

Bullying, Discrimination and Harassment Policy

Purpose:

The purpose of this policy is to outline the College's position on bullying, discrimination and harassment as informed by the relevant pieces of legislation. Tocal College is committed to creating a safe and respectful College environment free from bullying, discrimination and harassment of any form. This Bullying, Discrimination and Harassment policy applies to all staff, students, contractors and volunteers at Tocal College and forms part of the "Respectful Relationships Framework". The principles set out in this policy are intended to apply to any context involving the College.

More specifically Tocal College aims to:

- Reinforce within the College community what bullying, discrimination and harassment are and the fact that these behaviours are unacceptable.
- Ensure that everyone within the College community is alert to signs and evidence of bullying, discrimination and harassment and are aware of their responsibility to report-
- Ensure that all reported incidents are followed up appropriately and that support is given to both victims and perpetrators.
- Seek parental and peer-group support where appropriate.

Policy Statement:

Tocal College adopts 'zero-tolerance' towards all forms of bullying, discrimination and harassment. These behaviours are disruptive to the well-being of all members of the College community and affect the performance and safety of everyone. Therefore, the College is committed to the elimination of bullying, discrimination and harassment and the implementation of strategies to prevent such behaviour from occurring. Staff, students, contractors and volunteers of Tocal Agricultural College have the right to respect from others, the right to work and learn and to feel safe and secure in the College environment.

Tocal College will:

- Promote and support safe and respectful environments where bullying, discrimination and harassment are not tolerated.
- Implement wellbeing programs that address these issues and promote respectful relationships.
- Implement early intervention support for those students who may be experiencing bullying, discrimination and harassment or engaged in carrying out these behaviours.
- Publicise clear procedures for reporting incidents to the College.
- Ensure all formal complaints of bullying, discrimination and harassment are treated seriously, promptly and confidentially and furthermore investigated fairly and impartially.
- Take a whole of College approach, focusing on safety and wellbeing.

NOTE: It is possible for a person to be bullied, harassed and discriminated against at the same time.

Definitions:

1. BULLYING is repeated, persistent, unreasonable behaviour by one or more people, directed towards a person, or a group of people, that creates a risk to their health and safety. This can include a range of behaviours over time. There is often an imbalance of power in incidents of bullying with the bully or bullies having more power at the time due to age, size, status and other reasons.

Within this definition:

unreasonable behaviour: means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

behaviour: includes actions of individuals or a group, and may involve using actions of victimising, humiliating, undermining or threatening.

risk to health and safety: includes risk to the mental or physical health of the person.

Types of Bullying:

Physical

Persistent pushing, hitting, bumping, kicking, obstructing, confining, practical jokes, stealing, damaging or interfering with personal property.

Verbal

Persistent threats of violence, name-calling, teasing, “picking on”, mocking, taunting, making put-down comments, belittling, insulting, constant criticism, sexual comments of a demeaning nature, cultural and religious slurs, shouting at and swearing at.

Indirect bullying

Indirect bullying is often harder to recognise and can be carried out behind the bullied person’s back. It is designed to harm someone’s social reputation and/or cause humiliation. Indirect bullying includes:

- Lying and spreading rumours.
- Playing nasty jokes to embarrass and humiliate.
- Mimicking.
- Encouraging others to socially exclude someone.
- Damaging someone’s social reputation or social acceptance.

Cyber bullying

Cyber bullying is direct verbal or indirect bullying behaviour using digital technology. This includes harassment and sending others private information without their consent via a mobile phone, setting up a defamatory personal website or deliberately excluding someone from social networking spaces that they ordinarily may have a reasonable expectation to have access to.

Cyber bullying can be perpetrated at any time of the day or night, any day of the year. Principles and/or Deputy Principles may suspend or exclude a student who uses digital technology in a manner that threatens the safety and wellbeing of a student or member of staff, or another person associated with the College.

Please note some forms of cyberbullying also constitute a criminal offence

Written

Cyber bullying: Episodes of writing abusive emails, SMS, creation of sites with a deleterious impact on individuals or organisation, creating a demeaning alias to target individual, social networking site or notes.

Social Psychological

Persistent episodes of excluding from activities, deliberate ignoring, threatening looks, threatening or aggressive staring.

Racism, Sexual Harassment and Sexual Orientation

Racism, sexual harassment and harassment due to a person's sexual orientation are examples of bullying behaviour.

What bullying does not include

Many distressing behaviours are not examples of bullying even though they are unpleasant and often require College staff intervention and management.

- **Mutual conflict:** involves an argument or disagreement between people but not an imbalance of power. Both parties are upset and usually both want a resolution. Unresolved mutual conflict can develop into bullying if one of the parties targets the other repeatedly in retaliation.
- **Social rejection or dislike:** is not bullying unless it involves deliberate and repeated attempts to cause distress, exclude or create dislike by others.

