

# BRAEMAR COLLEGE

## POSITIVE RELATIONSHIPS POLICY



The College strategic plan articulates a Well-Being philosophy which strives to foster a community of mutual respect, compassion, fairness and a sense of community. This policy has been developed to support this philosophy. The College may, from time to time, review and update this policy to take account of new laws and changes to the Colleges' operations and practices and to ensure this document remains appropriate to an inclusive, caring and just College environment.

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### Preamble

#### Sections:

##### **A: POLICY**

- Guiding Principles
- Aims of Policy
- Definitions
- Behaviours that foster positive relationships
- Examples of unacceptable behaviour
- Examples of a person with problems within relationships
- Some Common Excuses for these behaviours
- What can I do and where can I go to for help?
- The Staff role
- The Parents' role
- The Student's role
- Witnesses and Bystanders
- Repairing Relationships
- The Options for Complaint Resolution

##### **B: Procedures for Staff**

- STEP 1: SELF-MANAGEMENT
- STEP 2: INFORMAL INTERNAL PROCESS
- STEP 3: FORMAL INTERNAL PROCESS
- STEP 4: EXTERNAL COMPLAINT RESOLUTION OPTIONS

##### **C: Procedures for Students**

- STEP 1: SELF-MANAGEMENT
- STEP 2: INFORMAL INTERNAL PROCESS
- STEP 3: FORMAL INTERNAL PROCESS

##### **D: Forms**

- Formal Complaint
- Protocol for Parties and Witnesses
- Student Incident Report
- Record of Process for Complaint handling
- Behavioural Management Plan

## **Section A: Positive Relationships Policy**

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### **Preamble**

The Positive Relationships Policy is based on the philosophy which underpins the College's vision, mission and values statements. In particular, the College mission statement states that "the College's mission is to provide the highest quality education in a supportive, inclusive and caring learning environment". The College values a community oriented approach in all its activities based on Christian principles, such as respect, justice and forgiveness. Relationships require a positive, just and caring environment where all individuals can grow to their full potential.

### **Guiding Principles:**

Braemar College is committed to providing all staff and students with a working environment that values diversity and respects differences in its community, where each person is treated with courtesy and respect in a fair and just manner.

All members of the college community have a responsibility to ensure a safe and supportive environment which fosters growth, positive self-esteem and positive interpersonal relationships. This means that bullying, discrimination and harassment in any form damage relationships in our college community and all incidents will be taken seriously.

### **Aims of the policy:**

The aims of the policy are:

- To create a safe secure learning environment where students and staff are at ease and work in harmony
- To provide an environment where students and staff feel free to report and an act of bullying, discrimination or harassment and are confident that the school will respond appropriately
- To provide suitable support for students and staff who believe they have been bullied, discriminated or harassed through counselling, mediation and enforcing consequences for inappropriate behaviour

### **Behaviours that foster positive relationships:**

- Speak with respect
- Listen to all sides of the story before making a decision
- Accept responsibility for your actions. Ask yourself: "What did I do? What effect has it had? What can I do to help fix things?"
- Apologise when you are wrong
- Use power appropriately
- Accept an apology when given and create the opportunity for restitution of wrongs
- Reflect on the impact your behaviour might have upon others, yourself and the school community, e.g. discussing confidential information inappropriately, gossiping, listening to gossip etc.
- Speak out against discrimination, bullying and harassment when you see it or hear it

## **Definitions:**

### **What is Bullying?**

Bullying is a form of abuse that occurs when any staff or student is exposed to behaviour (physical, verbal or psychological) which is hurtful, threatening or frightening. Such behaviour may victimize, humiliate or undermine.

### **What is Discrimination?**

Discrimination (unfair treatment) is generally where one person is treated differently from another in the same situation. In particular, it includes unfair treatment or harassment based on a person's race, gender, age, impairment, sexuality, religion or family circumstances.

### **What is Harassment?**

Harassment is any unwelcome and uninvited behaviour, which creates a climate that an individual or witness finds humiliating, intimidating, offensive or frightening. Examples include pushing, punching, play-fighting etc. The motive or intention is not relevant.

**Sexual harassment** can involve physical, verbal or nonverbal conduct of a sexual nature which is unwelcome and uninvited and deemed inappropriate at school. Sexual harassment has nothing to do with mutual attraction or consenting friendships.

