



Established 1846
HUTCHINS

***GUIDELINES FOR PARENTS AND STAFF
IN DEALING WITH
HARASSMENT AND BULLYING***

**Prepared in consultation with parents and staff of
The Hutchins School**

November 2004

November 2004

TABLE OF CONTENTS

| | Page Number |
|--|--------------------|
| Introduction | 3 |
| Understanding Harassment and Bullying | 4 |
| Rights and Expectations | 5 |
| Harassment or Bullying between Staff | 7 |
| Harassment or Bullying between Students | 10 |
| Guidelines for Staff when Dealing with an Aggrieved Parent | 11 |
| Appendix I (Sexual Harassment) | 13 |
| Appendix II (Guidelines on the Difference between Harassment and Workplace Bullying) | 15 |
| Appendix III (Contact Officers) | 16 |

INTRODUCTION

The purpose of this document is to provide a basic reference which outlines the School's approach to:

- the prevention and elimination of harassment and/or bullying
- dealing with incidents of harassment and/or bullying

The focus is on maintaining (or where appropriate, improving) good interpersonal relationships between all staff, students and parents.

The School will address all forms of harassment and/or bullying whether it occurs between:

- staff and staff
- staff and students
- staff and parents
- students and students
- parents and students

The term "staff" means all employees of The Hutchins School, as well as those who work at the School in a voluntary capacity, including student teachers, parent help, and tuckshop helpers.

The term "student" means all students who attend The Hutchins School, including students from Collegiate and Fahan who undertake courses at the school.

This document:

- Discusses the nature of harassment and bullying
- Provides guidelines for management and staff within the School in the prevention and elimination of harassment and bullying
- Provides guidelines for the resolution of complaints of harassment and bullying made by employees, voluntary workers and parents
- Does not prevent any senior member of staff from giving fair and reasonable instructions or directions in the workplace.

A separate document entitled **Are You Being Bullied?** is available for use by students of The Hutchins School.

UNDERSTANDING HARASSMENT AND BULLYING

HARASSMENT

There are several types of harassment which include:

Racial Harassment

Racial harassment is the denigration of a person's racial or cultural characteristics, ethnic origin or religious beliefs through words, jokes, gestures, bullying or other behaviour that he or she finds offensive.

Disability Harassment

Disability harassment occurs when people are denigrated and treated in a disrespectful or different manner because of a disability.

Sexual Harassment

1. Sexual harassment may be characterised as "an unwelcome request for sexual favours" or "other unwelcome conduct of a sexual nature." Sexual harassment can encompass a range of physical, verbal and psychological behaviours which may be either implicit or explicit in nature.
2. Sexual harassment has nothing to do with mutual attraction or consenting friendships.
3. Some general characteristics of sexual harassment can be found in Appendix I.

BULLYING

Bullying includes any unreasonable behaviour that intimidates, insults, offends, degrades or humiliates a person. Examples include rudeness, shouting, intimidation, abusive, offensive or threatening language, personal attacks, invasion of personal space, etc. It may also include actions such as unwelcome phone calls at home, interference during sporting fixtures, unnecessary interruptions to class, physical attacks, etc. (As a guide refer to Appendix II for a comparison of the characteristics of Harassment and Workplace Bullying).

Bullying does not include occasional differences of opinion and non-aggressive conflicts and problems in working relations, or workplace counselling, managing under-performance and other actions in accordance with normal managerial procedures. However, obvious performance problems should be identified and dealt with in a constructive way that does not involve personal insults or derogatory remarks.

RIGHTS AND EXPECTATIONS

RESPONSIBILITY OF ALL STAFF

Any person, including management, approached by someone wishing to discuss a specific instance of possible discrimination, harassment or workplace bullying should refer that person to these procedures.

All staff must respect the rights of both complainant and respondent in line with natural justice and procedural fairness.

Any staff member, if he or she provides or receives information relating to any grievances covered under this document, is responsible for ensuring appropriate confidentiality.

NATURAL JUSTICE

Both individuals accused of harassment and/or bullying and individuals making complaints of harassment and/or bullying within the terms of these guidelines have the right to be afforded natural justice.

