

## **Anti-Discrimination and Anti-Harassment Complaints Management Policy and Procedures**

This policy should be read in conjunction with the following policies:

- St John's Anti- Discrimination and Anti-Harassment Policy
- Staff Welfare Policy Privacy Policy
- Mandatory Reporting Guidelines (St John's Regional College)
- CEM Policy 2.20 - Complaints Policy
- CEM Policy 2.21 - Privacy Policy

### **Gospel Values**

Staff at St John's Regional College endorse Catholic beliefs and practices and are committed to excellence in teaching. (Mission Statement).

As a faith community, we will nurture each other's growth in the values lived by Jesus Christ. (Mission Statement).

"If your brother does something wrong, go and have it out with him alone, between your two selves. If he listens to you, you have won your brother. If he does not listen, take one or two others along with you" Matthew 18:15

### **Guiding Principles**

- The right of individuals to be treated with respect.
- Observance of natural justice to both the complainant and the respondent.
- The right of the respondent to be informed of the nature of the allegations made against them.
- A person is presumed innocent until otherwise shown.
- Observance of confidentiality.
- Acceptance of the legitimacy of the complainant's feelings.
- Support and protection for all parties.
- Empowerment of complainants.
- Preservation of a non-judgmental and non-adversarial approach by mediators.

## Definitions

A *discrimination or harassment complaint* is an expression of dissatisfaction with a person or process associated with St John's Regional College arising from:

- allegations of unlawful discrimination;
- allegations of harassment;
- unprofessional conduct and/or unsatisfactory performance
- a school practice or policy that the complainant believes is unfair, unreasonable, or inappropriate;
- decisions made, or not made, that the complainant believes are unfair, unreasonable or inappropriate; or
- A particular incident or series of related incidents.

A *Complainant* is a person who makes a complaint.

A *Respondent* is a person about whom a complaint has been made.

A *Substantiated allegation* is an allegation which, on the evidence available, is, on the balance of probabilities likely to be proven.

An *Unsubstantiated allegation* is an allegation which cannot be proved or disproved due to a lack of evidence or conflict in the evidence available.

A *Rejected allegation* is an allegation, which on the balance of probabilities, is unlikely to be true.

*Community* includes students, parents of students, staff, regional parish priests, Board of Management members who do not have children currently enrolled at St John's, local residents, proprietors of bus companies and College suppliers and visitors.

A *Harassment Contact Officer* ("HCO") is a person, appointed by the College, to whom all complaints of a discrimination or harassment nature, are referred.

## Procedure for Lodgment and Resolution of a Complaint

The complaints resolution process may include up to four stages comprising both informal and formal process.

**Informal Process** (No records are kept)

### Stage I:

A complaint by a staff member should be lodged with the HCO.

Once a complaint is received, the HCO must notify the Deputy Principal - Learning & Teaching as soon as practicable. If the complaint is about the Deputy Principal – Learning & Teaching or Deputy Principal

– Student Wellbeing, the HCO must notify the Principal as soon as practicable. If the complaint is about an HCO, the other HCO should be informed.

In consultation with the complainant the HCO must assess the nature of the complaint, and form a view as to the appropriate course of action, in keeping with the Guiding Principles. If the HCO forms the view that the complaint may be resolved at this stage, they may recommend:

- That the complainant speaks directly to the respondent
- That the complainant speaks directly to the respondent, in the company of a colleague acting as a witness. The respondent may also have a colleague present to act as a witness
- That an independent person speak confidentially and informally with the respondent or the complainant

In either case, if the alleged incident constitutes behavior which requires mandatory reporting, or involves serious discrimination or harassment or substance abuse, the HCO is to inform the Principal without delay. In such a case, the Principal may escalate the complaint to Stage III.

All complaints of a minor nature should ideally be resolved at this stage of the process.

If the complaint is resolved at Stage I, the HCO must inform either the Deputy Principal - Learning & Teaching or the Deputy Principal - Student Welfare (as appropriate). No records are kept.

If the HCO forms the view that the complaint cannot be resolved at this level, (either before or after attempting any of the paths to resolution), the HCO will inform the complainant, the respondent and the Deputy Principal – Learning & Teaching or Deputy Principal – Student Wellbeing accordingly. The complainant may choose not to pursue their complaint or may request that the formal process be instigated. If the complainant requests that the formal process be instigated, the HCO must inform the Deputy Principal - Learning & Teaching or the Deputy Principal - Student Welfare.

### ***Formal Process (Records are kept).***

## **Stage II**

The complainant is to put their complaint in writing.

The respondent will be informed and has the right to reply in writing.

The Deputy Principal - Learning & Teaching or Deputy Principal Student Wellbeing (or their delegate) will investigate the complaint, make a finding, determine the appropriate action, inform the complainant and the respondent, and keep a record of each of these steps.

In either case, if the alleged incident constitutes behavior which requires mandatory reporting, or involves serious discrimination or harassment or substance abuse, the Deputy Principal - Learning & Teaching or the Deputy Principal - Student Welfare is to inform the Principal without delay. In such a case, the Principal may escalate the complaint to Stage III.

If none of the allegations is substantiated, a formal finding will be made to that effect. If one or more allegations is rejected, formal finding will be made to that effect. A record of this finding will be kept on file.

In the case where a complainant persists in making a rejected allegation, the complainant will be counselled about their action. They will be informed that defamation may occur when a person's reputation is lowered in the estimation of their colleagues or peers.

If one or more allegations is substantiated, the Principal will be notified and in consultation with the Deputy Principal - Learning & Teaching or the Deputy Principal - Student Wellbeing, determine the appropriate action.

This may include:

- Counselling
- Reprimand
- Training
- Dismissal
- Or any other appropriate action

If the complaint is not resolved at Stage II, the complainant may choose not to pursue their complaint or to request that the complaint proceed to Stage III.

### **Stage III**

If the complaint remains unresolved after Stage II, either party can ask for the complaint to be considered by the Principal. The Principal will review the investigation and finding. The Principal may delegate this role to another person or persons. The Principal (or their delegate) may conduct further investigations and or determine that further action is appropriate.

If the finding is confirmed, a formal record will be made to that effect and kept on file.

If the finding is verified because one or more of the allegations is substantiated, the Principal will determine the appropriate action. This may include:

- Counselling
- Reprimand
- Training
- Dismissal
- Or any other appropriate action

If the complaint is not resolved, the complainant may choose to proceed to Stage IV.

### **Stage IV**

If all previous stages have been exhausted and the matter remains unresolved, either party may refer the complaint to the relevant authority - Melbourne Catholic Education Office, Victoria Independent Education Union (VIEU), Victorian Equal Opportunity Commission, Human Rights and Equal Opportunity Commission, Victoria Police. If the Principal is the respondent, Stages I, II and III may also be omitted, and the Director of Catholic Education (or his or her delegate) will be charged with the investigation of the complaint.

The parties may, at any stage resolve the complaint, even after it has gone through any one or more of the Stages outlined above.

Resolution of the complaint may include:

- Offering an apology
- Developing agreed strategies for managing acceptable differences
- Clarifying expectations of appropriate behavior
- Giving an undertaking that inappropriate behavior will be changed
- Instigating mentor support
- Counselling

### **Preservation of Legal Rights**

The procedures as outlined in this policy are not intended to be in derogation or substitution of any rights or obligations the College otherwise has to obtain legal advice, to take legal action or to involve other authorities in response to the behavior or allegations of a complainant, a respondent or any other party arising as a result of incidents or the lodgment of a complaint.

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**Ratified by the Board 17 March 2020**