

# Seventh-day Adventist Schools (South Queensland) Limited

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Department: Education	Description: Policy
Document Name: School Behaviour Policy	Issue Date: 23 April 2013
Document ID: SQS129.001.ADM	Review Date: 23 April 2016

## School Behaviour Policy

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## 1. Introduction

Workers (including employees, volunteers and students) have a duty to take reasonable care for their own health and safety and to take reasonable care not to adversely affect the health and safety of other persons. Workers (including employees, volunteers and students) must comply with any reasonable instruction and cooperate with any reasonable policy or procedure relating to health and safety at the workplace (Prevention of Workplace Harassment Code of Practice 2004).

School behaviour includes bullying, discrimination, sexual harassment, and harassment.

## 2. Bullying

Seventh-day Adventist Schools (South Queensland) Ltd is committed to providing a safe and caring environment that fosters respect for others. Bullying in all of its forms is not tolerated.

### 2.1 *Bullying Definitions*

Bullying is a systematic and repeated abuse of power. Bullying can be planned or spontaneous, by individuals or groups of an incessant or isolated nature. In general, bullying may be defined as:

- dominating or hurting someone
- unfair action by the perpetrator(s) due to an imbalance of power
- a lack of adequate defence by the target and feelings of oppression and humiliation.
- 

Bullying can take on many forms. Five kinds of bullying have been identified:

#### 2.1.1 Physical bullying

This is when a person (or group of people) uses physical actions to bully, such as hitting, poking, tripping or pushing, making rude gestures and forcing someone to do something they don't want to do such as handing over money or other personal belongings.

Repeatedly and intentionally damaging someone's belongings is also physical bullying.

#### 2.1.2 Verbal bullying

Repeated or systematic name calling, insults, threats, teasing, mocking, and verbal abuse.

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### 2.1.3 Covert bullying

Such as lying about someone, spreading rumours, playing a nasty joke that makes the person feel humiliated or powerless, mimicking, ostracising and isolating an individual, singling out and treating an individual differently from others, inappropriately threatening the loss of employment or a cut back in work hours.

### 2.1.4 Psychological bullying

For example, threatening, manipulating or stalking someone.

### 2.1.5 Cyber bullying

Using technology, such as email, mobile phones, chat rooms, social networking sites to bully verbally, socially or psychologically.

Cyber bullying can be identified as:

- **Flaming:** online fights using electronic messages with angry or vulgar messages
- **Harassment:** repeatedly sending nasty, mean or insulting messages
- **Denigration:** Posting or sending gossip or rumours about a person to damage his/her reputation or friendships
- **Outing:** sharing someone's secrets or embarrassing information or images online
- **Exclusion:** Intentionally and cruelly excluding someone from an online group
- **Cyber stalking:** repeated, intense harassment and denigration that includes threats or creates significant fear.

It is also important to identify what bullying is not. Although the following behaviours are often upsetting to those involved, they do not constitute bullying:

- mutual arguments and disagreements (where there is no power imbalance)
- not liking someone or a single act of social rejection
- one-off acts of meanness or spite
- isolated incidents of aggression, intimidation or violence.
- Reasonable management actions of the employer including discipline and performance management.

Although these behaviours are not considered bullying (because they do not involve deliberate and repeated harm and a power imbalance) with the exception of reasonable management action, they will be addressed in the same way as other inappropriate behaviours.

## 2.2 *Effects of bullying on the school and individuals*

Bullying has detrimental effects on the school and on individuals.

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Bullying can occur between School Staff, staff and students or vice versa, and between students. The effects of bullying may cause:

- The loss of highly skilled, experienced and talented workers
- Increased costs associated with staff turnover and absenteeism
- Increased costs of recruitment and training of new staff
- Reduced efficiency and productivity in the school
- Poor morale, erosion of employee loyalty and commitment
- An unsafe working environment
- Legal risks and costs for the school

Individuals being bullied can become stressed, anxious, depressed, physically ill, sleep deprived, withdrawn, aggressive and vengeful or can lose self-confidence and self esteem. The detrimental effects on work output are seldom limited to one person and can often spread across the school.

