

# Equal Opportunity and Sexual Harassment



## Policy

Ratified & Approved School Council 2018



## Introduction

Skye Primary School aims to provide a welcoming, supportive, and emotionally and physically secure learning and working environment for every member of the school community.

Skye Primary School recognizes and promotes human rights, and values the diversity of culture, beliefs, practices, customs, physical and intellectual abilities and life experience of the whole school community.

## Our Commitment

Skye Primary School aims to create an inclusive school culture that fosters acceptance and respect for diversity, in doing so, we seek to deepen understanding and knowledge, promote student and staff wellbeing and help everyone achieve their full potential. This school is enriched by and celebrates the diversity of our whole school community.

At Skye Primary School we want to play our part in ensuring women don't experience harassment and discrimination purely because they are women. While both women and men can experience discrimination, harassment, vilification, bullying and victimization, we acknowledge that women experience several forms either solely or disproportionately. We will work to address gender inequality. That is why discrimination, harassment, vilification, bullying and victimization will not be tolerated at Skye Primary School under any circumstances.

Skye Primary School is committed to ensuring that the working environment is free from discrimination, harassment, bullying, vilification and victimization.

Under the *Victorian Equal Opportunity Act 2010* all organisations have a positive duty of care to be proactive about discrimination and take steps to prevent discriminatory practices. At Skye Primary School we are committed to building a school culture that challenges the stereotypes, power differences and social norms that foster gender inequality. Skye Primary School supports the aforementioned Act, which says that it is against the law to discriminate against anyone, including students and school staff, because of their actual or assumed:

- Age
- Breastfeeding
- Carer status
- Disability/impairment
- Gender identity
- Industrial activity
- Lawful sexual activity
- Marital status



- Parental status
- Physical features
- Political belief or activity
- Pregnancy
- Race
- Religious belief or activity
- Sex
- Sexual orientation
- Personal association with someone who has, or is assumed to have, one of these personal characteristics.

No member of the school community will be treated less favourably because they possess any of these personal characteristics nor will such characteristics affect access to benefits and services Skye Primary School provides.

On behalf of the whole school community, the principal, the school council president, the parent association and the student representative council support this policy, and the human rights principles and practice of equal opportunity, inclusion and respect for diversity that it articulates.

### ***Discrimination***

Discrimination is unacceptable at Skye Primary School.

Discrimination may be direct or indirect, both are against the law.

**Direct discrimination** means treating someone unfairly or less favourably because of one of the personal characteristics listed above or because of their association with someone identified with one of those characteristics.

An example of direct discrimination would be refusing to enroll a student because they have Hepatitis C, refusing a Muslim student to wear the hijab as part of their school uniform or failing to hire a suitably qualified teacher because of their sexual orientation.

**Indirect discrimination** happens when a rule, policy or requirement unnecessarily or unreasonably disadvantages a person or group of people because of a protected personal characteristic they share.

An example of indirect discrimination would be imposing a requirement that all students take notes from the whiteboard without assistance may unreasonably disadvantage a student with vision impairment.

### ***Harassment***

Harassment is unacceptable at Skye Primary School.

**Harassment** is behavior (through words or actions) based on the personal characteristics listed above that are unwanted, unasked for, unreturned and likely to make school an unfriendly or uncomfortable place by:

- Humiliating (putting someone down);
- Seriously embarrassing;
- Offending (hurting someone's feelings); or
- Intimidating (threatening someone so they behave in a certain way).

An example of harassment is name calling, stereotyping jokes and offensive comments.

**Sexual harassment** is conduct of a sexual nature that is unwelcome. Sexual harassment can be physical, verbal or written. It involves behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated. Even if the behaviour is not intended by the individual to be sexually harassing, it may still be unlawful.

Sexual harassment can include:

- Comments about a person's sex life or physical appearance;
- Comments of a sexual nature;
- Suggestive behaviours such as leering and ogling;
- Unnecessary physical intimacy such as brushing up against a person;
- Physical contact such as touching or fondling;
- "Flashing" or sexual gestures;
- Sexual propositions or repeated unwanted requests for dates;
- Making promises or threats in return for sexual favours;
- Sexual jokes, offensive telephone calls, displays of offensive photographs, reading matter or objects;
- Sending jokes or graphics of a sexual nature by email or internet;
- Unwelcome questioning about a person's private life;
- Offensive computer screen savers;
- Unwanted requests for sex; or
- Stalking, indecent assault or rape (which are also criminal offences).

