

QUEENSLAND

ANGLICAN

SCHOOLS



**ADMINISTRATIVE GUIDELINES  
FOR DISCRIMINATION  
SEXUAL HARASSMENT AND  
WORKPLACE BULLYING**

Anglican Schools Office  
GPO Box 42 1  
BRISBANE Q 4001

## **Administrative Guidelines**

Administrative Guidelines are a system of principles and procedures designed to assist Anglican Schools in implementing effective administrative measures and complying with legal obligations. This system of procedures guides Schools in complying with the various obligations placed upon them. These Guidelines deal with the practical aspects of legal compliance and effective administrative systems. Administrative Guidelines will be developed by the Schools in consultation with the Anglican Schools Office and relevant stakeholders (for example Church leaders, agency representatives, Government representatives, unions, etc.). The Guidelines are subject to final endorsement by each School's Governing Body, and in the case of Diocesan owned Schools, a designated higher authority, where required by Canon Law (for example the Diocesan Property and Finance Board, Archbishop-in - Council).

Anglican Schools Office  
Level 2, 369 Ann Street, Brisbane 4001  
Telephone 3839 0882  
Email [office@aso.qld.edu.au](mailto:office@aso.qld.edu.au)  
[www.aso.qld.edu.au](http://www.aso.qld.edu.au)

# QUEENSLAND ANGLICAN SCHOOLS ADMINISTRATIVE GUIDELINES

**TITLE** **DISCRIMINATION, SEXUAL HARASSMENT AND  
WORKPLACE BULLYING POLICY**

**PURPOSE** To establish behavioural guidelines for all individuals associated with the School Community in order to ensure that all forms of discrimination, sexual harassment and workplace bullying are identified and managed appropriately.

**LEGAL FRAMEWORK** Anglican Schools Enterprise Bargaining Certified Agreement 2001 (“the Agreement”)

Anti-Discrimination Act 1991

Workplace Health and Safety Act 1995

**EFFECTIVE DATE** 31 December 2003

## 1. APPLICATION

This policy applies to all employees, contractors, and visitors that enter the School environment or work related events such as School functions, training courses, learning excursions and work related travel.

## 2. POLICY PREAMBLE

Discrimination, sexual harassment, and workplace bullying are unacceptable forms of workplace behaviour. Harassment erodes the rights of the individual, debilitates morale, and interferes with the effectiveness of the work and learning environment. Therefore it is each School’s objective to provide a workplace free from discrimination, sexual harassment and workplace bullying and to act positively in eradicating these unacceptable forms of behaviour.

Each School is committed to maintaining an environment that values the inherent worth and dignity of every individual, that fosters tolerance, sensitivity, understanding and mutual respect, and one which encourages its members to strive to reach their full potential.

This commitment has as its foundation the fact that as an Anglican School its operations give due regard to the Ethos Statement for Anglican Schools in Queensland.

The Summary Ethos Statement affirms that features of an ideal Anglican School include:



- Anglican Schools are firstly Christian Schools.
- Anglican Schools should be characterised by tolerance and a respect for difference.
- Anglican Schools should be characterised by a high respect for intellectual endeavour.
- Anglican Schools celebrate the contribution of the Mother Church to the wider political, social, economic and artistic life of our culture.
- Anglican Schools should be characterised by a commitment to tradition and dignity within school worship.
- Anglican Schools should be characterised by a commitment to tradition and dignity within school life.
- Anglican Schools should be characterised by a sense of social responsibility.

All members of the school community must be able to pursue their goals, educational needs and working lives without intimidation or injury generated by intolerance, bullying and harassment.

It is essential that each School demonstrate its leadership by reaffirming its position against harassment in all forms.

### 3. **POLICY STATEMENT**

It is the policy of each School to maintain a workplace and study environment for staff and students, free from all forms of harassment.

All allegations of discrimination, sexual harassment, and workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

Disciplinary action will be taken against any person who is found to have contravened this policy and may involve counselling, a warning, demotion or dismissal, depending on the seriousness of the breach.

This policy will be displayed in a prominent place in the school and will be provided to all employees. All staff will be made aware of this policy, its contents, behavioural expectations and the steps to be taken if a complaint is made.



