



STAFF ANTI-DISCRIMINATION, SEXUAL HARASSMENT AND BULLYING POLICY

POLICY STATEMENT

Villanova College is committed to providing for each person working at Villanova College an environment in which the dignity of individuals is respected and that is free from unlawful discrimination, sexual harassment, vilification and workplace bullying.

Villanova College considers all forms of harassment, vilification and workplace bullying to be unacceptable behaviours because they undermine the intrinsic dignity of the individual person. Accordingly, Villanova College sets in place procedures to address all forms of unlawful discrimination, sexual harassment, vilification and workplace bullying.

1. RATIONALE

Villanova College is committed to developing an education and organisational culture based on mutual trust and respect which assists people to recognise and develop their personal capabilities.

The College is also committed to providing each person working at Villanova College with a safe and caring environment which is conducive to working in and experiencing a community which espouses the values of the Gospel and the Augustinian ethos.

2. GUIDING PRINCIPLES

- It is expected that each person working at Villanova College will:
- Promote the principle of equal opportunity;
- Observe the principles of natural justice;
- Acknowledge the right of individuals to be treated with respect;
- Engender fairness and respect in relationships;
- Refrain from any behaviours that impinge negatively upon a person's dignity and rights, morale and work effectiveness;
- Contribute to quality of life in the workplace through respect and tolerance;
- Protect and promote cultural and social diversity in the College community;
- Respect the need for confidentiality;
- Observe the provisions of relevant state and federal legislation, including Federal Privacy legislation;
- Engage in practices which are restorative.

3. VALUES

- Uphold the dignity and respect for individuals
- Honest and open communication is essential in maintaining healthy relationships.

4. OPERATIVE PROVISION

A Person Working at Villanova College must not engage in, encourage, support or be otherwise involved in Unlawful Discrimination, Vilification, Sexual Harassment or Bullying.

5. DEFINITIONS

A person working at Villanova College

This refers to all staff, religious, volunteers (paid and unpaid) involved in the activities of the College.

Unlawful Discrimination

Under the Anti-Discrimination Act (1991) Queensland and other legislation, it is unlawful to treat someone unfavourably (in connection with work or in deciding who should be offered work or education) on account of:

- Family responsibilities;
- Parental status;
- Breastfeeding;
- Religious belief or religious activity;
- Political belief or activity;
- Trade union activity;
- Lawful sexual activity;
- Relationship status;
- Sexuality;
- Sex;
- Gender identity;
- Race;
- Impairment;
- Pregnancy; or
- Age.

Note: Section 25 of the Anti-Discrimination Act 1991 provides that a person may impose genuine occupational requirements for a position. A specific example provided in the legislation includes employing persons of a particular religion to teach in a school established for students of the particular religion.

Vilification

The 2003 Amendment to the Anti-Discrimination Act 1991 (Qld) (s 124A) makes it unlawful to publicly vilify a person because of their race, religion, sexuality or gender identity.

Vilification is a public act or speech which encourages others to have serious contempt for, severe ridicule of, a person or a group of persons because of their race, religion, sexuality or gender identity.

Sexual Harassment

Sexual harassment consists of unwelcome conduct of a sexual nature, and/or which offends, intimidates or humiliates another person. It is a form of sex discrimination. It promotes a work environment which is unpleasant, humiliating or intimidating for those subjected to or threatened by this behaviour.

Sexual harassment can be a single incident or a series of incidents – it depends on the circumstances. Obviously some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation out, may not constitute harassment if they are not repeated.

This policy accepts that sexual harassment can occur outside of working hours and not within the workplace. Sexual harassment is unlawful in any work related context, including conferences, work functions, work Christmas parties and business or field trips.

Under the Anti-Discrimination Act 1991 (Qld) and other legislation, it is unlawful to sexually harass another person. Section 119 of the Anti-Discrimination Act 1991 (Qld), states that sexual harassment happens if a person:

- subjects another person to an unsolicited act of physical intimacy.
- makes an unsolicited demand or request (directly or by implication) for sexual favours from the other person.
- makes a remark with sexual connotations relating to the other person.
- engages in any other unwelcome conduct of a sexual nature in relation to the other person.

and the person engaging in the conduct does so:

- a) with the intention of offending, humiliating or intimidating the other person; or
- b) in circumstances which a reasonable person would have anticipated the possibility that the other person could be offended, humiliated or intimidated by the conduct.

