



BISHOP TYRRELL

ANGLICAN COLLEGE

HARASSMENT POLICY

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1. DOCUMENT MANAGEMENT

1.1 Version History

Responsibility of author to track and maintain

Version	Date	Author	Section #	Amendment (What Changed?)
1.1	Sep 2015	Tamara Powell	All	Initial draft
02.04.00	Dec 2021	Shea Hafey	All	As part of overall review of policies to consolidate, reformat and restructure.

1.2 Related Documents

1.2.1 Legislation

- Anti-Discrimination Act 1977 (NSW)
- Australian Human Rights Commission Act 1986

1.2.2 Policies

- Child Protection Policy
- Anti-Bullying Policy
- Anti-Discrimination Policy
- Complaints Handling Policy

1.2.3 Procedures

- {List relevant Procedures here or delete if Not Applicable}

1.2.4 Other

- {List other documents here or delete if Not Applicable}

2. SCOPE

This policy applies to all College employees, students, parents, Council members, contractors, volunteers and people undertaking work experience or vocational placements at the College. This



policy applies to all conduct, work, interaction or any other activities that are under the management, control, influence or participation within the College. This policy applies to all College interests and activities, both on and off campus.

3. STUDENT PROTECTION

Bishop Tyrrell Anglican College supports the rights of children and young people and is committed to ensuring the safety, welfare and wellbeing of students. The College is therefore committed to responding to allegations of student harm resulting from the conduct or actions of any person including that of employees. This commitment includes the provision of a safe and supportive learning environment for all students and requires all employees, volunteers and visitors to model and encourage behaviour that upholds the dignity and protection of students from harm.

4. BACKGROUND

Everyone at Bishop Tyrrell Anglican College has the legal obligation not to harass another person for any unlawful reason. This applies to any employee, agent, contractor, supplier, volunteer, parent, student or visitor. Harassment of another person is contrary to the College's duty to provide a safe environment for work and learning.

Bishop Tyrrell Anglican College expects all College Community to treat each other and other people with whom they come into contact as representatives of the College with respect and courtesy. The College considers any form of harassment to be unacceptable behaviour. All College Community should expect an atmosphere based on mutual respect and the dignity of each individual.

5. OBJECTIVE

The purpose of the College's Harassment Policy is to make the College Community members aware of:

- a) what 'unlawful workplace harassment' means;
- b) the procedures the College has in place to deal with workplace complaints relating to harassment; and
- c) who they can talk to at the College if they wish to make a complaint.

This policy applies to all students, employees, contractors, volunteers and parents involved with the College and applies to their behaviour:

- a) in the College, including outside normal College hours;
- b) while undertaking College activities including interaction with the Community or other third parties and while working away from the College (e.g., College trips or sport activities); and
- c) at College-related events e.g., conferences and functions.



Every effort will be made to deal informally, internally and efficiently with such problems; however, it should be clearly understood that ongoing behaviour of this nature will not be tolerated and will be considered adequate grounds to ask the perpetrator to leave the College.

This policy summarises some of the rights and obligations which are created by the legislation.

The policy is not intended to go beyond the legislation. This policy is not a term of any contract, including any contract of employment or enrolment. This policy may be varied from time to time.

6. DEFINITIONS

For the purpose of this Policy, the following definitions apply:

The College refers to Bishop Tyrrell Anglican College.

7. HARASSMENT

7.1 Definition of Unlawful Harassment

Unlawful harassment is a type of unlawful discrimination. In general, unlawful harassment is any form of conduct or behaviour which affects a person that:

- a) is unwelcome (not wanted) or uninvited (not asked for); and
- b) is based on one of the unlawful reasons; and
- c) a reasonable person would have anticipated might humiliate, offend or intimidate the person exposed to the conduct.