## DEFINITION OF TERMS

### 3.1 Discrimination

Discrimination may be directly or indirectly imposed on individuals. Direct discrimination in the School environment occurs when someone is treated unfavourably because of their personal characteristics or attributes; or by association with a particular individual or group within the School community which has a characteristic or attribute.

Such characteristics or attributes concern:

- Sex
- Pregnancy
- Impairment
- Marital Status
- Parental Status
- Lawful Sexual Activity
- Race
- Political Belief or Activity
- Trade Union Activity
- Religion
- Age
- Breastfeeding

Indirect Discrimination is where a requirement or term such as a School rule, practice or procedure has an unequal effect on one group of individuals within the School community. Unless the requirement is equal for all members of the School community, regardless of any characteristic or attribute, it is likely to be defined as indirect discrimination.

Whether a requirement or term is unreasonable depends on all the relevant circumstances such as:

- The established ethos of the School;
- The consequences for the individual or group of failing to comply with a requirement or term of the School;
- The cost of an alternative requirement or term for the School;
- The financial circumstance of the School which has applied the discriminatory term.

#### 3.1.1 Examples of Discriminatory Behaviour

##### **Verbal Behaviour**

- Offensive jokes or comments about another person regarding any of the above listed attributes.



### **Non-verbal Behaviour**

- Displaying posters or pictures which are offensive or derogatory to one of these characteristics or attributes.

### **Professional Behaviour**

- Judging a person or undermining their authority or performance at work because you dislike one of their characteristics or attributes.
- Lack of promotion due to a characteristic or attribute eg. racial or ethnic origin.
- Not allowing students with a particular attribute to participate in School activities.
- Forcing a member of the teaching staff to retire at a particular age.

#### 3.1.2 Exemptions

The following exemptions may apply for:

- genuine occupational requirements with respect to any attribute;
- religious purposes, doctrine or sensitivities, except with respect to discrimination based on age, race or impairment;
- the provision of educational services except with respect to discrimination based on race or impairment; and
- the provision of special services or facilities to persons with a disability would cause unjustifiable hardship.

### 3.2 Sexual Harassment

The legal definition of Sexual Harassment is behaviour which:

- Subjects another person to an unsolicited act of physical intimacy; or
- Makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
- Makes a remark with sexual connotations relating to the other person; or
- Engages in any other unwelcome conduct of a sexual nature in relation to the other person;

and the person engaging in this conduct described above does so:



- With the intention of offending, humiliating or intimidating the other person; and/ or
- In circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Sexual Harassment can either be a single incident or may be a set of circumstances that are repeated.

### 3.2.1 Examples of Sexually Harassing Behaviour:

Sexual Harassment may consist of any or all of the following examples:

#### **Verbal Behaviour:**

- Sexual jokes, lewd suggestions, whistling, and foul language.
- Belittling comments on a person's anatomy.
- Persistent demands for dates.
- Asking about personal/sex life.
- Explicit sexual suggestions in return for 'reward'.

#### **Non-verbal Behaviour:**

- Unwanted physical contact of any sort, including touching and brushing.
- Display of pornographic and sexually suggestive pictures and / or objects.
- Leering and/or obscene gestures.
- Offensive written, or electronic communications.
- Indecent exposure.
- Sexual assault and rape.

### 3.3 Workplace Bullying

Bullying is the repeated less favourable treatment of a person by another or others in the workplace or learning environment which is considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, degrades, humiliates or offends a person and is generally persistent, systematic and ongoing behaviour.



### 3.3.1 Examples of Workplace Bullying

Bullying may consist of any or all of the following examples:

#### **Verbal Behaviour:**

- Yelling and screaming.
- Insults.
- Inappropriate comments about a person's appearance, personal life or lifestyle.
- Belittling opinions.
- Unjustified sarcasm and criticism.
- Teasing or regularly being made the brunt of practical jokes.

#### **Non-verbal Behaviour:**

- Isolating individuals from normal work or learning interactions.
- Displaying written or pictorial material which degrades or offends.
- Being followed home from work.

#### **Physical Behaviour:**

- Offensive hand or body gestures.
- Unnecessary or unwelcomed contact.
- Pushing, shoving and fighting.
- Damage to personal property.