### 2.3 *Response to bullying*

- Help children and staff members feel confident about coming forward
- Protect victim's anonymity where possible
- Encourage teachers to not show partiality - this can instigate bullying because of jealousy
- Be as sure as possible about the incident involved – to be fair to both victim and supposed bully
- Keep written records of offences in the Discipline or Personnel Record
- Keep parents informed when bullying of a student takes place
- Foster a culture of inclusiveness in order to reduce a person's perceptions of feeling isolated
- Treat all complaints seriously
- Increase supervision where possible

### 2.4 *Responsibilities of staff and administrators*

- Commit to promoting a school culture of anti-bullying by providing a safe and caring environment and fostering respect for others
- Model non-bullying behaviour in discipline and interaction with students and staff.
- Undertake training or professional development to better manage bullying situations that arise amongst students.
- Monitor ongoing relationships between students and staff
- Advise students and staff of more appropriate behaviours – bullying will not be tolerated.
- Deal with all reported and observed incidents of bullying as set out in this policy
- Ensure that students are adequately supervised within the boundaries of the law
- Promptly report incidents of bullying to Administration where warranted

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- Provide counselling services as required

## 2.5 *Responsibilities of students*

- Tell if they are being bullied or if they see someone else being bullied – both at school and on the way to and from school
- Help and support someone who is being bullied
- Avoid bullying others
- Come to the aid of anyone they think is being bullied

## 2.6 *Responsibilities of parents*

- Familiarise themselves with Seventh-day Adventist Schools (South Queensland) Ltd. policy on Bullying
- Teach their children traditional values – honesty, tolerance and right and wrong. Be prepared to learn more by attending information sessions
- Give their children ideas on how to solve friendship and social problems themselves. Children need opportunities to solve their own problems. This is part of becoming an effective citizen.
- Teach boundaries of behaviour
- Watch for signs that their child may be being bullied
- Support their child emotionally if they are being bullied – let them know it is unacceptable and will improve
- Speak to someone on staff at the school if their child is being bullied, or they suspect that this is happening
- Instruct their children to “tell” if they are bullied

## 2.7 *Responding to Reported Incidents of Bullying by Students*

The Discipline Committee may be brought into play if the bullying reaches a third or fourth recurrence and will decide on the severity of the offence and action to be taken.

## 2.8 *Reporting of Bullying by Students*

Incidents of bullying by students can be reported to any teacher or Administration by children and their parents or to the Principal or Education Director when the bullying involves staff of the school. Any bullying incidents that are dealt with will be recorded and this record will be kept.

## 2.9 *Responding to Reported Incidents of Bullying by Students*

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The following graded sanctions or other similar measures specified by the school will be implemented.

First Offence	Verbal warning
Second Offence	Written warning, parents/guardians notified, referral to Chaplain
Third Offence	Second written warning, parents/guardians notified, referral to Chaplain,
Fourth Offence	Suspension from class and referral to Discipline Committee, parents/guardians notified, referral to Chaplain or final written warning in the case of a staff member.

Any subsequent offence will result in the student being considered for expulsion or the employee being considered for dismissal.

## 2.10 *Review*

This policy and its associated procedures will be reviewed on a regular basis determined by the document control policy, following a reported incident and at any other time deemed necessary by the Education Director.

The program will be promoted by:

- Reminding students and teachers of the policy and procedures
- Making a copy of the policy available for parents
- Revising classroom activities on bullying.

## 2.11 *Evaluation of Program*

The Discipline Committee have the ongoing role of evaluating any bullying problems. They will:

- Note if there has been a reduction in reported or observed incidents of bullying
- Speak to parents who have reported incidents to find out if the problem has been resolved to their satisfaction

## 3. **Workplace Harassment**

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Seventh-day Adventist Schools (South Queensland) Ltd. is committed to providing a safe and caring environment that fosters respect for others. Harassment in all of its forms is not tolerated.

### 3.1 *Workplace harassment definitions*

A person is subjected to harassment if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person's employer or a co-worker or group of co-workers of the person that:

- a) Is unwelcome and unsolicited
- b) The person considers to be offensive, intimidating, humiliating or threatening
- c) A reasonable person would consider to be offensive, humiliating, intimidating or threatening.

This definition is intended to cover a wide range of behaviours that may be regarded as harassment, if the behaviour is repeated or occurs as part of a pattern of behaviour. This is not an exhaustive list – however, it does outline some of the more common types of harassing behaviours. Examples include:

- Abusing a person loudly, usually when others are present
- Constant ridicule and being put down
- Leaving offensive messages on email or the telephone
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble other ways
- Maliciously excluding and isolating a person from activities
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of others
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

Management action may be considered as workplace harassment where it is used:

- primarily to offend, intimidate, humiliate or threaten workers
- to create an environment where workplace harassment is more likely to occur

There are bound to be occasional differences of opinion, conflicts and problems in working relationships – these are part of working life. However, if bad behaviour is repeated, unwelcome and unsolicited, and offends, intimidates, humiliates or threatens a person, then harassment exists and action will be taken to stop the behaviour.

