

ANTI – BULLYING & HARASSMENT POLICY AND PROCEDURE

Approving authority	Executive Management Team
Purpose	To provide a fair and supportive environment free from all forms of bullying and harassment, that promotes personal respect and respect for others, as well as providing physical and emotional safety for all.
Responsible Officer	Principal
Associated documents	Position Descriptions Anti-Discrimination policy and procedure Diversity and Equity policy and procedure

1. RATIONALE

Ozford College (“Ozford”) is a community. Communities are built on respect for oneself and others. As a College, Ozford is committed to ensuring that its staff members, students and visitors are equally valued and treated with respect and to provide an environment which maximise the educational opportunities and outcomes for all students.

Bullying and harassment in any form or manner are unacceptable. This behaviour breaches the proper and professional conduct. Ozford has a responsibility to provide a free bullying and harassment environment in both the teaching and learning sectors and encourages staff and students to develop such attitudes and skills to ensure that everyone is equally valued and treated with respect.

Unlawful harassment may relate to any of the characteristics covered by Equal Opportunity Legislation. Ozford expects all staff members or students who experience bullying to report it. When bullying is reported it will be seen as a serious matter and will be investigated in a timely manner. Allegations of bullying will be investigated in accordance with our procedures. Where necessary, a formal investigation will be undertaken and disciplinary action may result.

all staff members and students have a responsibility to comply with this policy and treat everyone who works with or studies with the College with dignity and respect.

It is important to note that it is irrelevant whether or not the inappropriate behaviour was intended. In Victoria, co-staff can be named as sole respondents in cases of alleged sexual harassment. It is important to understand that it is the person subjected to the behaviour who determines whether the behaviour is welcome or unwelcome.

Everyone has a right not to be bullied or harassed at work at the College. The College will take action if violence, harassment or bullying are happening on campus. Unlawful harassment may relate to any of the characteristics covered by Equal Opportunity Legislation. The College expects all staff members or students who experience bullying or harassment to report it.

It is important to note that it is irrelevant whether or not the inappropriate behaviour was intended. In Victoria, co-staff can be named as sole respondents in cases of alleged sexual harassment. It is important to understand that it is the person subjected to the behaviour who determines whether the behaviour is welcome or unwelcome. The College recognises that comments and behaviour that do not offend one person may offend another. The College accepts that individuals may react differently and expects this right to be generally accepted. The College will refer serious matters of harassment and/or bullying to relevant authorities.

2. SCOPE

This policy applies to all staff and students:

- full time, part time, casual, permanent or temporary;
- contract or commission workers;
- volunteers, vocational and work experience placements;
- full time and part time students.

It applies to staff in all their work-related interactions with each other, and with customers, contacts or clients. It applies to staff while in the workplace or off site, at work-related functions (including social functions and celebrations), while on trips and attending conferences.

3. POLICY

DEFINITIONS

Bullying is any repeated behaviour that is unreasonable and inappropriate directed toward a staff member, or a group of staff members, or student that creates a risk to health and safety. Examples of behaviour that could be bullying include, but are not limited to:

- excluding someone from workplace/learning activities;
- giving someone the majority of unpleasant tasks;
- verbal abuse;
- humiliating someone through sarcasm or insults;
- intimidation;
- initiation practices;
- sabotaging someone's work;
- "practical jokes".

Cyberbullying is bullying that's done by means of technology - for example, using the internet or a mobile phone to hurt, harass or embarrass someone.

Harassment is a type of discrimination and can take many forms. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or cause offence.

Harassment may be seen to have occurred if the behaviour makes the victim feel:

- offended and humiliated
- intimidated or frightened; or
- uncomfortable at work

It is also important to note that inappropriate personal behaviour outside the attributes listed above can lead to breaches of the organisation's duty of care provisions under Occupational Health and Safety Legislation, e.g., persistent bullying.

Sexual harassment occurs when a person makes an unwelcome sexual advance or an unwelcome request for sexual favours, directed at another person, or in the presence of another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person.

Sexual harassment has nothing to do with mutual attraction or private consenting friendships, whether sexual or otherwise. Examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings
- Leering, patting, pinching, touching or unnecessary familiarity
- Offensive comments on physical appearance, dress or private life
- The public display of pornography
- Unwanted comments about a person's sexual activities.

The College has a legal obligation to provide safe study and work environments for all students and staff, free from all forms of bullying (including cyberbullying) harassment, discrimination and victimisation.

All at the College have a responsibility to provide teaching and learning environments that are free from bullying(including cyber bullying) and harassment, and that encourages staff and students to develop attitudes and skills to ensure that everyone is equally valued and all are treated with respect.

When bullying is reported it will be seen as a serious matter and will be investigated in a timely manner. Allegations of bullying will be investigated in accordance with our procedures. Where necessary, a formal investigation will be undertaken and disciplinary action may result.

The Academic Dean and all staff members and students have a responsibility to comply with this policy and treat everyone who works with or studies with the College with dignity and respect.

It is the responsibility of the relevant manager to ensure that:

- professional standards of behaviour apply at all times;
- staff/students who wish to make enquiries or complaints are supported and assisted in a professional and fully informed manner;
- all complaints are treated impartially, confidentially, seriously and sympathetically;
- all parties are protected and given fair treatment throughout the process;
- appropriate action is taken whenever bullying or harassment has been substantiated;
- disciplinary action is taken against anyone found to have harassed another staff member.