A person accused of harassment and/or bullying has the right to:

- be informed of the nature of the allegations in the first instance
- respond to the allegations
- an impartial hearing, and fair and equitable treatment
- an understanding that all reasonable care will be taken to ensure the matter is handled confidentially
- engage the person or organisation of their choice to provide assistance and support throughout the course of the matter (e.g. assisting with the preparation of responses, representation, accompanying to meetings, etc)
- access to any documentation to be relied on by any person in the hearing relating to the complaint (including the person hearing the complaint)

A person making a complaint of harassment or bullying has the right to:

- an understanding that all reasonable care will be taken to ensure the matter is handled confidentially
- an impartial hearing, and fair and equitable treatment
- engage the person or organisation of their choice to provide assistance and support throughout the course of the matter
- access to any documentation to be relied on by any person in the hearing relating to the complaint (including the person hearing the complaint)

CONFIDENTIALITY

It is expected that all parties involved in a matter (including the complainant, the accused, witnesses, persons who provide information or documents etc) will maintain confidentiality. Confidentiality must be maintained to uphold principles of natural justice and procedural fairness, prevent victimisation or defamation of the parties involved and facilitate prompt resolution of the complaint. It is a breach of confidentiality to discuss the matter with colleagues not legitimately involved in the process and to unnecessarily disclose any information pertaining to any enquiry or complaint.

EXPECTATION OF GOOD FAITH

All parties to a matter (including the person against whom the allegation has been made, the complainant, witnesses, persons who provide information or documents for the purpose of an investigation, etc) are expected to act in good faith. Should it be identified that a party has not acted in good faith in respect of a matter, the School reserves the right to take appropriate disciplinary action against any party found to have not acted in good faith.

Explanatory Note: Generally speaking the term "good faith" is taken to mean honesty of purpose; sincerity of declaration; lack of fraudulent acts or intentions. This may include making false or misleading allegations, deliberate frustration of the resolution process, etc.

VICTIMISATION

All parties involved in a matter (including the accused, the complainant, witnesses, persons who provide information or documents for the purpose of an investigation, etc) will be protected against victimisation. If a party to a matter believes they are being victimised they must immediately notify a Contact Officer, Head of School, Deputy Principal or Principal. Should it be identified that a party has been victimised the School reserves the right to take appropriate action to remedy the situation.

Explanatory Note: Generally speaking "victimisation" is taken to have occurred where a person is singled out for unfair treatment or punishment.

Contact Officers are staff members who are able to provide information about options for resolving issues relating to unlawful discrimination, harassment or workplace bullying. (See Appendix III).

RECORDS

Where the matter becomes a formal complaint, it is expected that all parties, including the School, shall maintain documentary records of meetings, correspondence, steps taken to resolve a matter etc dealt with under these guidelines. At this time, parties involved should be asked for background information, and notes will be taken of the information furnished. Furthermore, any records, once the formal complaint is resolved, will be kept securely and confidentially in a file established for the purpose by the Principal but not in the staff member's personal file.

APPROPRIATE ACTIONS

Staff members who believe they are being harassed and/or bullied should not tolerate or ignore the behaviour, seek transfer to another work area or resign. Such actions do not resolve the problem.

Likewise parents who believe their child is being harassed and/or bullied should not tolerate or ignore the behaviour, or withdraw the child from the school. Such actions do not resolve the problem.

Provided the allegations against a person (staff member, parent or student) are not false or misleading once that person has been notified that their behaviours and/or actions are causing offence they are expected to take reasonable steps to correct or modify their behaviour and/or actions so that they do not cause offence.

HARASSMENT OR BULLYING BETWEEN STAFF

To resolve situations where harassment and/or bullying is occurring or believed to be occurring, it is recommended that the following steps should be followed:

INITIAL STRATEGIES FOR DEALING WITH HARASSMENT OR BULLYING BETWEEN STAFF

Where a staff member believes he or she is being harassed and/or bullied by another staff member the following strategies may be adopted in seeking to resolve the matter informally:

- Write a letter to the person concerned
- Seek a private and informal discussion with the person concerned

At that discussion or in the letter illustrate the behaviours and/or actions which it is felt characterise the harassing and/or bullying behaviour. Clearly explain to the person that these behaviours and/or actions are unwanted and offensive and request that they desist.

Avoid being confrontational. Make it clear that the purpose is to informally resolve the matter.

- Parties are encouraged to seek advice from a Contact Officer, Head of School, union representative etc. However, they are also entitled to seek the support/advice of a trusted colleague provided any matters discussed remain confidential.
- The parties may select internal mediation by the School's trained internal mediator if both parties are in agreement. This may be discussed initially with the Contact Officer.