Who may experience workplace harassment?

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Workplace harassment can occur between people in any direction within a workplace, for example:

- laterally (a co-worker harassing another co-worker, or a student harassing another student)
- upwards (a worker harassing a manager/supervisor, or a student harassing a teacher)
- downwards (a manager/supervisor harassing a worker, or a teacher harassing a student)

### 3.1.1 What is 'repeated' behaviour?

'Repeated' refers to the constant nature of the behaviour, not the specific type of harassing behaviour. Behaviour is considered 'repeated' if an established pattern can be identified. It may involve a series of diverse incidents – for example, verbal abuse and sabotaging a person's work.

### 3.1.2 What is not harassment?

A single incident of harassing type of behaviour is not considered to be harassment. Nevertheless, single incidents of harassing type behaviour should not be ignored or allowed. Well-managed intervention in response to single incidents will help prevent the situation from escalating.

Actions of managers and supervisors to monitor and manage staff performance are not harassment.

## 3.2 *Impact of harassment*

Harassment can have a significant negative impact on both individuals and the school. There are a range of psychological and physical illnesses and injuries that an individual who continues to be exposed to harassment may experience. The effects of harassment on a person may include:

- High levels of distress, impaired ability to make decisions and poor concentration
- Loss of self-confidence and self-esteem and feelings of social isolation at work
- Panic attacks, anxiety disorders, depression, social phobia (withdrawal from usual social interaction) and deteriorating relationships with family and friends
- Reduced output and performance, incapacity to work, loss of employment
- Sleep disturbances, such as, insomnia or severe tiredness.

### 3.2.1 How harassment can affect the school

Harassment can have significant human costs for an organisation and can lead to:

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- The breakdown of teams and individual relationships
- Poor worker or student health
- Reduced efficiency and productivity
- Bad publicity, poor public image
- Increased absenteeism and staff turnover
- Poor morale and erosion of worker or student loyalty and commitment
- Increased costs associated with counselling, employee assistance, medication, recruitment, and training of new workers
- Increased legal costs and worker's compensation claims.

## 4. Discrimination

Seventh-day Adventist Schools (South Queensland) Ltd. is committed to providing a safe and caring environment that fosters respect for others. Discrimination in all of its forms is not tolerated.

### 4.1 *Discrimination definitions*

Discrimination includes both direct and indirect discrimination based on one of the following attributes:

- Sex
- Relationship status
- Parental status
- Breastfeeding
- Impairment
- Political belief and activity
- Trade union activity
- Lawful sexual activity
- Family responsibilities
- Race
- Gender identity
- Pregnancy
- Age
- Sexuality
- Religious belief or religious activity
- Association with, or in relation to, a person identified by any of the above attributes.

**"family responsibilities"**, of a person, means the person's responsibilities to care for or support -

- a) a dependent child of the person; or
- b) any other member of the person's immediate family who is in need of care or support.

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"**gender identity**", in relation to a person, means that the person -

- a) identifies, or has identified, as a member of the opposite sex by living or seeking to live as a member of that sex; or
- b) is of indeterminate sex and seeks to live as a member of a particular sex.

"**lawful sexual activity**" means a person's status as a lawfully employed sex worker, whether or not self-employed.

"**religious activity**" means engaging in, not engaging in or refusing to engage in lawful religious activity.

"**religious belief**" means holding or not holding a religious belief.

"**sexuality**" means heterosexuality, homosexuality or bisexuality.

"**relationship status**" includes same sex relationships.

Direct Discrimination occurs when a person treats, or proposes to treat, a person with one of the above attributes less favourably than another person without the attribute, in circumstances that are the same or not materially different.

Indirect Discrimination occurs if a person imposes, or proposes to impose, a term (such as a condition, requirement or practice) -

- a) with which a person with one of the above attributes does not or is not able to comply; and
- b) with which a higher proportion of people without the attribute comply or are able to comply; and
- c) that is not reasonable.

It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination.

## 4.2 *Discrimination in the workplace*

A person must not discriminate in the pre-work area in terms of offering work or the terms of work that is offered.

