

# 411 Bullying, Harassment & Discrimination

## Purpose

1. All students, staff, clients, students, contractors, volunteers, and stakeholders of Community College Gippsland (CCG) incorporating ECG College, 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

2. 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.
3. Any acts of bullying including cyber-bullying, discrimination, harassment or violence by employees, volunteers, 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.
4. CCG expects all staff, volunteers, and all students to treat others with respect, courtesy and consideration, and respect the views of others including different beliefs, genders, cultures and religions.
5. CCG is a Child Safe organisation that is committed to the cultural safety of students from a culturally and/or linguistically diverse backgrounds, and to providing a safe environment for students with a disability.
6. 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.
7. Staff, volunteers, and students who experience bullying, harassing or discrimination behaviours are encouraged to report it.
8. Any complaints will be taken extremely seriously and thoroughly investigated in accordance with the Complaints and Appeals Policy.

## Scope

9. This policy applies to all students, staff, volunteers, clients, and stakeholders of CCG at all times.
10. 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.

Document ID:	411 Bullying, Harassment and Discrimination Policy			No. of pages:	1 of 7
TOID:	4181	School no:	2062	Previous revision:	Aug 2022
Revision no.:	6	Revision date:	May 2024	Next revision:	May 2026

## Definitions

11. **Bullying:** is repeated unreasonable behaviour which occurs on or off CCG premises and is directed towards a member of staff, volunteer or student, or group of, 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.
12. **Direct physical bullying includes:** punching, kicking, pushing, slapping, spitting, hand gestures, touching in unwanted and inappropriate ways and interfering with or damaging personal property.
13. **Direct verbal bullying includes:** threatening, verbal abuse, shouting, teasing, name calling, insults, intimidation, homophobic or racist remarks, taunting and threatening to cause harm;
14. **Indirect bullying includes:** lying or spreading malicious rumors; mimicking; deliberately excluding someone from activities or functions; telling others not to be friends with someone; embarrassing someone in public; damaging someone's social situation or relationship; victimising someone because that person has made/ proposed or helped someone else make a complaint or is acting or acted as a witness to a complaint.
15. **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. Posting/sending hurtful emails or posts, images, or videos, making online threats, Intimidating others online or using their login, deliberately excluding others online, spreading nasty rumours and gossip.
16. **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.
17. **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.
18. **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, culture, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, or social origin.
19. **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.
20. **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.
21. **Harassment:** 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.

Document ID:	411 Bullying, Harassment and Discrimination Policy			No. of pages:	2 of 7
TOID:	4181	School no:	2062	Previous revision:	Aug 2022
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22. **Repeated:** refers to the persistent nature of the behaviour and is considered so if an established pattern can be identified.
23. **Risk:** to health and safety includes the risk to the physical or mental health of a person.
24. **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.
25. **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

26. CCG will be guided by the underlying principles of natural justice in applying this policy:
- Any allegation of bullying/harassment/discrimination will be investigated promptly
  - The person who is alleged to have committed the incident will be presumed innocent until the allegations are proven
  - The allegation must be put to the person alleged to have committed the incident
  - The person alleged to have committed the incident must be provided the opportunity to explain their version of events
  - If any complaint is substantiated, the disciplinary action must be commensurate with the seriousness of the matter.
27. Bullying, harassment, or discrimination 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.
28. Bullying, harassment, or discrimination 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.
29. Sexual harassment and Child Abuse is unlawful and 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.
30. 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.

Document ID:	411 Bullying, Harassment and Discrimination Policy			No. of pages:	3 of 7
TOID:	4181	School no.:	2062	Previous revision:	Aug 2022
Revision no.:	6	Revision date:	May 2024	Next revision:	May 2026

31. Sexual Harassment involving a minor may require reference to the Child Safety & Wellbeing Policy and Procedure and the Child Safety Responding and Reporting Policy and Procedure.
32. Social interaction or relationships freely entered do not in themselves constitute sexual harassment.
33. 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, Principal, Directors and Managers

34. Are responsible for ensuring that their staff are aware of and comply with the requirements of this policy and the relevant legislation.
35. 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.
36. 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.
37. Accept their additional responsibility for creating a safe and positive work environment.
38. Take any incident brought to them seriously and apply the process of the Complaints and Appeals Policy with the support of People and Culture or Senior Management Team where necessary.
39. Ensure that parties are aware of the complaint handling process outlined in the Complaints and Appeals Policy and the step within are complied with.

### Employees and Volunteers

40. All employees and volunteers are responsible for ensuring cooperation and maintenance of a bullying, harassment, and discrimination-free workplace by complying with this policy and maintaining acceptable standards of conduct at all times.
41. All employees and volunteers must abide by this policy and take steps to prevent instances of bullying and violence occurring.
42. Employees and volunteers 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.
43. An employee or volunteer 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 a member of the Management team
44. An employee or volunteer are required to report incidence of bullying, harassment or discrimination. These reports will be taken seriously and will be dealt with thoroughly and professionally as is outlined in the Complaints and Appeals Policy and Procedures.
45. Employees and volunteers 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, Principal or Director who will commence an investigation.

Document ID:	411 Bullying, Harassment and Discrimination Policy			No. of pages:	4 of 7
TOID:	4181	School no:	2062	Previous revision:	Aug 2022
Revision no.:	6	Revision date:	May 2024	Next revision:	May 2026

46. An employee or volunteer who provide or access information relating to any incident are responsible for ensuring confidentiality of the information is maintained.
47. Violation of the Policy may result in disciplinary action to be taken.

## Relationships

### Internal

- Information Privacy Policy
- Occupational Health and Safety Policy
- Code of Conduct Policies and Disciplinary Procedures
- Child Safe Policy
- Child Safe 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) (2015)
- Equal Opportunity Act (Vic) 2010)
- Human rights and Equal Opportunity Commission Act (1986)
- Age Discrimination Act (2004)
- Disability Discrimination Act (2010)
- Racial Discrimination Act (2001)
- Sex Discrimination Act (1984) amendment (1991)
- Racial and Religious Tolerance Act (2001)
- Disability Services Act (2006)
- Disability Amendment Act 2017
- Disability Regulations 2018
- Education and Training Reform Act 2006 (Vic) and Education and Training Reform Regulations 2017
- Children, Youth and Families Act 2005 (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)
- Privacy and Data Protection Act 2014 (Vic)
- Victorian Information Privacy Act (2009)

Document ID:	411 Bullying, Harassment and Discrimination Policy			No. of pages:	5 of 7
TOID:	4181	School no:	2062	Previous revision:	Aug 2022
Revision no.:	6	Revision date:	May 2024	Next revision:	May 2026

## Heading 2

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Document ID:	411 Bullying, Harassment and Discrimination Policy			No. of pages:	6 of 7
TOID:	4181	School no:	2062	Previous revision:	Aug 2022
Revision no.:	6	Revision date:	May 2024	Next revision:	May 2026

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Document ID:	411 Bullying, Harassment and Discrimination Policy	No. of pages:	7 of 7		
TOID:	4181	School no:	2062	Previous revision:	Aug 2022
Revision no.:	6	Revision date:	May 2024	Next revision:	May 2026