

**PADUA COLLEGE LIMITED**  
**ACN 072 693 700 ABN 20 072 693 700**

<b>Policy Title</b>	<b>Version number</b>	<b>Date Issued</b>
Anti-Discrimination, Sexual Harassment and Bullying Policy	3.0	May 2005
		Reviewed
		May 2010 June 2015

## **1. INTRODUCTION**

Padua College is a community in which the Gospel values of joy, courtesy, peace and humility are fostered.

It is expected of all members of the Paduan community, staff and students that they will be respectful in their dealings with one another.

Discrimination, bullying, harassment in any form, and sexual harassment are inconsistent with the Gospel values the Paduan community lives by. Some of these behaviours are against the law and will be treated as such by Padua College.

## **2. SCOPE**

The persons to whom this policy applies include employers, employees, students, parents and voluntary workers and any person having business with Padua College. Harassment is not just unacceptable during College hours or in the College itself. Any such behaviour is also unacceptable in any College-related context, including conferences, College functions, College parties and College camps or field trips.

## **3. THE LAW**

State and Commonwealth statutes relevant to discrimination, sexual harassment and bullying are as follows: - Anti-Discrimination Act (Qld) 1991; - Sex Discrimination Act (Cw) 1984; - Racial Discrimination Act (Cw) 1975; - Criminal Code Queensland 1899; - Work Health and Safety Act (Qld) 2011; - Work Health and Safety Regulation (Qld) 2011.

## **4. POLICY STATEMENT**

Padua College is committed to providing a work and learning environment free from unlawful discrimination, sexual harassment and bullying. Any person who works for, or attends the College and everyone who deals with the College has the right to be treated with respect and dignity. Padua College considers all forms of harassment as an unacceptable form of behaviour, which will not be tolerated under any circumstances. The College will take all complaints of sexual harassment, discrimination and bullying seriously and will endeavour to deal promptly, sensitively and confidentially with all such incidents. Disciplinary action may be taken against a person who is found to be in breach of this policy.

Padua College as an employer expects its employees to:

- Behave in a responsible and professional manner
- Treat others in the workplace with courtesy and respect
- Listen and respond appropriately to the views and concerns of others
- Be fair and honest in their dealings with others.

#### *Application of policy*

This policy applies to behaviours that occur:

- In connection with work, even if it occurs outside normal working hours
- During work activities, for example when dealing with students, parents, members of the Padua community, and the public
- At work-related events, for example at conferences and work-related social functions
- On social media where workers interact with colleagues or students and their actions may affect them either directly or indirectly.

### **5. WHAT IS DISCRIMINATION?**

Discrimination is an act which is reasonably likely to offend, insult, humiliate or intimidate another person or group of people, and/or any act which treats another less favourably because of any of the following attributes:

- Sex
- Lawful sexual activity
- Gender identity
- Relationship status (includes same sex)
- Parental status
- Pregnancy
- Breastfeeding
- Family responsibilities
- Race
- Impairment
- Age
- Religious belief or activity (including no religious belief)
- Political belief or activity
- Association with, or relation to, a person identified on the basis of any of the above
- Trade union activity.

### **6. WHAT IS SEXUAL HARASSMENT?**

Sexual harassment is a form of discrimination which relates to unwanted, unwelcome or uninvited behaviour of a sexual nature which causes a person to feel humiliated, intimidated or offended.

Sexual harassment can take many forms and may include:

- physical contact, such as patting, pinching, touching in a sexual way;
- unnecessary familiarity, such as deliberately brushing against a person;

- sexual propositions;
- unwelcome and uncalled for remarks or insinuations about a person's sex or private life;
- suggestive comments about a person's appearance or body;
- offensive communication (telephone calls, texts, emails, social networking), indecent exposure, jokes, the display of offensive material;
- or other behaviour which creates a sexually hostile working environment.

This list is not exhaustive.

Depending on the circumstances, sexual harassment may be constituted by a single incident or by an accumulation of incidents.

## **7. WHAT IS BULLYING?**

Bullying is any inappropriate behaviour which intimidates, offends, degrades or humiliates a person. It is usually repeated and there is or is seen to be, an imbalance of power (e.g. authority, physical size) between the alleged bully and the person allegedly being bullied. Some forms of bullying are unlawful. All forms of bullying are undesirable.