## **Examples of unacceptable behaviour which do not foster positive relationships:**

- Name calling, teasing, intimidation, ridiculing and sarcasm
- Making comments about another's physical appearance, clothes etc.
- Making comments about someone's family, country of birth, religion, age, sexuality or impairment
- Putting down others and their achievements
- Spreading rumours
- Demands for money or possessions
- Bullying using mobiles, telephone, email, chat rooms etc.
- Intrusive questions about a person's private life or body
- Glaring and menacing gestures
- Purposely excluding or isolating individuals
- Damaging removing or hiding belongings
- Physical violence or threats
- Sexual comments, jokes or insults
- Uninvited physical contact such as touching, slapping or kissing
- Displays of offensive or pornographic material including posters, calendars, internet sites, graffiti, and cartoons
- Assigning meaningless or impossible tasks to students
- Deliberately withholding information vital for effective performance

## **Signs that a person may be experiencing problems with relationships:**

- Lateness, frequent absences including missed classes
- Physical symptoms such as headaches, stomach upsets and excessive agitation
- Unexplained crying

- Withdrawal from regular activities
- Unexplained bruising or injury
- Damaged or missing property and/or clothing
- Feeling threatened and uncomfortable in the school setting
- Issues related to sleep and eating
- Poor school or work performance
- Loss of motivation and concentration
- Low opinion of self or the college
- Unexplained change in behaviour
- Wanting to leave the college

## **Bullying, harassment and discrimination can occur between:**

Fellow students  
Members of staff  
Staff and students

## **Some Common Excuses for these behaviours**

### ***“I was just mucking around, can’t they take a joke?”***

This is the most common response to bullying and harassment. It is not a joke to put someone down, ridicule them, and make them feel uncomfortable, push them around or take their things. This is unacceptable behaviour.

### ***“I’ll ignore it and it will go away”***

If anything, ignoring it makes it worse. It gives the impression that bullying or harassment is OK with you and that you agree with what the bully or harasser is doing.

### ***“I don’t want to cause trouble”***

Everyone has a right to feel safe at our college. You are not causing trouble; you are standing up for yourself and for your rights.

### ***“It’s just a natural part of growing up”***

There is nothing natural about being victimized. Students have a right to feel safe at school, as well as at home.

### ***“No-one can do anything about it”***

Most cases of bullying or harassment can be sorted out, especially if it is reported straight away. The College is committed to solving these problems.

### ***“Only wusses do it”***

It takes courage and strength of character to stand up for your rights and those of others. Unacceptable behaviour continues when people do nothing.

## **What can I do and where can I go to for help?**

All reports about bullying, discrimination or harassment will be regarded seriously, sympathetically and dealt with promptly.

Students or staff may take appropriate action by:

- Telling the person who is responsible for the inappropriate behaviour to stop

- Keeping a written record of events or evidence in the form of text messages, emails etc.
- Discussing the situation with someone you trust e.g. Parent, Teacher, College Counsellor, Year Level Leader, HOS, Vice Principal,
- Do not be afraid to report, retaliation will be regarded very seriously

***Do not remain silent. Inappropriate behaviour is never acceptable.***

## **The Staff role regarding the Positive Relationships Policy**

All staff of the college have a duty to ensure that any bullying, discrimination or harassment brought to their attention or personally witnessed by them is **addressed** as soon as possible. Whilst it is up to the individual staff member to decide whether to take any action with respect to bullying, discrimination or harassment which they themselves may be subjected to, staff must **initiate the procedures** where they become aware of bullying, discrimination or harassment of any other staff or student.

All staff have an important role in assisting with the **promotion of a culture** within the College which clearly defines and actively discourages bullying, discrimination or harassment of any nature.

Braemar College has an obligation to take all reasonable steps to prevent bullying, discrimination, harassment and victimisation through pro-active education and this can be satisfactorily achieved with the co-operation and assistance of all staff.

## **The Parents' role regarding the Positive Relationships Policy**

Any parent who becomes aware of a bullying, harassment or discrimination problem or concern should promptly and discreetly bring that to the attention of the relevant Year Level Coordinator, so that it can be investigated as quickly as possible.

Braemar College is committed to ensuring the best possible environment for the education of its students, but must to some degree rely upon the input of parents to achieve that objective, particularly in areas where the student is likely only to confide in the parent or close relative or friend. The sensitive nature of bullying, harassment and discrimination is such that this is an area in which the College may need to specially rely upon parents for information and assistance.

