



THE HUTCHINS SCHOOL

Harassment, Bullying & Discrimination Policy

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| Relevant legislation | Anti-Discrimination Act 1991 (Tas) (the Act) Australian Human Rights Commission Act 1986 (Cth) Age Discrimination Act 2004 (Cth) Disability Discrimination Act 1992 (Cth) Equal Opportunity for Women in the Workplace Act 1999 (Cth) Fair Work Act 2009 (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) |
| Commencement date | 11 April 2018 |
| Last review date | 15 March 2024 |

1. Purpose

The Hutchins School (the School) is committed to providing a safe, healthy work environment, where every member of our community is treated in a manner consistent with our values (humility, kindness, courage and respect). This policy exists to highlight our commitment to a workplace free from harassment, bullying and discrimination.

2. Scope

This policy applies to all people engaged with or operating at the School, including staff, students, parents, contractors, volunteers and visitors. We all have a responsibility to ensure that the School is respectful, safe, and free of discrimination, harassment, bullying and otherwise unlawful and unacceptable behaviours.

3. Objectives

The objective of this policy is to outline the School's commitment to a workplace free from harassment, bullying and discrimination; to provide clear definitions, and to establish procedures for reporting such victimisation where it exists, that action may be taken.

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| Created by: Policy & Compliance Manager | Document version: 2.1 |
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| Printed copies are uncontrolled. For the latest version please refer to SharePoint Online. | CRICOS 00478F Page 1 of 6 |

4. Definitions

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| Adverse action | Firing, demoting or otherwise disadvantaging a person in the workplace on the basis of certain characteristics (e.g. sex, race, or religion). |
| Bullying | <p>The inappropriate use of power by one or more persons over another less powerful person or group; generally repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> • <i>Verbal</i> (name calling, put downs, threats); • <i>Physical</i> (hitting, punching, kicking, scratching, tripping, spitting); • <i>Social</i> (ignoring, excluding, ostracising, alienating); and/or • <i>Psychological</i> (spreading rumours, stalking, dirty looks, hiding or damaging possessions). <p>Bullying relates strictly to interpersonal conduct, and does not involve the ‘adverse action’ inherent to discrimination.</p> |
| Discrimination | <p>Unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another because of their race, colour, national or ethnic origin, sex, pregnancy or marital status, sexual preference, trade union activity, or some other characteristic specified under anti-discrimination or human rights legislation. Discrimination is distinguished from bullying by the ‘adverse action’ taken.</p> <p>It is unlawful to discriminate on the basis of the following:</p> <ul style="list-style-type: none"> • age • race • disability • irrelevant medical records • gender • gender identity • intersex • breastfeeding • pregnancy • sexual orientation • relationship status • lawful sexual activity • marital status • family responsibilities • parental status • irrelevant criminal record • religious belief or affiliation • religious activity • political belief or affiliation • political activity • industrial activity • association with a person who has or is believed to have any of these attributes. |
| Harassment | The systematic and/or continued unwarranted action of one party or a group toward an individual. Harassment causes mental or emotional suffering through repeated contact without a reasonable purpose; insults; threats; touching or offensive language. |
| Racism | A form of prejudice that assumes that the members of (other) racial categories have distinctive characteristics, and that these differences result in some racial groups being inferior to others. Racism generally includes negative emotional reactions to members of the group, acceptance of negative stereotypes, and discrimination against individuals. |

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| Repeated behaviour | Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time. |
| Unreasonable behaviour | Unreasonable behaviour means behaviour that a reasonable person (having regard to the circumstances) would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening. |

5. Policy statement

The School is committed to a culture typified by acts of kindness and gratitude. It is the School's expectation that all staff and students will treat one another with dignity, fairness and respect. Harassment, bullying and discrimination are unacceptable, and will not be tolerated.

Racism and discrimination

Race has been demonstrated to be a cultural construct rather than a basis for division linked to biology¹. Nonetheless, racism has been a powerful and persistent destructive force that has devalued, dehumanised and divided communities and social groups – even to the point of violence and genocide. The effects of racism and its violent impact upon the Tasmanian Aboriginal community are still keenly felt, and are acknowledged by the School through its *Vision for Reconciliation* statement and [Reconciliation Action Plan](#).

Racism in any form is inconsistent with the School's values of humility, kindness, courage and respect, and will not be tolerated. The School recognises the importance of anti-racism education for students and staff alike, and is committed to fair, equitable and respectful engagement with people of diverse backgrounds. This commitment to the elimination of racism includes an assessment of the School's teaching and learning materials and curriculum to ensure the inclusion of Aboriginal and Torres Strait Islander histories and cultures, to ensure that all students know, understand and are active in learning from and about historical truths and contemporary lived experiences of Australian First Nations Peoples, with a focus on local content first.

Student responsibilities

Students at the School are expected to:

- contribute to the creation of an inclusive school culture, typified by kindness and gratitude; and
- report discrimination, harassment or bullying to a staff member, where witnessed.

