

Responding to Bullying at MB&DG

Policy - OP 05-2014

| Prepared | Reviewed | Approved | Date |
|--|-------------|-------------------------|---------------------------|
| Joanne Allen | August 2014 | Committee of Management | Adopted 2/09/2014 |
| Treasurer | | To be reviewed: | Bi-Annually |
| Document Owner: Executive Committee Committee of Management | | Review Frequency: | 2 Years August 2016 |
| President's Signature | | | |

1. The purpose of the policy is

To ensure that all forms of bullying are not tolerated and that any incidence of bullying is handled in a professional and timely manner.

2. Policy Statement

The Mildura Ballet & Dance Guild Inc. rejects all forms of bullying.

No student, employee, parent, caregiver or community member should experience bullying within the learning, working or social environments of the Mildura Ballet & Dance Guild Inc.

Bullying is defined as repeated verbal, physical or social psychological behaviour that is harmful and involves the misuse of power by an individual or group towards another individual or group. Bullying can involve humiliation, domination, intimidation, victimisation and all forms of harassment including but not limited to that based on sex, race, disability, homosexuality or transgender. Bullying of any form or for any reason can have long-term effects on those involved including bystanders.

Types of bullying:

Verbal: name calling, teasing, abuse, putdowns, sarcasm, insults, threats

Physical: hitting, pushing, kicking, scratching, tripping, spitting

Social: ignoring, excluding, ostracising, alienating, making inappropriate gestures and remarks

Psychological: spreading rumours, dirty looks, hiding or damaging possessions, malicious SMS, email messages and all other forms of social media, inappropriate use of cameras, phones, photos and DVD's

Cyber-bullying: bullying through the use of technology or any electronic communication, which shall include but is not limited to electronic mail, internet communications, instant messaging, posting on social networking sites, or

facsimile communications. Cyber-bullying includes creating a web page or blog in which the creator assumes the identify of another person, the knowing impersonation of another person as the author of posted content or messages, or the distribution by electronic means or communication of messages that meets the definition of bullying above, whether distributed directly or creating a posting that may be accessing by one or more persons.

Conflict or fights between equals or single incidents are not defined as bullying, the management of general complaints or grievances are not included in this policy.

3. **Principles**

Responsibilities of teachers and committee members

The prevention of all inappropriate behaviours including bullying requires teachers and committee members to:

- be aware of, identify and prevent bullying at the Mildura Ballet & Dance Guild Inc. where ever possible,
- **exhibit zero tolerance** for inappropriate behaviour regardless of whether a complaint is received about that behaviour,
- if a staff or committee member become aware of bullying through informal channels such as a conversation, phone call, or from third party comments further action should be taken following the guidelines of the MB&DG Managing Bullying Procedure
- encourage all staff, students and Guild members to behave in accordance with the principles of equal opportunity and anti-discrimination,
- provide leadership and role modelling in relation to appropriate and professional behaviour,
- respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred

4. **Procedure for Managing Bullying**

Informal Process

If bullying is observed taking place among students in the classroom, the teacher will address the issue at that level, immediately and directly. While addressing the issue, the teacher will seek to protect the victim while exercising natural justice for the alleged bully. The teacher will attempt to halt any bullying behaviour and where appropriate elicit an apology from the bully.

If the bullying continues or is occurring outside the classroom, a written statement will be taken to the Complaints Officer, who will organise to interview on separate occasions the alleged bully and the victim, with their parent and either a teacher or another committee member in attendance. This initial interview will be considered an 'informal interview and is to determine fact and allow both parties involved to express concerns. At this stage the confidentiality of parties can be maintained if requested. If confidentiality is requested by the victim, the victim needs to be informed that the situation can be investigated informally but cannot be escalated to a formal procedure unless factual information or evidence can be provided.

The information gathered at these interviews will then be considered by the Complaints Officer and the following may occur:

- a) the Complaints Officer may deem that there is not enough factual information or evidence to support escalating the claims to a 'formal investigation'. In this situation the Complaints Officer would contact both parties and inform them that the Mildura Ballet & Dance Guild Inc. do not intend to take proceedings any further.
- b) The Complaints Officer may determine that there is significant evidence and/or factual information and the formal process for managing bullying will be activated:

Formal Process

The Complaints Officer needs to inform both parties that a formal process has now been activated and both parties need to be provided with details of the complaint (eg: who is involved, when and where alleged bullying took place, nature of the bullying etc.)