## **The Student's role regarding the Positive Relationships Policy**

In many respects, the students may be the first to notice what is happening in the school. Whilst staff try to keep informed about what is happening in the school community, bullying, discrimination or harassment may be so discreet or hidden, that it is not readily apparent to them.

If any student becomes aware of harassment being suffered by another member of the school community (student or staff) he/she should bring the matter to the attention of one of the members of staff so that the matter can be investigated as soon as possible. If a student feels that it would be too embarrassing or upsetting to discuss the matter with one of the contact staff, then he/she should tell his/her parents, so that they may take the appropriate steps.

## Witnesses and Bystanders

If you are a witness to bullying, harassment or discrimination:

- don't join in – being witness to or being part of a group which is behaving inappropriately is equally unacceptable
- report the bullying, harassment or discrimination – so that the person being bullied, harassed or discriminated against can get help, as can the person behaving inappropriately
- try to tell those who are behaving inappropriately to stop

## Repairing Relationships

Whenever bullying, harassment or discrimination occurs, relationships are negatively impacted upon. In order to repair the harm done to relationships due to conflict or inappropriate behaviour, the following actions may be taken:

- Counselling (YLL, HOH, HOS, College Counsellor, Vice Principal)
- Mediation by trained mediators
- Parental involvement
- Implementation of a Behaviour Management Plan
- Request for written apology
- Official warning
- Suspension
- Negotiated transfer
- Expulsion
- Legal action and/or police involvement

## The Options for Complaint Resolution:

When a referral is made to a teacher, VP, YLL, HOH, HOS, College Counsellor, or they will discuss the options and the best course of action to ensure the protection of the person making the complaint.

### For Staff:

1. Self Management
2. Informal internal process
3. Formal internal process
4. External resolution option

*(See Section B: Procedures for Staff)*

### For Students:

1. Self Management
2. Informal process
3. Formal process

*(See Section C: Procedures for Students)*

## Why do we need a policy and procedure?

Discrimination and all forms of harassment including bullying are prohibited in Australia by the *Federal Sex Discrimination Act 1984* and by *Anti-discrimination Laws* in all states and territories. Our college has a legal and moral obligation to enforce policies and procedures to address these issues and protect the college community.

## **Section B: Procedure for use by Staff**

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### **STEP 1: SELF-MANAGEMENT**

Telling someone their behaviour is inappropriate is an effective way to resolve some complaints. This is particularly the case when the inappropriate behaviour is caused by **ignorance** or **insensitivity** rather than malice.

Strategies that can be used to address inappropriate behaviour:

**1. Stay calm and polite**

E.g. 'Please....'

**2. Focus on the behaviour and not the person**

E.g. '...stop touching me.'

**3. Indicate the effect of their behaviour on your feelings**

E.g. 'When you touch me, I feel uncomfortable.'

**4. Include a clear request that the behaviour not happen again**

E.g. 'I'm asking you to please not touch me again.'

**5. Ask for agreement or at least acknowledgement that you have been heard**

E.g. 'Is that OK?'

At the very least, self-management of complaints prevents a respondent (person against whom the complaint is being made) from claiming in the future that 'I didn't know you were offended/upset by it'. It helps to sort out 'accidental' harassment or bullying from deliberate.

Self-management may not be appropriate in situations where:

- It puts the person making the complaint at risk
- It has already been tried with no success
- The problem is more about group behaviour than about a specific individual

### **STEP 2: INFORMAL INTERNAL PROCESS**

This method focuses on resolving the problem rather than proving something actually happened. This means that the matter can be resolved without any formal findings of misconduct.

**Possible outcomes include:**

- A trained mediator conducts mediation between the parties. This could include College Counsellors, or the VP. The mediator negotiates individually between the parties to reach an agreement that is acceptable to both
- The person with the complaint raises their concern with a College Counsellor, or the Vice Principal who may then deal with the issue in some indirect way such as to organize staff training on racism or an information session about the College's Positive Relationships Policy
- The person with the complaint raises their concerns with the Vice Principal so that that person can place themselves in a position to observe the inappropriate behaviour. The Vice Principal will intervene as appropriate and counsel the staff member.

Counselling the staff member is about reminding them of the College's expectations as well as those outlined in the *Federal Sex Discrimination Act 1984*, of appropriate behaviour and advising them of the consequences.