Bullying

Bullying is any behaviour which intimidates, offends, degrades or humiliates a person. It is usually repeated and there often is, or is seen to be, an imbalance of power (ie authority, physical size) between the person bullying and the person being bullied. Bullying in any form is not acceptable at Villanova College.

Bullying can be:

- Face to face;
- Over the telephone;
- Through electronic messages;
- By the exclusion of others;

Examples of bullying are:

- Assault, threats of assault, pushing, shoving or jostling;
- Personal insults and name-calling;
- Spreading malicious rumours, slandering a person or their family;
- Inappropriate comments about personal appearance or lifestyle;
- Obstructing and isolating a person in the workplace;
- Increasing responsibility but removing authority; and
- Unclear, vague or exceedingly long job descriptions.

Complainant

This refers to such person working at Villanova College who believes he/she has a bona fide complaint of a breach of this policy.

Respondent

This refers to the person against whom a complaint is made.

Final policy approved by Council: 17th May, 2006

Policy Reviewed & Approved: 19 June 2013

Policy to be Reviewed: 2018

Acknowledgements:

The Villanova College Council is grateful to the following Queensland Catholic School authorities for their willingness to share copies of their Sexual Harassment and Workplace Bullying policies:

- Trustees of the Christian Brothers (Qld)
- Archdiocese of Brisbane Catholic Education

This policy is adapted from the Policy of the Trustees of the Christian Brothers (Qld) published in March 2004.



ANTI-DISCRIMINATION, SEXUAL HARASSMENT AND BULLYING PROCEDURES

1. Responsibilities

1.1 *Each person working at Villanova College has responsibility for:*

- a) Becoming conversant with this policy, the reporting procedure and the identity and the role of the Harassment Referral Officer (HRO);
- b) Promoting equality and a working environment free from any form of harassment, ie monitoring their own behaviour to ensure that it is acceptable, and taking appropriate action if it becomes apparent that harassment is occurring in the work environment, even if a complaint has not been made; and
- c) Encouraging a person who is subjected to harassment to approach the HRO.

1.2 *Villanova College Council has responsibility for:*

- a) Ensuring resources are available for the development, implementation, monitoring and review of this policy.
- b) Receiving reports, from the Principal about:
 - Notification of the need to further investigate a complaint;
 - Findings and action of an investigation; and
 - Review of the process, following the lodging of a request for a review.
- c) Discretionary intervention at any stage, in accordance with the Guiding Principles of this Policy.

1.3 *The College Principal has responsibility for:*

- a) Promoting an atmosphere of safety, based on mutual respect and dignity;
- b) Providing copies of the Anti-Discrimination, Sexual Harassment and Bullying Policy to all staff associated with Villanova College;
- c) Appointing the Harassment Referral Officer (HRO);
- d) Ensuring that HRO participate in training in order to understand relevant issues and develop the required skills;
- e) Ensuring training is available for each person working at Villanova College, including the Harassment Referral Officer, so that skills are developed, and this policy and its procedures are understood and staff are aware of the role of the HRO;
- f) Instituting a range of appropriate consequences/disciplinary measures where breaches are proved;
- g) Receiving all internal formal complaints and performing the relevant tasks in accordance with the procedures outlined in this document;
- h) Receiving and monitoring quarterly statistical information from the HRO regarding complaints made under this policy, and taking appropriate action when required;
- i) Ensuring that a report is made to the College Council annually about compliance with this policy.

1.4 Harassment Referral Officers (HRO's)

HRO's will be appointed to be the first point of contact for complaints made by any person working at Villanova College. Where possible, one male and one female HRO will be appointed, being selected after calling for expressions of interest from existing staff. A HRO is responsible for:

- a) being identifiable, visible and accessible as an HRO, to all persons working at Villanova College;
- b) providing information to each person working at Villanova College about the policy and the HRO role and responsibilities, eg through the display and distribution of brochures and information;
- c) being the first point of contact for any person working at the College, who has a complaint or enquiry;
- d) providing information on options/remedies available to resolve the complaint;
- e) identifying the outcome the complainant seeks;
- f) providing ongoing support and policy and procedural advice to the complainant as appropriate;
- g) maintaining a confidential Workplace Harassment Register; and
- h) providing non-identifiable statistical information regarding complaints (number of complaints reported, state of resolution, path taken to resolution) at quarterly intervals to the College Principal.

The HRO does not have an active role to play in any investigative process. The HRO may accompany complainants to interviews as desired, but only in an observer/support role.

