



MUTUAL RESPECT POLICY

Rationale

Mutual respect entails that every person is recognised and accepted as a significant individual with a valued place and unique contribution to make in the community.

Preshil's philosophy of mutual respect is based on our long-standing commitment to the empowerment of our students, staff and parents/carers by providing respect and safety in the rich diversity of school life as an absolute priority.

Purpose

Our Mutual Respect policy aims to promote a climate of trust and caring amongst the students and adults in our school. It sets standards and the commitment it expects to make to Preshil's shared values and code of conduct.

The policy also provides fair and effective procedures for resolving differences and complaints in a sensitive and timely manner. Guidelines are provided for the management of situations where mutual respect may not have worked in practice, as in incidents of bullying or harassment.

Mutual Respect Principles

Preshil does not tolerate harassing, abusive or bullying behaviour by any member of its staff or student body. Every member of the Preshil school community has a responsibility to refrain from harassing, abusing or bullying others, to actively discourage these behaviours and to support all parties involved in situations of potential conflict.

Breaches of school policy will be immediately acted upon by teachers the Principal, and where appropriate, by the School Council.

To protect all parties in complaints of student or workplace bullying, the following principles of natural justice and restorative practice will be followed in all formal investigations.

1. All allegations will be investigated promptly
2. The person accused of harassment, abuse or bullying will be treated with natural justice, dignity, sensitivity and respect.
3. All allegations are clearly explained to the person they are made against
4. The person is given a chance to explain his or her version of events

5. If the complaint is upheld, any action taken will be commensurate with the seriousness of the matter in line with the practises of restorative justice and clauses within the Preshil Enterprise Bargaining Agreement
6. Mitigating factors will be taken into account when assessing if action is necessary
7. Their right of appeal is explained to both parties
8. No retaliatory behaviour is taken against any complainant or any participant in the complaint process.

Implementation of this policy would normally be successful in resolving the complaint. If not, other measures may be considered and external agencies may be engaged.

Cyberbullying

Preshil aims to protect its students, staff and parents from bullying, abuse and harassment.

Cyberbullying is “the use of technology to harass, threaten, embarrass, or target another person” (Independent Schools Victoria, 2011).

Cyberbullying differs from traditional bullying in several ways:

Availability – It can occur anywhere and at anytime. There may be a misperception that there are no real-world consequences for online actions.

Anonymity – The impression of anonymity in the ‘online world’ leads people to feel less accountable for their actions and provides a false bravado to would-be bullies.

Geography – cyberbullying can operate wherever anyone uses the Internet or a mobile phone.

Impact – The Internet provides the means for ‘bullying’ comments to be available to a wider audience. Through social networking sites, these comments can be viewed by a potentially unlimited number of people. The impact of and embarrassment caused by these statements is increased many times over.

Intent – A private message or joke that is forwarded may become offensive or harassing even though that was not the intention of the original sender.

Permanence – Verbal comments are fleeting. Online content is tracked and stored and can potentially resurface at any time.

Democracy – Anyone can be a victim – students, teachers or parents.

Risks associated with online usage include:

- Students, staff and parents posting private information accessible to anyone
- unsupervised contact between students and strangers
- opportunities to access inappropriate content
- potential increase in mental health issues
- not seeking support offline when there is a personal issue
- covert bullying - anonymity may result in an increase in online bullying as a student, staff member or parent being bullied may choose to retaliate online rather than face-to-face
- 'sexting' - sending sexually explicit messages or photographs which may lead to public humiliation
- lack of ethical decision making; not distinguishing between right and wrong
- illegally using (or stealing) images, music or videos
- plagiarising ideas or information created or owned by others.

Cybersafety Procedure

Preshil addresses these risks as part of its whole school approach to student, staff and parent wellbeing. The school will continually develop staff skills and experience in the use of electronic communication. The Wellbeing Co-ordinator and Heads of Campus are the cybersafety contacts and develop procedures, which include:

- Explicit guidelines for acceptable and appropriate online behaviour
- Expectations of online behaviour and clear consequences for engaging in hostile behaviour online
- Methods for redressing inappropriate behaviour
- 'Bystander' reporting rules
- A clear and explicit process for investigating complaints and the follow up support and protection of the reporter

The school makes available and promotes information sessions for students, staff and parents on:

- Understanding cyberbullying
- Digital Media Literacy
- Positive online behaviour
- Peer and personal safety
- Online security

Preshil's policy on cyberbullying extends beyond school-based online behaviour. It extends to online activity outside school hours or off school grounds that involves or impacts on members of the school.

Mutual Respect – Students

Preshil's emphasis on social and emotional learning involves learning how to recognise and manage emotions, promote caring and concern for others, make responsible decisions, establish and maintain positive relationships, and handle challenging situations effectively. Children who have social and emotional competencies and skills find it easier to manage themselves, relate to others, resolve conflict, and feel positive about themselves and the world around them. Parents are also encouraged to use the same skills.

This Mutual Respect policy and other related policies affirm that students have the right to express their needs, to be listened to and taken seriously, stand up for themselves, take responsibility for their actions and make their own decisions through the use of conflict resolution and restorative practises skills. These skills are taught in the Nursery School through to Year 12.