At Skye Primary School sexual harassment or sex discrimination of any kind towards anyone is simply not tolerated, and will be taken seriously. This also applies to students who are engaging in that unacceptable behaviour towards staff.



Skye Primary School encourages staff and students to intervene safely and respectfully when they see or hear about sexist language, sex discrimination or sexual harassment.

***Vilification***

Racial and religious vilification is unacceptable at Skye Primary School.

**Vilification** is behavior (through words or actions) that incites hatred, serious contempt or ridicule of another person or group or people because of their race or religious belief.

An example of vilification includes public threats or harm, encouraging others to hate someone because of their religion, racist statements made in a public meeting, racist graffiti.

***Bullying***

Bullying is unacceptable to Skye Primary School.

**Bullying** is unreasonable behaviour that is intimidating, threatening or humiliating and repeated over time or occurring as part of a pattern of behaviour. Bullying can be physical, verbal or indirect, and creates an unfriendly threatening or offensive environment.

An example of bullying includes taking or damaging other people’s property, excluding or isolating someone, subjecting someone to homophobic abuse, deliberately withholding information so as to affect their work performance, threatening not to renew an employment contact.

***Victimising***

Victimising someone who makes an equal opportunity complaint is unacceptable at Skye Primary School.

**Victimising** means treating someone unfairly or otherwise disadvantaging them because they have made an equal opportunity complaint or might do so in the future.

Skye Primary School will take action to prevent discrimination, harassment, vilification, bullying and victimization and to promote safe and inclusive school.

Skye Primary School will take immediate and appropriate action to address and resolve equal opportunity issues and complaints.

Skye Primary School will take action to promote human rights both in terms of school policy and practice and within its educational activities and culture.

A human rights based approach means taking steps to assess the school’s decisions and actions within the framework of the Charter and also taking proactive steps to encourage and promote wider school discussion and student learning on the key charter themes of Freedom, Respect, Equality and Dignity.

**Who and what this policy covers**

This policy covers the whole school community, including staff, students, parents, school council members, contractors and volunteers.

This policy applies to:

- Education (teaching and learning, enrolment, student management, student services, curriculum development and delivery).
- The provision of goods and services (extra-curricular activities, camps, parent-teacher interviews, access to facilities).
- School sport.
- Employment at the school (recruitment, allocation of duties, employment conditions, access to benefits such as training, promotion and leave).

### **Policy framework and relevant information**

Skye Primary School's Equal Opportunity and Sexual Harassment Policy is one component of the Department's broader policy framework for the promotion of safe and inclusive schools and protection of human rights.

Other relevant policies may include:

- Managing Diversity and Inclusive Workplaces
- Equal Opportunity, Discrimination and Harassment
- Complaint Resolution Procedures
- Health, Safety and Worksafe
- Building Respectful and Safe Schools
- School Codes of Conduct
- School Anti-bullying policy
- Charter of Human Rights and Responsibilities Act 2006 including relevant Department policies.

### **Rights and Responsibilities**

Under this policy, every member of Skye Primary School has the right to learn and work in a safe and inclusive environment free of discrimination, harassment, bullying, vilification and victimisation. Along with this right comes the responsibility to respect and promote human rights and responsibilities by behaving according to this policy.

The principal of Skye Primary School is accountable for implementation of this policy.

The principal of Skye Primary School may appoint an Equal Opportunity and Anti-Harassment Co-ordinator to support implementation of this policy.

This policy will be reviewed regularly by the principal and ratified by the school council.

### **Complaints procedure**

Skye Primary School encourages all members of the school community to attempt to resolve complaints and concerns through the school.



All complaints will be treated confidentially, fairly and consistently, and resolved as speedily as possible.

Any member of the school community who raises an issue of discrimination, harassment, bullying or vilification in good faith will not be victimised or otherwise unfairly treated or disadvantaged. All complaints of victimisation will be taken seriously, investigated and acted upon as quickly as possible.

