



A SAFE LEARNING AND WORKING ENVIRONMENT

THE HARASSMENT, BULLYING AND DISCRIMINATION POLICY OF ST ANDREW'S CATHEDRAL SCHOOL

1. Introduction

St Andrew's Cathedral School is committed to providing all students and staff with a learning and working environment which is safe, supportive and caring and which is free of harassment, bullying and discrimination of any kind. Accordingly, harassment, bullying and discrimination will not be tolerated under any circumstances. The School expects everyone who is part of the School community to honour the School's commitment in this Policy and to work with the School in achieving a safe learning and working environment. This Policy applies to behaviour even if it occurs off school premises and outside of school hours where, in the Head of School's reasonable opinion, there is a connection between one or more of those involved and the School.

2. Definitions

- a. **Bullying** means repeated intimidation, over time, of a physical, verbal or psychological nature of a less powerful person by a more powerful person or group of persons. Examples include:
 - i. hiding, damaging, destroying or stealing work or belongings;
 - ii. name calling, putting a person down, teasing, pulling faces, using abusive language;
 - iii. hitting, pushing, pinching or threatening physically;
 - iv. deliberately excluding a person from the group.

Conflict or fights between individuals on an equal footing or single incidents are not normally bullying.

b. **Cyber bullying** is a form of bullying carried out with the aid of new technologies such as the internet (e-mails, chat rooms, discussion groups and instant messaging) and the mobile phone (texting or short messaging service (SMS)). Cyber bullying does not necessarily involve a more powerful person (as normally understood) bullying a less powerful person as the technology used may reverse the usual pattern. The new technologies allow the bully (or a group of bullies) to intimidate other students, for example, by:

- i. teasing and making fun of them online;
- ii. spreading rumours about them online;
- iii. insulting and ridiculing them in chat rooms (known as “flaming”);
- iv. putting photos of them on the web accompanied by nasty comments;
- v. tricking them into sharing private information and then sharing it online;
- vi. sending unwanted messages.

Cyber bullying includes what is often called “cyber stalking” which is where the bully harasses or stalks another person by e-mail or some other electronic messaging system, usually very frequently and intrusively, and often involving threats.

c. **Discrimination** refers to any behaviour or practice which reflects an assumption of superiority of one group over another and is behaviour which disadvantages people on the basis of their real or perceived membership of a particular group. Examples include doing any of the following on account of a person’s gender, religion, sexuality, intellectual or physical ability, culture, race or background:

- i. asking discriminatory questions;
- ii. making offensive comments or gestures, telling offensive jokes or showing offensive material;
- iii. calling a person names;
- iv. deliberately excluding a person.

d. **Harassment:**

- i. includes bullying and sexual harassment;
- ii. involves physical, verbal or psychological behaviour which makes another person feel embarrassed, offended, upset, devalued, degraded, afraid, frustrated or angry;
- iii. includes insulting, demeaning, humiliating, offensive, vilifying or intimidatory behaviour or behaviour which incites hatred of others;

- iv. is behaviour which is unwelcome, unreciprocated, uninvited and usually repeated;
and
- v. may be based on misunderstanding or be a deliberate act based on a subjective perspective.
- e. **Sexual harassment** occurs if a person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature and a reasonable person in the circumstances would have anticipated that the person harassed would be offended, humiliated or intimidated. Examples include:
 - i. unwelcome touching or brushing against a person;
 - ii. whistling, gesturing or making comments that are sexually explicit and offensive;
 - iii. showing material of a sexual nature;
 - iv. making comments about a person's sexuality;
 - v. unwelcome conversations of a sexual nature;
 - vi. obscene language of a sexual nature;
 - vii. telling jokes of a sexual nature;
 - viii. sexual exhibitionism;
 - ix. staff expressing sexual feelings for a student;
 - x. students expressing sexual feelings for a member of staff; and
 - xi. deliberate exposure to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual.
- f. **Staff or member of staff** includes any School employee and any individual engaged by the School to provide services to its students (even as a volunteer).

3. Creating a Safe Learning and Working Environment

- a. The School must develop strategies to create a safe learning and working environment and to reduce as much as possible the incidence of harassment, bullying and discrimination within the School.
- b. All students and staff must become familiar with these strategies.
- c. All allegations of harassment, bullying and discrimination must be taken seriously.
- d. The strategies developed by the School must be monitored continuously and reviewed regularly.

- e. The School must provide professional development to meet the needs of the staff in implementing this Policy.
- f. The Head of School must:
 - i. promote this Policy within the School, with particular regard to the professional development needs of staff; and
 - ii. monitor the strategies to counter harassment, bullying and discrimination.
- g. Staff must:
 - i. ensure that curriculum content and teaching practices are consistent with and support this Policy;
 - ii. help students to develop competencies to challenge discriminatory attitudes and behaviours in themselves and others;
 - iii. model and promote appropriate behaviour;
 - iv. be aware of the legislative requirements relating to harassment, bullying and discrimination; and
 - v. ensure that claims of harassment, bullying and discrimination are speedily and constructively addressed according to this Policy and the strategies developed under it.
- h. Students must:
 - i. respect the rights of others to be free from harassment, bullying and discrimination;
 - ii. behave as responsible digital citizens;
 - iii. behave as responsible bystanders; and
 - iv. be aware of and use the appropriate procedures for reporting incidents of harassment, bullying or discrimination.

