

# Harassment Policy and Grievance Procedures

First Developed: 1999	Minor updates: Annually Major Review: 2017	Next formal review: Following DfE review
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## CONTEXT

Our school is a safe, supportive, inclusive and respectful teaching and learning community that promotes student and staff wellbeing.

All members of our school community are valued and have the right to learn and work in an environment which is free from harassment, violence and bullying.

Bullying, including cyber bullying, harassment and violence, is not acceptable in this school and will be dealt with seriously and expediently.

## GUIDING PRINCIPLES

Our school:

- affirms the rights of all members of the school community to feel *safe* and *be* safe at school
- acknowledges that being safe and supported at school is essential for student wellbeing and effective learning
- accepts responsibility for developing and sustaining safe and supportive learning and teaching communities that also fulfil the school's child protection responsibilities
- encourages the active participation of all school community members in developing and maintaining a safe school community where diversity is valued
- actively supports young people to develop understanding and skills to keep themselves and others safe
- commits to developing a safe school community through a whole-school and evidence-based approach.

## DEFINITIONS OF BULLYING AND HARASSMENT

Bullying is repeated verbal, physical, or social behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons.

Cyber bullying refers to bullying through information and communication technologies. (See Cyber-Safety Policy).

Bullying of any form or for any reason can have long term effects on those involved, including bystanders.

### Types of bullying and harassment include:

- Sexual harassment
- Racial harassment
- Physical harassment
- Cyberbullying
- Discrimination of any kind based on sexuality, appearance, religion, home life, etc.

### Some examples of bullying and harassment include:

- Physical intimidation or assault
- Writing offensive comments or drawings
- Laughing at or making unpleasant comments about people
- Getting a gang (or group) to frighten, threaten or intimidate

- Hiding, stealing or destroying property
- Inappropriate and unwanted comments through the use of mobile phones and the internet, including social networking sites
- Spreading rumours
- Ignoring or excluding others.

### RESPONSIBILITIES OF STUDENTS

- Be respectful towards other students, staff and members of the school community.
- Communicate with an appropriate adult, if being bullied or harassed, or if you are aware of someone else being bullied or harassed.
- Learn to be an effective bystander, so that bullying and harassment are discouraged through peer influence.
- Read and understand the school's Code of Conduct.

### RESPONSIBILITIES OF PARENTS/CAREGIVERS

- Keep the school informed of concerns about your child's behaviour, health issues and other matters of relevance.
- Communicate in a respectful manner with staff about issues of concern, as soon as possible after these concerns arise.
- Read and understand the school's Code of Conduct.

### RESPONSIBILITIES OF STAFF

- Develop and foster positive relationships with students and families.
- Communicate and interact effectively with students and engage in cooperative problem solving relationships to address issues of bullying.
- Critically reflect on practices and develop the knowledge and skills needed to manage incidents of bullying and harassment successfully.
- Establish, maintain, make explicit and model the school's expectations relating to bullying and harassment.
- Participate in training and development related to decreasing bullying and harassment in schools.
- Support students to be effective bystanders.
- Understand the school's Code of Conduct and implement its procedures.

### HOW TO RECOGNISE A STUDENT IS BEING BULLIED

Students who are being bullied or harassed may not talk about it with their teachers, friends or families. They may be afraid that it will make things worse or that they are "dobbing". A change in behaviour in students may be a signal that they are being bullied or have some other concern.

#### Some signs that a student is being bullied may be:

- Unexplained cuts, bruises or scratches
- Damaged or ripped clothing
- Vague headaches or stomach aches
- Refusal to attend classes
- Asking for extra money or food
- Tearfulness, anxiety or difficulty sleeping
- 'Hiding' information on mobile phones, emails or social networking sites.



## **GRIEVANCE PROCEDURES**

Grievance procedures provide guidelines for what to do about bullying and harassment, and how, when and to whom to report it.

Grievance procedures are designed to enable someone who feels uncomfortable in a situation to communicate that to the other person or persons involved, to receive support from the School in doing so and to end the situation which has caused the discomfort. At all times, conciliation is the desirable outcome and the use of the grievance procedures should be seen in terms of this primary objective. Counselling is seen to be an essential part of this process of conciliation.