#### **Professional Behaviour:**

- Over-work or overloading another person(s) with impossible deadlines.
- Unnecessary pressure.
- Under-work and creating a feeling of uselessness.
- Undermining work or learning performance.
- Deliberately withholding information or resources or supplying incorrect information.
- Tampering with personal effects or equipment.
- Repeated failure to give credit where credit is due.

## 4. PROCEDURAL STEPS

The School encourages persons who believe they have experienced or witnessed any form of discrimination, sexual harassment or bullying to seek assistance within the School in either an informal or formal manner.

### 4.1 Confidentiality

Complaints should be handled by as few people as possible to ensure strict confidentiality.





It is imperative that all information regarding complaints of discrimination, sexual harassment and bullying be kept confidential for the following reasons:

- The Complainant and the Respondent have a right for all information pertaining to the complaint to remain strictly confidential.
- The possibility of defamation suits against individuals.
- The prevention of victimisation of parties involved.
- The prompt, successful resolution of the complaint.

#### 4.2 Documentation

It is imperative that records are kept to ensure that the Procedure is effectively implemented.

Contact Officers will provide confidential reports to the Head or Chair of Council if the complaint relates to the Head.

- The date the allegation was lodged.
- The names of the reporting persons and victims.
- The nature of the harassment incident/s.
- Any Informal Action taken.
- Any Request for Formal Action to be taken.
- Any action taken.
- Outcomes of the action.

It is also emphasised that the Complainant take note of the date and time the incident(s) occurred and a brief description of what happened.

In dealing with complaints of discrimination, sexual harassment and bullying, each School will generate and maintain a confidential file providing a record of each complaint, the conclusion of the investigation and any subsequent action taken. All details and records of investigations are to be kept securely, and separate from the personnel records of the individuals involved.

#### 4.3 Informal Approach

Informal procedures emphasise resolution rather than factual proof or substantiation of a complaint. The intent of this approach is to provide the Complainant with the knowledge and skills necessary to deal with the situation themselves. A Complainant taking informal action of talking to the alleged



harasser about the harassing behaviour, in many cases will be the first step taken towards resolving a harassment complaint. However a person is not required to exhaust informal attempts at resolution before formal action commences. A member of the School community has the right to formalise their complaint or approach an external agency at any stage.

Informal action is usually appropriate where:

- the allegations are of a less serious nature but the individual subjected to the behaviour wants it to cease nonetheless; or
- the individual subjected to the behaviour wishes to pursue an informal resolution.

#### 4.3.1 **Talk to a Contact Officer**

The designated Contact Officer is a qualified person at the School to give advice and support to deal with a Complainant's concern(s). This person(s) will hold appropriate qualifications or have received appropriate training to fulfil the role. This person(s) will be given time to deal with any emergent issues as and when required. The Contact Officer(s) will assist the Complainant clarify whether the Complainant has been experiencing or witnessing unacceptable behaviour as defined above.

The Complainant must take note of the date and time the incident(s) occurred and provide the Contact Officer with a brief description of what happened.

There should be more than one designated contact officers to enable a complainant to approach the most appropriate person for their particular concern.

#### 4.3.2 **Talk to the Person**

After talking to a Contact Officer, the Complainant may decide the following course of action:

- The Complainant may decide to approach the alleged harasser identifying that their conduct is inappropriate and to ask the alleged harasser to discontinue the offensive behaviour immediately; or
- The Complainant may ask their Contact Officer to speak to the alleged harasser on their behalf. The Contact Officer privately conveys the Complainant's concerns and reiterates the organisation's policy to the alleged perpetrator without assessing the merits of the case.

#### 4.3.3 **Reporting**

Details of the incident should be documented by the Contact Officer. This document should be provided to the Head or Chair of Council and then retained on School files.



## 4.4 Formal Approach

The formal procedure focuses on proving whether a complaint is substantiated.

A Complainant may take a formal approach in the following circumstances:

- Informal attempts at resolution have failed;
- The Complainant has been victimised;
- The complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties;
- The complaint is against a more senior member of staff. Formal procedures may help to ensure that the Complainant is not victimised or disadvantaged;
- The allegations are denied and the person who claims to have been harassed wishes to proceed and investigation is required to substantiate the complaint; or
- The person alleging discrimination or harassment wishes to make a formal complaint from the outset.