7.2 Types of Unlawful Harassment

Types of unlawful harassment include, but are not limited to:

- a) sexual harassment;
- b) verbal abuse or comments that degrade or stereotype people because of their race, sex, sexuality, pregnancy, disability, etc.
- c) jokes based on race, sex, sexuality, pregnancy, disability etc.
- d) mimicking someone's accent, or the habits of someone with a disability;
- e) offensive gestures based on race, sex, sexuality, pregnancy, disability, etc.;
- f) bullying a person because of their race, sex, sexuality, pregnancy, disability, etc.;
- g) ignoring or isolating a person or group because of their race, sex, sexuality, pregnancy, disability, etc.; or



- h) Display or circulation of racist, pornographic or other offensive material (including in electronic format).

Some forms of non-verbal harassment include:

- a) putting sexually suggestive, offensive or degrading/insulting material on walls, computer screen savers, email etc.;
- b) suggestive looks or leers;
- c) wolf whistling;
- d) unwelcome practical jokes;
- e) being followed home from the College;
- f) ignoring someone or being particularly cold or distant with them;
- g) continually ignoring or dismissing someone's contribution in a meeting / discussion; or
- h) not sharing information to which a member of a group is entitled.

Some forms of physical harassment include:

- a) offensive hand or body gestures;
- b) unnecessarily leaning over someone;
- c) unnecessary and unwelcome physical contact (pinching, patting, brushing up against a person, touching, kissing, hugging);
- d) pushing, shoving or jostling;
- e) putting a hand or an object (like a payslip or a note) into someone's pocket; or
- f) interfering with property - damaging, moving, 'borrowing' belongings.

Harassment might not be unlawful, if it is not based on one of the unlawful reasons. However, the College expects its community to treat each other and other people with whom they come into contact as representatives of the College with respect and courtesy.

In some cases, a single action or incident can create unlawful harassment. In other cases, there may need to be a persistent pattern of behaviour before unlawful harassment has occurred.

Harassment can have a serious adverse impact on the work satisfaction and performance of members of the College Community. For example, it can:

- affect work performance and opportunities;
- create a hostile or unpleasant environment;
- create insecurity and anxiety;



- lower morale;
- cause work health and safety concerns, including stress related illnesses;
- reflect on the integrity and reputation of the College;
- be costly for management in terms of time, money and other resources when having to investigate and resolve complaints.

7.3 Unlawful Sexual Harassment

Unlawful sexual harassment is one form of harassment which the law does not allow. A person sexually harasses another person if:

- a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person; or
- b) engages in other unwelcome conduct of a sexual nature in relation to the person; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated **the possibility** that the person exposed to the conduct would be offended, humiliated or intimidated.

Unlawful sexual harassment includes, but is not limited to:

- a) pressure or demands for dates or sexual favours;
- b) unnecessary familiarity - for example, deliberately brushing against a person or constantly staring at a person;
- c) unwanted physical contact - for example, touching or fondling;
- d) sexual jokes or innuendo;
- e) offensive telephone calls;
- f) offensive sexual gestures;
- g) unwelcome comments or questions about a person's sex life;
- h) display, circulation of sexual material, including magazines, posters or pictures (including in electronic format);
- i) sending email or text messages which contain sexual content or tone; or
- j) sexual assault.

Sexual harassment can be written, verbal or physical. Both males and females can be the victims of sexual harassment. It is important to understand that some of these forms of sexual harassment are also criminal behaviour and may be treated as a criminal offence.

Mutual attraction between people is not sexual harassment. Conduct which is welcome or consensual is not unlawful, and friendships (sexual or otherwise) which develop between people who meet at



the College are a private concern provided they do not impact on the College. However, College Community members should take great care before engaging in conduct they believe to be welcome. All must remember that some people may not feel comfortable telling them that the behaviour is offending them and is not welcome. This may be because of their personality or may be because they are too worried about the possible impact if they complain.

It is the responsibility of all College Community members to ensure that they do not engage in conduct which is not welcome. Similarly, **it is the responsibility of all College Community members** to tell someone if they do not feel comfortable with their behaviour, or at least to raise the issue with their supervisor/tutor teacher or some other appropriate person.

All should also remember that even conduct which is welcome may not be appropriate at the College. If a College Community member is unsure whether conduct is appropriate, he or she should speak to the **College Principal or Deputy Principal**. Further, any personal friendships that develop should not adversely impact on the College, personal responsibility to do work or on the performance or productivity of other College members.

