



Bullying, Violence, Harassment and Discrimination

Statement of Context

Yarra Valley Grammar School (the School) has a zero tolerance to all forms of bullying, violence, harassment and discrimination. The School is committed to providing staff and students with a safe and healthy School Environment, promoting learning, personal growth and positive self-esteem, and preventing instances of bullying, violence, harassment, and discrimination. In the limited circumstances in which bullying, violence, harassment or discrimination occurs within the School Environment including the online environment, the School will take steps to address and prevent the bullying, violence, harassment or discrimination.

To achieve these objectives, each student and staff member has a responsibility to foster a school culture where bullying, violence, harassment, and discrimination are unacceptable. Staff members in particular are considered role models, and so the School places a greater responsibility on staff members not to engage in bullying, violence, harassment or discrimination against other people and also to respond appropriately in line with this policy if they receive allegations relating to a breach of this policy.

Application

This policy applies to all staff and students in the School Environment and the online environment. The School also expects parents/guardians, contractors, visitors and volunteers to display the standards of conduct demonstrated in this policy whilst in the School Environment.

For the purposes of this policy, "School Environment" means any physical or virtual place made available or authorised by the School's governing authority for use by a child during or outside school hours, including:

- a campus of the School;
- online school environments (including email and intranet systems and Microsoft Teams or Zoom or similar sessions); and
- other locations provided by the School for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

Related material

This policy relates to the following relevant legislation and materials:

- Equal Opportunity Act 2010 (Vic)
- Fair Work Act 2009 (Cth)
- Occupational Health and Safety Act 2004 (Vic)
- Crimes Act 1958 (Vic)
- Racial Discrimination Act 1975 (Cth)
- Age Discrimination Act 2004 (Cth)

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Aim

The aim of this policy is to provide guidelines to promote a safe and caring environment for staff and students within the School Environment, that is free from bullying, violence, harassment and discrimination and to provide a fair and effective process for resolving complaints related to bullying, violence, harassment and discrimination.

Policy

All staff members and students are responsible for complying with this policy and maintaining acceptable standards of conduct at all times. All staff members and students must abide by this policy and take steps to prevent bullying, violence, harassment and discrimination occurring within the School Environment.

Staff members and students must not bully, be violent towards, harass or discriminate against colleagues, visitors, students or any other person in the School Environment.

No staff member or student has the right to bully, be violent towards, harass or discriminate against another person.

Bullying

Bullying occurs when an individual or group of individuals repeatedly behaves unreasonably towards a person or a group of persons of which the person is a member within the School Environment, and that behaviour creates a risk to health and safety.

Behaviours which may be considered unreasonable include (but are not limited to):

- physical abuse including fighting, pushing, pinching, tripping, shoving, kicking, spitting, punching, hitting, gestures or invasion of personal space and damaging property;
- verbal abuse including threats, insults, name calling, teasing, offensive language, putting people down, and rumour spreading;
- initiation practices;
- intimidation;
- humiliation;
- undermining and threatening behaviour;
- sabotaging someone's work;
- ridiculing someone's opinion;
- psychological harassment; and
- excluding or isolating people.

Bullying behaviour can be complex. However, in the context of staff at the School, **it does not include** reasonable management action carried out in a reasonable manner, such as any legitimate or reasonable use of performance management processes, disciplinary action or allocation of work in compliance with systems.

For conduct to constitute 'bullying', there does not need to be any intention to cause harm or discomfort. All staff and students should therefore consider how their conduct could be perceived by others, even in circumstances where they think their behaviour is acceptable.

Cyberbullying is a form of bullying and includes behaviour that uses digital technologies such mobile phones (e.g. by SMS or MMS) and tablets, internet on social networking sites (including but not limited to Facebook or Twitter), instant messaging and chat room sites, setting up a defamatory personal website or deliberately excluding someone from social networking spaces (refer to School's Social Media and Networking Policy).

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Cyberbullying may include posting and sharing nasty, angry or rude messages, or repeated threatening messages (whether or not this is done with the aim to intimidate and create fear).

Violence

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. Verbal force may be threatening to use physical force.

Harassment

Harassment is unwanted behaviour that can take many forms. It may involve inappropriate actions, behaviour, comments or physical contact that causes offence.

Harassment may involve sexual harassment.

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Examples of sexual harassment include, but are not limited to:

- staring or leering;
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching;
- suggestive comments or jokes;
- insults or taunts of a sexual nature;
- intrusive questions or statements about your private life;
- displaying posters, magazines or screen savers of a sexual nature;
- sending sexually explicit emails or text messages;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites;
- requests for sex or repeated unwanted requests to go out on dates; and
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Behaviour that is consensual, based on mutual attraction, friendship and respect is not sexual harassment. Behaviour must also comply with the School's Child Safety Policy and Code of Conduct and relevant professional standards, including the Victorian Institute of Teaching Code of Conduct and Ethics.

