



Bullying, Harassment and Discrimination Policy

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| Version: | V 1.0 | Approved By | Board |
| Approved Date: | 09/08/2018 | Review period | 12 months |
| Regulatory Requirements: | <p><i>Equal Opportunity Act 2010</i> (VIC)</p> <p><i>Charter of Human Rights and Responsibilities Act (2006)</i> (VIC)</p> <p><i>Racial and Religious Tolerance Act 2001</i> (VIC)</p> <p><i>Australian Human Rights Commission Act 1986</i> (Cth)</p> <p><i>Racial Discrimination Act 1975</i> (Cth)</p> <p><i>Sex Discrimination Act 1984</i> (Cth)</p> <p><i>Disability Discrimination Act 1992</i> (Cth)</p> <p><i>Age Discrimination Act (2004)</i> (Cth)</p> <p><i>Fair Work Act 2009</i> (Cth)</p> <p><i>Workplace Gender Equality Act 2012</i> (Cth)</p> | | |
| Related Policy/Procedure: | <ul style="list-style-type: none"> ➤ Code of Conduct | | |

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Bullying, Harassment and Discrimination Policy

Purpose

This Policy sets out how Lyons College views bullying and harassment.

Scope

This Policy applies to all staff, students, contractors or visitors at Lyons College.

Definitions

Bullying means repeated and unreasonable behaviour directed towards a person or a group of people that creates a risk to health and safety. The act of Bullying causes the recipient/s a sense of intimidation, fear, offence and/or humiliation, irrespective of the intention of the person/people committing the Bullying.

Bullying can include a range of behaviours over time. Bullying can be carried out verbally, physically or in writing (for example, via email, internet chat rooms, instant messaging, social media and mobile phone technologies such as text messaging and messaging apps).

Discrimination means when a person or group of people are treated differently or unfairly because they belong to a particular group with particular characteristics. In Australia it is unlawful to discriminate on the basis of the following characteristics:

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| ➤ Age | ➤ Disability | ➤ Industrial activity |
| ➤ Employment activity | ➤ Marital status | ➤ Physical features |
| ➤ Political belief or activity | ➤ Gender identity | ➤ Religious belief or activity |
| ➤ Pregnancy | ➤ Irrelevant criminal record | ➤ Breast feeding |
| ➤ Sex | ➤ Sexual orientation | ➤ Social origin |
| ➤ Parental status or status as a carer | ➤ Race (including colour, nationality, ethnicity and ethnic origin) | ➤ Personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the previous attributes |

Harassment means unwelcomed, unsolicited or unreciprocated behaviour which makes a person feel sexualised, intimidated, offended, or belittled. Harassment is a form of unlawful discrimination. Harassment based on sex, race, or disability is also unlawful under Commonwealth laws and harassment such as physical assault can be a criminal offence.

Policy

All staff, students, contractors or visitors at Lyons College have a right to an environment free from Bullying, Harassment or Discrimination while engaging in their work or academic endeavours. Lyons College does not condone or accept any form of Bullying, Harassment or Discrimination. Any allegations of Bullying, Harassment or Discrimination will be investigated and the appropriate action taken.

This Policy outlines how Lyons College will uphold its responsibility to students, staff contractors and visitors to ensure that they are not subject to any form of Bullying, Harassment or Discrimination. The Policy also outlines how Lyons College will deal with any allegations of Bullying, Harassment or Discrimination.

Lyons College wishes to highlight that a person may feel that they are a victim of Bullying, Harassment or Discrimination, even if it was not the intention of the person who allegedly committed the act.

Bullying

Examples of what would be considered Bullying includes, but is not limited to:

- Intimidation;
- Threats or threatening remarks or gestures;
- Verbal abuse, including yelling, screaming or offensive language;
- Excluding or isolating people from workplace or teaching activities;
- Constant unreasonable and unconstructive criticism;
- Deliberately excluding, isolating or alienating someone;
- Placing unreasonably high work or academic demands on one person but not others;
- Undermining responsibility;
- Withholding information essential to do a task properly;
- Spreading malicious rumours;
- Cyber bullying;
- Physical violence or abuse;
- Interfering with personal property or work equipment

Examples of what would not be considered Bullying:

- Expressing differences of opinion in an appropriate manner;
- Requiring students to perform a task or assessment which is reasonable and places the same demands on all students;
- Giving lawful and reasonable instructions to employees;
- Exercising reasonable supervision of an employee;
- Reasonable performance or behavioural counselling in the right forum and in an appropriate manner;
- Allocating work in accordance with operational or business needs;

- Legitimate disciplinary action.

Harassment

Examples of what would be considered Harassment, incorporating sexual harassment, includes, but is not limited to:

- Uninvited and unreciprocated physical contact;
- Persistent following (stalking);
- Persistent verbal abuse or threats;
- Persistently disrupting someone's work, work space, equipment or interfering with their personal property;
- Jokes, derogatory or dismissive comments;
- Gestures that are insulting or belittling;
- Circulating, displaying written or pictorial material that is offensive or belittling;
- Sexual jokes, offensive telephone calls and email messages, displays of obscene or pornographic photographs, pictures, posters, screen savers and internet sites, reading matter or objects;
- Suggestive looks implying a sexual interest;
- Sexual propositions or persistent requests for dates;
- Making promises or threats in return for sexual favours;
- Unwelcome or improper remarks or insinuations about a person's sex life or private life;
- Suggestive comments about a person's appearance or body;
- Leering, wolf whistles, catcalls, obscene gesture;
- Indecent exposure;
- Requests for sex;
- Sexually explicit conversation, insults, taunting or comments.

Discrimination

Examples of what would be considered Discrimination includes, but is not limited to:

- Treating someone differently because of their sexual orientation;
- Giving a student a higher mark because their parents are influential political figures;
- Not promoting a staff member because they may be pregnant or breastfeeding;
- Stereotyping, belittling or treating someone differently because of their ethnic background;
- Making fun of someone due to a physical attribute or disability;
- Giving a larger workload to someone because they are single.

Reporting, Investigations and Outcomes

All reported allegations of Bullying, Harassment or Discrimination will be investigated in accordance with the Bullying, Harassment and Discrimination Procedure.

Lyons College will treat all reported allegations of Bullying, Harassment or Discrimination seriously and impartially. The consequence of breaching this Policy will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- Action to redress the breach of this Policy;
- Requiring an apology to the affected person or persons;
- Providing mediation between the parties, if both parties agree to mediation process and to the mediator;
- Providing targeted training regarding prevention of unacceptable behaviours;
- Offering support to the person making the complaint;
- Offering support to the person against whom the complaint is made;
- Disciplinary action, up to and including dismissal or expulsion of the person found in breach of this Policy; and
- Disciplinary action, up to and including dismissal or expulsion of the person making a complaint of a Breach of this Policy if, after investigation, the complaint is found to have been malicious or vexatious.

Disciplinary action may be taken against anyone who retaliates against a person who has made a complaint.