

BULLYING, HARASSMENT AND DISCRIMINATION POLICY

GUIDING SCRIPTURE

Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen (Ephesians 4:29).

PURPOSE

This policy seeks to facilitate an inclusive, respectful, safe, flexible and supportive working and learning environment at St John's Lutheran School free from all forms of discrimination, bullying and sexual harassment. It outlines expectations in respect of behaviour towards all members of our community that may constitute bullying, harassment and discrimination. All employees are required to treat others with dignity, courtesy and respect.

Harassment, discrimination and bullying are prohibited behaviours under a range of legislation. However, under the Fair Work Act, St John's may be held vicariously liable for sexual harassment conducted by an employee or agent in connection with work, unless it can establish that it took all reasonable steps to prevent the employee or agent from engaging in sexual harassment.

SCOPE

The scope of this policy extends to students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers, School Council members and people undertaking work experience or vocational placements, parents/carers and people visiting St John's Lutheran School.

This policy also applies to:

- All aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, and workload
- On-site, off-site or after hours, work-related social functions, conferences – wherever and whenever employees may be as a result of their duties
- Employee treatment of other employees, of students, of parents and of other members of the public encountered in the course of their work duties.

Any behaviour that results in harm or is likely to result in harm to a student must be reported to the Principal and responded to in line with the St John's Lutheran School *Child Protection Policy*.

PRINCIPLES

The basic beliefs underlying this Policy are:

1. Every individual has value in a community, with individual differences and diversity respected and accepted.
2. Every individual has the right to feel safe from bullying, harassment or discrimination in all its forms.
3. Every conflict can be resolved. Persons aggrieved and those against whom bullying, harassment or discrimination is alleged both need help to solve conflict.
4. Every individual in a community is responsible for the safety of other individuals in that community.
5. Every individual in a community is responsible for ensuring that other individuals in that community can reach their potential in a supportive and non-threatening environment.

POLICY STATEMENT

St John's Lutheran School promotes positive relationships and the wellbeing of all students, staff and visitors at the school, promoting an equal opportunity environment. The school firmly believes that all students, staff, parents and members of the school community have the right to be respected, to feel valued, safe and supported, and be treated with courtesy and dignity at school.

St John's Lutheran School is strongly committed to a working and learning environment that is free from all forms of discrimination, bullying, sexual harassment and harassment on the ground of sex. Such behaviours are totally unacceptable and will not be tolerated under any circumstances by the school.

St John's Lutheran School is committed to our positive duty under legislation to take reasonable and proportionate measures to eliminate as far as is practicable:

- Sexual harassment
- Harassment on the grounds of sex
- Discrimination
- Bullying
- Conduct that subjects a person to a hostile work environment, and
- Victimisation in relation to the above.

Processes have been established to prevent such behaviour from occurring, to educate and inform staff, students and other school community members about these unacceptable behaviours and procedures to follow in the event that a person is being bullied, harassed or discriminated against.

PROCEDURES

1. Unacceptable Behaviour

Any form of bullying, harassment and discrimination are totally unacceptable forms of behaviour at St John's Lutheran School and will not be tolerated under any circumstances. They are unlawful behaviours under legislation and legal action can be taken against individual employees and the school for such conduct. The school promotes appropriate standards of conduct at all times, and behaviour of this nature breaches the school's *Code of Conduct Policy* and the *Student Code of Conduct*. Staff found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

1.1 Bullying

Definition taken from Fair Work ['Bullying in the Workplace'](#)

Bullying happens at work when:

- a person or group of people repeatedly behave unreasonably towards another worker or group of workers
- the behaviour creates a risk to health and safety.

Examples of bullying in the workplace include behaving aggressively towards others; teasing or playing practical jokes; threats, abuse or shouting; inappropriate blaming; constant unconstructive criticism; unreasonable work demands.

Definition taken from [Understanding bullying \(bullyingnoway.gov.au\)](#)

Bullying is the ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/ or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records).

Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying.

There are three types of bullying behaviour:

- *Verbal bullying* which includes name calling, teasing, threats or insulting someone about physical characteristics such as their weight or height, or other attributes including race, sexuality, culture, or religion, belittling remarks, unreasonable persistent criticism, offensive language
- *Physical bullying* which includes hitting or otherwise hurting someone, shoving or intimidating another person, or damaging or stealing their belongings, tripping or kicking
- *Social bullying* which includes consistently excluding another person, isolation, or sharing information or images that will have a harmful effect on the other person.

