

# Anti-bullying and Harassment Policy and Procedure

## 1.0 PURPOSE

Youth2Industry College is committed to providing a positive College environment free from discrimination, bullying and harassment. Every teacher, staff and student has a responsibility to maintain a working environment free from negative and bullying behaviour. Youth2Industry College will investigate complaints of harassment and bullying and will take action when necessary.

## 2.0 SCOPE

Bullying and harassment can involve staff, managers, contractors, students and others connected with or attending the College. It can happen at the College, at College-related events or between colleagues, or students outside the College. This policy should be read in conjunction with **QMS: 424 Y2IC Complaints, Grievances and Disputes Policy and Procedure**.

## 3.0 IMPLEMENTATION

All students are acknowledged, valued and treated with fairness and respect, regardless of religious, racial, cultural, physical or intellectual differences. Teachers and students have the right to work, interact and play in an atmosphere conducive and supportive to learning and emotional health. Students have a right to be educated in a positive, safe, encouraging environment with expectations of care, courtesy and respect for all. Students have the right to be treated equally in an environment that values and encourages tolerance, inclusion, integrity and diligence. Students have the right to work and play free from intimidation and any threat or risk of abuse. The College has a responsibility to identify students at risk both socially and academically and to devise approaches which support these students. The College has a responsibility to ensure that internal processes address students with specific learning needs. Students have the right to expect a resolution of their problems, to be able to tell their side of the story in a dispute within a supportive environment and to be taught strategies to solve problems. The College aims to develop students, resilience and a quiet level of confidence and independence within their community and relationships.

**We state explicitly that corporal punishment is prohibited in the Youth2Industry College.**

## 4.0 WHAT THE YOUTH2INDUSTRY COLLEGE WILL DO TO PREVENT BULLYING

The Youth2Industry College will implement a range of bullying prevention strategies including:

- Promoting Youth2Industry College values especially that relationships are respectful and tolerant
- Actively develop positive, appropriate relationships with students
- Have clear behavioural, learning and attendance expectations and strategies (especially online behaviour)

- Ensuring staff are role models at all times
- Being observant of signs of distress or suspected incidents of bullying
- Making efforts to remove occasions for bullying by supervising students during break periods and by supervising effectively within the premises
- Taking steps to help the victim and remove sources of distress without placing the victim at further risk
- Reporting suspected incidents to the appropriate staff member who will investigate and intervene with appropriate strategies
- Contacting parents/carers (where relevant) regarding incidences of bullying
- Regularly remind staff and students during staff meetings and class activities about the importance of preventing bullying
- Promoting information sessions for students and parents/carers such as understanding cyberbullying, peer and personal safety, positive online behaviour and online security
- Conducting welfare and staff meetings on a fortnightly basis
- Discussing individual learning plans with students and parents/carers and provide opportunities in those meetings to raise concerns
- Encouraging College staff meet with the Principal to discuss their welfare and concerns
- Make this and other associated policies available to staff, students and parents/carers (website, SharePoint, College and staff handbooks)

## **5.0 DEFINITIONS**

### **5.1 Discrimination**

Discrimination means treating someone unfairly because of a personal characteristic protected by law, and causing them to be disadvantaged as a result. The protected personal characteristics are listed in the Equal Opportunity Act 2010. Federal anti-discrimination laws also apply to Victorian employers.

### **5.2 Harassment**

Harassment is unwelcome conduct that humiliates, offends or intimidates people. Harassment is conduct that is neither appropriate nor relevant to work. This includes words as well as acts, pictures and images, manifest attitudes and a hostile or threatening atmosphere. The effect is to make a person feel insulted, offended, intimidated and unable to work effectively or, ultimately safely.

### **5.3 Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature. It involves behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal or written.

Sexual harassment is illegal under the Equal Opportunity Act (Vic) 2010 and the Sex Discrimination Act (Cth) 1984.