However, should someone continue with such an action once he or she has been made aware that it causes discomfort and/or distress to another person then the issue is more serious and more serious action, as described in the grievance procedures, may be taken.

In DfE, harassment is unacceptable and all complaints of such conduct will be considered seriously. Any act of victimisation against a person lodging a complaint will not be tolerated and could result in disciplinary action.

### **PROCEDURES FOR A STUDENT GRIEVANCE**

#### **BULLYING/HARASSMENT OF STUDENTS BY STUDENTS**

Students should report bullying to a trusted adult as soon as it occurs. Do not ignore it. When bullying is ignored, it may get worse.

Students can take any of the following courses of action whenever they believe they are being bullied or harassed by other students:

- attempt a peaceful reconciliation, speak to the person bothering them. They may ask a friend to support them when they do this, e.g. by quietly but firmly telling the harasser(s) what they do not like and that they want it to stop
- seek advice, support or appropriate action on their behalf from any member of staff at the school e.g. language teacher, Teaching Centre Supervisor, Coordinator, Assistant Principal or Principal
- discuss the matter with a parent/caregiver for advice and support
- ask their parent/caregiver to act on their behalf by reporting the matter to any member of staff at the school
- seek advice, support or appropriate action on their behalf, normally through their parent/caregiver, from DfE or the Commissioner for Equal Opportunity.

Teachers are to explain to students that they must act in good faith and not make false allegations of harassment against other students. They are to make it clear that the law and school policy afford protection from victimisation to any student who has just cause to use any of the above grievance procedures.

Teachers must report the following to their Line Manager and the Assistant Principal: Student and Staff Services:

- Serious, explicit cases of harassment of students by students, eg sexual assault, explicit sexual behaviour, coerced sexual activity, racial taunts, etc.
- Cases where harassment of a student by students persists despite teacher counselling and sanctions.

The Assistant Principal will decide upon an appropriate course of action in consultation with the Principal.

Teachers are advised to consult with their Line Manager and the Assistant Principal to ensure that they have adequate support for actions they take on behalf of parents/caregivers or students alleging harassment against other students.

#### **BULLYING/HARASSMENT OF STUDENTS BY STAFF MEMBERS**

All complaints and allegations of harassment of students by a staff member must be reported to the Assistant Principal: Student and Staff Services for investigation and appropriate action.

Students can take any of the following courses of action whenever they believe they are being harassed by a member of staff:

- discuss the matter with a parent or parents/caregivers for advice and support
- ask their parents/caregivers to act on their behalf by reporting the matter to the Assistant Principal or any other member of staff at the school
- seek advice, support or action on their behalf from a Coordinator, Assistant Principals, the Principal or any other member of staff at the school
- seek advice, support or action, normally through their parents/caregivers, from DfE
- seek advice, support or action, normally through their parents/caregivers, from the Commissioner for Equal Opportunity.

The Assistant Principal will:

- advise the staff member of the nature of any complaints or allegations of harassment of students made against them
- ensure confidentiality
- ensure that the rights of the complainant and the alleged offender are adequately protected
- take appropriate action according to the wishes of the complainant and the seriousness of the complaint
- advise DfE whenever the case is of such seriousness that disciplinary action is necessary.

The Assistant Principal will decide upon an appropriate course of action in consultation with the Principal.

## **PROCEDURES FOR PARENT/CAREGIVER GRIEVANCES**

Refer to the DfE Complaint Management Procedure on the school website.

## **PROCEDURES FOR STAFF GRIEVANCES**

### **BULLYING/HARASSMENT OF STAFF MEMBERS BY STUDENTS**

Teachers are expected to take appropriate disciplinary action to control harassment directed against them by a student or students.

However, at all times, and particularly when harassment by a student is not amenable to the teacher's control, teachers and other members of staff can take any of the following courses of action whenever they believe they are being harassed by a student or students:

- Attempt reconciliation by an interview with a parent or parents/caregivers of the offending student or students.
- Seek advice, support or appropriate action on their behalf from the relevant Line Manager or Assistant Principal.
- Seek advice, support or appropriate action on their behalf from the DfE, AEU, or the Commissioner for Equal Opportunity.

