investigating, addressing and resolving concerns or complaints about individual or group behaviour.

3.0 Scope

This policy applies to all employees of SHGC (including members of its board and proprietors board), including contractors, visitors, and volunteers, and applies to the SHGC workplace, which can include locations beyond the school's campus, such as training and conference venues, work functions, camps, sporting events, and at church.

This policy can also apply outside of the workplace and outside of work hours if the conduct in question occurs within (or could affect or impact) the employment relationship, for example, communicating in an inappropriate manner via social media. This policy does not apply to students/learners at SHGC, who instead will be covered by a separate policy.

4.0 Definitions

4.1 **Bullying is** repeated and unreasonable behaviour that is targeted toward an individual or group and that can cause harm, including cyberbullying. Repeated behaviour is persistent (occurs more than once) and can involve a range of actions over time. Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable, including victimising, humiliating, intimidating, or threatening a person.

Bullying is not one-off or occasional instances of forgetfulness, rudeness, or tactlessness; setting high performance standards; providing constructive feedback (including constructive criticism) and legitimate advice or peer review; requiring reasonable verbal or written work instructions to be carried out; performance or disciplinary processes in line with SHGC's other policies and processes; a single incident of unreasonable behaviour; reasonable management actions delivered in a reasonable way; and differences of opinion or personality clashes that do not escalate into bullying, harassment, or violence.

4.2 **Cyberbullying is** the use of electronic communication to bully, victimise, humiliate, intimidate, or threaten a person or group of people.

4.3 **Discrimination is** the unfair or prejudicial treatment of people or groups based on characteristics such as race, gender, age, or sexual orientation. All staff are protected from unlawful discrimination in their employment in accordance with the Human Rights Act 1993. Discrimination can also include, but is not limited to, the following: disability, political opinion, religious and/or ethical beliefs, involvement in a union, and individuals affected by violence.

4.4 **Harassment is** unreasonable or unwelcome conduct that is offensive, humiliating or intimidating to any person and is either repeated, or of such significant nature that it has a detrimental effect on the person, their performance, or their work environment.

4.5 **Senior staff member** means any member of SHGC's senior leadership team (including: principal and deputy principal/s) and any designated leader of learning.

4.6 **Sexual harassment is** unwelcome conduct of a sexual nature that could be offensive, humiliating or intimidating to any other person and is either repeated, or of such a significant nature, that it has a detrimental effect on the person, their performance, or their work environment. This includes requests for sexual activity of any sort that contains an overt or implied promise of preferential treatment or overt threat of detrimental treatment. It is unlawful to sexually harass another person even if there was no intention to harass the person.

5.0 Policy

5.1 Every person has a responsibility to ensure they:

- (a) do not bully, harass, or discriminate against any other person or group of people.
- (b) discourage any form of harassment, bullying, or discrimination by making it clear such behaviour is unacceptable.
- (c) support any other person who reports being bullied, harassed or discriminated against.

5.2 Every senior staff member has a responsibility to ensure:

- (a) they contribute to creating an environment free from bullying, harassment and discrimination.
- (b) all staff reporting to them are familiar with, and understand, their obligations under this policy.
- (c) they treat complaints seriously and take prompt steps to resolve any complaints made under this policy.
- (d) they protect and support the right of members of the SHGC community to resolve concerns and complaints.

6.0 Procedures

6.1 Confidential process:

- (a) information regarding breaches of this policy will be treated in confidence and in accordance with the requirements of the Privacy Act 2020.
- (b) information generally should not be disclosed without the complainant's consent, unless it involves serious wrongdoing or involves a senior staff member.
- (c) in some situations, information can be disclosed without the complainant's consent, however the complainant's feedback must be considered before any disclosure occurs.
- (d) confidentiality will not prevent SHGC from using or disclosing any information to commence or defend any legal proceedings or make submissions in relation to any enquiry or complaint, or refer any matter to enforcement agencies, including Police.
- (e) confidentiality does not mean secrecy. SHGC will disclose information to people it believes need to be aware of it.

6.2 Self resolution or informal resolution:

- (a) an individual can consider approaching the person or people involved to resolve any concerns informally.
- (b) informal resolution can involve direct discussions, written communications, facilitated meetings (including mediations and conciliations), or other processes the parties agree to
- (c) informal resolution is a voluntary process for the parties involved. No-one can be compelled to engage in informal resolution.
- (d) if an individual's concerns or complaint cannot be resolved informally for any reason, they can choose to make a formal complaint in accordance with the relevant policy.

6.3 Formal complaint:

- (a) formal complaints can be made in writing at any time. However, SHGC encourages individuals making formal complaints to do so promptly and without delay.
- (b) formal complaints must be dealt with by the appropriate senior staff member, generally the complainant's direct report or supervisor, unless that is inappropriate for any reason. Where the complaint involves a senior staff member, another senior staff member and/or member of SGHC's board must deal with the complaint, taking into account the need to avoid conflicts of interest.
- (c) the procedure for making a formal complaint is set out in Appendix 2 of *Policy 7 Staff Complaints Policy (Complaints Policy)*. However, in the event of any conflict between the Complaints Policy and this policy, then this policy applies.
- (d) the parties to a formal complaint (including the complainant and any respondent) are entitled to natural justice, which includes the provision of any relevant information.
- (e) a senior staff member dealing with a formal complaint must ensure:
 - (i) The SHGC principal and/or board are made aware of the formal complaint.
 - (ii) The complainant and any respondents are kept updated about decisions concerning the formal complaint.
 - (iii) The complainant is aware their identity along with the formal complaint will be disclosed to any respondents.
 - (iv) The outcome of the formal complaint is communicated to the complainant and any respondent, taking into account any rights to privacy.