Behaviours that do not constitute bullying include:

- mutual arguments and disagreements (where there is no power imbalance)
- not liking someone or a single act of social rejection
- one-off acts of meanness, nastiness or spite
- isolated incidents of aggression, intimidation or violence
- reasonable management action taken in a reasonable way by a person's employer in connection with the person's employment.

Such occurrences may still be serious and require intervention or management, however they do not (as single incidents) meet the threshold of a behaviour that can be described as bullying.

Cyberbullying

Cyberbullying is bullying conducted with the use of technology, like mobile phones or the internet and through mediums such as text messages, instant messaging, other messaging Apps, social media, personal polling websites, etc. The Principal and all staff have the same responsibility to respond to allegations of cyberbullying as they would any other incident of bullying reported. St John's have implemented the *Acceptable Use of Technology (Student) Policy* which outlines the appropriate use of mobile phones and other electronic devices.

1.2 Sexual Harassment and Sex-Based Harassment

Definition taken from [Sexual Harassment in the Workplace - The Legal Definition of Sexual Harassment / Australian Human Rights Commission](#)

Sexual harassment occurs when:

- a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can take many different forms – it can be obvious or indirect, physical, written or verbal actions committed without consent or by force, intimidation, coercion or manipulation.

It includes behaviour that creates a sexually hostile or intimidating environment.

Examples of sexual harassment include:

- Inappropriate staring or leering or unwelcome touching, hugging, cornering or kissing
- suggestive comments or jokes
- repeated or inappropriate invitations to go out on dates or requests or pressure for sex
- intrusive questions about a person's private life or physical appearance
- unnecessary familiarity, such as deliberately brushing up against a person
- emailing pornography or rude jokes
- displaying images of a sexual nature around the workplace
- communicating content of a sexual nature through social media or text messages.

Sexual harassment is against the law, with some types of sexual harassment also criminal offences. It does not have to be repeated or continuous to be against the law. A single act can be unlawful. Sexual harassment in connection to employment can be considered serious misconduct and can be a valid reason for dismissal.

Under the [Sex Discrimination Act](#) it is unlawful for:

- a teacher, other member of staff or a student over the age of 16 to sexually harass a student
- a student over the age of 16 to sexually harass a teacher or other member of staff.

Behaviours that do not constitute sexual harassment include:

- behaviour that is based on mutual attraction, friendship or respect
- if the interaction is consensual, welcomed and reciprocated.

Sex-based harassment is unwelcome conduct of a seriously demeaning nature by reason of the person's sex, in circumstances which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. It includes spoken or written behaviour or could be a physical act and is not limited to just physical acts such as gestures or physical contact.

Some examples of sex-based harassment could include:

- Asking intrusive personal questions based on a person's sex
- Making inappropriate comments and jokes to a person based on their sex.
- Displaying images or materials that are sexist, misogynistic or misandrist.
- Making sexist, misogynistic or misandrist remarks about a specific person.
- Requesting a person to engage in degrading conduct based on their sex.

It is unlawful to harass a person on the ground of their sex and is unlawful. If an employee engages in harassment on the ground of sex, they may be subject to disciplinary action which may lead to the termination of their employment.

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Online Harassment

Laws that prohibit workplace sexual harassment also apply to online communications which occur in the virtual workspace. Workplace sexual harassment perpetrated using work devices and/or personal devices such as phones, computers, tablets is against the law. Also, the sexual harassment of workers through social media, even if using private equipment or during non-work hours, can still be against the law.

1.3 Discrimination

Unlawful discrimination (under state and federal legislation) happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. Discrimination laws protect people from discrimination on the basis of their sex, race (including colour, national or ethnic origin or immigrant status), disability, age, pregnancy, marital or relationship status, family responsibilities or breastfeeding, lawful sexual activity, sexual orientation, gender identity or intersex status, religious belief or religious activity, political belief or activity, trade union activity or some other characteristic specified under anti-discrimination or human rights legislation.

Some limited exemptions and exceptions apply.

Discrimination may be direct or indirect.

Direct Discrimination on the basis of an attribute (as detailed above) happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

Indirect Discrimination on the basis of an attribute happens if a person imposes, or proposes to impose a term:

- with which a person with an attribute does not or is not able to comply; and
- with which a higher proportion of people without the attribute comply or are able to comply; and
- that is not reasonable.

