



## BULLYING POLICY

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Drafted by	Nick Reaburn Vanessa Clark	Approved by Trustees	31 <sup>st</sup> Oct 2022
Responsible persons	Trustees	Scheduled review date	31 <sup>st</sup> March 2024

### INTRODUCTION

University of Tasmania Community Music Programme (“UTCMP”) believes that all people who participate in UTCMP should be able to do so in an environment free from bullying.

UTCMP understands that bullying is a potential threat to the health and wellbeing of all participants in our organisation.

Accordingly, UTCMP is committed to eliminating, so far as is reasonably practicable, all forms of bullying by maintaining a culture of appropriate openness, support, and accountability.

### PURPOSE

The purpose of this document is to communicate that UTCMP does not tolerate any form of bullying in our organisation and to set out the process which is to be followed should any instances of bullying be reported.

### DEFINITIONS

“**Bullying**” is unreasonable behaviour whether repeated or otherwise, and is directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine, or threaten.

“**Repeated behaviour**” refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

“**Unreasonable behaviour**” is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be bullying if they are unreasonable, serious, or repetitive, and create a risk to health and safety include but are not limited to:

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- abusive, humiliating, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from relevant activities
- withholding information that is necessary for effective role performance within the organisation
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonable given a person's skill level
- denying access to relevant information, supervision, consultation or resources to the detriment of the person
- spreading misinformation or malicious rumours
- changing arrangements for the purpose of deliberately inconveniencing a particular person

Bullying can be carried out in a variety of ways including but not limited to email, text or social media channels.

Bullying can occur at any level within the organisation, irrespective of the roles of the parties involved.

Reasonable management action is not considered to be bullying if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- deciding not to select a participant for progress within the band structure where a reasonable process is followed
- informing a participant about unsatisfactory relevant performance of a role in an honest, fair and constructive way
- taking management action, including expulsion from UTCMP.

Differences of opinion and disagreements are generally not considered to be bullying.

Bullying that directly inflicts physical pain or harm, or places a person in apprehension of harm, may amount to assault and should be dealt with as a police matter.

## **Policy**

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UTCMP has a duty of care to provide a safe environment in which to participate, and ensure, so far as is reasonably practicable, that participants are not exposed to health and safety risks.

UTCMP accepts and acts on its duty of care. Any reported allegations of bullying will be promptly, thoroughly, and fairly investigated by the Trustees from time to time, of the University of Tasmania Community Music Programme Trust (the "Trust").

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the obligation of the said Trustees to not have regard to irrelevant matters and to have regard to relevant matters when forming conclusions as to the manner in which a complaint is to be determined).

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## BULLYING PROCEDURES

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Responsible person	Vanessa Clark	Scheduled review date	31 <sup>st</sup> October 2023

### RESPONSIBILITIES

It is the obligation and responsibility of every person to ensure that UTCMP is free from bullying. The responsibility lies with every person, irrespective of role within UTCMP, to ensure that bullying does not occur.

All participants have:

- an entitlement to participate in a safe and healthy environment and to be treated with dignity and respect
- an entitlement to make a complaint in respect of any bullying behaviour
- a responsibility to take reasonable care for their own health and safety
- a responsibility to ensure they do not promote or engage in bullying and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- a responsibility to co-operate and comply with this policy and any other relevant policy.

It is the responsibility of all persons in administrative, teaching and conducting roles to ensure that:

- they understand, and are committed to, the right of all participants to attend activities and perform their duties without fear of being bullied in any form
- all reasonable steps to eliminate bullying are made so far as is reasonably practicable
- all applicable occupational health and safety legislation is observed
- all participants are regularly educated and made aware of their obligations and responsibilities in relation to providing an environment free from bullying
- they provide an environment which discourages bullying, and set an example by their own behaviour
- all complaints are treated seriously and confidentially

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- they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as:
  - sudden increases in absenteeism
  - behavioural changes such as depression or anxiety
  - sudden deterioration in performance
- they take immediate and appropriate action if they become aware of any bullying or offensive behaviour
- any reported allegations of bullying are promptly, thoroughly, and fairly reported for investigation
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
- ongoing relevant support and guidance is provided to participants, whatever their role, in relation to the prevention of bullying
- this policy is publicly displayed and easily accessible to all participants

## PROCEDURES

### Complaints Procedures

If a participant feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The participant should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

If the behaviour continues, or if the participant feels unable to speak to the person(s) directly, they should contact their conductor or a Trustee of the Trust with whom they feel comfortable (the "Recipient"). The Recipient will provide support and ascertain the nature of the complaint.

### Informal Intervention

The Recipient will explain the rights and responsibilities of the complainant under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the respondent respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the organisation's formal procedure should be followed.

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## Formal Complaints Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally (by the Recipient, a Trustee or the Administrator) or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made by the investigator, the investigator will report to the Trustees together with a recommendation about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, participants may be stood down from their position within UTCMP or provided with alternative duties during an investigation.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings as to whether bullying has occurred will be determined by the Trustees on the basis of the evidence, and on the balance of probabilities.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including termination of participation)
- Official warning
- Formal apology and/or an undertaking that the behaviour will cease
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a bullying complaint (irrespective of the findings), the investigator concerned will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all participants of their obligations and responsibilities in relation to providing an environment free from bullying

## Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While UTCMP is committed to treat most complaints about

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bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. UTCMP participants should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

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