#### **Advantages of this process:**

- It can deal with most issues
- May be less intimidating than a formal approach
- Is less punitive than a formal approach
- Involves less work than a formal approach
- Is appropriate for most situations where the respondent may be 'ignorant' of the effect of their behaviour
- Often quickly sorts out whether formal procedures are required
- Is more likely to encourage open communication
- Is adaptable to a wide variety of complaints

### **STEP 3: FORMAL INTERNAL PROCESS**

Using a formal procedure to resolve complaints is most appropriate when:

- Matters have not been satisfactorily resolved at the informal level
- Matters involve serious allegations which, if proved, could warrant further action, which may include legal action (for example, assault or sexual assault)
- The respondent denies the allegations
- The respondent is more senior than the complainant
- The person making the complaint has decided that a formal process is how they want the matter dealt with

#### **How formal complaints are handled at Braemar College:**

##### **How do I make a complaint?**

You will be required to make a written statement (**Refer Section D FORMS: Formal Complaint**). This can be a short outline of what happened, when, how often, who was involved and what the effects of it have been on you. This statement will be seen by the respondent so they can respond.

##### **Who do I give the statement of complaint to?**

The statement of complaint first goes to a Vice Principal. It is important that the complaint be investigated by someone who is impartial and there is not a conflict of interest with either the person making the complaint or the respondent.

##### **How will the complaint be investigated?**

The Vice Principal will interview the person making the complaint and the respondent. Any witnesses may also be interviewed. All of these interviews are confidential (**Refer Section D FORMS: Protocol for Parties and Witnesses**). This process will be documented.



## **How will the complaint be proved?**

The standard of proof for discrimination, harassment, sexual harassment and bullying investigations is 'the balance of probabilities'. This means that a reasonable person, taking account of all the available evidence (including what people say happened), concludes that it is more likely than not that the offending behaviour occurred. There does not need to be eye-witnesses to the incident. Even unco-operative witnesses can be helpful in confirming important elements like times, places and events.

## **How do I know the process will be fair?**

The investigation procedure will be:

- Sensitive – all complaints will be treated seriously. The person making the complaint and the respondent will be treated respectfully
- Confidential – only the people who need to know will know that a complaint has been made, what the complaint is, what stage the investigation is at, what information has come during the investigation, including personal information. Documentation will be filed in a locked cabinet
- Timely – the investigation will begin as soon as possible after the complaint has been made and proceed as quickly as the steps will allow
- Impartial – the investigation will not reach any conclusion until all the interviews have been completed and all the evidence considered. No record of an allegation will be kept on the respondent's file unless the complaint is proven
- Relevant – only the complaint and information that is relevant to the complaint will be considered. All the evidence relevant to the complaint will be considered
- Consistent – all complaints will be treated equally and consequences will be applied consistently regardless of who the person making the complaint is or who the respondent is
- Safe – the person making the complaint, witnesses and respondents will not be 'punished' or victimized for their participation in the process. Any such victimisation is automatically grounds for another separate complaint
- Appropriate – action will only be taken against a respondent if the complaint is proven. Any such action will be measured and appropriate according to the nature of the complaint. It may involve performance counselling, disciplinary action, changed workplace arrangements, training and development or other measures
- Appealable – if either of the person making the complaint or the respondent is unhappy with the process or the outcome of the investigation, there will be an opportunity to appeal the decision and have either or both of the investigation processes or their outcomes reviewed for accuracy and fairness

## **Can I withdraw my complaint?**

A person making a complaint can withdraw their complaint at any stage. However, a person who decides to withdraw a complaint will be interviewed by the Vice Principal to find out why.

If the complaint is serious or if it appears the complaint is being withdrawn because the person making the complaint is being victimised, the Vice Principal may be required to continue investigating the complaint.

Making a false complaint is a serious breach of policy and will usually incur some disciplinary action.

## **What if the complaint is not substantiated?**

Where the complaint is found to be not substantiated, the Vice Principal will advise the person making the complaint and the respondent. The Vice Principal will ensure, as far as possible, that neither the person making the complaint nor the person against whom the complaint is made, is subject to reprisals or discrimination of any kind by any person. If allegations of reprisal are found to be substantiated, the Vice Principal will ensure appropriate procedures will be followed.

## **Defamation**

A person making a complaint and those investigating a complaint are protected against defamation actions where the complaint is made in **good faith** through the **appropriate** channels.

Confidentiality is vital to the process. Lack of confidentiality can escalate a complaint and create barriers to its resolution.

