



A Safe Learning and Working Environment

Efficacy Date: December 2022

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1. Introduction

- 1.1 Trinity Grammar School is committed to providing all students and staff with a learning and working environment which is safe, supportive and caring and which is free of harassment and discrimination of any kind. Accordingly, harassment and discrimination will not be tolerated under any circumstances. The School expects everyone who is part of the School community to honour the School's commitment in this regard and to work with the School in achieving a safe learning and working environment.

2. Definitions

- 2.1 **Bullying** means repeated intimidation, over time, of a physical, verbal or psychological nature of a less powerful person by a more powerful person or group of persons. Examples include: hiding, damaging, destroying or stealing work or belongings;
 - 2.1.1 name calling, putting a person down, teasing, pulling faces, using abusive language;
 - 2.1.2 hitting, pushing, pinching or threatening physically;
 - 2.1.3 deliberately excluding a person from the group.
- 2.2 **Discrimination** refers to any behaviour or practice which reflects an assumption of superiority of one group or individual over another and is behaviour which disadvantages people on the basis of their real or perceived membership of a particular group. Examples include doing any of the following on account of a person's gender, religion, intellectual or physical ability, culture, race or background:
 - 2.2.1 asking discriminatory questions;
 - 2.2.2 making offensive comments or gestures, telling offensive jokes or showing offensive material;
 - 2.2.3 calling a person names;
 - 2.2.4 deliberately excluding a person.
- 2.3 **Harassment**
 - 2.3.1 includes bullying and sexual harassment;
 - 2.3.2 involves physical, verbal or psychological behaviour which makes another person feel embarrassed, offended, upset, devalued, degraded, afraid, frustrated or angry;
 - 2.3.3 includes insulting, demeaning, humiliating, offensive, vilifying or intimidatory behaviour or behaviour which incites hatred;

- 2.3.4 is behaviour which is unwelcome, unreciprocated, uninvited and usually repeated; and
- 2.3.5 may be based on misunderstanding or be a deliberate act based on a subjective perspective.
- 2.4 Sexual harassment occurs if a person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature and a reasonable person in the circumstances would have anticipated that the person harassed would be offended, humiliated or intimidated. Examples include:
- 2.4.1 unwelcome touching or brushing against a person;
- 2.4.2 whistling, gesturing or making comments that are sexually explicit and offensive;
- 2.4.3 showing material of a sexual nature;
- 2.4.4 making comments about a person's sexuality;
- 2.4.5 unwelcome conversations of a sexual nature;
- 2.4.6 obscene language of a sexual nature;
- 2.4.7 telling jokes of a sexual nature;
- 2.4.8 sexual exhibitionism;
- 2.4.9 staff expressing sexual feelings for a student;
- 2.4.10 students expressing sexual feelings for a member of staff; and
- 2.4.11 deliberate exposure to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual.
- 2.5 Staff or member of staff includes any School employee and any individual engaged by the School to provide services to its students (even as a volunteer).

3. Publication and Distribution

- 3.1 A Statement in relation to a Safe Learning and Working Environment is published in the School's Handbook and is provided in the policies section of the School website.
- 3.2 This Statement is given to all new staff who must, as part of their contract of employment, agree to its terms.

4. Creating a Safe Learning and Working Environment

- 4.1 The School implements strategies to create a safe learning and working environment and to reduce as much as possible the incidence of harassment and discrimination within the School.
- 4.2 All students and staff are encouraged to become familiar with these strategies.
- 4.3 All allegations of harassment and discrimination are taken seriously.
- 4.4 The strategies developed by the School are monitored and reviewed.
- 4.5 The School provides professional development resources to implement these strategies.
- 4.6 The Headmaster will:
- 4.6.1 promote a safe learning and working environment within the School, with particular regard to the professional development needs of staff; and



- 4.6.2 monitor the strategies to counter harassment and discrimination.
- 4.7 Staff will:
 - 4.7.1 ensure that curriculum content and teaching practices are consistent with and support a safe learning and working environment;
 - 4.7.2 help students to develop competencies to challenge discriminatory attitudes and behaviours in themselves and others;
 - 4.7.3 be aware of the legislative requirements relating to harassment and discrimination; and
 - 4.7.4 ensure that claims of harassment and discrimination are speedily and constructively addressed.
- 4.8 Students will be educated to:
 - 4.8.1 respect the rights of others to be free from harassment and discrimination; and
 - 4.8.2 be aware of and use the appropriate procedures for reporting incidents of harassment or discrimination.