¹ Mukhopadhyay Carol. 2014. "The Fallacy of Race as Biology" In *How Real Is Race?: A Sourcebook on Race, Culture and Biology*

Staff responsibilities

Staff at the School are expected to exemplify the [Commitment to Kindness](#), which forms part of our induction process and underpins all of our policies, procedures and practices. All staff are therefore expected to:

- treat everyone they come in contact with through the course of their work fairly, professionally, and with respect and kindness;
- avoid making decisions based on unlawful grounds; and
- demonstrate courage in reporting instances of discrimination, harassment or bullying.
- Incidents of harassment, bullying or discrimination may be reported directly to a supervisor, or through the [Inappropriate or Reportable Conduct Report Form](#). Avenues are provided through the form for anonymous reporting, or to allow staff to avoid perceived conflicts of interest. If a staff member believes that they are the target of ongoing, or more serious instances of harassment, bullying or discrimination, they are encouraged to report those issues through the [Complaints and Grievances Form](#). This form commences a formal investigation into the behaviour and involves strict record-keeping and follow-up.

Both the [Inappropriate or Reportable Conduct Report Form](#) and the [Complaints and Grievances Form](#) are structured around a workflow that will escalate the issue to the most appropriate staff member for resolution. Opportunities are provided to the person filing the report to avoid conflicts of interest, or to choose a specific recipient for their report. Accountability is built into these forms through their workflow, and all reports are monitored by the Policy & Compliance Manager and the Principal (at a minimum).

Managers' responsibilities

Managers are the front-line personnel for the support and care of staff who have been exposed to workplace harassment, bullying and discrimination. They are expected to:

- model appropriate standards of behaviour, and exemplify the School's [Commitment to Kindness](#);
- take steps to educate and make their staff aware of the requirements of this policy and the law;
- intervene quickly and appropriately where concerns are raised;
- act fairly to resolve issues and enforce the standards of this policy, while ensuring that all voices are heard through a process of natural justice;
- assist in resolving staff complaints and grievances at an informal level;
- ensure that staff who raise an issue or make a complaint or grievance are not victimised;
- manage any concerns reported through the [Inappropriate or Reportable Conduct Report Form](#) with professionalism;
- refer formal complaints about breaches of this policy through the [Complaints and Grievance Form](#); and
- handle all matters regarding workplace conduct confidentially.

The School's commitment

The School is committed to dealing with all reports of harassment, bullying and discrimination seriously, promptly, confidentially and impartially. We encourage all staff and students to exemplify a spirit of kindness and gratitude

toward one another, but to act courageously in confronting injustice wherever it occurs through the mechanisms outlined in this policy.

The School takes reasonable steps to prevent discrimination through:

- the development and implementation of this policy;
- the education and training of staff, to assist in the prevention of racism, harassment, bullying and discrimination;
- the provision of systems and processes that may be utilised, either identifying the victim or anonymously, to report and record instances of harassment, bullying and discrimination;
- the removal of discriminatory or offensive materials, rules and practices; and
- encouraging staff and students to contribute to a culture of kindness and gratitude.
- The School's counsellors are available to staff and students who feel they have been victimised by harassment, bullying or discrimination.

Recruitment and selection

Decisions made regarding:

- advertising;
- job descriptions and selection procedures;
- conditions of employment and remuneration;
- training opportunities;
- rostering and allocation of work;
- performance management and termination procedures; and
- promotion opportunities

will be made on the basis of merit, and the inherent requirements of the position. Reasonable operational requirements will be considered. Employees may not be disadvantaged because of personal characteristics, whether real or assumed.

Further detail on the School's commitment to fairness in recruiting may be found in the [Recruitment and Selection Procedure](#).

Disciplinary action

Where it is determined that a staff member has breached the School's expectations in respect to workplace conduct, the Principal or Chief Operating Officer may take disciplinary action, including (in the case of serious breaches) summary dismissal. In extreme cases or where anti-discrimination legislation has been breached, legal action may be taken against the perpetrator. If a person is found to have raised a false or malicious complaint against another in order to prejudice that person, they may also be subject to disciplinary action. Under no circumstances will a person who makes a complaint in good faith be subjected to victimisation.

6. Supporting/related documents

[Code of Conduct](#)

[Complaints and Grievances Procedure](#)

[Commitment to Kindness](#)

[Counselling Policy](#)

[Complaints and Grievance Form](#)

[Inappropriate or Reportable Conduct Report Form](#)

[Complaints and Grievances Policy](#)

[Recruitment and Selection Procedure](#)

7. Record keeping

This policy is to be kept for three (3) years until review except where legislative or organisational change demands otherwise. The master copy is kept in [SharePoint Online](#) in read-only PDF form. All printed copies are uncontrolled.

8. Policy owner

Principal

9. Version Control

| Version | Author | Purpose/Change | Date |
|---------|----------------------------------|---|------------|
| 1.0 | People, Culture & Safety Manager | Initial release | 11/4/2018 |
| 2.0 | Policy & Compliance Manager | Full textual review and update; significant changes made to procedure to reflect changes in the Complaints and Grievances Policy, procedure and form; introduced expectation of kindness and gratitude. Policy broadened to incorporate harassment, bullying and discrimination. Added detail regarding the 'Inappropriate Conduct Report Form', for use in (relatively) minor incidents. | 15/3/2021 |
| 2.1 | Policy & Compliance Manager | Updated 'Headmaster' to 'Principal'. Incorporated new paragraph entitled 'Racism and discrimination' to explicitly address racism and support the Reconciliation Action Plan (RAP). Moved information regarding recruitment to the School's commitment section and added a sub-heading to accommodate this. | 01/03/2024 |