

Purpose

To confirm Monivae College’s commitment to equal opportunity for all members of the school community.

To create an environment that values diversity and is free from discrimination and harassment and where allegations of breaches of this policy are dealt with fairly and promptly.

To give effect to the school’s legal obligation to take positive action in providing an environment free from discrimination and harassment.

Scope

This policy applies to all students and prospective students, staff and prospective staff, and other individuals associated with the school in all situations or activities related to their roles at the school. Such situations and activities may extend beyond the school site and day-to-day activities eg field trips, conferences, events and functions.

Legislative Context

- Commonwealth [Racial Discrimination Act 1975](#)
- Commonwealth [Sex Discrimination Act 1984](#)
- Commonwealth [Australian Human Rights Commission Act 1986](#)
- Commonwealth [Disability Discrimination Act 1992](#)
- Commonwealth [Disability Standards for Education 2005](#)
- Commonwealth [Racial Hatred Act 1995](#)
- Commonwealth [Workplace Gender Equality Act 2012](#)
- Commonwealth [Age Discrimination Act 2004](#)
- Commonwealth [Fair Work Act 2009](#)
- Victorian [Equal Opportunity Act 2010](#)
- Victorian [Racial and Religious Tolerance Act 2001](#)
- Victorian [Charter of Human Rights and Responsibilities Act 2006](#)

Definitions

Term	Definition
Attribute	<p>Are the following (actual or assumed) personal characteristics on the basis of which discrimination is prohibited under Commonwealth and Victorian legislation:</p> <ul style="list-style-type: none"> • Disability (further defined below) • Sex (sex designated at birth: female, male, intersex) • Gender identity (identification by a person as female, male, something other, or in between; with or without regard to sex designated at birth) • Intersex status (people born with physical, hormonal or genetic features that are neither wholly female nor wholly male, or a combination of

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	

	<p>female and male)</p> <ul style="list-style-type: none"> • Sexual orientation (the nature of a person’s basic sexual attraction to other people eg being heterosexual, homosexual, gay, lesbian, bisexual) • Lawful sexual activity (includes adult, consenting sexual relationships or using legal sexual services) • Pregnancy (being, or planning to become, pregnant) • Marital status (being or not being married or single, having or not having a domestic partner) • Parental status (being or not being a parent, which includes step-parent, adoptive parent, foster parent and guardian) • Carer status (being or not being a person upon whom someone else relies substantially for their ongoing care) • Breastfeeding (breastfeeding infants or expressing milk) • Race (colour, descent or ancestry, nationality or national origin, ethnicity or ethnic origin, and language spoken at home) • Religious belief or activity (holding or not holding a lawful religious belief or view; participating or not participating in a lawful religious activity) • Political belief or activity (holding or not holding a lawful political belief or view; participating or not participating in a lawful political activity) • Industrial activity (includes being or not being a member of an association of employees/participating or not participating in lawful activities organised by an industrial association) • Employment activity (making an enquiry or expressing a concern as an individual about their own employment entitlements) • Age (a person’s age) • Physical features (a person’s weight, height or other bodily characteristic, and may include body piercing, body hair or tattoos) provided it does not breach both staff and student school dress standards. • Personal association (being a friend, relative, associate or companion with
--	---

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	

	an attribute listed above)
Disability	<p>Refers to:</p> <ul style="list-style-type: none"> • a partial or total loss of a bodily or mental function (which can be permanent or temporary, visible or invisible) • a total or partial loss of a part of the body • the presence in the body of organisms causing or capable of causing disease or illness (eg hepatitis or HIV/AIDS) • the malfunction, malformation or disfigurement of part of the body • mental or psychological disease or disorder • A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or • A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour <p>Included is a disability (as defined above) that presently exists, previously existed but no longer exists, may exist in the future (including because of a genetic predisposition to that disability), is imputed to a person, and behaviour that is a symptom or manifestation of a disability.</p>
Discrimination	Refers to unfavourable treatment based on the actual or assumed attributes as defined above. In determining whether or not a person discriminates, the person's motive is irrelevant. Discrimination includes Direct and Indirect Discrimination.
Direct Discrimination	Occurs if a person treats, proposes to treat, a person with an attribute as listed above unfavourably, because of that attribute.
Indirect Discrimination	Occurs if there is an unreasonable requirement, condition or practice that purports to treat everyone the same, but actually disadvantages someone with an attribute as listed above.
Discriminatory Harassment	Is a form of discrimination and refers to a wide range of deliberate and unintentional behaviours, based on an attribute as listed above, which are unwelcome and uninvited and which are reasonably likely, in all the circumstances, to humiliate, intimidate or