7.4 What is Reasonable Management Action?

Reasonable management action carried out in a reasonable manner does not constitute harassment. Reasonable management action may include for example:

- performance/behaviour management processes;
- disciplinary action for misconduct;
- informing a worker about unsatisfactory work performance or inappropriate work behaviour;
- directing a College Community member to perform duties in keeping with their role; and
- maintaining reasonable goals and standards.

However, any management actions must be conducted in a reasonable manner. If not, it could still be harassment.

7.5 Obligations of Bishop Tyrrell Anglican College Staff

Everyone at the College has the legal obligation not to harass for any unlawful reason, any employee, agent, contract worker, contractor, supplier, parent, student or visitor.

Staff must always consider how their behaviour will be viewed by the person or people they are dealing with. A staff member might unlawfully harass someone even if he or she does not mean to do or say anything offensive. It is not a legally acceptable defence to say that you did not mean or intend to harass, offend or intimidate somebody else. It is sometimes difficult to know whether someone will find the behaviour acceptable. What is offensive to one person may not be offensive to another. All staff should be careful not to risk being misunderstood and, as a result, becoming the subject of a complaint.



The College Council recognises and endorses this policy. Council members will not engage in workplace harassment, or encourage or allow others to do so, and will model appropriate leadership behaviours consistent with this policy. If a workplace harassment complaint is made about the Principal, the College Council will be responsible for handling that complaint in accordance with this policy.

The Principal is responsible for this policy. The Principal has a duty to take reasonably practicable steps to manage risks to health and safety in the College. The Principal will not engage in workplace harassment, or encourage or allow others to do so, and will model appropriate leadership behaviours consistent with this policy. The Principal will be responsible for handling workplace harassment complaints, other than those concerning the Principal, in accordance with this policy.

Other members of the **College Leadership Team (CLT)** are responsible for ensuring that this policy is adhered to in their respective areas. Members of the CLT will not engage in workplace harassment, or encourage or allow others to do so, and will model appropriate leadership behaviours consistent with this policy. Any breaches of this policy observed by a member of the CLT will be addressed promptly in accordance with this policy.

Other **College Community members** also have an important role in the prevention of harassment. They must take reasonable care for their own health and safety, as well as that of others in the College. They must comply with this policy, and they must not engage in harassment, or encourage or allow others to do so.

7.6 What is Victimisation?

Bishop Tyrrell Anglican College Community members must not victimise a person because they have made or propose to make a complaint of unlawful harassment or because they have provided information in relation to a complaint. Victimisation means subjecting a person to some detriment, for example, ostracising an employee or excluding them from an opportunity or activity.

8. PROCEDURES

8.1 What to do if you are being Unlawfully Harassed

If you feel that you are being unlawfully harassed, there is action which you can take that may resolve the problem, such as:

- a) do not ignore circumstances where you feel you are being unlawfully harassed thinking it will go away. Ignoring the behaviour could be taken as tacit approval by the person causing the harassment;
- b) where you feel comfortable ask the person to stop or make it clear that you find the behaviour offensive or unwelcome. Use unambiguous terms and plain language to ensure that the person causing the harassment is fully aware of the nature of the complaint and verbally informed that the behaviour is unacceptable. Be polite but firm and clear, indicating that the harassment should stop. Maybe the alleged harasser is not aware that his or her behaviour is

intimidating or unwelcome and will stop once they are told. It may be useful to speak with your supervisor/tutor teacher or the Dean of Students in the first instance to seek guidance on how to do this; and/or raise the issue as a grievance with either your Head of House or Head of Department or the Deputy Principal or College Principal under this statement, as soon as possible after the incident(s) have occurred.

If you feel that you are being victimised because you have made or propose to make a complaint of unlawful harassment or because you have provided information in relation to a complaint you should raise the issue as soon as possible with either the Deputy Principal or College Principal. If your issue is about the College Principal then you should raise it as a grievance with the Chair of the College Board under this statement.