## **Advantages of formal internal processes**

- Complaints can be handled by a uniform step-by-step process that applies equally to everyone and that everyone understands
- A formal record is kept that can be produced, if required, to an external agency
- Outcomes of the investigation are clear, well-documented and more easily monitored and enforced
- A person making a complaint can regain his or her self-esteem if the complaint is proven
- A respondent can be made to understand the seriousness of their behaviour if the complaint is proven

## **STEP 4: EXTERNAL COMPLAINT RESOLUTION OPTIONS**

It is important that a person making a complaint knows that they can get information and support or lodge a complaint through services such as the Equal Opportunity Commission of Victoria (EOCV) or the Victorian Independent Education Union (VIEU) that are external to the College.

This option is available to people regardless of what other options they choose or whether there is or has been an internal complaint process.

Details of the process and forms needed to make a written complaint to the EOCV are available from the website: [www.eoc.vic.gov.au](http://www.eoc.vic.gov.au).

## Section C: Procedures for use with Students

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### STEP 1: SELF-MANAGEMENT

Telling someone their behaviour is inappropriate is an effective way to resolve some complaints. This is particularly the case when the inappropriate behaviour is caused by **ignorance** or **insensitivity** rather than malice.

The student with the complaint will be required to make a written statement (**Refer to Section D Forms : Student Incident Report**). This should be a short outline of what happened, when, how often, who was involved and what the effects of it have been on the student. This statement must be submitted to the relevant YLL, HOH.

The Year Level Leader of Head of House may discuss these strategies that can be used to address inappropriate behaviour, with the student who is making the complaint:

- 1. Stay calm and polite**  
E.g. 'Please....'
- 2. Focus on the behaviour and not the person**  
E.g. '...stop touching me.'
- 3. Indicate the effect of their behaviour on your feelings**  
E.g. 'When you touch me, I feel uncomfortable.'
- 4. Include a clear request that the behaviour not happen again**  
E.g. 'I'm asking you to please not touch me again.'
- 5. Ask for agreement or at least acknowledgement that you have been heard**  
E.g. 'Is that OK?'

At the very least, self-management of complaints prevents a respondent (person against whom the complaint is being made) from claiming in the future that 'I didn't know you were offended/upset by it'. It helps to sort out 'accidental' harassment or bullying from deliberate.

Self-management may not be appropriate in situations where:

- It puts the student, making the complaint, at risk
- It has already been tried with no success
- The problem is more about group behaviour than about a specific individual

### STEP 2: INFORMAL INTERNAL PROCESS

This method focuses on resolving the problem rather than proving something actually happened.

The student with the complaint will be required to make a written statement using a '**Student Incident Report**'. (**Refer to Section D Forms: Student Incident Report**).

### **Possible outcomes include:**

- A trained mediator conducts mediation between the parties. This could include a Year Level Leader, Head of School, a College Counsellor, the Vice Principal. The mediator negotiates individually between the parties to reach an agreement that is acceptable to both
- The student with the complaint raises their concern with a Year Level Leader, HOS, a College Counsellor, or Vice Principal who may then deal with the issue in some indirect way such as to organize an information session about the College's Positive Relationships Policy within LCM/Mentor, within a Life Skills session or at a College assembly
- Counselling of the respondent by a Year Level Coordinator, Head of House, a college counsellor, the Vice Principal. Counselling the respondent is about:
  - a) identifying ways to repair the damage which has occurred to the relationship between the individuals involved (these may include verbal or written apologies)
  - b) reminding him/her of the College's expectations as well as those outlined in the *Federal Sex Discrimination Act 1984*, of appropriate behaviour and advising them of the consequences of continued inappropriate behaviour
- The student with the complaint and/or the respondent is referred to a counsellor by the Year Level Leader or Head of House
- The Year Level Leader or Head of House discusses the issue with the parents of the student making the complaint and/or with the parents of the respondent, by phone or in an interview

### **Advantages of this process:**

- It can deal with most issues
- May be less intimidating than a formal approach
- Is less punitive than a formal approach
- Involves less work than a formal approach
- Is appropriate for most situations where the respondent may be 'ignorant' of the effect of their behaviour
- Often quickly sorts out whether formal procedures are required
- Is more likely to encourage open communication
- Is adaptable to a wide variety of complain

## **STEP 3: FORMAL PROCESS**

This step is required when:

- the student continues to experience the inappropriate behaviour by the same respondent
- other students make complaints about the same respondent

The student with the complaint will be required to make a written statement (***Refer to Section D Forms: Student Incident Report***).