1.5 Support Persons:

Any person (eg complainant, person whom the complaint is made against, or witness) can select a Support Person for the duration of the complaint process. The Support Person can be selected from within the workplace or outside the workplace.

A Support Person is responsible for providing ongoing support to the person involved in a complaint. This may include being present at interviews in an observer/support role, or other forms of support that the person requests.

1.6 The Investigating Officer:

The Investigating Officer is appointed by the Principal. The Investigating Officer is responsible for:

- a) Understanding and becoming familiar with this Policy, its procedures and its interview and record keeping protocols; and
- b) Conducting an investigation of a complaint in accordance with the procedures outlined in this document.

1.7 The Review Officer

The Review Officer is appointed by the Principal. The Review Officer is responsible for:

- a) Understanding and becoming familiar with this Policy, its procedures and its associated documentation; and
- b) Conducting a review of the procedure that was used to investigate a complaint in accordance with the procedures outlined in this document.

2. INITIATING A COMPLAINT

Each person working at Villanova College who believes he/she has a bonafide complaint (ie the complainant) is encouraged to promptly, or at the earliest convenient time, consult with the Harassment Referral Officer. The HRO will provide information about the series of OPTIONS available to handle the complaint.

3. COMPLAINT OPTIONS

There are four options available to handle a complaint. Options (b), (c) and (d) all can be utilised for the same complaint though only one option can be taken at a time.

a) *The complainant may decide to take no action.*

b) *Internal Informal Option*

The complainant may choose an internal informal option, eg speaking in a meeting to the person against whom the complaint has been made. The HRO will be able to explain the possible internal informal options.

An informal meeting of this kind will be conducted in accordance with the Restorative Practices in operation at Villanova College.

At the end of such a meeting, the HRO will record the complaint in the Workplace Harassment Register for the purpose of reporting non-identifiable quarterly statistical information to the Principal about complaints made.

Complainants should note however, in the event that serious allegations are raised which call into question the safety or well-being of other persons working at Villanova College, the Principal may decide that the matter will be investigated notwithstanding a complainant's request not to do so.

c) *Internal Formal Option*

The complainant may choose to make an internal formal complaint in writing. The HRO can assist the complainant in making this internal formal complaint.

The HRO will record the internal formal complaint in the Workplace Harassment Register.

d) *External Formal Option*

Whilst it is preferable to resolve complaints internally, the complainant may decide to pursue external legal remedies. The complainant may wish to seek the advice and/or assistance of such bodies as the Anti-Discrimination Commission, Queensland. The complainant has the right to do this at any stage of the process.

4. INTERNAL FORMAL OPTION – COMPLAINTS PROCEDURE

4.1 Lodging a formal complaint

The complainant will lodge their complaint in writing with the Principal.

The complainant may consult the HRO or other support person/s concerning the complaint.

Should the complaint be against the Principal of Villanova College, the complaint, in writing, will be referred to the Chair, Villanova College Council, who shall deal with the complaint in accordance with this procedure.

4.2 Implementing the Guiding Principles

Section 2 of the Villanova College Sexual Harassment and Bullying Policy highlights the Guiding Principles that underpin this policy and procedures.

In practice, all stages of this complaint process should be handled promptly and with confidentiality, in order to respect the principles of natural justice for all parties.

To uphold confidentiality, details about the complaint will be shared only 'on a need to know basis' and as necessary to comply with the requirements of this process or as required by law. Only the respondent and those persons with specific delegated responsibility, as outlined in this document, will have access to the details of the complaint.

4.3 Investigation

- a) When receiving a formal complaint, the Principal may interview the person making the complaint. On receipt of the complaint in writing, the Principal shall commence the process of investigation.
- b) The Principal shall select and involve a designated senior colleague in his/her decisions in conducting this investigation. The Principal may at his/her own discretion, confidentially inform relevant management staff of the existence of a formal complaint so that the workplace principles of safety and mutual respect can be provided to all involved.
- c) The Principal and the designated senior colleague will consider the complaint and the further steps to be taken in the internal investigation.
- d) The Principal shall inform the respondent of the existence and particulars of the complaint and shall obtain their response.
- e) The Principal may consult other person/s who may have information relevant to the complaint. Such persons shall be required to complete and sign a Witness Statement.
- f) The complainant and the respondent have the right to provide further information to the Principal at any stage
- g) Should the Principal decide that no further investigating steps need occur for the complaint to be satisfactorily dealt with, he/she shall proceed to step l) of this process.
- h) The Principal with the assistance of the designated senior colleague(s), may decide to further the investigation by appointing an Investigating Officer.
- i) On deciding that the complaint should be further investigated, the Principal shall:
 - i. Notify the Chair of the College Council, of the decision;
 - ii. Engage a person suitably qualified (who has a working knowledge of the requirements of procedural fairness) to be the Investigating Officer who will conduct the investigation;
 - iii. Provide a letter of delegation to the Investigating Officer setting out the requirements of the investigation. This letter will outline the timeline, the support people available, interview and record keeping protocols, and the format of the report;
 - iv. Inform the complainant, and the respondent that a further investigation will be undertaken and the name of the person who will undertake the investigation; and
 - v. Provide a copy of the formal complaint to the respondent.