The designated Contact Officer will ask the Complainant to formalise in writing, what the Complainant saw or experienced, who was involved, whether there were any other witnesses, and other information of relevance. This information is to remain confidential between the Complainant and the designated Contact Officer and allows the Contact Officer to initially investigate the complaint. However, relevant information must be documented and provided to the Head or Chair of Council if the Complainant wishes to pursue the complaint.

### 4.4.1 Investigation

The Head or Chair of Council will appoint an appropriate person to investigate the alleged harassment.

Any procedure will be undertaken with discretion and confidentiality to protect the reputation of the person being investigated.

The process of the investigation will be conducted promptly as follows.

#### 4.4.1.1 Privately Interview the Complainant:

- Ensure a support person is present if required or if the Complainant requests a third party to be present.



- Explain the process of investigation.
- Ensure confidentiality.
- Obtain information and written documentation in support of the allegation.
- Ask the Complainant what do they want to happen as a result of the investigation and assess how realistic their expectations are.
- Record all information and statements by the Complainant in detail.
- Inform the Complainant that a false complaint will be treated seriously.

#### 4.4.1.2 Initial Interview with the Alleged Perpetrator:

- The Alleged Perpetrator shall be given reasonable written notice at the interview. This notice should include:-
  - a) The time and place of the interview.
  - b) The general nature of the matter to be discussed
  - c) The employee's right to have a person of their choice (including a Union representative) present; and
  - d) The names of the persons who will be in attendance.
- Conduct the interview in private.
- Ensure a support person is present if required or if the person interviewed requests a third party to be present.
- Explain the process of the investigation and the meeting.
- Put allegations to the alleged perpetrator.
- Allow the alleged perpetrator time to respond to the allegations.
- Record all responses and discussions in detail.
- Inform the alleged perpetrator that disciplinary action may be taken in the event that inappropriate behaviour is proven.

#### 4.4.1.3 Interview Witnesses:

- Conduct the interview in private.
- Inform the witness that the matter is confidential.
- Obtain written and signed statements from the witnesses.



- Make further inquiries deemed relevant to establish whether the harassment has occurred.
- Record all information in detail.

#### 4.4.2 **Making a Finding**

The Head or Chair of Council will make a determination based on the investigation, of whether the complaint is established.

#### 4.4.3 **Action**

If there is not sufficient evidence to establish the substance of the complaint the Head will advise the Complainant and the alleged perpetrator in writing of the finding and that no further action will be taken.

If on the balance of probabilities the complaint is established the School will take appropriate action to resolve the complaint such as:

- Asking the person to make a formal apology.
- Creating an agreement with the person that they will stop the offending behaviour.
- Counselling.
- Disciplinary action such as formal warnings.
- Demotion/Transfer.
- Dismissal.
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint seek a mutually acceptable resolution.

Outcomes will depend on factors such as:

- The severity and frequency of the discrimination, harassment or bullying;
- The weight of the evidence;
- The wishes of the person who was discriminated against or harassed;
- Whether the harasser could have been expected to know that such behaviour was a breach of policy; and,
- Whether there have been any prior incidents or warnings.



The School will take action against a person who knowingly makes a false complaint. This is considered a serious matter and the School will take disciplinary action in the event of a false complaint.

#### 4.5 After the Event

In order for reports to be dealt with fairly and justly, Complainants and Respondents must feel secure in the knowledge that the School's procedures will be followed without fear of retribution.

The School will not tolerate the victimisation of any person/student who has made or has supported a harassment complaint.

The School will also not tolerate the victimisation of a person who has been made a Respondent in a harassment complaint. The School affirms its legal responsibility to prevent victimisation by offering protection and support to all individuals involved in a harassment complaint.

Victimisation involves treating an individual unfavourably or subjecting them to some form of detriment because the individual:

- Has made a complaint or has proposed to make a complaint in accordance with this Policy.
- Has acted as a witness or has proposed to act as a witness in a complaint.
- Has supported a victim or intends to support a victim of a harassment complaint.
- Has been made a Respondent in a harassment complaint.

Under federal and state legislation, it is unlawful to subject a person who has made a complaint of harassment, or who has been made a Respondent in a harassment complaint, to victimisation.