Staff are required to ensure that all Youth2Industry College stakeholders are treated fairly and equitably and are not subject harassment. We must also ensure that complainants and witnesses are not victimised in any way. Any reports of sexual harassment will be treated seriously by the Principal and will be investigated thoroughly and confidentially.

Disciplinary action will be taken against anyone found to be guilty of sexually harassing a worker, student, guest or other stakeholder

The Victorian Act states that a person sexually harasses another person if:

- A person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed
- 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 that the person harassed would be offended, humiliated or intimidated

Sexual harassment can include:

- Comments about a person's private life or their appearance
- Suggestive behaviour, such as leering and staring
- Brushing up against a person, touching, fondling and hugging
- Suggestive comments or jokes
- Displaying offensive screen savers, photos, calendars or objects
- Continued requests to go out
- Requests for sex
- Sexually explicit emails or text messages

Sexual harassment is **not** sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated.

#### **5.4 Authorising and Assisting**

It is against the law to authorise or assist another person to discriminate against or sexually harass someone. This means a person must not ask, instruct, or encourage anyone else to undertake these actions.

#### **5.5 Criminal Offences**

Some types of sexual harassment may also be offences under criminal law, including indecent exposure, stalking, sexual assault and obscene or threatening communications, such as phone calls, letters, emails, text messages and postings on social networking sites. In these instances, the College should advise the individual to report the matter to the police and provide any necessary support and assistance that the individual may need.

## 5.6 Bullying

Bullying is a form of harassment that occurs when a person, or group of people repeatedly behaves unreasonably towards another person, or group of people, and the behaviour causes a risk to health and safety in the workplace.

- **Repeatedly** refers to the persistent or ongoing nature of the behaviour and can refer to a range of different types of behaviour, or a particular behaviour, over time
- **Unreasonable behaviour** will depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances
- **Risk to health and safety** includes the emotional, mental or physical health of the affected person(s)

Instances of bullying may be unintentional or have deliberate intent of causing physical and psychological distress to others.

Bullying in the College can take place between:

- A worker (eg teacher) and a manager (eg Principal)
- Co-workers, including employees and other workers
- Students

The definition of worker extends beyond employees to have the same meaning as in the Work Health and Safety Act 2011, including volunteers, work placement students, and contractors and their employees.

### **Bullying (for students)**

Bullying can happen when a person, or a group of people, hurt you with their words and actions, and they do it again and again.

Bullying can upset or create a risk to another person's health and safety, either psychologically, physically (to their body) or to their property, reputation or social acceptance. Bullying is a series of repeated incidents, involving the same student, or a group of students.

Harassment is unwanted behaviour that offends, humiliates or intimidates a person, and can be targeted based on a characteristic such as gender, race or ethnicity. If the harassment is of a sexual nature it is called sexual harassment.

Some examples of bullying and harassment include:

- Physical (fighting, kicking, punching, pushing, etc)
- Verbal (teasing, swearing, put-downs, spreading rumours, name calling, etc.)
- Extortion (threats used to take food or money)

- Visual (insulting notes, emails, graffiti, text messages, Facebook or other cyber entries)
- Exclusion (deliberately ignored, excluded from participation in activities, etc.)
- Sexual (abusive, sexualised name calling and insults, obscene gestures to a person, etc.) or sexting
- Racial (comments about social or cultural differences designed to be put-downs, etc.)

### **Reactions to bullying that are not acceptable at the Youth2Industry College**

*“I was just mucking around. Can’t they take a joke?”*

This is the most common response to attempts to stop bullying. It is not a joke to put someone down, ridicule them, to make them feel uncomfortable, push them around or take their things.

*“I’ll ignore it and it will go away.”*

If anything, ignoring bullying will make it worse. It gives the impression that bullying is okay with you and that you agree with what the bully is doing.

*“I don’t want to cause trouble.”*

Students have the right to feel safe. You are not causing trouble if you want to stand up for yourself in a calm and non-violent way.