**Possible outcomes include:**

- An outcome, listed under 'STEP 2: INFORMAL PROCESS', which has not been activated previously, may now be relevant in response to the complaint
- A Behaviour Management Plan is established for the respondent
- The respondent may be suspended from school

**The following consequences are undertaken only when other measures have not achieved a successful outcome, and, in consultation with the Vice Principal:**

- The respondent and his/her parents are interviewed by the Principal
- A negotiated transfer may be arranged for the respondent
- The respondent is expelled from school
- The parents, of the student making the complaint, may be advised to seek police assistance or legal advice

## ***Section D: FORMS***

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- **Formal Compliant Form**
- **Protocol for Parties and Witnesses**
- **Student Incident Form**
- **Record of Process for Complaint handling**
- **Behavioural Management Plan**



## FORMAL COMPLAINT

*Braemar College*

<b><i>Name of Complainant</i></b>	
<b><i>Role</i></b>	
<b><i>Address</i></b>	
<b><i>Phone Number</i></b>	
<b><i>Name of Respondent</i></b>	
<b><i>Was the Complaint reported at the time?</i></b>	<b>YES NO</b>
<b><i>If YES to whom?</i></b>	
<b><i>When? (approx month)</i></b>	
<b><i>If NO, reason for not reporting</i></b>	
<b><i>What Action was taken by you, if any?</i></b>	
<b><i>What action was taken by the person you reported to, if any?</i></b>	
<b><i>Has the complaint / issue become known to others?</i></b>	
<b><i>Who is your support person, if known?</i></b>	
<b><i>Role?</i></b>	

**FORMAL COMPLAINT (continued)**

**Statement by complainant**

*Provide specific details about the complaint. Please number each paragraph. There may be a series of issues. Try to cover all of them and try to keep the events in chronological order. Date the events and name any witnesses. The College leadership team or your support person may help you.*


<b><i>Signature of person making the complaint</i></b>	
<b><i>Date</i></b>	
<b><i>Name of the Person receiving the complaint</i></b>	
<b><i>Role</i></b>	
<b><i>Date</i></b>	
<b><i>Signature</i></b>	



## PROTOCOL FOR PARTIES AND WITNESSES

*Braemar College*

### Confidentiality

This interview is being conducted by \_\_\_\_\_

Into allegation(s) of \_\_\_\_\_ and will be carried out based on the principles of natural justice and in good faith.

#### PLEASE NOTE THE FOLLOWING

1. True and accurate disclosure and cooperation is essential in establishing the facts.
2. Confidentiality is to be maintained at all times to protect privacy and avoid defamation. Only people required to know the information (Principal, Vice Principal, College Counsellor) will be told the details of the complaint. No discussion about the fact that there has been an interview or what has been said at the interview must occur.
3. You are not required to participate in an interview if you do not wish to do so.
4. If confidentiality is breached you could be sued for defamation.
5. You are requested to proceed in a professional manner and observe appropriate behaviours. No "victimisation" of anyone must arise during or after the investigation of this complaint. You are asked to respect the feelings of all people involved in the process.
6. Concise notes will be taken of what you say, and will be shown to you at the end of the interview for accuracy. You may be asked to sign the notes as verification of their accuracy. A copy of the notes will be provided on request.
7. You can contact your support person/union member at any stage of the interview. You can adjourn the interview until your support person is present. You have been advised of your right to have a support person present at this subsequent interview.

I have read and understood this protocol.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Vice- Principal/Principal: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_





## STUDENT INCIDENT REPORT

*Braemar College*

**To be completed by witnesses and persons involved in any incident that is reported  
(It is important that you are alone when completing this form.)**

Give the names of those involved in the incident.	
Give particulars relating to the date, time and place of the incident.	
Give your description of what happened	
Give your opinion as to why this happened.	
Give the names of any witnesses to the incident.	
Is there anything you wish to add?	

<i>Student Name</i>	
<i>Home group</i>	
<i>Student ID number</i>	
<i>Date</i>	
<i>Signature</i>	
<i>School Response:</i>	
<i>Name:</i>	
<i>Date:</i>	



# RECORD OF COMPLAINT HANDLING PROCESS

*Braemar College*

**Confidential**