A person must not discriminate-

- a) In any variation of the terms of work; or
- b) In denying or limiting access to opportunities for promotion, transfer, training or other benefit to a worker; or
- c) In dismissing a worker; or

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- d) By denying access to a guidance program, an apprenticeship training program or other occupational training or retraining program; or
- e) In developing the scope or range of such a program; or
- f) By treating a worker unfavourably in any way in connection with work.

Seventh-day Adventist Schools (South Queensland) Ltd. will provide training to staff and chaplains to assist them to:

- a) provide support to complainants subjected to discrimination;
- b) advise staff and students about the nature of discrimination, its effects and complaint resolution mechanisms as per this policy and procedure.

### 4.3 Vicarious liability

Vicarious liability is a legal doctrine which holds a person or organisation responsible for the wrongful actions of another. It means that employers are legally responsible for the discriminatory acts of their employees.

Section 133 of the Anti-Discrimination Act 1991 provides that if an employer's workers or agents contravene the Act in the course of work or while acting as agent, both the person and the worker or agent, as the case may be, are jointly and severally liable for the contravention, and a proceeding under the Act may be taken against either or both.

An employer's defence is that it took reasonable steps to prevent discrimination. It is no defence for the employer to say that they did not know the discrimination was occurring.

## 5. Responsibility of the school

The school is responsible for facilitating the implementation of the policy. This responsibility includes:

- dealing with complaints promptly and seriously
- disseminating information and providing training to staff with the aim of preventing incidents of discrimination.

## 6. Responsibility of School and Staff

All staff have a responsibility to ensure that discrimination does not occur in the workplace.

Managers and Supervisors have the responsibility to:

- a) clarify and set standards of appropriate workplace behaviour;
- b) monitor the work environment for inappropriate behaviour;
- c) address inappropriate behaviour;

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- d) be conversant with the policy on discrimination;
- e) ensure all complaints of discrimination are treated seriously, confidentially and expeditiously;
- f) monitor the workplace and ensure that all staff fulfil their responsibilities in relation to this policy;
- g) ensure the relevant parties are not victimised; and
- h) act as role models for other staff.

## 7. Role of unions

An employee is entitled to contact their union at any time in regard to discrimination. This is true for both employees who report a complaint and those employees who have complaints made against them. It is not the role of managers and supervisors to contact the union on behalf of a staff member.

Unions are available to provide support and advice to their members and may act on their behalf in respect of complaints of discrimination at any stage.

## 8. Procedures for resolution

There are two paths for the resolution of discrimination - an internal path and an external path.

### 8.1 Internal resolution

A number of options exist under the internal path which include both an Informal Process or a Formal Process.

#### 8.1.1 The Informal process

The use of informal measures to resolve complaints promotes a range of benefits including:

- a) the least organisational disruption with the individuals concerned continuing to work together;
- b) allowing the individuals concerned to take positive action to resolve the situation;
- c) focusing on improving future working relationships by clarifying what is regarded as acceptable behaviour for staff; and
- d) to safeguard against the escalation of the matter.

This informal process may be initiated by the individual complainant or following a discussion of the situation with a manager, supervisor or the principal.

Responsibility and control is taken by the individual.

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To assist in identifying which informal option a complainant should pursue, they should work out what outcomes they seek and choose the option that is most likely to produce the desired outcome.

It may be helpful at this stage to discuss options with the principal.

The options available under the Informal Process are as follows:

- Speaking to the person directly
- Requesting assistance from the Principal, Manager/Supervisor
- Mediation

These options are outlined in more detail below:-

#### ***8.1.1.1 Speaking to the person directly***

This option involves the complainant advising the alleged offender that they find their behaviour offensive. The complainant needs to be specific about the behaviour that has given offence so that no doubt is left in the other person's mind as to what is being objected to and how to avoid offending again. The complainant may also wish to point out that the behaviour may be unlawful under the Anti-Discrimination Act 1991.

If staff elect to deal with the matter themselves, they should be careful to ensure that the communication to the alleged offender is not overheard or intercepted by any other parties. If this option is pursued, the complainant and the alleged offender should deal with the matter in strict confidence and with respect for each other's rights.

Care should be taken not to place either party in a threatening or intimidating situation or to embarrass or humiliate the alleged offender by making a public accusation.

Equally, the alleged offender should not respond to the complainant in a way that may humiliate, intimidate or embarrass them. Victimisation of the complainant is also an offence under the Anti-Discrimination Act 1991.

