

BULLYING AND HARASSMENT POLICY AND PROCEDURE

1. PREAMBLE

Sydney Met is committed to providing a safe and caring teaching and learning environment and culture, where bullying and harassment is not tolerated.

2. PURPOSE

This Policy outlines the College's plan to maintain a safe workplace where students and staff are not subjected to any form of harassment.

3. SCOPE

This Policy covers all students and employees of the College.

4. PRINCIPLES:

All students and staff have a right to be in a safe and secure environment

The College will take all allegations of bullying or harassment seriously.

All allegations will be dealt with fairly, promptly and in confidence.

5. RESPONSIBILITIES

All staff have a responsibility to act if they witness bullying or harassment.

The Human Resources Manager is responsible to resolve informal complaints regarding staff.

The PEO is responsible to investigate and resolve formal complaints regarding staff.

The Dean is responsible to investigate and resolve complaints regarding student behaviour.

6. LEGAL RESPONSIBILITIES

Under health and safety legislation (the ‘WHS Legislation’) the College has the primary duty to eliminate or minimise, as far as reasonably practicable, the risks to health and safety for the College community. This duty includes the implementation of steps to prevent workplace bullying.

7. DEFINING BULLYING AND HARRASSMENT

7.1 Bullying is repeated, unreasonable behaviour by an individual or group of individuals, directed towards another or other people, that creates a risk to health and safety. It includes both physical and psychological risks. This may occur in person, or through written or electronic means.

7.2 ‘Repeated behaviour’ refers to a range or pattern of behaviours over a period of time.

‘Unreasonable behaviour’ means behaviour that a reasonable person, having regard to all the circumstances, would view as unreasonable in the circumstances and may result in that employee feeling victimised, humiliated, undermined or threatened by that behaviour, regardless of what the intention of the behaviour is.

7.3 Harassment is any verbal, physical or sexual conduct, which is uninvited, unwelcome and which is reasonably likely to humiliate, offend, intimidate or distress a person.

8. EXAMPLES OF BULLYING

8.1 Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying.

Direct bullying:

- a) abusive, insulting or offensive language or comments
- b) a hostile or aggressive manner
- c) displaying offensive material
- d) inappropriate comments about a person’s appearance, lifestyle, family, sexual preferences or any personal or private matter
- e) interfering with a person’s personal property or work equipment, or
- f) criticising a person in front of others

Indirect bullying:

- a) spreading misinformation or malicious rumours
- b) unreasonably overloading a person with work, or not providing enough work
- c) deliberately excluding or isolating a person from normal activities
- d) deliberately denying access to resources or workplace benefit and entitlements, for example training, leave etc.

- e) deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers
- 8.2 A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.
- 8.3 Bullying can occur unintentionally, where actions, which are not intended to victimise, humiliate, undermine or threaten a person, actually have that effect.

9. WHAT DOES NOT CONSTITUTE BULLYING?

Managing workplace participants and enforcing academic progress and behaviour expectations does not constitute bullying, if it is done in a reasonable manner.

Examples of reasonable practices include:

- a. setting reasonable performance goals, standards and deadlines
- b. allocating work fairly
- c. rostering and allocating working hours in a fair and reasonable manner
- d. transferring a workplace participant for legitimate operational reasons
- e. failing to select a workplace participant for promotion, following a fair and documented process
- f. informing a staff member or student about unsatisfactory performance or progress in a constructive way
- g. informing a staff member or student about inappropriate behaviour in an objective and confidential way
- h. implementing organisational changes or restructuring

10. CREATING A NON-BULLYING CULTURE

All staff and students should be given clear instruction about the College's policy and procedures on bullying and harassment, as part of their induction process. This policy should be easily accessible to all members of the College community.

11. STUDENT COMPLAINTS PROCEDURE

There is a separate complaints process for students, outlined in the *Complaints Policy and Procedure*.

12. STAFF COMPLAINTS PROCEDURE

- 12.1 Staff who witness or experience student bullying or harassment should report this to the Dean. In severe cases, a written incident report should be submitted.
- 12.2 Staff complaints regarding other staff should be referred to the Human Resources (HR) Manager. There are two ways for staff to make a complaint about bullying or harassment.

12.3 Informal complaint procedure

If the complaint is made informally, the HR Manager may attempt to resolve the matter by:

- discussing the issue with the person against whom the complaint is made; and/or
- facilitating a meeting between the parties.

12.4 Formal complaint procedure

12.4.1 If a staff member wishes to make a formal complaint, this should be in writing.

12.4.2 The HR Manager will forward the complaint to the PEO who will investigate or delegate the HR Manager to investigate and report.

12.4.3 Records will be kept of all steps taken in the investigation.

12.4.4 The PEO will determine the findings of the investigation and decide on any steps to be taken or disciplinary actions.

12.4.5 In extreme cases, workers may be required not to report for work during the period of an investigation. The College may also provide alternative duties or work during the investigation period. Generally, workplace participants will be paid their normal pay during any such period.

13. POSSIBLE OUTCOMES

The PEO may take a range of disciplinary actions, from counselling through to written warnings or dismissal, depending on the severity and impact of the bullying.

14. REPORTING

The PEO will report any finding of bullying or harassment, and the remedial steps taken, to the Governing Council.

APPENDIX 1: SAMPLE OF INCIDENT REPORT OF BULLYING / HARASSMENT

Staff member recording incident:

_____ Date: __ / __ / _____

Name of student(s) who appears to have instigated bullying

Year/Class: _____

Name(s) of target(s)

Name(s) of witnesses

Did you observe the incident? YES NO

If 'NO' who reported the incident to you?

Brief description of incident (what was allegedly said or done to the student who appears to have been bullied?)

What form(s) of bullying took place? Verbal Physical Indirect Cyber Other

Please detail: _____

Was the incident of bullying: Mild Severe Describe how you responded (Did you use a College anti-bullying practice?)

Describe how student responded to your intervention

Where / when / time incident took place:

Location:

-

When: before College break lunch in class after College Time: _____: _____
am/pm

Date incident took place: __ / __ / _____

Additional comments:

APPENDIX 2: SAMPLE OF REPORTING FORM FOR WORKPLACE BULLYING OR HARASSMENT

Incident report from – internal bullying and harassment	
Name (person reporting)	
Contact number	
Work section	
Date of incident/s	
What happened?	(Describe incident/s and/or behaviour/s)
Was physical force or threats to use physical force involved?	Please describe:
Did this happen to you or to someone else?	
Was anyone else involved? If so, who?	
Were there any witnesses? If so, who?	
How often has this happened?	
Describe what happened immediately before the incident?	
Was any action taken at the time?	If yes, explain:

APPENDIX 3: SAMPLE INTERVIEW RECORD FOR BULLYING AND HARRASSMENT INVESTIGATION

Employee details	
Name:	
Position:	
Work location:	
Contact number:	
Date and time of interview:	
Interviewer:	
Contact number:	
I have read this document and agree this summary is a true and accurate record of my interview. Signature: Date:	
Witness present:	
Summary of incident details	
Brief summary of incident/s and facts presented to interviewee:	
Response by interviewee to information provided:	
Background information additional to incident/s	
Was any disciplinary action taken after the incident/s?	
What effect has the incident had on the interviewee?	
Has the type of incident occurred before or since?	
What action is being sought by the interviewee?	