Strategies to Prevent Student Bullying

The Mutual Respect policy aims to:

- involve children in prevention strategies, through class meetings and whole school forums
- educate the school community that bullying is never acceptable
- provide guidelines for teachers to deal with bullying should it occur
- establish procedures which promote the elimination of bullying and unmanaged anger
- provide the opportunity to use restorative practises approaches to resolve bullying issues in the short, medium and long-term. In addition to the children affected, this may involve peer mediators as well as staff.

Student Grievance Procedure

Students who report bullying can rely on staff to investigate their complaint promptly and in a thorough and confidential manner. Staff will respond to any acts of harassment, abuse or bullying immediately and positively.

1. Any student complaint will be immediately investigated by Year Level Coordinators or the Head of Campus
2. All parties involved, including bystanders where possible, will be interviewed by a Year Level Coordinator, the Head of Campus and/or the Principal.
3. A course of action will be determined in consultation with the student's parents, teachers and Head of Campus.
4. Counselling and support will be offered to both parties if appropriate.
5. A restorative practise approach will be used to address the harm caused and to ensure that a respectful agreement is made between all parties and that this is put

into action.

6. A report on action taken will be communicated to all parties involved within 24 hours of the complaint being presented.

7. All notes and reports of the complaints process and its outcomes will be recorded and filed securely.

Student Restorative Action

Any student found to have been engaged in bullying may be subject to action up to and including expulsion. The Principal and/or Head of Campus will consider the suspension or expulsion of the offending student for a fixed period or on a permanent basis:

- a) If no further improvement in behaviour is evident and it is clear that the student is not willing to accept the stated values of the school, or
- b) If the student's behaviour in itself is such that all other sanctions are inappropriate.
- c) In accordance with the Education Training Reform Act 2006 corporal punishment is not permitted under any circumstances.

If the complainant student or their parent/s feels that an appropriate resolution of the investigation or complaint has not been reached, they will be advised to contact the Principal, Head of Campus or the School Council, as appropriate.

Mutual Respect – Staff & Parents

A negative school climate creates decreased morale and increased stress levels in teams and individuals. Preshil has in place strategies designed to prevent psychological injuries and meet the requirements of *WorkSafe Victoria, 2010*.

An important part of our workplace risk management system is identifying risk factors such as bullying, abuse and harassment and designing appropriate preventative measures. However, at times this may fail to prevent or contain incidents and our formal grievance procedures are then called upon.

Staff and parents with a complaint about the behaviour of another adult at the school are made aware of what *WorkSafe Victoria* considers is, and is NOT, bullying. For example, the reasonable actions performed by a manager in a reasonable way are not classified as workplace bullying.

These include:

- setting performance goals, standards and deadlines
- allocating work to an employee
- deciding not to select an employee for promotion
- informing an employee about unsatisfactory work performance
- informing an employee about inappropriate behaviour
- providing constructive feedback

- implementing performance management processes
- implementing organisational changes
- downsizing the workplace.

A. Workplace Bullying

Workplace bullying is defined as “repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. In most cases, this behaviour is persistent and happens over a period of time. Bullying can be directed downwards (from supervisors/managers to workers), sideways (between workers) or upwards (workers to supervisors/managers)” *WorkSafe Victoria, 2010.*

Bullying can lead to a wide range of injuries and illnesses or injuries such as anxiety, depression, social phobia and withdrawal from usual social interactions, insomnia, stress conditions and even suicide. It undermines an individual’s right to dignity at work and may cause distress or harm to the person, their property or reputation and is a risk to their health and safety.

In the workplace bullying can take the form of:

- Abusive language or intimidation
- Excluding or isolating employees
- Assigning meaningless or unachievable tasks
- Continually criticising someone, privately and publically
- Sabotaging a colleague’s work or ability to do their job by withholding vital information and resources
- Belittling someone’s opinions; insulting or humiliating them in public
- Unexplained job changes
- Failure to give credit where it is due or taking credit for someone else’s work
- Setting someone up to fail through impossible deadlines and undue disruptions
- Undermining confidence by assigning meaningless or demeaning tasks
- Spreading malicious rumours and gossiping
- Excessive, unjustified or unreasonable monitoring of work
-

“A single incident of bullying-style behaviour does not fall within the formal definition. However, as an employer has a general duty to provide employees with a safe workplace and safe system of work, single incidents of bullying-style behaviour are not ignored or condoned” *WorkSafe Victoria, 2009.*

B. Workplace Harassment and Discrimination

The *Federal Fair Work Australia Act* and the Federal Human Rights and Equal Opportunity Commission make it unlawful to discriminate against anyone or to terminate their employment because of their individual characteristics, or to sexually harass others.

Harassment occurs when one person offends or acts against the “legally protected characteristics” of another. These characteristics include age; race or nationality; religion; gender identity; mental or physical impairment. Harassment is deemed to have happened if:

1. The offending conduct is sufficiently severe or pervasive to create a hostile work environment.

2. A superior's harassing conduct results in a tangible change in a staff member's employment status or benefits (for example, demotion, termination, failure to promote, etc.)

