**MILC**

**Student Discrimination, Anti-Bullying, Violence and Harassment Policy**

**1. RATIONALE**

This policy outlines MILC’s position and commitment to the provision of a school boarding premises free of Bullying, Violence, Harassment, Vilification and Victimisation and aims to ensure compliance with its legislative obligations.

This policy also provides guidelines about acceptable behaviour in the school boarding premises and the responsibilities of everyone at MILC to ensure we are all contributing to a working environment free of unacceptable and inappropriate behaviours, such as Harassment, Sexual Harassment, Bullying and Violence.

**2. BODY OF POLICY**

**2.1. Policy Statement**

It is the responsibility of all students to contribute to a boarding environment free of unacceptable and inappropriate behaviours such as Harassment, Sexual Harassment, Bullying and Violence. MILC’s commitment to managing these behaviours not only benefits MILC students by improving relationships and learning but also fosters an environment where all students are accountable for treating each other with respect, courtesy and dignity, and are not subjected to treatment that is hostile and insensitive.

Bullying, Violence and any form of Harassment have no place in MILC environment. MILC takes its obligations in this regard seriously and is committed to providing a safe environment for all employees. MILC considers all types of Bullying, Violence and Harassment to be unacceptable and has a zero tolerance for these behaviours.

Through the establishment of robust policies and procedures that support a safe and harmonious school boarding premises, MILC is committed to the following objectives:

* to create an environment where all students and student are treated with respect, dignity and courtesy,
* to conduct orientation sessions to ensure all students understand their rights and responsibilities,
* to provide an effective procedure for complaints based on the principles of natural justice and procedural fairness,
* to treat all complaints in a sensitive, fair, timely and confidential manner,
* to ensure that no student is victimised for lodging a complaint or helping in an investigation of a complaint,
* to promote appropriate standards of conduct at all times.

**2.2. Application**

This policy applies to all MILC students. It also applies to current or potential students of MILC.

It covers interactions with students, parents and visitors.

**2.3. Definitions**

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| **Word/s** | **Definition** |
| Harassment | Harassment refers to unwelcome or unsolicited conduct that intimidates, humiliates, insults, offends or scares the person at whom it is directed, regardless of the intent of the offender.  Harassment includes any inappropriate behaviour such as verbal comments (including voicemail), written (including email, text messages, comments on social media), visual or physical contact, which is unwanted or causes offence to the other person.  Harassment can include behaviours such as (this is not an exhaustive list):   * Telling insulting jokes, making derogatory comments or taunts about a person or group of people based on characteristics specified under anti-discrimination or human rights legislation, * Messages delivered electronically or otherwise which are threatening, abusive or offensive. |
| Sexual Harassment | Sexual Harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel uncomfortable, humiliated, intimidated or offended. It is the unwelcome and uninvited nature of the conduct that makes it  Sexual Harassment may have detrimental effects on an individual’s health, wellbeing and work performance.  Both women and men can experience Sexual Harassment. Sexual Harassment can involve a series of incidents or it can be a one-off occurrence. It can be physical, verbal or written.  Examples of Sexual Harassment can include:  • harassing a person on the ground of their sex;  • unwelcome comments about a person’s sex life or physical appearance,  • suggestive behaviour such as leering and ogling,  • innuendo,  • unnecessary physical intimacy such as brushing up against a person,  • uninvited physical contact including kisses, touching, fondling, massages or embraces,  • sexual jokes and sexually explicit conversation,  • print or digital displays of sexually graphic material/content (posters, email, social media),  • sexual propositions or continued requests for dates,  • “flashing” or sexual gestures,  • obscene telephone calls or messages,  • making promises or threats in return for sexual favours,  • wolf whistling,  • acts that are also criminal offences – physical molestation or assault, indecent exposure, rape, sexual assault, stalking, obscene communications (telephone calls, letters etc).  Even if the behaviour does not offend the person to whom it is directed, others overhearing or present while such behaviour is occurring may take offence and feel that they are being harassed. |
| Bullying | Workplace Bullying is **repeated** and unreasonable behaviour directed towards a student or a group of students that creates a risk to health and safety. Repeated behaviour refers to persistent behaviour and can involve a range of behaviours over time. It includes behaviour that would be considered unreasonable, and includes behaviour that intimidates, offends, degrades or humiliates others at work.  Bullying can include the following types of behaviour if repeated:   * Verbal abuse (e.g. being sworn at, yelling, screaming, offensive language, threats, insults, continual criticism, name calling, practical jokes, unjustified threats of dismissal), * Direct violence including physical abuse, assault and Harassment, * Abusive messages (email, SMS, social media etc), * Threatening body language, * Spreading rumours about a person, * Deliberately excluding or isolating colleagues, * Intimidation, * Inappropriate interference with personal belongings   Bullying can be carried out verbally, physically or in writing. Bullying can be directed at a single student or at more than one student. It can also be carried out by more than one individual. |
| Violence | Violence is any incident where a student member is physically attacked or threatened in the school boarding premises. Some examples of Violence include:   * Striking, kicking, scratching, biting, spitting or any other type of direct physical contact, * Throwing objects, * Attacking with knives, guns, clubs or any other type of weapon, * Pushing, shoving, tripping, or grabbing. |
| Victimisation | Victimisation occurs when a student is treated unfairly or less favourably by another student because they have reported or intend to report an incident. It is unlawful to retaliate against a student just because that person wishes to make a complaint of Bullying, Violence or Harassment. |