Single-episode acts: of nastiness or physical aggression are not the same as bullying. If someone is verbally abused or pushed on one occasion, they are not being bullied. Nastiness or physical aggression that is directed towards many different people is not the same as bullying. However, this does not mean that a single episode of nastiness or physical aggression should be ignored or condoned as these are unacceptable behaviours and will be addressed seriously by the College.

2. DISCRIMINATION refers to when someone is treated unfairly because they belong to a particular group of people or have a particular characteristic. In Australia it is unlawful to discriminate on the basis of the following characteristics.

- Age
- Disability
- Marital status
- Physical features
- Political belief or activity
- Race (including colour, nationality, ethnicity and ethnic origin)
- Pregnancy
- Religious belief or activity
- Sex
- Sexual orientation
- Gender identity

Unlawful discrimination may be Direct or Indirect.

Direct Discrimination occurs if a person treats, or proposes to treat, someone with a protected characteristic less favourably or unfairly because of that attribute.

Indirect Discrimination refers to situations where treating everyone the same is unfair. It occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same actually, or potentially, disadvantages someone with a protected attribute.

3. HARASSMENT is unwelcomed or unreciprocated behaviour which makes a person feel 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.

Examples of behaviour that could be harassing include:

- physical contact or requests for sexual favours
- persistent following (stalking)
- suggestive looks implying a sexual interest
- persistent verbal abuse or threats
- persistently disrupting an individual's work, 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 harassment is unwelcome conduct of a sexual nature, which offends, humiliates or intimidates the person at which it is being directed, regardless of intent. It does not include conduct occurring within a personal relationship of mutual attraction and/or friendship. Sexual harassment may occur in a single incident as well as a series of incidents. The harassment may be subtle and implicit, rather than explicit. This behaviour frequently involves an abuse of power and/or trust and is often directed at a person who is unable to stop the behaviour easily. The respective gender of the two parties is not relevant.

Sexual harassment may consist of:

- unwelcome physical contact (e.g. touching, patting or brushing against a person)
- demands for sexual favours
- offensive or demeaning comments, emails, jokes or innuendo
- unwanted sexual propositions or advances
- sending emails, text messages or mail that may be sexually explicit and offensive to either gender
- offensive telephone calls
- spreading rumours of a sexual nature about a person's private life
- offensive gestures, staring or displaying offensive material
- unwelcome or uncalled for remarks, questions or insinuations about a person's sexual activities or private life.

Information for Students aimed at reducing Bullying, Discrimination and Harassment

- That students understand that they have a right to be shown respect and feel safe and the whole College community is responsible for making this happen.
- That students involved in Bullying, Discrimination and Harassment will be in breach of this policy.
- Students should be encouraged to tell a trusted adult when they feel intimidated, unhappy or uncomfortable at College.
- Students can try to 'tune out' or ignore low-level harassment from others if it doesn't bother them too much. If the other student is not rewarded by a response, these behaviours may be prevented.
- If it safe to do so, students are encouraged to stand up for themselves assertively by:
 - Speaking in a firm, confident and non-offensive way and telling the other student what they want to happen and how it's going to happen.
 - For example, 'I want you to leave me alone...right now!', 'OK, I'm leaving now.... I don't want you to follow me', 'I've got no problem with you'. 'I'm not listening any more so I am going' etc.
- When students stand up for themselves, it increases their own sense of self-confidence and can help to deter the offender. This is only appropriate if the behaviour is low level and the student is not in physical danger.
- If it is not safe to respond to an incident, students should walk away and seek support.
- It is advisable that students follow through with warnings that they intend reporting an incident. Students should not try to use the warning as a "bluff". If students warn others that they will speak with a staff member, they should do so as soon as possible.

Total College responsibility for responding to Bullying, Discrimination and Harassment

All staff have a responsibility to:

- Support students to report and respond to the event.
- If the behaviour is ongoing, the College may follow up with additional discipline processes. In extreme circumstances, this could result in removal from the College.
- Offer other methods of support, such as counselling to try to resolve issues.
- Commit to ensuring that no retaliation will occur against a person who makes a complaint.
- Provide on-going follow up to receive feedback.

Related Policies

- Sexual Misconduct
- Complaints & Appeals Form
- Internet & Social Media
- Student Alcohol & Drug Testing
- Student Discipline Points System

Other resources

- <http://bullyonline.org/index.php/15-am-i-being-bullied>
- <https://www.projectrocket.com.au/online/?gclid=EAlalQobChMI6faKrYnU5QIVGCQrCh3uZgghEAAYASAAEgIVe D BwE>
- <https://bullyingnoway.gov.au/RespondingToBullying/Pages/Legislation-and-policy.aspx>
- <https://www.education.gov.au/state-and-territory-anti-bullying-policies>
- <https://www.eheadspace.org.au/>
- Life line – 131114 or <https://www.lifeline.org.au/get-help/online-services/crisis-chat>
- Other options to report bullying and harassment can be found at http://www.tocal.nsw.edu.au/_data/assets/pdf_file/0016/443140/College-complaints-and-appeals-form.pdf