Certain matters may be beyond the scope or expertise of (or inappropriate for) an internal mediator. Whether this is the case will be decided by the mediator once the matter has been referred to him/her.

Where the informal strategies have not resolved the matter to the satisfaction of the complainant then the complainant should advise the person against whom the allegation has been made that if the unwanted and offensive behaviours and/or actions (or similar behaviours and/or actions) do not desist the matter shall be taken further.

**Important Note: It is not always appropriate for these steps to occur. Nothing in these guidelines prevents a complainant from proceeding straight to a formal complaint.*

DEALING WITH A FORMAL COMPLAINT OF HARASSMENT AND/OR BULLYING BETWEEN STAFF

Lodging a Complaint of Harassment and/or Bullying

- A formal complaint may be initiated if informal procedures are not successful or in situations where the allegations are more serious and informal procedures would be inappropriate, or there is actual physical or psychological harm. A formal complaint must be lodged in writing with the Principal.

In formulating a complaint, the following points should be addressed:

- It must be identified whether the complaint is about harassment and/or bullying (refer section titled "*Understanding Harassment and Bullying*" and Appendix II).
- The behaviours and/or actions which it is felt characterise the harassing and/or bullying behaviour should be described.
- The steps, if any, that have already been taken to address the matter should be outlined.
- Both the complainant and the respondent have the right to engage the person or organisation of their choice to provide assistance and support throughout the course of the matter (e.g. assisting with the preparation of complaint, representation, accompanying to meetings, etc).

Note: If the complaint is against the Principal, then it should be made in writing to the Deputy Principal, who will seek advice from the Chairman of the Board of Management. If the Deputy Principal cannot be the conduit, the staff member may exercise his or her right to write to the Chairman directly, supplying a copy of the letter to the Principal. In such circumstances the Chairman of the Board of Management shall nominate a person to co-ordinate the resolution of the matter (hereafter referred to as the "Board delegate").

Resolving a Complaint of Harassment and/or Bullying

- The Principal must ensure that the complaint is given to the person against whom it is made as soon as is reasonably practicable after receiving it, having regard to the need for the Principal to be satisfied that the case is one:
 1. which is appropriate for a formal complaint
 2. in which the conduct is sufficiently described in the complaint
 3. in which the correct procedures under this Policy have been followed.
- The person against whom the allegation has been raised must respond to the allegations within fourteen (14) days of receiving the formal complaint.
- Following receipt of the response, the Principal (or Board delegate) shall then meet with each party in an attempt to identify the issues involved, review what steps have already been taken and give both parties an opportunity to undertake further informal measures. If the matter remains unresolved, the Principal should then advise them of the formal procedures to be followed.
- The Principal will appoint a trained, external investigator to carry out an investigation into the complaint. It would be expected that this would be completed and a report submitted to the Principal within ten working days. The investigation will include interviews with the complainant and the respondent, and if necessary with witnesses called by either party.
- The Principal and investigator will meet with both parties individually to discuss the report, its implications and the steps that will be taken to resolve the matter.
- If, at any stage of the resolution, the Principal (or Board delegate) believes and/or is advised* that the matter may involve criminal activity, the Principal (or Board delegate) is obliged to refer the matter to the appropriate authorities. In such instances the activities to resolve the matter will be suspended until such time as the authorities have completed their inquiries, and the School reserves the right to take whatever other steps may be appropriate to manage the matter in the intervening period.

**In instances where the Principal (or Board delegate) is only co-ordinating the resolution of the matter.*

- If a resolution to the matter is reached (ie withdrawal or dismissal of the allegations, recommendations to prevent a recurrence, an apology, counselling, etc) the matter is closed. In such circumstances both parties will be required to sign a statement which includes details of the resolution and acknowledges that the matter is resolved.

Where Resolution of a Complaint is Unsuccessful

- If the issue is unresolved due to lack of evidence, both parties will be advised that the matter cannot proceed.