- j) The Investigating Officer must undertake the following steps:
 - i. Draw up a timetable for further investigation and discuss with the Principal the general arrangements for the formal investigation.
 - ii. Commence interviews as soon as reasonable after the announcement of the further investigation.
 - iii. Interview all relevant persons. The complainant must be the first person interviewed. Those persons working immediately with the person subject to the review should be interviewed. Persons interviewed should be advised that they may have an observer/support person with them at the interview.
 - iv. Conduct each interview separately, and at the conclusion of each interview ask the witness, after sighting a record of the interview to sign a statement indicating that the document is a true and accurate record of the interview which took place. Where a witness makes a written statement, the witness will be required to sign their statement, and should be given a copy.
 - v. Accept signed written statements from other persons not interviewed. These statements should be retained.
 - vi. Report to the Principal who requested the further investigation. This report must detail the findings, supporting evidence and recommendations, and include copies of all Witness Statements. Other data shall be provided at the discretion of the Investigation Officer and/or at the request of the Principal.

- k) The Principal, with the assistance of the designated senior colleague, shall consider the Investigating Officer's report and decide whether the report finding, in whole or in part, upholds the complaint. The Report may be noted only, accepted in whole or in part, rejected in whole or in part, and filed for action / no action. The Principal will also determine whether disciplinary action should be initiated. Such disciplinary action (if initiated) should proceed in accord with normal disciplinary procedures.

- l) The Principal will finalise the complaint process by:
 - i. Informing, in writing, the complainant and the respondent of the decision;
 - ii. Providing the Chair of the College Council with a report of the process and the decision made as a result of investigating the complaint; and
 - iii. Putting in place a monitoring strategy if required

5. REVIEW OF PROCESS

A complainant, or the respondent, is entitled to request a review of the process.

A review of process is not a review of outcomes of the process. A review of process is an independent evaluation of whether the procedures set out in this policy have been properly observed, and the Guiding Principles have been adhered to. These are the steps of the process:

- a) A request for the review of the process is to be in writing and is to be addressed to the Principal within one calendar month of the completion of the investigation process.
- b) The Principal, in consultation with the designated senior colleague, shall appoint a suitably qualified independent person, the Reviewer, who shall conduct the review.
- c) The Principal shall inform the complainant and the respondent that a review has been requested and approved.

- d) The Reviewer shall determine the procedures for the conduct of the review, and
- Determine a time line for the review in consultation with the Principal;
 - Have access to all relevant documentation;
 - Have authority to interview any of the involved persons; and
 - Provide a written report with recommendations to the Principal at the end of the review.
- e) The Principal shall provide a copy of the report and what actions may be undertaken, to the Chair of the College Council and any other party, using existing accountability channels.
- f) The Principal shall, in writing, inform the person requesting the review that the matter has been concluded and what, if any, actions will be undertaken.

Compliance Checklist:

Appointment of Harassment Referral Officer (HRO)	Yes/No
Training provided annually for HRO	Yes/No
Maintenance of a confidential Workplace Harassment Register by the HRO	Yes/No
HRO reports quarterly to the Principal non-identifiable statistical information about complaints made under the policy	Yes/No
Training provided to staff annually to ensure they are conversant with the policy and procedures and the role of the HRO	Yes/No
Principal reports annually to Council about non-identifiable statistical information about complaints made and compliance with the policy.	Yes/No
Notifying the Chair of the College Council of the decision to formally investigate a complaint.	Yes/No
Providing the Chair of the College Council with a report of the process of investigation of a formal internal complaint and the decision made as a result of investigating the complaint	Yes/No