Disability against a student with disability is dealt with under the St John's Lutheran School #1.30 *Students with a Disability Discrimination Policy*.

1.4 Victimization

Victimization is subjecting or threatening to subject someone to a detriment because they have declared their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimization is against the law. It is unlawful to victimise a person if they have taken (or propose to take) action in relation to discrimination or harassment.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimization is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

1.5 Gossip

It is unacceptable for staff at St John's Lutheran School to talk with other staff members, students or families about any complaint of discrimination, harassment or bullying, unless in the context of dealing with the claim.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a Principal or School Council member) is a serious breach of this policy and may lead to formal discipline.

2. Strategies Implemented to Prevent Unacceptable Behaviour

St John's Lutheran School has implemented a 'whole of community' strategy approach to prevent this type of unacceptable behaviour. St John's Lutheran School:

- ensures all members of the school community know their rights and responsibilities in the area of bullying, harassment and discrimination
- promotes student awareness and a 'no-bullying' environment by participating in events to support educating students and staff in our community
- creates a safe physical and online working environment
- provides information, instruction, training and support about the importance of preventing and addressing this type of unwelcome or offensive behaviour
- teaches age appropriate skills and strategies to empower staff, students and parents/guardians to recognise bullying and respond appropriately, and in relation to discrimination and harassment. This is conducted upon entry to the school and on an ongoing basis over the course of the academic year
- promotes a supportive environment that encourages the development of positive and respectful relationships and communication between staff, students and parents/guardians
- addresses unwanted or offensive behaviour early
- encourages reporting of bullying, harassment or discrimination, with the process made as easy as possible through multiple reporting channels. To facilitate this, an effective complaint procedure is in place, based on the principles of natural justice. The school treats all complaints in a serious, sensitive, fair, timely and confidential manner.

3. Reporting Issues of Bullying, Harassment or Discrimination

Harassment, bullying or discrimination should not be ignored in the hope it will go away. Silence may give the impression that the unacceptable behaviour is tolerated or acceptable, which may lead to an exacerbation of the behaviour. The school encourages the reporting of such behaviour.

A student, staff member, contractor or community member who is concerned that their treatment by others is bullying, harassing, discriminating or victimising may choose to resolve issues by self-managing the situation. This usually involves telling the other person the unreasonable behaviour is not welcome, not acceptable and asking for it to stop.

If an individual does not feel safe or confident with approaching the other person or resolution is not forthcoming, the person is encouraged to raise the issue with:

If a student:

- approach a teacher with whom they feel most comfortable or trust, which may be, for example, a class teacher, the Assistant to the Principal, Principal, Relationship Facilitator or Wellbeing staff member;
- for secondary students, the Secondary Coordinator.

If a staff member:

- approach their supervisor, Business Manager, Relationship Facilitator, Assistant to the Principal or Principal.

If a parent or other community member:

- approach their child's teacher, the Primary Coordinator or Secondary Coordinator, the Assistant to the Principal or Principal or any other member of staff.

Similarly, those who witness unacceptable behaviour to a student, staff member or community member are to raise the issue as per the above process.

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In certain circumstances, it may be necessary to lodge the concern/ complaint in writing in accordance with the St John's formal complaints resolution procedures. Depending on the nature of the complaint, they may be dealt with under certain other St John's Lutheran School policies, which will be explained to the complainant.

Any person who discloses or reports any reportable conduct will not be personally disadvantaged by having made the disclosure or complaint. Victims and/or witnesses who report behaviour that is in breach of our *Code of Conduct Policy* will be provided with protection from any subsequent victimisation, in accordance with our *Whistleblower Protection Policy*.

4. Responding to Unacceptable Behaviour

Unacceptable behaviour must be responded to as soon as possible after suspecting or becoming aware that there is a problem. The nature and extent of the investigation will be at the school's sole and absolute discretion.

In all circumstances the school will:

- take complaints seriously when they arise and act promptly and ensure the safety of all involved
- provide assurance to the victim that their confidentiality will be respected
- properly investigate the facts including discussing the incident with the victim, the perpetrator and any bystanders, based on the principles of natural justice
- take time to understand any concerns of individuals involved
- advise all persons involved what support and/or representation is available
- maintain thorough records of all reported incidents and investigations.