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	

	<p>offend. It includes behaviour which may be written, printed, verbal, non-verbal or physical (including transmission or display of inappropriate electronic communications, use of social media).</p> <p>Examples of potential discriminatory harassment include:</p> <ul style="list-style-type: none"> • Spreading gossip about a person, such as gossip about a person's (real or assumed) attribute • Sexist or racist language or humour or images or emails • Intrusive personal questions based on an attribute • Displays of images (eg on computers, social media, posters, or graffiti) which target attributes and give rise to offence • Negative comments, taunts, jokes or insults eg at the expense of others' attributes <p>Negative comments or actions about adjustments made because of a person's disability or culture or carer responsibilities</p>
<p>Sexual harassment</p>	<p>Is where a person engages in any unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated. Sexual harassment can occur even if the behaviour is unintentional, and a single incident can amount to sexual harassment.</p> <p>Sexual Harassment refers to a wide range of behaviours and includes behaviour which may be written, printed, verbal, non-verbal or physical (including transmission or display of inappropriate electronic communications, use of social media).</p> <p>Examples of potential sexual harassment include:</p> <ul style="list-style-type: none"> • Physical intimacy or contact • Sexual jokes, images, emails, gestures, remarks or conversations • Intrusive personal questions • Spreading gossip about a person, such as sexual gossip • Displays of sexually explicit images (eg on computers, social media, posters, or graffiti)

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	

	<ul style="list-style-type: none"> • Requests for sexual acts or favours, or unwelcome or repeated gifts or requests for 'dates' • Indecent assault, rape or stalking (which are also criminal offences)
Racial and Religious Vilification	Occurs where a person engages in conduct that incites hatred, serious contempt, revulsion or severe ridicule against another person or group of people, because of their race or religious belief or activity.
Reasonable Adjustment	<p>Is the term used to describe actions or changes which may be required to enable staff and student participation on an equitable basis to other staff and students. Lack of provision of reasonable adjustment might constitute discrimination.</p> <p>Adjustments may be necessary where the interaction between the learning and working environment and certain student/staff personal characteristics or circumstances has a negative impact on staff/student participation or achievement. Such characteristics and circumstances include having a disability, carer responsibilities, cultural or religious obligations, having English as a second language.</p> <p>Reasonable adjustments for people with a disability are required under the Disability Discrimination Act 1992.</p> <p>There is no set definition of what is a 'reasonable' adjustment. Each situation needs to be considered in its own circumstances and on its own merits.</p>
Professional Learning Plan (PLP)	A tool used by the school's Learning Support Team to communicate recommended reasonable adjustments for students with a disability.
Flexible working arrangements	Are forms of reasonable adjustments that can be requested by staff who are carers, have a disability, are 55 or older, are experiencing domestic violence, as covered by the Commonwealth <i>Fair Work Act 2009</i> .
Inclusive practices	Are practices that anticipate and accommodate the needs of a diversity of people, and which result in learning and working activities and environments being accessible by all people, to the greatest extent possible, minimising the need for adjustments to respond to individual needs.