*“It’s just a natural part of growing up.”*

There is nothing natural about being bullied. Students have a right to feel safe at Youth2Industry College, as well as at home.

*“No-one can do anything about it.”*

Most cases of bullying can be sorted out very simply, especially if it is reported straight away. Youth2Industry College is committed to stopping bullying.

*“Only wusses dob.”*

It takes courage and strength of character to stand up for your rights and those of others. Students gain respect through dealing with the problem rather than allowing it to continue. Bullying continues when people do nothing.

### **5.7 What is Not Bullying**

Bullying and harassment does not include reasonable instructions from a teacher or other Youth2Industry College staff member and does not include disciplinary action.

Bullying is not the same as a conflict between people, such as a verbal disagreement or disliking someone.

For Youth2Industry College staff, bullying does not include events that are considered reasonable management action, including:

- Reasonable instructions by a teacher or other Youth2Industry College staff member
- Reasonable action taken in a reasonable manner by an employer to transfer, discipline, counsel, retrench or dismiss an employee
- A decision by an employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with an employee's employment
- Reasonable administrative action taken in a reasonable manner by an employer in connection with an employee's employment, including managing under performance and other action in accordance with Youth2Industry College policy and procedures
- Providing constructive feedback
- Reasonable action taken in a reasonable manner under an Act affecting a worker or student

Bullying also does not include:

- Occasional differences of opinion, and non-aggressive conflicts and problems in working relations

## **5.8 Types of Bullying**

Types of bullying and harassment can include:

- Face to face – for example, verbal abuse, physical aggression
- Covert bullying – is not seen by others and conducted out of sight of others
- Cyberbullying – is the use of technology to harass, threaten, embarrass, or target another person. It differs from traditional bullying in several ways.
  - Availability – it can occur anywhere and at any time;
  - Anonymity – the impression of anonymity in the 'online world' leads people to feel less accountable for their actions.
  - Geography – cyberbullying can operate wherever anyone uses the internet or a mobile phone;
  - Impact – the internet provides the means for bullying comments to be available to a wider audience. Through social networking sites, these comments can be viewed by a potentially unlimited number of people;
  - Intent – a private message or joke that is forwarded may become offensive or harassing even though that was not the intention of the original sender;
  - Permanence – verbal comments are fleeting. Online content can potentially resurface at any time;
  - Democracy – anyone can be a victim (students, teachers, parents/carers).

Examples of **obvious and aggressive** bullying behaviours could include:

- Abusive, insulting or offensive language
- Behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and screaming
- Teasing or regularly making someone the brunt of practical jokes
- Displaying material that is degrading or offending
- Spreading gossip, rumours and innuendo of a malicious nature
- Making fun of someone's religious customs or traditions

### 5.9 Violence, Assault and Stalking

The above are extreme forms of bullying that constitute a criminal offence. Such behaviour should be reported directly to the police. Examples include, but are not limited to:

- Harmful or offensive initiation practices
- Physical assault or unlawful threats

Bullying can also include **subtle behaviour** such as:

- Deliberately excluding, isolating or marginalising a person
- Intruding on a person's space by pestering, spying or tampering with their personal effects or equipment
- Intimidating a person through inappropriate personal comments, belittling opinions or unjustified criticism

Examples of **covert behaviour** includes:

- Overloading a person with work in the workplace
- Setting timelines that are very difficult to achieve, or constantly changing deadlines
- Setting tasks that are unreasonably beyond a person's ability
- Ignoring or isolating a person
- Deliberately denying access to information, consultation or resources
- Unfair treatment in relation to accessing workplace entitlements, such as leave or training

## 6.0 EFFECTS OF BULLYING ON AN INDIVIDUAL

The effects on the person experiencing bullying can include:

- Severe psychological distress, sleep disturbances and general feelings of anxiety
- Physical symptoms such as stomach-aches, headaches and general ill-health
- Incapacity to work, reduced output and performance
- Loss of self-confidence, low self-esteem and sometimes even suicidal behaviour

## **7.0 EFFECTS OF BULLYING ON YOUTH2INDUSTRY COLLEGE**

The effects of bullying on Youth2Industry College can include:

- Lower staff productivity and efficiency
- High staff turnover with resultant increase in recruitment and induction costs, as well as down time as replacement workers are trained in their new jobs
- Increased absenteeism and sick leave
- The direct cost of dealing with complaints of bullying such as the cost of counselling effected workers, students, costs associated with legal action etc.
- Stress related costs via the workers compensation system with resultant increases in insurance premiums and/or rehabilitation costs, poor morale
- Damage to reputation and relationships with students or other stakeholders

## **8.0 THE RESPONSIBILITIES OF STUDENTS WHO WITNESS INCIDENTS OF BULLYING**

Students have a responsibility to:

- Refuse to be involved in any bullying situation. If present when bullying occurs the student should report the incident or suspect to a teacher or other Youth2Industry College staff member
- Help make the Youth2Industry College a happy and safe place
- Treat everyone (students, parents/carers, teachers and others) with consideration, tolerance and respect
- Respect the property of others and the Youth2Industry College
- Seek to resolve conflict in a positive and co-operative manner

## **9.0 THE RESPONSIBILITIES OF PARENTS/CARERS**

The Youth2Industry College recommends that parents/carers:

- Watch for signs of distress in their child, e.g. unwillingness to attend class, pattern of headaches, damaged clothing or bruising etc.
- Take an active interest in their child's social life and acquaintances
- Advise their child to tell a staff member about bullying incidents
- Do not encourage the child to retaliate
- Communicate to their child that parental involvement, if necessary, will be appropriate for the situation
- Be willing to attend interviews at the Youth2Industry College if their child is involved in a bullying incident
- Be willing to inform the Youth2Industry College of any cases of suspected bullying even if their own child is not directly affected



## **10.0 RESPONSIBILITIES OF YOUTH2INDUSTRY STAFF**

The prevention of bullying and harassment requires Youth2Industry College staff, to be responsible for the following actions:

- Be aware of and identify bullying and harassing behaviour, and where appropriate utilise Youth2Industry College's and/or external mechanisms, to stop any further instances of the negative behaviour
- Behave in accordance with the principles of equal opportunity and anti-discrimination
- Provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace
- Speak with the alleged bully, objecting to the alleged behaviour, when bullying behaviour is witnessed or experienced
- Provide activities and opportunities to develop resilience and conflict resolution skills
- Respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred
- Offer to act as a witness if the person being bullied decides to report the incident
- Keep a record or diary of incidents noting what happened, when and the names of witnesses

## **11.0 WHEN INAPPROPRIATE BEHAVIOUR OCCUR**

Teachers will respond in a calm and positive manner when inappropriate behaviour occurs. Strategies to be employed by teachers may include:

- Using effective language and body language to encourage positive behaviour
- Discussion with the student away from the class/group
- Moving a student to another seat in class, on bus etc.
- Giving students clear choices about behaviour and implementing logical consequences
- Keeping a student in during recess or lunch to complete work, if time in class has not been used appropriately
- A restorative chat after class
- A restorative meeting between students as outlined in the if the issue occurs between students
- Emailing parents/carers

### **11.1 Continuing Inappropriate Choices Regarding Behaviour**

If a student continues to behave inappropriately regarding their responsibilities or the rights of others, and the teacher has used a variety of preventative and responsive strategies, the following guidelines are to be used:

- A restorative conversation about the impact of the student's behaviour on the relationships within the classroom and/or College community should be arranged.
- Implementation of consequences which are relevant and appropriate, such as:
  - Convening a restorative meeting between the teacher, student and a facilitator
  - Requesting an apology to teacher/class
  - Being kept back by the teacher at recess or lunch to complete unfinished work
  - Making a phone call to parents/carers
  - Establishing email communication with parents/carers regarding issues such as behaviour or work output/authentication issues
  - Arranging a meeting with parents/carers
  - Removal of logical privileges

### **11.2 Probation**

If a student has not demonstrated improvement in behaviour after the above student behaviour management process has been followed, parents/carers will be informed by the VCAL Coordinator in an interview that any further incidents of inappropriate behaviour within a prescribed period may result in the student being referred to the Principal to consider their enrolment. After this probationary period, the VCAL Coordinator, in consultation with other relevant staff, will determine if any further action is required. As a general principle, the student, having demonstrated a suitable improvement, will be given a fresh start.

### **11.3 Serious Behaviour Issues In and Out of Class**

This includes any serious behaviours such as actions which:

- Wilfully hurt another student
- Wilfully damage College property
- Display gross disrespect towards a member of staff
- Display gross disrespect towards another student, including online behaviours
- Repeated and serious incidents of bullying

In the case of serious misbehaviour, the College will take a restorative approach to managing the issue. In the case of serious misbehaviour, a student will be removed from the class/activity and sent to the VCAL Coordinator.

The student will be supervised until the teacher can be in attendance as soon as possible after the incident. The student will complete a reflection based on the restorative interview questions. An account of the incident, which may be based on interviews from a number of students and/or staff will be made clear. The student will be suspended from class by a member of the College Executive until they are able to determine the actions to be taken. This decision will be made in conjunction with relevant staff. This will include a restorative meeting but may also include:

- A student being sent home until an interview is arranged with a member of the College Executive to determine consequences in addition to a restorative meeting
- Suspension in College until a restorative meeting or as a consequence for behaviours is determined. Parents/carers will be notified of any exit incident and the restorative consequences.

#### **11.4 Continued Serious Breaches**

To be used when there are repeated serious breaches of the student management behaviour policy. When repeated serious behaviours such as actions which:

- Wilfully hurt another student
- Wilfully damage College property
- Display gross disrespect towards a member of staff
- Display gross disrespect towards another student, including online behaviours
- Further repeated and serious incidents of bullying

Students will be suspended from College (either at home or in College) and referred to the Principal who will determine the conditions under which, if any, the student is permitted to remain at the College. This will be determined in a meeting with parent/guardians.

#### **11.5 Suspension**

Suspension, either in College or at home will be used when serious incidents occur, such as those outlined above, in addition to theft or drug possession. Details of the suspension will include an agreed strategy for the return of the student and/or arrangements to meet the Principal to discuss the conditions under which, if any, the student is permitted to remain at the College. Suspension will be approved by any member of the College Executive.

#### **11.6 Expulsion**

Expulsion from Youth2Industry College will be determined at the discretion of the Principal and where possible, after discussion with the College Board.

#### **11.7 Record Keeping**

Records of behavioural incidents along with any interviews and other documentation relating to an issue are kept at the College (where dealt with at College level) in a separate file and with the student's file. If there are considered to be serious ongoing management or care issues relating to a student, then there will be a cross-reference to a restricted file on the student. Disciplinary outcomes will be recorded on the **QMS: 400-45 Y2IC Disciplinary Register**.

## **12.0 STUDENT GRIEVANCE PROCEDURE**

To be read in conjunction with **QMS: 424 Y2IC Complaints, Grievances and Disputes Policy and Procedure**. Students who report bullying can rely on staff to investigate their complaint promptly and in a thorough and confidential manner. Staff will respond to any acts of harassment, abuse or bullying immediately and positively:

- Any student complaint will be immediately investigated by the VCAL Coordinator
- All parties involved, including bystanders where possible, will be interviewed by the VCAL Coordinator or the Principal unless they are the subject of the complaint in which case the matter will be referred to the Chair of the College Board and a mutually agreed to person will be appointed.
- A course of action will be determined in consultation with the student's parents/carers, teachers and VCAL Coordinator.
- Counselling and support will be offered to both parties if appropriate.
- A restorative practise approach will be used to address the harm caused and to ensure that a respectful agreement is made between all parties and that this is put into action.
- A report on action taken will be communicated to all parties involved within 24 hours of the complaint being presented.
- All notes and reports of the complaints process and its outcomes will be recorded and filed securely.