GENERAL MATTERS PERTAINING TO CASES OF HARASSMENT AND/ OR BULLYING

- Complainants have the option of withdrawing a formal complaint. Investigation of a formal complaint may, however, need to proceed even if the complainant no longer wishes to pursue the matter, particularly where the safety or well-being of staff members and students is involved.
- Where a formal complaint is lodged, even if the matter is later withdrawn or not proceeded with, the parties to any matter shall be informed in writing of any decision made in relation to the matter and the reasons for the decision.
- Staff members who observe inappropriate behaviour between staff but who are not personally involved should report their concerns. A concern of this nature should be reported to a Contact Officer, Head of School or other Senior Staff member who will address the matter confidentially with the Principal (or Board delegate).
- Even though a confidential expression of concern does not involve a formal complaint, senior staff have a responsibility to endeavour to resolve the situation by any or all of the following actions:
 - Informing all employees of strategies and options available for dealing with harassment and bullying
 - Drawing attention to the policy of the School on harassment and bullying, highlighting both the rights and responsibilities of all members of staff
 - Monitoring and observing the behaviour of the person concerned
 - Discussing with other staff members their comfort and the general atmosphere in the workplace (while respecting confidentiality)

HARASSMENT OR BULLYING BETWEEN STUDENTS

A separate document entitled *Are You Being Bullied?* is published in the Student Diary for use by students of The Hutchins School.

GUIDELINES FOR PARENTS IN DEALING WITH A MATTER INVOLVING HARASSMENT AND/OR BULLYING OF STUDENTS

- Contact the class teacher or tutor to discuss the matter. The class teacher or tutor will investigate the matter and take appropriate action.

If the parent feels the matter remains unresolved:

- ELC/Junior School: contact the Head of Junior School
- Middle School: contact the Year Head, then the Head of Middle School
- Senior School: contact the Head of House, then the Head of Senior School

If the parent still feels that the matter remains unresolved a formal written complaint should be lodged with the Deputy Principal.

Note: The complaint may be put in writing at an earlier stage if it is considered necessary.

GUIDELINES FOR STAFF WHEN DEALING WITH AN AGGRIEVED PARENT

If a complaint is made in person (eg during an interview or at a sporting fixture):

- Ensure that the parent feels that he/she is being listened to and the concern taken seriously.
- If appropriate, ask the parent to put the grievance in writing.
- If the matter is unable to be resolved or if the parent becomes angry or abusive, terminate the interview and offer either to arrange a further appointment, or to refer the matter to the Head of School or an appropriate senior staff member.
- When a parent seeks an interview, if the staff member deems it necessary, an additional staff member may be asked to attend the interview.
- If physical contact occurs, the staff member should leave the interview immediately and seek assistance.
- The taking of notes during an interview should be at the discretion of the staff member. However, the staff member must complete a written summary of the interview. When making records, staff should remain aware of the requirements of privacy legislation in respect of student records.

If the complaint is made by telephone:

- Ensure that the parent feels that he/she is being listened to and the concern taken seriously.
- If appropriate, ask the parent to come in for an interview.

- If the parent becomes angry or abusive, offer to arrange an appointment to discuss the matter in person, with another staff member present if necessary and terminate the call.

If the complaint is made by telephone to a staff member's home or mobile:

- Advise the parent that it is inappropriate to discuss the matter at that time.
- Invite the parent to make an appointment during school hours.

Staff have the right to refuse to engage in telephone discussions with parents outside of school hours.

APPENDIX I

SEXUAL HARASSMENT

It is inappropriate to provide an exhaustive list of behaviour which would constitute sexual harassment. To do so may result in a form of conduct not being identified as sexual harassment simply because it was omitted from the list.

Some general characteristics of sexual harassment are outlined as follows:

- Sexual harassment may be an isolated instance or a series of incidents.
- The effect of sexual harassment may be the same whether the conduct was intentional or unintentional. (Even though behaviour which distresses a person may have been unintentional, such behaviour may still constitute sexual harassment).
- Sexual harassment may affect anyone regardless of gender.
- Sexual harassment may impact adversely on an individual's career path or academic prospects because of denial of job and learning opportunities as a result of non-compliance with sexual overtures or by loss of self-esteem and confidence.
- Vexatious, political, or frivolous complaints may interfere with the career of the alleged harasser.
- Sexual harassment may have an adverse effect on the morale and productivity of a school or workplace.

The following **examples** illustrate the wide spectrum of behaviour which constitute sexual harassment:

- Personally offensive verbal comments
- Sexual or smutty jokes
- Comments about a person's alleged sexual activities or lifestyle
- Covert or overt sexual behaviour used to control, influence or affect the career or job of another person
- Persistent unwelcome social invitations or telephone calls
- Being followed home from work

- Unsolicited letters, gifts, faxes, Email, SMS messages, living telegrams (eg strip-a-gram)
- Stares, leers and whistles
- Offensive hand or body gestures
- Sexual propositions
- Invading a person's space
- Physical contact such as patting, pinching, touching, grabbing and fondling
- Material with a sexist/sexual connotation, eg some works of art, computer software, gifts, posters with a sexual theme or innuendo, magazine articles and centrefolds
- Indecent exposure

Under criminal law, some of the above-mentioned forms of sexual harassment may be considered sexual assault.