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	

Vicarious liability	Refers to the school's responsibility for the behaviours of its staff, students and other individuals associated with the School unless it takes all reasonable steps to prevent discrimination and harassment.
Victimisation	Is where a person subjects (or threatens to subject) another person to any detriment because that person has made (or might make) a complaint in relation to this Policy or is involved (or might be involved) in the resolution of a complaint, including as a witness. Victimisation includes physical, visual, verbal and non-verbal behaviour.
Other individuals associated with the School	Includes persons (other than staff and students) holding an honorary, visiting or adjunct appointment, and external members of the Monivae College board, committees, as well as those volunteers, consultants and contractors who are legally bound by the policies and procedures of the School.
Governance Bodies	Are the MSC and Monivae College Board of Directors.
Staff member	Is any person who is an employee of the school. This includes full-time, part-time, temporary or casual staff.
Student	Is any person enrolled as a student of the school.

Policy Statement

Monivae College is committed to providing equal opportunity and freedom from discrimination, harassment and vilification for all members of the school community, and to creating an environment which reflects and values the social and cultural diversity within the school community and the communities it serves.

The school will not tolerate discrimination, sexual or discriminatory harassment, racial or religious vilification or victimisation, as defined in this policy, in any school activities.

The school will take proactive, reasonable and proportionate measures to eliminate discrimination, sexual and discriminatory harassment, vilification and victimisation within school activities, and recognises the potential for the school to be vicariously liable if all such measures have not been taken.

The school will provide reasonable adjustments/flexible working arrangements to the learning and working environment as required, and will use inclusive practices wherever practicable, to ensure that all people have equal opportunity to access and participate in school activities. This is particularly relevant to students and staff with disability.

The school will use its best endeavours to reflect and value the diversity of the school community and the communities it serves in its learning materials, publications, publicity, and when recognising the contributions of individuals to the school and the broader community, and to ensure that the school's learning materials, publications and official documents use inclusive and non-discriminatory language.

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	

The school acknowledges the systemic disadvantage that affects participation and progression in school activities by some members of the school community and the communities it serves. The school will take proactive steps to redress this. As part of this, the school will put in place measures to have the composition of governance bodies, and staff and student populations better reflect the diversity within the communities served by the school. This may involve the implementation of special measures that lawfully discriminate between groups of individuals for the purpose of realising substantive equality for members of a group with a particular attribute.

Particular focus will be given to the development of measures to advance equality and respect for Aboriginal and Torres Strait Islander students and staff, as expressed in the schools Child Safety Commitment Statement, and to the promotion of workplace gender equality.

The school will ensure that it has in place procedures to deal with any alleged breaches of this policy fairly and expeditiously.

Responsibility

Staff members, students and other individuals associated with the school are responsible for their own behaviour and may face disciplinary and/or legal action if they engage in, condone or collude with discriminatory, sexually harassing, vilifying or victimising behaviour.

All school fixed-term and continuing staff are required to successfully complete the school online Equal Opportunity, Discrimination and Harassment training. For new staff completion must be within the first three months of their employment. The Deputy Principal is responsible for ensuring staff completions.

The Principal, Senior Management, Staff and Teachers of the school are responsible to use their best endeavours to ensure an inclusive learning and working environment that is free from discrimination, discriminatory and sexual harassment, vilification and victimisation in the areas or activities for which they are responsible. This responsibility includes communicating the intent of this policy, where appropriate, to their staff, students and other individuals associated with the school for whom they are responsible, and taking appropriate action in the event of a concern being raised about breaches of this policy.

Staff who develop learning materials, publications, publicity materials and official documents are responsible for ensuring the use of inclusive and non-discriminatory language and for using images that reflect social and cultural diversity.

Where the Principal and/or the Board of Directors are seeking persons to be honoured or formally recognised by the school, they are responsible for making their best endeavours to reflect and value social and cultural diversity.

The Principal, Senior Management, Staff and Teachers, and any staff responsible for learning activities, facilities and services, are responsible for using inclusive practices in the review, design and implementation of activities and actions within their domains.

The Principal, Senior Management, Staff and Teachers are responsible for ensuring the provision of reasonable adjustments/flexible working arrangements to the learning and working environment as required. Where Personalised Learning Plans are developed by the schools Learning Support Team for students with disability, these will be regarded as the recommended reasonable adjustment/s which balance the needs of the student, academic standards and the school's legislative responsibilities.