## **13.0 WORKPLACE GRIEVANCE PROCEDURE**

Youth2Industry's preferred procedures for staff that believe that they are being bullied or harassed are

- Speak directly to the person(s) causing the offence and inform them that their behaviour is unwelcome and should cease.
- Should the unwanted behaviour continue, make a formal written complaint to the Principal listing:
  - The instances of bullying behaviour and the dates on which they occurred
  - The duration of the behaviour
  - Statements from any witnesses regarding the alleged behaviour, where relevant
- Where a serious allegation has been made, an investigation will be conducted by the Principal. It will focus on establishing whether a claim of bullying is substantiated or if there is enough information to decide either way. An investigation will be undertaken on:
  - Allegations covering a long period of time
  - Allegations involving threats

- Allegations involving multiple workers and vulnerable workers
  - Informal approaches that have failed
  - Allegations involving College Executive/leaders
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- Where the complaint involves the Principal, either as complainant or perpetrator, a formal written complaint should be made to the Chair of the College Board containing the details above.
  - Documented complaints will be referred to an independent consultant for investigation and remedy.
  - Counselling will be offered to both parties if appropriate.
  - Support will be offered, and a restorative practice approach used to address the harm caused and seeks a respectful agreement between all parties.
  - Staff found guilty of workplace harassment or bullying may be subject to disciplinary action.
  - Should a remedy not be possible, procedures such as possible dismissal of the perpetrator will apply, based on appropriate legal advice.
  - An appeal against a charge of proven bullying or dismissal can be addressed to the College Board through its Chair or taken directly to Fair Work Australia.
  - If a staff complainant does not believe that their complaint has been satisfactorily resolved, they may approach the College Board to seek further redress.
  - All reports on a complaint will be recorded and filed according to the College's confidentiality and privacy policy.
  - Staff are also able to choose to follow WorkSafe Victoria's guidelines for employees seeking a resolution to bullying.

### **13.1 Record Keeping**

Records of complaints of bullying, interviews and other documentation relating to a complaint are kept at the College (where dealt with at College level) in a separate complaints file. If the complaint is about a person, documents are placed in a restricted access file. If there are considered to be serious ongoing management or care issues relating to a complaint, there will be a cross-reference to the restricted file on the staff member's file.

## **14.0 COMMUNICATION OF THIS POLICY AND PROCEDURES**

This document will be uploaded onto the Youth2Industry College website and included in both the Student and Staff handbooks.

## **15.0 ASSOCIATED DOCUMENTS**

- QMS:425 Y2IC Diversity and Equal Opportunity Policy
- QMS:429 Y2IC Student Behaviour Management Policy
- QMS:400-45 Y2IC Disciplinary Register
- QMS:424 Y2IC Complaints, Grievances and Disputes Policy and Procedure

I, \_\_\_\_\_ (*Staff Full Name*) have read and understood the above Anti-bullying Harassment Policy.

\_\_\_\_\_ Date \_\_\_\_\_  
*Signature*

**VERSION CONTROL DETAILS**

**Revision History**

Date	Version	Author	Change Reference
25/5/2020	1.0	P. Vakakis	Initial Policy
20/12/2021	2.0	P. Vakakis	Updates to sexual harassment

**Reviewers**

Date	Version	Approved By	Next Review Date
25/5/2020	1.0	Y2IC Board	May, 2023
1/2/2022	2.0	Y2IC Board	December 2025