#### ***8.1.1.2 Requesting the assistance of the manager/supervisor.***

The complainant may request the assistance of the chaplain, principal, manager/supervisor in resolving the complaint. As part of the informal process they should attempt to resolve the matter at the local level. The chaplain, principal, manager/supervisor would need to talk frankly and honestly about the complaint with the alleged offender.

When assisting in the informal process, the chaplain, principal, manager/supervisor should seek to achieve a resolution between the parties, whereby there is agreement about what constitutes appropriate behaviour in the workplace and that any inappropriate behaviour that has occurred in the past will cease.

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The chaplain, principal, manager/supervisor who resolves a situation locally should be aware of the need to monitor the workplace following the incident to ensure that workplace behaviour is appropriate and that the complainant is not being victimised.

### **8.1.1.3 Participating in mediation**

Mediation between a complainant and the individual causing offence is an effective way of dealing with complaints informally and confidentially.

### **8.1.2 The Formal process**

Formal mechanisms may be appropriate where informal measures fail, the nature of the situation requires a more formal approach or the complainant chooses not to resolve the matter informally.

It is generally recommended that every effort be made to resolve the complaint within the school. Failing this, or where this is not a viable course of action it is appropriate to refer the matter to the Education Director.

The following two step process has been established to deal with formal complaints of discrimination relating to employees of Seventh-day Adventist Schools (South Queensland) Ltd. All stages of this process will be dealt with in a completely confidential manner and only those with a genuine need to know will be given any information about an individual enquiry. The complainant may involve the union at any stage of this process and where it is appropriate may move straight to Step 2 of the process.

#### **8.1.2.1 Step 1**

The employee informs the Principal in writing (by completing the SQS104.001.ADM - Misconduct Report Form) of the existence of the complaint. If the Principal is the alleged offender or appears to condone the behaviour, the employee should take the complaint to the Education Director. This may also be appropriate where the complainant has reason to prefer to lodge their complaint directly with the Education Director e.g. where there is fear of repercussions within the school or where the alleged offender is employed in another school.

The Principal or other person approached in relation to the complaint should inform the Education Director. The Education Director determines whether or not he/she wishes to attempt to resolve the matter. The person responsible for resolving the matter must attempt to do so within 10 calendar days. If the matter remains unresolved after 10 calendar days, the parties to the complaint will be provided with information about the status of the complaint and the planned finalisation date.

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If the matter remains unresolved after 21 calendar days of advising the Principal, the complainant may proceed to Step 2 unless otherwise agreed between the employee and the Principal.

### *8.1.2.2 Step 2*

If the complaint is not resolved at Step 1, the complainant may submit the complaint in writing to the Education Director by completing the form SQS104.001.ADM - Misconduct Report Form.

As with Step 1, if the complaint remains unresolved after 10 calendar days, the parties to the complaint should be provided with information about the status of the complaint and the proposed finalisation date.

The Education Director will ensure that the complainant has the opportunity to present all aspects of the complaint and that the grievance is investigated in a thorough, fair and impartial manner within 21 calendar days, unless otherwise negotiated. Union representation is also permitted at this level.

Following receipt of the investigating officer's report, the Education Director will make the final decision on any action to be taken and will advise the complainant and the alleged offender accordingly.

Where Step 2 remains unfinalised, and/or the complainant remains aggrieved after 21 days, he or she is entitled to seek external resolution.

## *8.2 External Resolution*

External options available to staff of Seventh-day Adventist Schools (South Queensland) Ltd. is the Anti-Discrimination Commission (Queensland)

Staff may seek advice from the Anti-Discrimination Commission (Queensland) at any stage, about making a complaint under the Anti-Discrimination Act 1991.

If an employee wishes to make a complaint to the Commission, it will need to be put in writing before action can be taken. Commission staff will provide advice as to whether a complaint falls within its jurisdiction and if so, how the Commission may be able to assist.

Complaints are investigated and settled primarily through conciliation. Conciliation is a way of settling conflict by bringing the disputing parties together to reach a voluntary agreement that suits everyone involved. The disputing parties are helped in this by a conciliator who is an officer of the Commission. Conciliators are neutral parties and everything discussed with a conciliator is confidential. There is no charge for having a complaint investigated and conciliated.

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If the parties cannot settle the matter through conciliation, the complaint may be referred for hearing to the Anti-Discrimination Tribunal.

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