



**POLICY CATEGORY: Health & Safety**

**Reviewed: 2023**

**Policy Name: Bullying and Harassment Policy**

**PURPOSE**

The purpose of this policy is to provide Marsden staff guidelines by which to identify and respond appropriately to concerns of bullying and harassment, and to understand their role in responding.

We have an obligation to ensure the wellbeing of all students and staff in our care and are committed to providing a safe environment.

Bullying and Harassment will not be tolerated at Samuel Marsden. In addition to affecting the wellbeing of individuals it can damage the atmosphere of the class and the reputation of the school.

**SCOPE**

This policy covers the Principal and Management Board and their responsibilities in the safety and wellbeing of all students and staff.

For the purposes of this policy 'staff' means all those employed by Marsden whether paid or voluntary, full time or part time. 'Student' means all children and young persons under the care of Marsden School. Marsden School is referred to as 'the School'.

**DEFINITION**

Bullying is a form of violence conducted by one or more people against another or others, which undermines a person's right to dignity, security, or wellbeing. While it may be direct or indirect, verbal, physical or cyber, key components of bullying are that the behaviour is either a simple severe incident or behaviour that is repeated and the effect is cumulative. In either circumstance, it constitutes a real threat to health (both physical and mental health) and safety.

**Forms of Bullying**

Student bullying – student towards student.

Workplace bullying – adults towards adults.

Bullying or harassment of students by teachers.

Bullying or harassment of teachers by students – swearing and verbal abuse, threats, written abuse, electronic media, graffiti, stand over tactics, damage to property, assaults.

Sexual Harassment – Sexual harassment may be a single incident or a series of incidents and occurs where there is verbal or physical conduct of a sexual nature by a person or group of persons towards another and:

- The conduct is unwelcome, offensive and might reasonably be perceived as such and/or;
- Conduct is of a serious nature, is persistent or has a detrimental effect on an individual's job or work performance, well-being, employment or opportunities.

Racial Harassment – includes all conduct that denigrates or ridicules a person because of his or her race and can include: derogatory remarks, name calling, racist jokes, undermining or dismissing on the basis of their race, display of material or publication of a racist nature.

Note: Racist bullying refers to bullying based on culture or ethnicity. Homophobic bullying refers to bullying based on sexual orientation or gender identity. The term 'transphobic bullying' is preferred by the transgender community to refer to bullying of transgender people.

### **BULLYING AND HARASSMENT**

Bullying and harassment are difficult to define but normally have four common features:

- A deliberate, hurtful pattern of behaviour.
- Repetition of such behaviour over a period of time.
- A situation where the person who bullies or harasses exercises power inappropriately over the victim.
- A situation where the victim of bullying and harassment finds it difficult to defend themselves.

Bullying and harassment can take a number of forms not exclusive to but including:

- Physical (e.g. hitting, kicking, taking of belongings, extortion, intimidation through threats or gestures).
- Verbal (e.g. name calling, insulting, sexist or racist remarks).
- Indirect/emotional bullying (e.g. spreading rumours, publishing offensive, humiliating, threatening, vulgar, sexist or racist material on web sites, social media or text).
- Sexual (unwelcome attention of a sexual nature).

The school endeavours to provide an environment that:

- Reinforces the view that bullying and harassment are unacceptable.
- Provides a safe, secure and supportive climate.
- Values diversity in individuals and the rights of people.
- Encourages self-respect and respect of others.
- Provides counselling services and support for the victim and the offender.
- Teaches strategies to deal with bullying and harassment.
- Provides guidelines for staff and students to recognise and deal with bullying and harassment.

## **CYBER BULLYING AND HARASSMENT**

Cyber Bullying is bullying that is enabled, enhanced, or in some way, mediated through digital technology. Cyber Bullying and Harassment can include:

- Sending abusive texts or emails.
- Posting negative or inappropriate images on social media sites.
- Taking and sharing private images.
- Forming bullying groups on social networking sites.
- Assuming the identity of a target online and representing them in a way that may be harmful to them or cause them distress.
- Posting abusive comments via social media e.g. Facebook, Snapchat, Instagram.

## **PROCEDURES**

### **PREVENTING BULLYING AND HARASSMENT**

#### **Staff:**

- All Marsden staff will have access to this policy and be advised of any reviews to the policy. All new employees to Marsden will be advised of and have access to this policy during their Induction meeting.
- The School will provide literature and in-house courses for staff. See **Appendix 1** for advice to staff dealing with bullying and harassment of students.
- The School will promote safe, responsible use of technology in classrooms and integrate safe digital technology within the school based curriculum.
- The School will ensure all students understand the School's ICT Use Agreement.

