

411 Bullying, Harassment and Discrimination Policy

Purpose

1. All students, staff, clients, contractors, and stakeholders of Community College Gippsland (CCG) are entitled to work in an environment free from bullying, harassment or discrimination of any kind. The purpose of this policy is to provide guidance on the processes in place to assist all people should this type of behaviour be identified.

Policy

1. CCG is committed to providing a healthy working environment and so far as is reasonably practicable to take action to stop or prevent instances of bullying and violence.
2. Any acts of bullying including Cyber-bullying, discrimination, harassment or violence by employees or students in breach of this policy and procedure may result in disciplinary action, including termination of employment or students removed from CCG's courses.
3. CCG expects all staff and all students to treat others with respect, courtesy and consideration, and respect the views of others including different beliefs, cultures and religions.
4. CCG is a Child Safe organisation that is committed to the cultural safety of Aboriginal students, the cultural safety of students from a culturally and/or linguistically diverse backgrounds, and to providing a safe environment for students with a disability.
5. CCG has zero tolerance for Child Abuse including Grooming. All allegations and safety concerns will be treated very seriously and consistently with our policies and procedures.
6. Staff and students who experience bullying/ harassing behaviours are encouraged to report it.
7. Any complaints of harassment will be taken extremely seriously and thoroughly investigated in accordance with the Complaints and Appeals Policy.

Scope

8. This policy applies to all students, staff, clients, and stakeholders of CCG at all times.
9. This policy does not apply to reasonable management actions taken in performance management of a staff member or disciplinary actions taken in accordance with CCG's policies and procedures.

Definitions

Bullying: is repeated unreasonable behaviour which occurs on or off CCG premises and is directed towards a member of staff or student, or group of staff or students, that creates a risk to health and safety, either physically or psychologically, or their property, reputation, or social acceptance. Types of bullying include direct physical bullying, direct verbal bullying, indirect bullying and cyberbullying.

Direct physical bullying includes: punching, kicking, pushing and interfering with or damaging property.

Direct verbal bullying includes: threatening, verbal abuse, shouting, teasing;

Indirect bullying includes:

spreading malicious rumours; deliberately excluding someone from relevant workplace activities or functions; victimising someone because that person has made a complaint, is proposing to make a complaint, has helped someone else make a complaint and / or is acting or acted as a witness to a complaint; mimicking.

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Cyberbullying includes:

behaviour that constitutes direct and indirect bullying, using digital technologies such as a mobile phone or over the internet on social networking sites such as Facebook or Twitter. For conduct to constitute bullying, there does not have to be any intention to cause harm or discomfort. All employees should therefore consider how their conduct could be perceived by others, even in circumstances where they think their behaviour is acceptable.

Bullying is not:

setting performance standards and deadlines; allocating work; informing a worker about inappropriate behaviour; performance management; and/or requiring compliance with CCG's policies.

Child Abuse:

Child abuse includes any act committed against a person under the age of 18 years who are legally deemed children involving:

- a sexual offence
- a grooming offence; or
- the infliction on a child of physical violence, serious emotional or psychological harm or serious neglect.

Discrimination:

Unlawful workplace discrimination occurs when an employer takes adverse action against a person who is an employee or prospective employee because of the following attributes of the person: race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

Grooming:

Grooming is when a person engages in predatory conduct to prepare a child for sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

Online Grooming:

Online grooming is a criminal offence and occurs when an adult uses electronic communication (including social media) in a predatory fashion to try to lower a child's inhibitions, or heighten their curiosity regarding sex, with the aim of eventually meeting them in person for the purposes of sexual activity.

Harassment:

is any unwelcome or unreciprocated behaviour that is reasonably likely in all circumstances to offend, insult, humiliate, or humiliate another person. Any behaviour that includes a sexual component is referred to as **sexual harassment**.

Repeated: refers to the persistent nature of the behaviour and is considered so if an established pattern can be identified.

Risk: to health and safety includes the risk to the physical or mental health of a person

Unreasonable:

is behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, threaten, degrade, offend, or intimidate another person.