All staff with responsibility for planning within their areas of operation are responsible for identifying areas of under-achievement in the participation and progression of groups of students and staff (such as Indigenous people, women, people with disabilities, people from low socio-economic backgrounds, people from culturally diverse backgrounds) and putting in place measures to positively address participation and progression of these identified groups. Particular emphasis should be given to the development of measures to advance

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	

equality and respect for Aboriginal and Torres Strait Islander students and staff, and to the promotion of workplace gender equality.

Staff with responsibility for engaging other individuals or groups (such as contractors) who will have interactions with school staff, students or other individuals associated with the school, are responsible for putting in place measures to have those individuals or groups comply with the expectations of this policy where appropriate to their activities.

Governance bodies are responsible for putting in place measures to ensure diversity in the composition of governance bodies and their sub-committees and working parties.

The Principal is responsible for the provision of information on this policy and to provide advice to individuals and committees, and input to school policy and practices, in order to assist the school to prevent and redress breaches of this policy.

The Principal has overall responsibility for the implementation and review of this policy.

Complaints

Any person who believes that they have experienced discriminatory or sexual harassment, discrimination, vilification or victimisation in breach of this policy can seek advice and information on courses of action available to them from the Principal

There are six internal processes to deal with breaches of this policy. Complaints should be raised as soon as possible, but normally not later than 12 months after the incident(s) that led to the complaint occurring.

1. A staff member, student or other individual associated with the School, who believes that they have experienced discriminatory harassment or sexual harassment may make a complaint under the Discriminatory and Sexual Harassment Complaint Procedure.
2. A staff member to believes that they have experienced discrimination, vilification or victimisation may make a complaint under the Staff Grievance Procedure.
3. A student who believes that they have experienced discrimination, vilification or victimisation may make a complaint under the School Community Grievance Procedure.
4. Behaviours in breach of this policy may be regarded as serious misconduct or misconduct (staff) or general misconduct (students) and result in disciplinary action being taken under staff and student misconduct/discipline processes.
5. An individual associated with the school (who is not a staff member or student) who believes that they have experienced discrimination, vilification or victimisation, should raise their complaint under the School Community Grievance Procedure.
6. A student or staff member who has a complaint of discrimination, discriminatory or sexual harassment, vilification or victimisation against a person who is not a staff member, student or other individual associated with the school, should raise their complaint under the School Community Grievance Procedure.
7. Past students and staff wishing to make a complaint, and who were enrolled or employed at the school at the time of the conduct which is the subject of the complaint, should raise their complaint under the School Community Grievance Procedure.

While use of internal complaint processes are encouraged, anyone with a complaint of breach of this policy has the right to seek advice from and/or lodge a complaint with external bodies including the Victorian Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission and the Police. In the case of alleged criminal offences, the school encourages reporting to the Police and reserves its right to separately inform the Police.

Supporting Documents

- Child Safety Commitment Statement

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	

- Discriminatory and Sexual Harassment Complaint Procedure
- Grievance Policy
- Staff Grievance Procedure
- School Community Grievance Procedure
- Staff Code of Conduct Policy
- Use of Computing and Communication Facilities Policy
- Student Access, Progression and Wellbeing Policy

Responsibility

Approval Authority	Policy Sponsor	Administration
Responsible for monitoring the implementation, outcomes and scheduled review of this policy	Responsible for maintaining the content of this policy as delegated by the Approval Authority	Responsible for the administration support for the maintenance of this policy as directed by the Policy Sponsor
Principal	Business Manager	Compliance and Risk Manager

Promulgation

This policy will be communicated throughout the Monivae College school community in the form of:

- policies section of the Monivae College website;
- policy library section of the Monivae College intranet; and
- distribution of email to all staff.

Implementation

This policy will be implemented throughout Monivae College via:

- policy library section of the Monivae College intranet;
- staff briefing session; and
- training sessions.

Warning – Uncontrolled when printed! The current version of this document is kept on the Monivae College intranet.

Office Use Only	Issue Date: March 2019	Last Reviewed: February 2020	Next Review Date: 2024
Authorised by: Directors	Version:1.1	CRICOS Provider Number: 00617M	