#### **Students:**

- Years 1-6 (Primary) follow the KiVa Programme to teach bullying prevention. This programme has direct links to the NZ Curriculum. Each year the students in Years 2-6 will complete a series of lessons. A KiVa team consisting of two staff members will be the first people to approach either by children or adults when/if bullying is a problem.
- Years 7-13. Health Education centres around the concepts of Hauora (health and well-being). Health Education is taught once a week throughout the year and include topics such as Hauora, Stereotypes, Bullying, Role models, Smoking, Puberty, Sun smart, Communication, Physical fitness, Alcohol, Relationships, Emotional awareness, Drugs, Body Image, Mental health, Sexuality. Each programme is relevant to the year group.
- Year 12&13 students participate in a six week health education block during Life Skills.

### **MANAGING AN ALLEGATION OF BULLYING AND HARASSMENT**

All complaints of alleged bullying and harassment will be taken seriously, dealt with as soon as reasonably practical and treated in confidence. The School will act immediately to ensure the safety of all students and staff and to prevent any problem from escalating. The School will follow the policies and procedures outlined.

## **PROCEDURES**

The Principal (or Director of School where delegated by the Principal) will investigate allegations of bullying and harassment.

In situations where bullying or harassment of a student is disclosed the School will ensure:

- The rights and needs of the student must always be paramount in any investigation.
- Students will be listened to in a supportive, caring and non-judgemental manner.
- All information received is given in trust and must be handled in a confidential manner.
- The immediate family of the child is to be informed whenever this is deemed appropriate by the Principal. This will occur as soon as reasonably practical.
- Students reporting bullying or harassment should report the matter in the first instance. Students who need support to do so may ask another student to accompany them.

## **INVESTIGATING BULLYING AND HARASSMENT OF A STUDENT**

The Principal, Director of School or Dean of the student who alleges bullying or harassment will normally investigate. However, if the student has reported the bullying or harassment to another staff member, that person may conduct the investigation if the student would prefer that and if the staff member feels competent to do so. Support will be given to any staff member investigating. The staff member should obtain permission and advice from the student's Dean or Director to investigate unless the matter appears to not be of a serious enough level to warrant more serious disciplinary actions and the matter can be best resolved on the spot. The staff member investigating should obtain a written record of any complaint.

The staff member conducting the investigation should discuss the matter with the student who is allegedly subjected to the bullying or harassment with a view to deciding on the level of seriousness of the incident. If it is considered of a serious nature then the matter should be referred to the Principal or Director of School without any further action being taken by the staff member.

If the alleged incident is not sufficiently serious to refer to the Principal or Director of School then the staff member should discuss the incident with all parties involved. The alleged perpetrator must be clearly told what the allegation is and given an opportunity to respond. All parties must be allowed the opportunity of having a support person if they wish to do so.

## **ACTION STEPS**

Following investigation, if it is determined that bullying or harassment has occurred, then resolution steps may involve but not be limited to:

- Advising the student victim and/or their parents/caregivers of strategies for dealing with the bullying or harassment.
- Seeking reconciliation between the student and those responsible.
- Issuing a warning to the accused that such behaviour is unacceptable and must not be repeated. Reiterate that any further bullying or harassment by the student will be referred to the Principal or Director of School and the student's parents/caregivers.

Following investigation, if it is determined that the bullying or harassment is of a serious enough nature and cannot be deemed to be resolved by the staff member then the matter will be referred to the Principal or Director of School to investigate.

## THE PRINCIPAL OR DIRECTOR OF SCHOOL WILL:

- Notify the parents/caregivers of both the alleged victim and alleged bully/harasser of the allegations and advise that a formal disciplinary process will be followed.
- Explain the privacy obligations on the school to the parents/caregivers of the alleged victim.
- Keep a record of the investigation.
- Obtain a written record from the victim of the alleged bullying or harassment.
- Provide a copy of the victim's record to the alleged bully/harasser and their parents/caregivers with an opportunity to respond by a specified date.
- Invite the alleged bully/harasser to attend a meeting to give their response with the opportunity to bring a support person.

The Principal should investigate the allegations and consider all the evidence provided before reaching a conclusion on the allegations. If the Principal concludes that the allegations or any of them are correct and the bullying or harassment has occurred, then the Principal shall advise both the victim and the accused of the outcome of the investigation.

## PRINCIPAL'S ACTIONS

After investigation, if the Principal decides to impose a suspension, exclusion or expulsion of a student then the student, parents/caregivers must be advised in writing. **See Disciplinary Policy definitions of exclusion etc.** The parents/caregivers may seek a reconsideration by the Principal of that decision which must be given in writing.

The Principal will conduct the reconsideration and may hear further evidence and representations as is provided by all parties. The Principal may also seek further evidence as is considered appropriate.

The Principal shall then reach a conclusion on the alleged behaviour and if a penalty should be imposed.

## PENALTIES FOR STUDENTS

If, after investigation, a student is deemed to have bullied or harassed another student the Principal may impose the following penalties:

- The Principal may suspend, exclude, expel or impose some lesser penalty on students who are found guilty of bullying or harassment of another student. In imposing a penalty, the Principal will take into account the age of the student, the nature of the bullying or harassment and the previous record of the student.
- In cases where the bullying or harassment is of a particularly serious nature and/or may be unlawful, the Principal may refer the matter to the appropriate external agency.
- The Principal will report such referrals immediately to the Chair of the Management Board.
- The only staff member (except for the alleged victim) who may refer matters to external agencies is the Principal unless the allegation is against the Principal in which case another staff member may refer the matter to the Chair of the Management Board. The victim may report the matter to any relevant person or body.
- These procedures will be supported through the provision of counselling for all parties.