All staff members, either through an intermediary or in person, are expected to report the following to the Assistant Principal: Student and Staff Services:

- Serious, explicit cases of harassment of a staff member by a student or students, including on-line harassment.
- Cases where harassment of a staff member by a student or students persists despite teacher counselling and sanctions.

The Assistant Principal will:

- Ensure confidentiality
- Ensure that the rights of the complainant and the alleged offender are protected
- Decide upon an appropriate course of action in consultation with the Principal.

### **BULLYING/HARASSMENT OF A MEMBER OF STAFF BY ANOTHER MEMBER OF STAFF**

It is the responsibility of the Principal to establish and maintain a working environment in which staff members are not subjected to harassment by other staff members.

Refer to the following DfE documents

- Employee complaints procedure  
<https://edi.sa.edu.au/library/document-library/controlled-procedures/employee-complaints-procedure.pdf>
- Resolving employee complaint and requesting reviews  
<https://edi.sa.edu.au/hr/for-managers/managing-staff/professional-conduct/complaints-and-reviews>

A member of staff who is harassed by another member of staff and chooses to have the matter dealt with informally has the following options, either singly or in combination:

- Refer to the line manager or Principal.
- Discuss the matter with a staff colleague.

The person making the complaint will, in consultation with the person receiving the complaint, determine how the matter may be handled informally within the school.

For example:

STEPS	FURTHER SUGGESTIONS
<p><b>1. Make an appointment with the person concerned</b> This allows the person to prepare and enables both parties to be free to give their full attention to the issue.</p>	<p><b>1. Before the meeting</b></p> <ul style="list-style-type: none"> <li>• Critically reflect – is it important, are your concerns justified?</li> <li>• You may wish to seek advice of a friend, but do this wisely so that confidentiality can be maintained.</li> </ul> <p><b>2. At the meeting</b></p> <ul style="list-style-type: none"> <li>• You may wish to have an advocate or mediator present (this should be negotiated before the meeting).</li> <li>• Be prepared to talk specifics, talk in terms of behaviour and do not attack people personally.</li> <li>• Clearly define the issue(s), state your needs and fears.</li> <li>• Offer possible solutions, aim for a win/win solution, but be prepared to compromise.</li> </ul> <p><b>3. Meeting Outcome</b></p> <ul style="list-style-type: none"> <li>• The issue may be resolved</li> <li>• You may decide to monitor the situation before meeting again</li> <li>• You may agree to call in a mediator</li> <li>• You may agree to disagree</li> </ul>
<p><b>2. Write to the Person Concerned</b> This documents your grievance, provides an opportunity for reflection and the additional chance for the issue to be resolved at a personal level. If the issue is still unresolved, inform the person that you will be approaching their line manager.</p>	<p><b>1.</b> The letter should again define the issue, summarise the outcome of the meeting, and clearly state why you are still dissatisfied.</p> <p><b>2.</b> You should invite the offer of further solutions and set a timeline for resolving the issue.</p> <p><b>3.</b> You may wish to send a copy of the letter to the person’s line manager. (Out of courtesy, this intention should be communicated to the person).</p>
<p><b>3. Approach the Person’s Line Manager</b> You may wish to do this by phone or in writing. The expectation of the line manager will be that the</p>	

above steps have been followed. The line manager will continue to work with the people concerned until the issue is satisfactorily resolved.	
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A member of staff who is harassed and chooses to have the matter dealt with formally has the following options, either singly, in combination or sequentially:

- Make a written complaint to the Principal who will:
  - Ensure confidentiality
  - Ensure that the rights of the complainant and the alleged offender are adequately protected
  - Decide upon an appropriate course of action in consultation with the relevant Line Manager
  - Advise DfE whenever the case is of such seriousness that disciplinary action is necessary.
  
- Refer the complaint to an authority external to the school:
  - AEU
  - DfE
  - Education Director
  - Equal Opportunities Officer
  - Legal Advisor
  - Commissioner for Equal Opportunity.