If you are not able to approach the person causing the harassment unaided, especially if the person is in a position of authority, you can choose to either seek the assistance of another member of staff - a colleague, a Head of House, a Head of Department or a Union Representative in verbally approaching the person causing the harassment or make the complaint to the person in writing rather than face to face. Such an approach may be sufficient to stop the harassment. If it is not, a formal complaint should be made in writing to the Deputy Principal or College Principal, supported by relevant documentation indicating time, date, location, what happened and what was said. The complaint will then be dealt with in accordance with the College's Complaints and Grievances Policy and Procedures.

Bishop Tyrrell Anglican College is committed to quickly and confidentially handling complaints regarding harassment and the main aim of all formal procedures is to ensure that:

- the behaviour stops;
- that there are no reprisals for having made the complaint; and
- where disadvantage has occurred, that the situation is redressed as far as possible.

The guiding principles behind such aims are:

- the right of all individuals to be treated with respect;
- observance of natural justice;
- observance of confidentiality where appropriate;
- acceptance of the legitimacy of the complainant's feelings;
- support and protection for all parties concerned;
- preservation of an unbiased approach by mediators.



The College will ensure that the formal complaint handling is:

Confidential – Only the people directly involved in making or investigating a complaint will have access to information about it.

Impartial – Both sides will have their chance to tell their side of the story. No assumptions will be made and no action taken until all relevant information has been collected and considered.

Free of repercussions – No action will be taken against anyone for making a complaint or helping someone to make a complaint. The College will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint.

Timely – All complaints will be dealt with as quickly as possible.

The College will take whatever action it considers appropriate if there has been unlawful harassment including disciplining or dismissing offenders. While a careful, measured and considerate course is the preferred option, it should be emphasised that nothing in the foregoing will prevent the College taking immediate action if a situation is considered to be sufficiently serious.

8.2 Responsibilities

The College Principal has a responsibility to respond quickly and appropriately to the issues being raised. The College has a duty of care to provide a safe workplace under WHS laws.

It is important to note that all College Community members also have responsibilities should a situation of harassment occur. All should be careful if they feel the need to tell a trusted friend or work colleague about the matter. Accusations of harassment can harm the reputation of those involved and could lead to legal action for defamation. Matters of this kind must be dealt with confidentially on a need-to-know basis. It is in everyone's best interests if rumours are not allowed to spread.

The responsibilities of all College Community members are:

- to take steps to resolve the issue according to these procedures;
- not to make malicious complaints;
- to minimise interference with College responsibilities; and
- to ensure absolute confidentiality by not talking to other uninvolved staff about the matter.

Should the College Community have any questions in relation to this policy regarding harassment they should contact the College Executive Leadership team.



8.3 Health and Wellbeing

College Community members should take care of his or her health and wellbeing. Harassment at the College is a serious issue that can affect people in a number of ways. If a College Community member has been assaulted or fear he or she may be assaulted he or she may wish to consider contacting the police.

If a staff member is feeling anxious or depressed it is important to speak to someone. The College's Employee assistance program (ACCESS EAP) that can offer confidential support and assistance. Staff may also make an appointment to visit a doctor, or call Lifeline on 13 11 14.

9. PRIVACY

Personal information may be collected, stored and released and is done so in accordance with the Privacy Act 1988. For further information, please refer to the College's [Privacy Policy](#).

10. POLICY MANAGEMENT

10.1 Responsibilities

In accordance with responsibility for the College compliance, the Principal also retains responsibility for this policy and all delegated authorities within.

All employees are responsible for the welfare of students and their colleagues. All employees should be familiar with this policy and ensure adherence is maintained at all times. This responsibility cannot be delegated.

10.2 Policy Adherence

Adherence to this policy is a mandatory requirement of all College employees. Breaches of the policy will be subject to formal investigation and may lead to disciplinary action.

10.3 Review

This policy will be reviewed annually, or when legislative or governing body changes may warrant a review. The Principal reserves the right to make changes as and when required. The Principal or the Principal's delegate is responsible for reviewing or making approved modifications to the policy and distribution of the policy.