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Violence:

is force directed towards a person or group that is damaging, destructive, injurious, harmful or hurtful. Violence can be a one-off incident or repeated force that can be physical, verbal or sexual

Principles

10. CCG will be guided by the underlying principles of natural justice in applying this policy:
 - a. Any allegation of bullying/harassment/discrimination will be investigated promptly
 - b. The person who is alleged to have committed the incident will be presumed innocent until the allegations are proven
 - c. The allegation must be put to the person alleged to have committed the incident
 - d. The person alleged to have committed the incident must be provided the opportunity to explain their version of events
 - e. If any complaint is substantiated, the disciplinary action must be commensurate with the seriousness of the matter.
11. Harassment based on gender, race, ethnic or national origin, religious or ethical belief, political affiliation, academic or administrative status, age, physical ability, sexual orientation or other grounds is unacceptable.
12. Harassment can arise from jokes or innuendo; the public display of offensive material (including for example, posters, flyers, graffiti or computer screen savers); offensive questions, comments, abuse or gestures; offensive physical contact or physical assault; and bullying.
13. Sexual harassment and Child Abuse is unlawful. It can arise from sexually oriented jokes or innuendo; the public display of offensive material (including, for example, posters, flyers, graffiti or computer screen savers); unnecessary physical contact, offensive gestures, or inappropriate inquiries into the private life of another person; persistently and inappropriately inviting out another person, particularly a subordinate or student; requesting or demanding sexual favours; and physical sexual assault. Such behaviour is considered sexual harassment when it is unwelcome and/or offensive to the recipient, and is repeated or of such a significant nature that it has a detrimental effect on the recipient's ability to study or engage in his/her normal work activities.
14. Sexual harassment is most serious when it includes any of the following:
 - An implied or expressed promise or benefit for complying with a sexually oriented request; or
 - An implied or expressed threat of detriment, or the actual causing of detriment, because a person has made, or indicated an intention to make, a complaint of sexual harassment, or has in any way objected to sexually oriented behaviour;
 - Actual physical assault or rape.
15. Social interaction or relationships freely entered into do not in themselves constitute sexual harassment.
16. Providing guidance, conducting performance counselling, invoking unsatisfactory performance procedures or misconduct procedures do not constitute bullying. Managers and teachers are expected to offer constructive advice and comment, allocate duties, and assign work as part of their role. They are, however, also expected to do this in a way that does not demean or humiliate.

Responsibilities

CEO, Head of School, Directors, Program Leaders and Managers:

17. Are responsible for ensuring that their staff are aware of and comply with the requirements of this policy and the relevant legislation.
18. Will provide leadership and model appropriate behaviour commensurate with good practice and to be proactive in creating a supportive and respectful work and learning culture.
19. Are expected to be alert to the possibility of bullying and harassment and monitor key indicators such as workplace culture factors, high absenteeism and high staff turnover.
20. Accept their additional responsibility for creating a safe and positive work environment.

Employees

21. All employees are responsible for ensuring compliance with this policy and maintaining acceptable standards of conduct at all times.
22. All employees must abide by this policy and take steps to prevent instances of bullying and violence occurring.
23. Employees must not, in any circumstances, bully or be violent towards colleagues, visitors, students or any other person dealt with in the course of their employment at CCG.
24. An employee who believes that they are being bullied or are the victim of violence or have witnessed another individual being bullied or be the victim of violence, are encouraged to report the bullying or violence to the Management team
25. An employee should feel confident that all reports of bullying will be taken seriously and will be dealt with thoroughly and professionally as is outlined in the Complaints and Appeals Policy and Procedures.
26. Employees also have a responsibility in the event that a student reports an incident of bullying or violence, the report will be escalated to the appropriate Manager, Program Leader, Head of School or Director who will commence an investigation.

Relationships

Internal: Information Privacy Policy, Occupational Health and Safety Policy, Code of Conduct Policies and Disciplinary Procedures, Child Safe Policy, Child Safe Reporting Policy and Procedures, Complaints and Appeals Policy and Procedures

External:

Fair Work Act (2009), Health and Safety Act (2012), Occupational Health and Safety Act (Vic) (2004), Equal Opportunity Act (Vic) 1995), Human rights and Equal Opportunity Commission Act (1986), Age Discrimination Act (2004), Disability Discrimination Act (1992) Amendments (2002) (2009), Racial Discrimination Act (1975), Sex Discrimination Act (1984) amendment (1991), Racial and Religious Tolerance Act (2001), Disability Services Act (1986), Education and Training Reform Act (2006), Children, Youth and Families Act 2005 (Vic), Education and Training Reform Act 2006 (Vic), Education and Training Reform Regulations 2007 (Vic), Children's Services Act 1996 (Vic), Children's Services Regulations 2009 (Vic), Charter of Human Rights and Responsibilities Act 2006 (Vic), Information Privacy Act 2000 (Vic), Health Records Act 2001 (Vic)