4. Reporting Obligations

- a. Any member of staff to whom an allegation of harassment, bullying or discrimination is made or who observes or is subjected to any form of harassment, bullying or discrimination in the course of their employment must report this to the Head of School or his delegate.
- b. Any other adult member of the School community to whom an allegation of harassment, bullying or discrimination is made or who observes or is subjected to any form of harassment, bullying or discrimination involving students or staff is strongly encouraged to report this to the Head of School or another member of staff.

- c. Any student who observes any form of harassment, bullying or discrimination involving people in the School community or who is subjected to any form of harassment, bullying or discrimination wherever it occurs is strongly encouraged to report this to the Head of School or another member of staff.
- d. If the allegation of harassment, bullying or discrimination is against the Head of School, the report should be to the Chairman of the School Council who must then comply with the obligations under this policy that would otherwise fall upon the Head of School.
- e. Where required by law, the Head of School or member of staff must report the harassment, bullying or discrimination to the Police, Community Services and/or the NSW Ombudsman.
- f. The Head of School must set up structures which make it easy for people to report harassment, bullying or discrimination. The Head of School must also educate the School community about these structures and actively encourage the School community to make use of them.
- g. The Head of School must ensure that no-one reporting harassment, bullying or discrimination is disadvantaged as a result.

5. Investigation

- a. This section of the Policy applies unless an investigation is being carried out by the Police, Community Services, the Ombudsman or some other state or federal authority.
- b. The Head of School must investigate all reports of harassment, bullying or discrimination in a way which affords procedural fairness to the person who is the subject of the allegation ("the subject"). This means that, before completing an investigation of an allegation of harassment, bullying or discrimination, the Head of School must inform the subject of the substance of the allegation against them and provide them with a reasonable opportunity to put their case forward (if required by the subject, with the assistance of a support person of the subject's choice). Normally, the Head of School is to decide the timing and the particular form this will take, ensuring the investigation is not compromised. It also means that the Head of School must:
 - i. act fairly and without bias;
 - ii. conduct an investigation without undue delay;

- iii. ensure the case is not investigated or determined by someone with a conflict of interest;
 - iv. ensure the outcome is supported by evidence;
 - v. take steps to maintain confidentiality for the sake of all parties involved in the investigation.
- c. Pending completion of the investigation, the Head of School may:
- i. where the subject is a student, suspend the student;
 - ii. where the subject is a member of staff, limit the contact the member of staff is to have with students or other staff, direct the member of staff to undertake duties other than normal duties or at different locations or suspend the member of staff (but on normal pay).
- d. At the conclusion of the investigation, the Head of School may:
- i. if the breach is minor, resulting from a misunderstanding of how certain words or behaviour were understood, require from the subject:
 - (1) an apology; and/or
 - (2) a commitment not to repeat the offence; and
 - ii. if it is more serious, require from the subject:
 - (1) an undertaking to attend counselling and/or training; and/or
 - (2) a written apology; and/or
 - (3) a commitment not to offend again; and
 - iii. in the most serious case:
 - (1) where the subject is a member of staff, suspend or terminate their employment; or
 - (2) where the subject is a student, suspend or expel the student.
- e. The Head of School must normally advise the victim and the subject in writing of the result of the investigation and the action taken.
- f. If the victim of the harassment, bullying or discrimination is unhappy with the conduct or result of investigation, they may take their complaint to the NSW Anti-Discrimination Board, the Australian Human Rights Commission, the Police or any other relevant authority depending on the circumstances.

6. Pastoral Care

- a. Where a student is the victim of the alleged harassment, bullying or discrimination, the Head of School must as soon as possible advise the students parents or caregivers of the nature of the allegations and of the proposed investigation.
- b. The School must:
 - i. make available its counselling staff to provide counselling and other support as required to students and staff who have been subjected to any form of harassment, bullying or discrimination and, where relevant, their families; and
 - ii. refer these people to external agencies able to provide care and support for victims of the particular type of harassment, bullying or discrimination involved.
- c. The School must also make available its counselling staff to provide counselling and other support as required to students and staff who have been subjected to allegations of harassment, bullying or discrimination and, where relevant, their families.

7. Publication and Distribution

- a. This Policy must be published on the School's Wiki and reference to it must be made in other School publications which are distributed to students and their families.
- b. This Policy must also be given to all new staff who must, as part of their contract of employment, agree to its terms.
- c. This Policy must be given to all members of the School Council.

8. Review of Policy

- a. The Head of School is to ensure that this policy is regularly monitored and revised in the light of legislative or best practice changes.
- b. In any event, the School Council is to review this policy every three years.