5. Reporting Obligations

- 5.1 Any member of staff to whom an allegation of harassment or discrimination is made or who observes or is subjected to any form of harassment or discrimination in the course of their employment will report this to the Headmaster and/or the Head of Human Resources.
- 5.2 Any other adult member of the School community to whom an allegation of harassment or discrimination is made or who observes or is subjected to any form of harassment or discrimination involving students or staff is strongly encouraged to report this to the Headmaster or another member of staff.
- 5.3 Any student who observes any form of harassment or discrimination involving people in the School community or who is subjected to any form of harassment or discrimination wherever it occurs is strongly encouraged to report this to the Headmaster or another member of staff.
- 5.4 Any parent or guardian who wishes to express concerns regarding the behaviour of a particular member of staff should contact the Headmaster, the Deputy Headmasters, or the Heads of School;
- 5.5 If the allegation of harassment or discrimination is against the Headmaster, the report should be to the Chairman of the School Council.
- 5.6 Where required by law, the Headmaster or member of staff must report the harassment or discrimination to the Police, the Department of Communities and Justice (CaJ) and/or the NSW Office of the Children's Guardian.
- 5.7 The Headmaster will set up structures which make it easy for people to report harassment or discrimination. The Headmaster will also educate the School community about these structures and will encourage the School community to make use of them.
- 5.8 The Headmaster will ensure that no-one reporting harassment or discrimination is disadvantaged as a result.



6. Investigation

- 6.1 This section applies unless an investigation is being carried out by the Police, the Department of Communities and Justice, the Office of the Children's Guardian or some other state or federal authority.
- 6.2 The Headmaster will investigate all reports of harassment or discrimination in a way which affords procedural fairness to the person who is the subject of the allegation ("the subject"). This means that, before completing an investigation of an allegation of harassment or discrimination, the Headmaster will inform the subject of the substance of the allegation against them and provide them with a reasonable opportunity to put their case forward (if required by the subject, with the assistance of a support person of the subject's choice). The criteria for investigation will be to
 - 6.2.1 act fairly and without bias;
 - 6.2.2 conduct an investigation without undue delay;
 - 6.2.3 ensure the case is not investigated or determined by someone with a conflict of interest;
 - 6.2.4 ensure the outcome is supported by evidence;
 - 6.2.5 take steps to maintain confidentiality for the sake of all parties involved in the investigation.
- 6.3 Pending completion of the investigation, the Headmaster may:
 - 6.3.1 where the subject is a student, suspend the student;
 - 6.3.2 where the subject is a member of staff, limit the contact the member of staff is to have with students or other staff, direct the member of staff to undertake duties other than normal duties or at different locations or suspend the member of staff (but on normal pay).
- 6.4 At the conclusion of the investigation, the Headmaster may:
 - 6.4.1 if the breach is minor, resulting from a misunderstanding of how certain words or behaviour were understood, require from the subject an apology and a commitment not to repeat the offence;
 - 6.4.2 if it is more serious, require from the subject:
 - a. an undertaking to attend counselling;
 - b. a written apology;
 - c. a commitment not to offend again;
 - d. where the subject is a student, require him to perform community service (detention) at the School; and
 - 6.4.3 in the most serious case:
 - a. where the subject is a member of staff, suspend or terminate their employment;
 - b. where the subject is a student, suspend or expel the student.
- 6.5 The Headmaster will advise the victim and the subject in writing of the result of the investigation and the action taken.

If the victim of the harassment or discrimination is unhappy with the conduct or result of investigation, they may take their complaint to the NSW Anti Discrimination Board, the Australian Human Rights Commission, the Police or any other relevant authority depending on the circumstances.



7. Pastoral Care

- 7.1 Where a student is the victim of the alleged harassment or discrimination, the Headmaster, Housemaster, Counsellor or Senior staff member will as soon as possible advise the student's parents of the nature of the allegations and of the proposed investigation.
- 7.2 The School will:
 - 7.2.1 make available its counselling staff to provide counselling and other support as required to students and staff who have been subjected to any form of harassment or discrimination and, where relevant, their families; and
 - 7.2.2 refer these people to external agencies able to provide care and support for victims of the particular type of harassment or discrimination involved.
- 7.3 The School will also make available its counselling staff to provide counselling and other support as required to students and staff who have been subjected to allegations of harassment or discrimination and, where relevant, their families.

