

EQUAL OPPORTUNITY AND INCLUSION POLICY

POLICY:

Mooroolbark College aims to provide a welcoming, supportive, and emotionally and physically secure learning and working environment for every member of the College community.

- Mooroolbark College recognises and promotes human rights, and values the diversity of culture, beliefs, practices, customs, physical and intellectual abilities and life experience of the whole College community.
- Mooroolbark College supports and promotes the principles and practices of Australian democracy, including a commitment to:
 - Elected government
 - The rule of law
 - Equal rights for all before the law
 - Freedom of religion
 - Freedom of speech and association
 - The values of openness and tolerance.

Nothing in the clause is intended to affect the rights accorded to, or the compliance with any obligation imposed on, a school under an action of the State or of the Commonwealth.

GUIDELINES:

Mooroolbark College aims to create an inclusive College 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 College is enriched by and celebrates the diversity of our whole College community.

That is why discrimination, harassment, vilification, bullying and victimisation will not be tolerated at Mooroolbark College under any circumstances.

Mooroolbark College is committed to ensuring that the working environment is free from discrimination, harassment, bullying, vilification and victimisation.

This College acknowledges that in society some people are treated unfairly or unfavourably because of irrelevant personal characteristics such as their sex or race. This College supports the Charter of Human Rights and the Equal Opportunity Act 1995 (Vic), which says that it is against the law to discriminate against anyone, including students and College 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 College community will be treated less favourably because they possess any of these personal characteristics nor will such characteristics affect access to benefits and services Mooroolbark College provides.

On behalf of the whole College community, the principal, the College 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.

IMPLEMENTATION:

Discrimination is unacceptable at Mooroolbark College

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.

Example: refusing to enrol a student because he has Hepatitis C, refusing to allow a Muslim student to wear the hijab as part of her College uniform, or failing to hire a suitably qualified teacher because of his or her 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.

Example: Imposing a requirement that all students take notes from the whiteboard without assistance may unreasonably disadvantage a student with vision impairment.

Harassment is unacceptable at Mooroolbark College

Harassment is behaviour (through words or actions) based on the personal characteristics listed above that is 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).

Examples: name calling, stereotyping jokes and offensive comments.

Sexual Harassment is unacceptable at Mooroolbark College

Sexual harassment is an unwelcome sexual advance, request for sex or any other sexual behaviour that a reasonable person would know or expect would offend, humiliate, seriously embarrass or humiliate another.

Examples: unwanted touching, unwelcome sexual innuendo or jokes, displaying sexually explicit material (posters, emails, internet sites).

Racial and religious vilification is unacceptable at Mooroolbark College

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

Examples: public threats of harm, encouraging others to hate someone because of their religion, racist statements made in a public meeting, racist graffiti

Bullying is unacceptable at Mooroolbark College

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.

Examples: 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 contract.

Victimizing someone who makes an Equal Opportunity complaint is unacceptable at Mooroolbark College

Victimization means treating someone unfairly or otherwise disadvantaging them because they have made an Equal Opportunity complaint or might do so in the future.

Mooroolbark College will take action to prevent discrimination, harassment, vilification, bullying and victimisation and to promote a safe and inclusive College

Mooroolbark College will take immediate and appropriate action to address and resolve Equal Opportunity issues and complaints.

Mooroolbark College will take action to promote human rights both in terms of College policy and practice and within its educational activities and culture.

A human rights based approach means taking steps to assess the College's decisions and actions within the framework of the Charter and also taking proactive steps to encourage and promote wider College 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 College community, including staff, students, parents, College council members, contractors and volunteers at Mooroolbark College.

This policy applies to:

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

POLICY FRAMEWORK AND RELEVANT INFORMATION

Mooroolbark College's Equal Opportunity policy is one component of the Victorian Department of Education and Early Childhood Development's broader policy framework for the promotion of safe and inclusive schools and protection of human rights.

Other relevant documentation may include:

- <http://www.eduweb.vic.gov.au/hrweb/divequity/default.htm>
- <http://www.eduweb.vic.gov.au/hrweb/divequity/eo/discrim.htm>
- <http://www.eduweb.vic.gov.au/hrweb/workm/perform/conduct.htm>
- <http://www.education.vic.gov.au/hr/ohs/health/default.htm>
- <http://www.education.vic.gov.au/healthwellbeing/>
- Mooroolbark College Student Engagement Policy
- Mooroolbark College Anti-bullying policy
- Charter of Human Rights and Responsibilities Act 2006 including any relevant DET policies
- Charter of Human Rights and Victorian Schools Checklist

RIGHTS AND RESPONSIBILITIES

Under this policy, every member of the Mooroolbark College 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 Mooroolbark College is accountable for implementation of this policy.

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

This policy will be reviewed regularly by the Equal Opportunity Co-ordinator and Education and Planning sub-committee of College council and ratified by the College council.

COMPLAINTS PROCEDURE

Refer to the Mooroolbark College Complaints Policy

If you are a member of staff:

Please refer to the Department's Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct in relation to: <http://www.eduweb.vic.gov.au/hrweb/workm/perform/conduct.htm>

If you are a parent or guardian:

Please refer to DET's <http://www.education.vic.gov.au/about/contact/pcschools.htm> guidelines.

If you are a student:

You have the right to be part of a safe and inclusive College 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 Student Welfare Coordinator. Remember, you are not alone. If you have a problem or complaint, talking to someone, especially your parents can help. If you do not want to talk to anyone about it, you can find more information at Kids Help Line, telephone 1800 55 1800 <http://www.kidshelp.com.au/>

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.

Mooroolbark College 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 assistant principal's has responsibility for investigating complaints of discrimination, harassment, bullying, vilification and victimisation.

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

Mooroolbark College encourages all members of the College community to attempt to resolve complaints and concerns through the College if possible. It is also your right to seek help from outside the College. 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..

Where to obtain help and advice

- Department of Education and Training
- VEOHRC <http://www.humanrightscommission.vic.gov.au/>
- <http://www.parentsvictoria.asn.au/>

EVALUATION:

- This policy will be reviewed as part of the College's four-year review cycle.

This policy was last ratified by College Council in....

May 2017