6.4 Investigations:

- (a) SHGC may appoint an investigator in respect of any formal complaint. The investigator's role is to investigate the formal complaint in accordance with best practice and to make findings of fact, but not to determine any disciplinary outcome.
- (b) The investigator may be from within SHGC or may be an external (third) party.

6.5 Managing conflicts of interest:

- (a) The senior staff member dealing with any formal complaint must not have a conflict of interest. A **conflict of interest** exists where the responsibilities of the person in question are, or could be, affected by some other personal, financial or academic interest or duty.
- (b) Actual or potential conflicts of interest must be identified and appropriately managed.

6.6 Vexatious complaints:

- (a) SHGC acknowledges that formal complaints of bullying, harassment and/or discrimination are serious matters which can potentially damage an individual's reputation. Intentionally false allegations that are found to be of a frivolous or vexatious nature will be viewed seriously and may result in SHGC taking disciplinary action against the complainant.

7.0 Guidelines

Bullying

- 7.1 Some examples of repeated, persistent behaviour that may constitute bullying include (but are not limited to):
- continually making jokes or demeaning remarks about a person, or making more remarks about one member of a team compared to other members
 - verbal abuse, swearing, or name calling
 - excluding or isolating individuals
 - intimidation
 - deliberately ignoring someone
 - assigning meaningless tasks unrelated to a person's role
 - deliberately changing rosters to inconvenience particular people
 - repeatedly demonstrating a clear bias and preferential treatment of one employee over an equally qualified other
 - deliberately ignoring routine email requests, or neglecting to involve a person in a staff event likely to be seen as a normal feature of working life
 - abuse of supervisory or managerial responsibility, and or
 - unrealistic and persistent expectations that a person provide extra support above and beyond what has been agreed in their employment agreement.
- 7.2 SHGC also recognises that it is important people can have honest and respectful conversations, which can include differences of opinion. Examples of behaviours that are not bullying include:
- robust intellectual debate
 - evaluative critical comments in the context of an assessment
 - constructive feedback
 - performance management and other disciplinary action in accordance with the applicable policies and procedures
 - setting high performance standards or expectations and discussing performance assessments
 - day-to-day management, and/or
 - a single incident of unreasonable behaviour.

Harassment

- 7.3 Some examples of harassment may include (but are not limited to):
- unwanted physical contact
 - offensive comments, including insults, jokes or gestures, open hostility, verbal or physical threats
 - insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating and/or demeaning criticism
 - spreading malicious rumours
 - putting up pictures of someone on social media without their consent
 - attacks on the privacy of the individual
 - persistently shouting at, insulting, threatening, disparaging or intimidating an individual
 - persistently overloading an individual with work they cannot reasonably be expected to complete

- posting offensive comments on social media
- isolation from normal work, conversations, or social events, and/or
- ridiculing someone's weight or body shape.

7.4 Sexual harassment may involve, for example:

- sexual assault
- requests for sexual favours or sexual advances
- leering, wolf-whistles, obscene gestures, jokes or innuendo
- inappropriate comments about a person's sexual orientation or gender identity
- displays of sexually offensive material, such as emails, posters, pictures, graffiti, screen savers or text messages
- suggestive or sexual jokes, suggestive behaviour, telephone calls
- uninvited touching, hugging or kissing or other forms of physical contact
- inappropriate invasion of a person's personal space
- persistent and unwelcome contact after being asked to desist
- deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history, and/or
- threatening to disclose, or disclosing, a person's sexuality or gender identity to others without their permission.

Informal complaints

7.5 Generally speaking, SHGC will encourage parties to resolve concerns informally. Informal resolution could involve direct discussions between the parties, including through facilitated meetings (i.e., mediation or conciliation). An informal process is not disciplinary in nature, although a record of it may be retained by SHGC so that repeated behaviour can be addressed. Informal options for resolution include (but are not limited to):

- reporting concerns to a colleague or senior staff member for their support and guidance around resolution
- the complainant engaging in direct discussions with any responding parties, with or without a support person present
- a senior staff member raising the complainant's concerns with any responding parties, and discussing those concerns (including any agreed resolution) with those parties before reporting back to the complainant, and/or
- 'without prejudice' (off the record) discussions, entered into by the complainant and any responding parties by agreement.

Raising and dealing with a formal complaint

7.6 The procedure for making a formal complaint is set out in Appendix 2 of *Policy 7 Staff Complaints Policy* (Complaints Policy). A formal complaint should be in writing. Specific allegations should include dates, times, how the situation has impacted on the complainant, the names of any witnesses, and a description of any attempts at informal resolution. Formal complaints should be handled by a senior staff member that is not conflicted. If appropriate, the senior staff member should advise the SHGC principal and/or board of the formal complaint and acknowledge receipt of the formal complaint. The senior staff member should provide the formal complaint, along with any supporting information, to any responding parties, along with advice that the formal complaint will be investigated as well as information on that investigation, including the date and time of any investigation meeting/s. Advice and

support should be offered to both the complainant and any responding parties. Any adverse findings of fact should be put to the complainant and/or responding parties for their comment before being finalised.

REVIEW:

This policy will be reviewed by the board.

Review schedule: Bi-annually
Review due next: October 2025

Approved by the Board at the meeting held on 25th October 2022



Presiding Member