The Complaints Officer will establish a small group of committee/staff members that do not have a personal association with the parties involved. In the case where this is not deemed possible the MB&DG committee may need to consider involving a third party to help mediate the situation (as per the Guild's 2013 Model Rules).

26 Application – as outlined in the 2013 Model Rules

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Guild;
 - (d) a member and an employee.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

27 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

28 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 27, the parties must within 10 days—
 - (a) notify the Committee of the dispute; and
 - (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
 - (a) a person chosen by agreement between the parties; or

- (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Guild—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Guild but in any case must not be a person who—
 - (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

29 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) give each party every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

30 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

To determine the seriousness of the situation the nature and severity of the alleged bullying needs to be evaluated by the Complaints Officer and the working party:

- 1) Is this a provoked or spontaneous episode or is there evidence the episode was planned or pre-meditated?
- 2) Has the alleged bully been involved in allegations of bullying prior to this episode?
- 3) What impact has the offense had on the victim, other students, staff, the MB&DG community and the MB&DG reputation?
- 4) What has been the outcome of any mediation that may have occurred as part of the process?

Based on this assessment the working party then need to formulate an action plan that may include:

- ❖ Suspension/expulsion from classes
- ❖ Limitation of participation in certain activities (exams/concerts)
- ❖ A behaviour modification agreement that will be monitored by the teacher and followed up by the Complaints Officer
- ❖ A formal apology may be requested

- ❖ Counselling or peer support organised for the students/parents involved
- ❖ The Guild may also consider presenting information relating to the details of the complaint that are not personal, as a means to re-enforce the zero tolerance message regarding bullying to the Guild members. This may be in the form of a discussion with particular class groups or as a newsletter.
- ❖ It may be deemed no further action is required

The action plan will be presented to the Mildura Ballet & Dance Guild Inc Committee of Management for approval prior to its implementation. Once approved it will then be referred back to the complaints officer or mediator to feedback the outcome of the process to all parties involved.

5. Definitions

Members - Students, Parents and Carers, Staff of The Guild

6. Legislation and other references

6.1 Legislation

- Associations Incorporations Reform Act 2012

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Responding to Bullying Policy Report
- Mildura Ballet & Dance Guild Inc. 2014/2015 Handbook
- Student Code of Conduct Policy OP06-2014
- Complaints Management Policy OP02-2014

6.3 Risk Assessment

Please tick the corporate risk(s) that this policy is addressing.

| Risk Category | ✓ | Risk Category | ✓ |
|----------------------------------|---|-------------------------------------|---|
| Asset Management | | Financial Sustainability | |
| Committees | ✓ | Human Resource Management | ✓ |
| Compliance – Legal & Regulatory | ✓ | Leadership & Organisational Culture | |
| Contract Management | | Occupational Health & Safety | ✓ |
| Contract Tendering & Procurement | | Organisational Risk Management | ✓ |
| Management & Operations | ✓ | Project Management | |
| Environmental Sustainability | | Public Image and Reputation | ✓ |

REVISION CONTROL

| REV | DATE | REVISION DESCRIPTION | ORIG | Committee for review | Adopted |
|------------|-------------|-----------------------------|-------------|---------------------------------|----------------|
| DRAFT | 1/07/2012 | Draft for review | JC | 15/07/2010 | 7/08/2012 |
| Rev 1 | 7/08/2012 | Implementation of OP05-2012 | JC | | |
| Rev 2 | 13/08/2014 | Revision of OP05-2012 | JHA | 31/08/2014 | |
| Rev 3 | 02/09/2014 | Implementation of OP05-2014 | JHA | | |
| Rev 4 | | | | | |
| Rev 5 | | | | | |
| Rev 6 | | | | | |
| Rev 7 | | | | | |
| Rev 8 | | | | | |
| Rev 9 | | | | | |
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