Bullying can be:

- face to face;
- over the telephone;
- through mail or email;
- the exclusion of others;
- physical or verbal or non-verbal (e.g. gestures);
- extortion;
- gossip;
- social networking sites.

## **WHAT IS NOT BULLYING**

Persons conducting a business or undertaking may take reasonable management action to direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and give feedback on an employee's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account. Examples of reasonable management action include but are not limited to:

- Setting reasonable performance goals, standards and deadlines
- Rostering and allocating working hours where the requirements are reasonable
- Transferring an employee across roles at Padua for operational reasons
- Deciding not to select an employee for promotion where a reasonable process is followed
- Informing an employee about unsatisfactory work performance in an honest, fair and constructive way
- Past management processes
- Informing an employee about inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring
- Taking disciplinary action, including suspension or terminating employment.

## **8. RESPONSIBILITIES - Rector and College Leadership Team**

- Ensure that the Sexual Harassment, Anti-Discrimination and Bullying Policy and procedure is in place.
- Provide in-service for staff in the policy and matters pertaining to sexual harassment, anti-discrimination and bullying.
- Appoint and provide training for Harassment Referral Officers with regard to sexual harassment matters, anti-discrimination and bullying.
- Support and promote the policy and procedures provided by the College.
- Review the policy and procedures.
- Follow policy and procedures.

## **9. RESPONSIBILITIES - Staff, students and volunteers**

- Support and follow this policy.
- Contact/assist the Harassment Referral Officers where appropriate.

## **10. APPOINTMENT OF HARASSMENT REFERRAL OFFICERS**

Harassment Referral Officers (HROs) will be appointed from within the staff of the College. The Rector will seek expressions of interest for not less than two officers - one male and one female - to cover the College. It is important that the HROs are able to represent all levels of the organisation, including students.

## **11. ROLE OF HARASSMENT REFERRAL OFFICERS (HROs)**

- Support staff, students and volunteers in following the policy.
- Explain informal, formal and external options for responding to the issue
- Provide information.
- Maintain records.
- Inform the Rector and/or the delegated person of any significant complaint, particularly formal complaints.

The Harassment Referral Officer does not investigate a complaint, but will

- listen to the complainant; and
- provide confidential support in relation to possible strategies/options to deal with the issue.

Complaints of harm to a student (as defined in the Student Protection Policy) must be handled in accordance with the Student Protection Policy and Procedures.

## **12. OPTIONS FOR RESOLVING CASES OF DISCRIMINATION, SEXUAL HARASSMENT AND BULLYING**

- a) Student complainants

All complaints of discrimination, harassment and bullying will be addressed in the first instance where appropriate using the four levels of response outlined in the relevant part of the Student Handbook. Complaints of a sexual nature must be referred immediately to and handled in accordance with the Student Protection Policy and Procedures Manual.

If this internal, informal procedure does not provide a remedy, the student and/or parent may decide to make a formal complaint, through the Harassment Referral Officer, to the College Rector. The Harassment Referral Officer can explain the options to the student and/or parent, but management and investigation of a formal complaint is the role of the College Rector or the delegated person.

b) Adult complainants

The Harassment Referral Officer (HRO) or other appropriate senior college officer or officers will seek to clarify and discuss with the complainants the issues the complainants wish to raise.

The officer will:

- Listen to the complainant and attempt to resolve the initial distress.
- Discuss formal options.
- Maintain confidentiality.
- Conduct a follow-up interview to ascertain whether the complainant is satisfied with the outcome of the attempted personal resolution.

The informal options include:

- Self-help - the complainant may choose to speak with the alleged harasser and ask them to stop.
- The complainant may do nothing - this is not recommended.

### **13. FORMAL PROCEDURES**

Formal procedures for responding to allegations of discrimination, sexual harassment and bullying will be those referred to in the Padua College Procedures for Dealing with Complaints Against Employees. Students and adults may make complaints to the Anti-Discrimination Commission or other external bodies at any time, should they wish to, but this is best done after discussions take place at the College level in the attempt to achieve a local resolution.

In cases where an incidence of bullying has occurred, responsible Padua staff will immediately assess the situation and ensure the safety of the boys or other individuals involved. Where appropriate, counselling will be provided, consistent with the Franciscan ethos, to bring resolution and peace to the situation. This will include to those involved, acknowledgement of the error in their conduct and an appreciation that this is not consistent with the Franciscan principles which the school will uphold.