4. PROCEDURE

The College will take all reasonable steps to prevent or minimise unlawful Discrimination, Bullying, Harassment, Victimisation and Vilification against staff or students in the workplace and learning environment. All staff are expected, when carrying out their duties, to show respect towards all persons.

Managers have responsibility to:

- take reasonably practicable steps to ensure that their workplace or learning environment both on-campus and online, is free from Discrimination, Bullying and Harassment;
- providing training or advice to staff to eliminate Discrimination, Bullying and Harassment and develop cross-cultural awareness and sensitivity among professional and academic staff and students;
- encourage due recognition to the history and experiences of the Aboriginal and Torres Strait Islander Peoples of Australia and other ethnic groups;
- inform staff or students who experience Discrimination, Bullying and Harassment of their rights and provide them with the appropriate policy and procedures to resolve their concerns;
- ensure that staff or students who make a Complaint are not victimised for doing so and respect their privacy and confidentiality at all times;
- maintain a confidential database of complaints.

Complaint Procedures

All forms of bullying and harassment are not to be tolerated. Any person who had encountered these behaviour at Oxford is to, in the first instance, ask the bully/harasser to cease such behaviour preferably in the presence of a representative or friend. The request to the offender can also be communicated in writing, outlining therein the reason(s) you feel the behaviour displayed by the perpetrator is offensive and the impact of such upon you.

- Oxford's complaints and appeals policy procedures will be undertaken in the investigation and resolution of any such matters.
- All claims of bullying and harassment in any form or manner will be taken up seriously and treated with utmost confidentiality basis, thoroughly documented and thereafter promptly and constructively addressed by the Head of Department.
- If the behaviour continues, then the staff and students are encouraged to report the incident to the Head of Department with any documentary evidence that include dates, times and places (if available). This evidentiary documentation will be significant in the investigation and resolution upon the submission of a formal written Complaint.

- The Head of Departments are responsible for addressing the behaviour of the alleged perpetrator and to provide all necessary support for the victim at Ozford.
- Bullying and harassment behaviour will attract consequences consistent with the Ozford's Student Code of Conduct and the Ozford's Staff Code of Conduct.

Disciplinary Measures

Students who breach the policy will be subject to disciplinary action. These include:

- a verbal warning;
- extra duties;
- time limited withdrawal of privileges;
- time limited withdrawal from class;
- detentions;
- placed on conduct card;
- written warning;
- suspension/exclusion from Ozford; and
- Permanent expulsion/referral to the relevant authority for serious breach/breaches of law.

Ozford's staff members are advised to take the following into consideration when implementing disciplinary measures to ensure procedural fairness:

- nature of the behaviour;
- student age;
- circumstances surrounding the breach or breaches;
- interest, health, safety and wellbeing of the students and the community;
- impact on the student engagement;
- duty of care to the students; and
- the family circumstances of the student.

Suspension is a serious disciplinary measure and will only be implemented when other disciplinary measures including the adoption of all appropriate process have not generated a satisfactory outcome in the resolution of the situation. A student shall not be suspended for a period of time greater than nine school days in any one year.

Expulsion is a severe form of sanction to be used only in the most serious circumstances.

The Principal has the authority to make the final decision with regard to suspension and expulsion of the student and such power cannot be delegated under the Ministerial Order 625.

Parents/guardians/care-givers of students under the age of 18 will be notified by a telephone call and /or a written notification in the cases of serious penalties such as suspension and expulsion. Records of breaches of expectations and disciplinary measure imposed will be retained in the student's file.

If a staff member or student who believes that she/he is being harassed, and is unable to resolve the matter herself/himself, or is of the belief that it is unsafe to do so, he or she may approach Vice President in the first instance, and then follow the College Complaints and Appeals process.

4.1 Once all the information is gathered, the Vice President, acting as the internal investigator will determine whether, 'on the balance of probabilities', the complaint can be substantiated. If the complaint is substantiated, appropriate discipline needs to be applied.

4.2 Irrespective of the findings of an internal investigation, the decision needs to be communicated to the relevant parties, together with an appropriate explanation.

4.3 Harassment of staff by students may result in withdrawal or termination of services, or facilities.

4.4 All staff will be made aware of the legislative requirements relating to bullying and harassment. Refer to <http://www.hreoc.gov.au/> the Australian Human Rights Commission;

- 4.5 It is inappropriate that physical or emotional violence should be used or tolerated in any context at the College. In this respect, it is inappropriate and **expressly forbidden** that **corporal punishment** is used in any way at the College.
- 4.6 The College is committed to ensuring that staff, students and visitors are equally valued and treated with respect;
- 4.7 All claims of bullying and harassment are taken seriously and will be treated confidentially, documented, and promptly and constructively addressed by the Vice President;
- 4.8 All forms of bullying and harassment are not tolerated. Any person who had encountered these at the College are encouraged to report the incident to the Vice President, with any documentary evidence (if available) and a formal complaint to be lodged in writing;
- 4.9 The Vice President is responsible for addressing the behaviour of the alleged perpetrator and to provide support services for the victim within the College.

5. FEEDBACK

Feedback or comments on this policy or procedure is welcomed by the listed responsible listed officer.