**2.4. Implementation**

**2.4.1. What is Unacceptable Conduct in the School Boarding Premises?**

Bullying, Sexual Harassment, Workplace Violence, any form of vilification (including but not limited to racial or religious) and Victimisation are unacceptable at MILC and are strictly prohibited.

These areas are covered by both Federal and State legislation (refer relevant legislation below).

Students who are found to have engaged in such conduct may be counselled, warned or disciplined. Severe or repeated breaches will lead to formal disciplinary procedures, up to and including termination of enrolment.

**2.4.2. Vilification**

It is not acceptable for a student to engage in verbal or physical conduct that denigrates, ridicules or shows serious contempt, hostility or aversion towards an individual or group because of their race, religion, gender identity or sexuality.

This also includes racial and religious vilification: behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people, because of their race or religion. Racial and religious vilification includes things such as:

* Racist slogans painted on signs or as graffiti,
* Making racist speeches or remarks
* Verbally or physically abusing someone because of their race or religion,
* Making an offensive comment in a publication that is widely distributed, including distribution over the internet or via SMS/email.

**2.4.3. Victimisation**

Any student found responsible for victimising another student member because of reporting a workplace incident will face disciplinary action, up to and including termination of employment.

**What are the circumstances in which Bullying, Harassment and Victimisation can occur?**

Bullying and Harassment (including Sexual Harassment) can occur in any situation including phone calls, texts and emails.

**2.4.4. Commitment and Responsibilities**

It is MILC’s legal responsibility to ensure that Bullying, Violence, Harassment, Victimisation and vilification do not happen in MILC. If any of these do occur, complaints will be taken seriously by MILC. All students concerned with any matter or incident should follow the MILC Student Complaints Policy.

Should a complaint be substantiated, action will be taken to make sure that the inappropriate behaviour ceases.

Appropriate warnings and/or disciplinary action (up to expulsion) will be given where Bullying, Harassment or Violence, Victimisation or vilification is found to have occurred. Students are not to be victimised or treated unfairly for making a complaint.

Leadership

The Executive, Managers and staff are responsible for ensuring that they:

* model appropriate standards of behaviour and School values by instilling a culture of acting lawfully, ethically and responsibly;
* take steps to educate and make students aware of their obligations under this policy and the law;
* intervene quickly and appropriately when they become aware of inappropriate behaviour, ensuring the correct MILC Student Complaints Policyis followed;
* act fairly to resolve issues and enforce School behavioural standards, making sure relevant parties are heard;
* help students resolve informal complaints and ensure student who raise an issue or make a complaint are not victimised;
* refer formal complaints about breaches of this policy to the Managing Director for investigation.

**2.4.5. Reporting Incidents**

Any person who feels that he or she has been subjected to any form of Bullying, violence, Harassment or Victimisation by another student member must report it as soon as possible and refer to the MILC Student Complaints Policy, in the first instance to guide them on resolving the issue internally in an informal or formal manner (as appropriate).

MILC’s Student Complaints Policy is based on confidentiality (as far as possible), procedural fairness, protection from Victimisation and prompt resolution. Any complaints relating to breaches under this Policy will be dealt with in accordance with those principles.

MILC Student Complaints Policy clearly outlines the steps students can take when reporting an incident.

**2.4.6. Vexatious Claims**

Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of MILC community.

Where it is found that a complaint has been made in bad faith to cause distress to one or more persons, or as a practical joke, disciplinary measures will be taken up to and including termination of enrolment.

**2.5. Breaches of this Policy**

Any student found to have engaged in unfair or discriminatory conduct will be deemed to be in breach of this policy and will face disciplinary action proportionate to the breach and its consequences, which may result in termination of enrolment.

**3. RELATED DOCUMENTS**

MILC Student Complaints Policy