Discrimination

The School treats all students and staff members as individuals and celebrates diversity in the School Environment. The School is committed to treating all students and staff members equally, without unlawfully discriminating against any person.

Generally, discrimination is unfavourable treatment towards an individual based on a personal characteristic protected by law in the area of education or employment. It can be direct or indirect. Protected attributes in Victoria include:

- age
- breastfeeding
- disability
- employment activity

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- gender identity
- industrial activity
- lawful sexual activity
- marital status
- personal association with someone who has, or is assumed to have one of these characteristics
- parental status or status as a carer
- physical features
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sex
- sexual orientation
- an expunged homosexual conviction
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute.

Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice— that has, or is likely to have, the effect of disadvantaging persons with an attribute; and that is not reasonable.

Procedures

If you feel that you are being bullied, harassed, or discriminated against, you are encouraged to speak up. The School treats all complaints seriously and will respond appropriately depending on the particular circumstances.

Confront the issue

Persons covered by this policy who believe they are the subject of violence, bullying, harassment or discrimination should take action at the earliest possible opportunity. Where appropriate, the person should make the perceived perpetrator(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

Report the issue

If the behaviour continues or if the person feels unable to speak to the perceived perpetrator(s) directly, the person should speak to the relevant Head of School or, if the Head of School is not available, the Corporate Services Manager or Risk and Compliance Officer.

The complainant may be asked to put their side of the story in writing.

The complainant's wishes will be taken into account when deciding on a course of action, but will not be the determinative factor.

If a person discloses to a staff member other than the Head of School that they are being bullied, harassed or discriminated against, the staff member is required to notify the Head of School or if the Head of School is not available, the Corporate Services Manager or Risk and Compliance Officer. This will help to ensure that the School can appropriately respond to the report.

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In some circumstances it may be necessary for the School to notify a relevant authority or agency (e.g. the VIT or the Police) immediately.

Informal Intervention

If a person discloses to the Head of School or other nominated person that they feel they have experienced violence or are being bullied, harassed or discriminated against, the Head of School or other nominated person will take the complaint seriously by listening to what the complainant is saying, and ask further questions to find out more about the complainant's concerns.

There are a range of informal intervention measures available for the Head of School or nominated person to address the issue including:

- Discussing the issue with the person against whom the complaint is made;
- Facilitating a meeting between the parties in an attempt to resolve the issue and move forward;
- Discussing strategies to handle a situation;
- Arranging a follow up meeting with the complainant to see how things are going;
- Offering access to the Employee Assistance Program, for staff, or the Head of Student Wellbeing or the School Chaplain, for students.

The informal complaint procedure is more suited to less serious allegations that does not warrant disciplinary action being taken.

Whilst the Head of School or other nominated person will make all reasonable efforts to keep the complaint confidential, it may be necessary for the Head of School or other nominated person to consult with other senior staff members to resolve the issue. For instance, if a student makes a complaint to the Head of School, the Head of School may need to consult with the Year Level Coordinator, Area Coordinator (Junior School) and Head of Student Wellbeing. If a staff member makes a complaint to the Head of School, the Head of School may need to consult with the Principal.

Formal Complaints Procedure

The formal complaint procedure will generally involve a formal investigation of the complaint.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

If the School considers it appropriate for the safe and efficient conduct of an investigation, persons may be required not to attend the School Environment during an investigation.

The findings as to whether the allegations have occurred will be determined on the basis of the evidence, and on the balance of probabilities.

Consequences of breaching this policy

If a person breaches this policy, they will be subject to disciplinary action. The type of disciplinary action a person is subject to will depend on the circumstances and the nature of their involvement with the School. For instance:

- in the context of staff members, disciplinary action may include, termination of employment;

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- in the context of students, disciplinary action may include detention, suspension or expulsion from the School; and
- in the context of agents and contractors who are found to have breached this policy may have their contracts with the School terminated or not renewed.

It may also be necessary for the School to notify relevant authorities or agencies, such as the VIT or the Police.

If a person makes a false complaint in bad faith, that person may be disciplined. Further, if a person lodges an excessive number of complaints that the School determines to be unfounded, they may be disciplined.

Failure to report Bullying, Violence, Harassment and Discrimination

If a person witnesses or is notified that another person is being subjected to violence or experiencing bullying, harassment or discrimination, that person should take steps to intervene or protect the victim by reporting the alleged conduct to the relevant Head of School or other nominated person. If a person fails to do so, that person may be deemed to have facilitated the violence, bullying, harassment or discriminatory behavior, and therefore may be subject to disciplinary action.