Every student and staff member at Skye Primary School should feel welcome, supported and emotionally and physically secure at school. The wellbeing of all students and staff is a priority for Skye Primary School. We understand that you cannot achieve your potential if someone is treating you unfairly, discriminating against you, vilifying, harassing or victimising you.

Complaints procedures exist to provide an avenue to address unacceptable behaviour. Complaints procedures are designed to explain what to do if you believe you have been discriminated against, harassed, sexually harassed, bullied, vilified or victimised as explained earlier in this policy and your complaint is about your education or employment at Skye Primary School or goods, services or sport provided by Skye Primary School.

**If you are a member of staff:**

Please refer to the Department's Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct guidelines.

**If you are a parent or carer:**

Please refer to DET's Parent/Carer Complaints guidelines.

**If you are a student**

You have the right to be part of a safe and inclusive school that is free of discrimination, harassment, sexual harassment, bullying, vilification, and victimisation. This includes treating you unfairly, excluding you or making you feel bad because of your:

- Sex;
- Race;
- Sexual orientation;
- Physical features;
- Religious belief or activity;
- Carer status;
- Disability/impairment;
- Gender identity;
- Lawful sexual activity;
- Political belief or activity;
- Pregnancy;

- Personal association with someone who has, or is assumed to have, one of these personal characteristics.

If you believe someone is discriminating, harassing, bullying, vilifying or victimising you and it is safe for you to do so, tell the other person to stop their behaviour. Let them know that their behaviour offends you. They may not realise this.

If the behaviour doesn't stop or you are not sure what to do, report it to a trusted adult, such as a teacher, the year level co-ordinator, the principal or the wellbeing coordinator. Remember, you are not alone. If you have a problem or complaint, talking to someone, especially your parents/carer can help. If you do not want to talk to anyone you know about it, you can contact the Kids Help Line on 1800 55 1800.

If the unfair treatment or harassment persists, you can call the Commission for free and confidential advice. Advice can be given over the phone or in person. If your issue is covered by Equal Opportunity law, the complaints officer will discuss it with you. They will then explain how the Commission can help you and the information you would need to include in a complaint should you decide to make one.

Skye Primary School will treat all reports of misconduct fairly, confidentially and quickly. Only people directly involved in the issue or complaint will be told about it. Each complaint will be investigated to work out whether it is more likely the behaviour happened than not and, if so, how serious it is. Appropriate action to resolve the problem will be taken.

The principal (or someone else they appoint) has responsibility for investigating complaints of discrimination, harassment, bullying, vilification and victimisation.

**Consequences:** If proven, the consequences of such behaviour may include counselling, the removal of privileges; a parental interview, suspension or expulsion. Skye Primary School will arrange counselling and support, where appropriate or where requested, for any student who has experienced bullying or harassment. Counselling may also be provided for a person who has bullied or harassed another.

The school may also need to discuss the incident with parents.

Skye Primary School will monitor how the complaint was resolved and the wellbeing of those involved. Further action will be taken if the problem behaviour continues.

Skye Primary School encourages all members of the school community to attempt to resolve complaints and concerns through the school if possible. It is also your right to seek help from outside the school. For example, you can contact the Department's regional office, the Ombudsman or the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) for information or advice, or to make a complaint.

### **Right to appeal/review**

If you are unhappy with the decision about your complaint, you may seek a review of the decision in accordance with departmental procedures.



### **Where to obtain help and advice**

You can obtain help or advice from the following:

- School complaint contact(s)
- DET contacts including the regional office and student wellbeing branch
- VEOHRC contact details
- School council contacts
- Student contacts [helplines]



Skye Primary School

**Equal Opportunity and Sexual Harassment**

**Ratified & Approved:**  
December 2018  
**Review: 2022**

<b>RATIFIED BY SCHOOL COUNCIL ON</b>	11 December 2018
<b>PRINCIPAL</b>	Jane Briffa
<b>SCHOOL COUNCIL PRESIDENT</b>	Janelle Forster-Wilson
<b>EVALUATION</b>	This policy will be reviewed as part of the school's three year review cycle, or as required due to changes in relevant Acts, Laws, DET mandates, or should situations arise that require earlier consideration.