## **BULLYING AND HARASSMENT OF A STAFF MEMBER**

Staff who are subjected to bullying or harassment by students, other staff or parents should report the matter in the first instance to their immediate supervisor or Staff Dean. Where the accused is the staff member's immediate supervisor, then they should report the matter to the Principal. If the Principal is accused of bullying or harassment, a senior staff member must advise the Chair of the Management Board.

### **INVESTIGATING PROCEDURES**

The supervisor or Staff Dean of the staff member victim will investigate the incident. If the alleged incident is of a potentially serious nature, then the matter should immediately be referred to the Principal.

If the alleged incident is not sufficiently serious to refer to the Principal, then the next step should be to discuss the incident with the alleged bully/harasser involving all parties/witnesses. The accused must be clearly told what the allegation is and given an opportunity to explain events. They may seek to have a support person with them.

The person conducting the investigation will keep a record of all discussions and meetings. The alleged victim should be asked to set out in writing the allegations. A copy of those allegations should be provided to the accused and they should be given a date to respond.

If following consideration of all evidence it is established that bullying or harassment has occurred then resolution may involve:

- Reconciliation between the parties and those responsible.
- Issuing a warning to the bully/harasser that such behaviour is unacceptable and must not occur again.
- Providing counselling to all parties and resource for ongoing education.
- Referring the matter to the Principal if the circumstances warrant such action.

### **PRINCIPAL'S PROCEDURES**

If the matter has been referred to the Principal, then the Principal will consider all evidence presented. If the Principal considers the matter to warrant some serious disciplinary action and the accused is a student then the parents/caregivers will be notified immediately. If the alleged perpetrator is a staff member the Principal will notify the staff member that a disciplinary process will be followed. The Principal should follow the procedures set out in the staff member's employment agreement if they conflict with the terms of this policy.

The Principal should investigate the allegations and consider all evidence provided before reaching a conclusion. If the Principal concludes that the allegations or any of them are correct and that bullying or harassment has occurred then the Principal shall advise both the victim and the accused of the outcome in writing. If the accused is a student then the Principal may impose a penalty as outlined above.

The Principal may take disciplinary action against an accused staff member in accordance with the relevant employment agreement and Code of Conduct.

## **REFERRING A MATTER TO AN OUTSIDE AGENCY**

If the bullying or harassment is of a particularly serious nature and/or may be unlawful, the Principal may refer the matter to the appropriate external agency or the Police. The Principal will refer such referrals immediately to the Chair of the Management Board.

## **APPENDIX 1**

### **GUIDELINES FOR STAFF**

Because of their close association with students, all staff have an important role in identifying and preventing bullying and harassment. In particular staff should:

- Actively supervise students at all times and in all situations.
- Be alert to signs of distress in students or changes in behaviour.
- Be accessible and approachable so that students feel able to report the matter.
- Take any reporting of bullying and harassment seriously and follow procedures.

### **KEEPING RECORDS**

The staff member investigating the alleged bullying or harassment should write a report. The report may include the following:

- Date the incident was reported.
- Names of students/staff reporting the incident and those alleged to be involved.
- A brief description of the incident including exact dates/times that it occurred.
- The action taken to investigate.
- Remedial action agreed on between all parties.
- Obtain a signature from all parties to indicate that they have read the report and are in agreement with the resolution measures taken.

### **WHERE NO DISCIPLINARY ACTION IS RECOMMENDED**

Where no disciplinary action is recommended, a copy of the report will be given to the Principal or Director of School for confidential filing on the student's file. A copy of the report may be given to other relevant staff for their confidential information.

### **WHERE DISCIPLINARY ACTION IS RECOMMENDED**

Where disciplinary action is recommended, a copy of the report will be given to the Principal for action as outlined in **Procedures**.

### **IMPLEMENTATION**

All staff will be advised of and have access to the Bullying and Harassment Policy and be advised of all reviews or amendments to the Policy.

### **REVIEW**

We will build discussions into staff meetings and review the Bullying and Harassment Policy every three years or when there is significant change in the area of the policy topic.

**AUTHORISED: Paula Wells, Principal**

**DATE: 17 March 2023**

**REVIEW DATE: 17 March 2026**

**CONSULTATION UNDERTAKEN:** Principal, Directors of School, Management Board, Staff.

**LEGISLATION/REGULATION REFERENCES:**

[www.education.govt.nz/bullyingprevention](http://www.education.govt.nz/bullyingprevention)

Guidelines on stand-down, suspension, exclusion and expulsion

Disciplinary Procedure

Employment Contract

NETSAFE/ICT Use Agreement

Child Protection Policy 2016

PPTA Safety in Schools toolkit