As far as is reasonably possible, the investigation and its outcome will be kept confidential although, where appropriate, both the students involved, and their parents will be informed.

In some circumstances, the school or individual staff may have a legal obligation to report certain behaviour to external authorities, such as the Queensland Police Service or the Queensland Department responsible for child safety.

5. Support Options

5.1 Internal

The school will provide support to all students, staff and parents which may include, where appropriate:

- Being informed of the outcome of the school's investigation
- Being consulted in respect of the support to be offered by the school including counselling; and
- Receiving an explanation, apology and/or restitution.

5.2 External Support Services

Staff

The school will provide support to all staff where appropriate or advise of support options available for them to access, which include:

- A union
- Legal representation
- Fair Work Commission assists with employment issues that involve bullying or sexual harassment 1300 799 675 [Legal advice from the Workplace Advice Service | Fair Work Commission \(fwc.gov.au\)](#)

All Complainants

- Australian Human Rights Commission accepts complaints about sexual harassment, and other forms of harassment or discrimination covered by federal discrimination laws including sex, disability, race and age discrimination 1300 656 419 [Complaints | Australian Human Rights Commission](#)
- Queensland Human Rights Commission 1300 130 670 [QHRC : Complaints](#)
- Queensland Police Service if the behaviour is criminal conduct. 131 444 Policelink
- Sexual assault support: If you have experienced sexual assault or harassment and feel you would like to speak to someone for support or information, 1800RESPECT (Phone: 1800 737 732).

Students

St John's Lutheran School will assist students and their families who have experienced or are experiencing bullying or cyberbullying and are suffering negative effects. Staff can seek assistance through support services such as:

- [Kids Helpline](#) 1800 55 1800
- [Headspace](#)
- [Office of the eSafety Commissioner](#).

6. Responsibilities and Rights

6.1 Principal

- Ensure all staff are familiar with this policy and provide appropriate professional development and training on a regular basis, including at the time of induction of new staff members
- Assist in the creation of a positive school climate of respectful relationships where bullying or harassing behaviours are not tolerated and cannot flourish
- Ensures the development, implementation and evaluation of education and prevention strategies to promote student and staff safety and wellbeing
- Ensure that all accessible areas of the school are appropriately patrolled during supervision duty
- Ensure that any reports of unreasonable behaviour under this policy are treated seriously, with appropriate and timely action taken to address allegations
- Ensure that support will be given for the wellbeing of any person who has been affected by, engaged in or witnessed an instance of unreasonable behaviour under this policy
- Ensure that no employee will be disadvantaged in their employment or opportunities as a result of lodging a complaint

6.2 Staff

All staff are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- Work free from discrimination, bullying and sexual harassment
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All staff must:

- Model appropriate behaviour at all times in interactions with students, parents, other staff members and members of the school community. Treat others with dignity and respect and promote a positive, inclusive and supportive work and learning environment

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- Ensure any allegations relating to inappropriate behaviour are made in good faith, and are not vexatious or malicious or designed to impede legitimate management action.
- Be vigilant in monitoring for signs of bullying behaviour
- Respond in a timely manner to all incidents of bullying, harassment and discrimination in accordance with this policy
- Watch for early signs of distress in students, other staff or community members. This could be evident in any aspect of school life
- Immediate action must address the physical and emotional safety of the student, for example providing a safe place for the student, redirecting students engaging in bullying behaviours or interrupting and addressing verbal issues in situ
- Respond immediately to allegations and incidents of bullying, harassment or discrimination
- Offer immediate support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- Take reasonable steps to prevent bullying and respond to complaints to help bring the bullying to an end
- Educate all students with regard to their responsibilities as bystanders to a bullying or harassment incident
- Ensure records are maintained accurately in relation to any allegations of bullying or harassment.

6.3 Students

- Refuse to be involved in any behaviour that is bullying, harassing or discriminating, including as a bystander
- Report any bullying behaviour or harassment to a trusted teacher, coordinator or other staff member
- Actively support other students they know are being bullied or harassed
- Students who engage in bullying behaviour may face disciplinary action whether behaviour
 - occurs at school
 - occurs outside of school hours or settings (including school camps and excursions)
 - is directed towards other community members or students from other school sites.