'Hostile Environment' harassment includes:

- The use of racially derogatory words, phrases, epithets; comments about an individual's skin colour or other racial/ethnic characteristics
- Demonstrations of a racial or ethnic nature such as gestures, pictures or drawings which would offend a particular racial or ethnic group; expressing negative stereotypes regarding an employee's birthplace or ancestry
- Making disparaging remarks about an individual's gender that are not sexual in nature
- Negative comments about a person's religious beliefs (or lack thereof)
- Negative comments regarding a person's age when referring to employees 40 and over
- Derogatory or intimidating references to a staff member's mental or physical impairment
- Publicly belittling someone's opinions
- Failing to give credit where due or taking credit for someone else's work

Sexual Harassment involves:

- The making of uninvited comments, slurs, and/or jokes of a sexual nature and making offensive remarks about looks, clothing or body parts; asking intrusive questions about another staff member's personal life, including their sex life
- Unwelcome advances or touching in a way that may make another person feel uncomfortable, such as patting, pinching or intentional brushing against another's body or leering or staring in a sexually suggestive manner
- Pressuring someone else for sex
- Telling sexual or lewd jokes; making sexual gestures; sending, forwarding or soliciting sexually suggestive letters, notes, emails, or images or displaying offensive or pornographic posters or screen savers.

Workplace Grievance Procedure

Preshil's preferred procedures for staff that believe that they are being bullied or harassed are:

1. Speak directly to the person(s) causing the offence and inform them that their behaviour is unwelcome and should cease.
2. Should the unwanted behaviour continue, make a formal written complaint to the Principal listing:
 - The instances of bullying behaviour and the dates on which they occurred
 - The duration of the behaviour
 - Statements from any witnesses regarding the alleged behaviour, where relevant.
3. Where a serious allegation has been made, an investigation will be conducted. It will focus on establishing whether or not a claim of bullying is substantiated or there is not enough information to decide either way. An investigation will be undertaken on:
 - allegations covering a long period of time
 - allegations involving threats
 - allegations involving multiple workers and vulnerable workers
 - informal approaches that have failed
 - allegations involving school leaders/management
4. Where the complaint involves the Principal, either as complainant or perpetrator, a formal written complaint should be made to the Chair of Council containing the details in Item 2 above.
5. Documented complaints will be referred to an independent consultant for investigation and remedy.
6. Counselling will be offered to both parties if appropriate.
7. Support will be offered and a restorative practice approach used to address the harm caused and seeks a respectful agreement between all parties.
8. Staff found guilty of workplace harassment or bullying may be subject to disciplinary action.
9. Should a remedy not be possible, procedures such as possible dismissal of the perpetrator will apply, based on appropriate legal advice.
10. An appeal against a charge of proven bullying or dismissal can be addressed to the School Council through its Chairperson or taken directly to Fair Work Australia.

11. If a staff complainant does not believe that their complaint has been satisfactorily resolved, they may approach the School Council to seek further redress.

12. All reports on a complaint will be recorded and filed according to the School's confidentiality and privacy policy.

Staff are also able to choose to follow WorkSafe Victoria's guidelines for employees seeking a resolution to bullying (Attachment 1).

Attachment 1

WorkSafe Advice for Individuals

Your employer has a duty to provide a safe and healthy workplace. If you, or someone else is being bullied, and you are not sure how to deal with the issue, there are a number of actions you can take.

1. Before you act on a complaint, it's important to understand [what is](#), and [what isn't](#), bullying behaviour.

If your complaint is related to interpersonal conflict, working conditions, discrimination or harassment, there are [other agencies that can provide assistance and support](#).

2. Request that the behaviour stop

If you can, firmly and politely tell the person that their behaviour is unreasonable and ask them to stop. They may not realise the effect their behaviour is having on you, so they need to be given the opportunity to change their actions. You could ask your health and safety representative, union representative or supervisor to be with you when you approach the person.

3. Speak to someone you trust

Seek advice from someone you trust at your workplace such as a colleague, supervisor, union representative or someone from human resources. It might be helpful to describe the behaviour you've been experiencing.

4. Raise the problem with your health and safety representative (HSR)

Your HSR can provide you with advice and support for your situation, and represent your views to management.

5. Check your Workplace Policy on Bullying

Ask your employer about the policy and procedures they have in place that outlines the standards of acceptable behaviour at work and how to raise bullying issues.

6. Report it

Formally report the situation in accordance with your organisation's agreed bullying procedures. Ask your manager if you're not sure what the procedure is. It might be under another name, such as a grievance procedure.

7. Keep records

Keep a factual record of events that includes:

- what happened
- dates and times
- who was involved
- names of witnesses
- copies of any documents, where possible.

If you're not able to raise the issue in your workplace, or have tried to and received no response, contact the WorkSafe [Advisory Service](#). An advisor will discuss your situation with you and provide further advice. If you are unable to discuss your matter with us right now, we encourage you to speak to your doctor or, for immediate emotional support, call Lifeline on 13 11 14.

WorkSafe Victoria, 2010