APPENDIX II
GUIDELINES ON THE DIFFERENCE BETWEEN HARASSMENT AND
WORKPLACE BULLYING

| HARASSMENT | WORKPLACE BULLYING |
|---|---|
| Has a strong physical component, eg contact and touch in all its forms, intrusion into personal space and possessions, damage to possessions including a person's work, etc | Almost exclusively psychological (eg criticism), may become physical later, especially with male bullies, but almost never with female bullies |
| Tends to focus on the individual because of what they are (eg female, black, disabled, etc) | Anyone will do, especially if they are competent, popular and vulnerable |
| Harassment is usually linked to sex, race, prejudice, discrimination, etc | Although bullies are deeply prejudiced, sex, race and gender play little part; it's usually discrimination on the basis of competence |
| Harassment may consist of a single incident or a few incidents or many incidents | Bullying is rarely a single incident and tends to be an accumulation of many small incidents, each of which, when taken in isolation and out of context, seems trivial |
| The person who is being harassed knows almost straight away they are being harassed | The person being bullied may not realise they are being bullied for weeks or months - until there's a moment of enlightenment |
| Everyone can recognize harassment, especially if there's an assault, indecent assault or sexual assault | Bullying is not always as recognizable |
| Harassment often reveals itself through use of recognised offensive vocabulary, eg ("bitch", "coon", etc) | Workplace bullying tends to fixate on trivial criticisms and false allegations of underperformance; offensive words rarely appear, although swear words may be used when there are no witnesses |
| There's often an element of possession, eg as in stalking | Phase 1 of bullying is control and subjugation; when this fails, phase 2 is elimination of the target |
| The harassment almost always has a strong clear focus (eg sex, race, disability) | The focus can be on competence (envy) and popularity (jealousy) |
| Often the harassment is for peer approval, bravado, macho image etc | Tends to be secret behind closed doors with no witnesses |
| Harassment takes place both in and out of work | The bullying takes place mostly at work |
| The harasser often perceives their target as easy, albeit sometimes a challenge | The target is seen as a threat who must first be controlled and subjugated, and if that doesn't work, eliminated |
| Harassment is often domination for superiority | Bullying may be for control of threat (of exposure of the bully's own inadequacy) |
| The harasser often lacks self-discipline | The bully may be driven by envy (of abilities) and jealousy (of relationships) |
| The harasser often has specific inadequacies (eg sexual) | The bully is inadequate in all areas of interpersonal and behavioural skills |

Source of Table: Adapted from UK National Workplace Bullying Website *Bully OnLine*

APPENDIX III

CONTACT OFFICERS

Contact Officers are staff members who can provide information about options for resolving issues related to unlawful discrimination, harassment or bullying.

Although a complainant or respondent can seek advice from any trusted colleague, Contact Officers are able to provide information about options for resolving issues relating to unlawful discrimination, harassment or workplace bullying. For both the complainant or respondent, they are a first point of contact for advice or referral as necessary.

It is not their role to investigate or mediate discrimination, harassment or workplace bullying allegations. Contact Officers must maintain appropriate confidentiality with respect to information disclosed to them regarding allegations of discrimination, harassment or workplace bullying.

Contact Officers, on receiving an allegation will:

- provide advice on the operation of this document
- explain options for resolving the complaint

Contact Officers may act as a support person if requested to do so by either the complainant or respondent in the resolution of an allegation.

Support provided by the Contact Officer may involve:

- responding in a personally supportive way
- providing an atmosphere of trust and confidentiality
- projecting an awareness of and sensitivity to the issue
- assisting the person to work through the advantages and disadvantages of different options
- advising and assisting the person to resolve the issue themselves
- being present, if asked, when the complainant approaches the person about the behaviour that has given rise to the grievance
- being prepared to support the complainant if the issue is progressed beyond the informal stage.
- accompanying the complainant to the meetings with the investigator or the Principal if requested
- advising and responding to any issues raised in relation to discrimination and harassment

The Contact Officer has the right to withdraw as support person if there is a perceived conflict of interest.