6.4 Parents and Other School Community Members

- Be familiar with the terms of this policy
- Watch for early signs of distress in students, parents, staff or other school community members
- Keep the school informed of concerns around behaviour, their child's health and wellbeing issues or other matters of relevance
- Ensure they do not model bullying or harassing behaviour in interactions they have with the school staff, other students or school community members
- Watch for signs of distress in their child, such as unwillingness to attend school, a pattern of headaches or stomach aches, equipment that has gone missing, request for extra pocket money, damaged clothing or bruising. Early contact is essential at this point
- Take an active interest in their child's social life
- Encourage their child to tell a trusted staff member if bullying has, or is suspected to have, occurred
- Report to the Assistant to the Principal or any other staff member if they know or think their child is being bullied
- Keep a written record of any bullying behaviour (who, what, where and when)
- Tell their child that there is nothing wrong with them
- NOT encourage their child to hit back or respond verbally

- Cooperate with the school if their child is involved in bullying behaviour (either as a student who has been bullied, or who has engaged in bullying behaviour) to resolve incidents.

7. Equal Employment Opportunity

7.1 Principles

St John's Lutheran School is committed to the principles of Equal Employment Opportunity. The school is committed to the promotion of equity and recognition of diversity in employment. It aims to provide a work environment that fosters fairness, equity, inclusivity and respect for social and cultural diversity, and that is free from unlawful discrimination, bullying, harassment, vilification and victimisation.

We will maintain a neutral working environment in which no employee or worker feels under threat or intimidated. We will conform with the obligations which are imposed upon it by all relevant state and federal legislation relating to, but not limited to, anti-discrimination.

7.2 Recruitment, Selection and Promotion

All recruitment and selection decisions are based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position - and not affected by irrelevant personal characteristics. The school uses a consistent, non-discriminatory approach to the advertising of vacancies, focusing on the skills, abilities, knowledge and experience needed to perform the job.

It is unacceptable and may be against the law to ask job candidates questions, or in any other way seek information which is unnecessary and potentially discriminatory, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position. Job descriptions will be written avoiding discriminatory language and personal characteristics (such as age, race or sex), unless they are part of the genuine requirements of the job.

Not only are all suitably qualified persons given equal employment consideration, but staff employed will continue to have access of opportunities for progression according to their abilities. Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.

7.3 Exemptions

In relation to employment, the *Anti-Discrimination Act 1991* provides an exemption in the following areas applicable to St John's Lutheran School:

- where there is a genuine occupational requirement for a position (s25[1])
- in educational institutions with a religious purpose (s25[3])
- where job capacity is restricted by impairment and special terms are imposed (s34)
- where special services or facilities are required by people with disabilities that would impose unjustifiable hardship on the school (s35), or
- where special circumstances or impairment would cause unjustifiable hardship (s36).

8. Enrolment and Learning of Students

St John's Lutheran School has consistent, transparent and fair enrolment processes when assessing enrolment applications, which reflect the Christian values of the school. They provide practical guidance when assessing enrolment applications in the context of anti-discrimination legislation, ensuring that decisions are made in a way that respects and protects human rights. Refer to the St John's Lutheran School *Enrolment Policy*.

St John's Lutheran School values the diversity of all students, recognises the right of all students to equitable access to the curriculum, and offers education programs specific to the educational needs of students with disabilities.

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All students at St John's have the right to learn in an environment free from unlawful discrimination, where all students have equal opportunities. Refer to the St John's Lutheran School *Students with Disability Discrimination Policy*.

9. Consequences for Breaching this Policy

All individuals covered by this policy are expected to adhere to the standards of behaviour contained herein, and within the respective Codes of Conduct, at all times.

Normally a variety of consequences will apply according to the severity of the situation and whether it is a first or subsequent offence. Consequences may include an apology, counselling, compensation, disciplinary action, misconduct proceedings or even suspension or expulsion.

False and/or malicious complaints may lead to legal action being taken against a complainant.

With regard to staff, disciplinary action may be taken against anyone who breaches this policy and may involve a formal warning, counselling, demotion or termination of employment, depending on the circumstances.

With regard to students, disciplinary action as per the school's *Relationship Management Policy* may be taken against a student who bullies or harasses another student, staff member, parent or other school community member.

With regard to parents and other school community members, termination of the enrolment contract or other contract or arrangement between the parents/ other school community member and the School may result in the event a parent or other school community member bullies or harasses another parent, student, staff member or other school community member.