

ANTI-DISCRIMINATION POLICY AND PROCEDURE

Approving authority	School Council
Purpose	To ensure the College provides a fair and supportive environment free from all forms of discrimination, discriminatory practice and beliefs, that promotes personal respect, values diversity, and provides physical and emotional safety
Responsible Officer	Principal and Academic Director
Associated documents	Anti-Bullying and Harassment Policy and Procedure Child Safe Code of Conduct Policy and Procedure Child Safety Policy and Procedure Diversity, Cultural safety and Equity Policy and Procedure Human Resources Policy and Procedure Responding to and reporting allegations of suspected child abuse Policy and Procedure Privacy Policy and Procedure Student Behaviour Management Policy and Procedure (includes Student Code of Conduct) Student Complaints and Appeals Policy and Procedure Student Services and Support Policy and Procedure Record Management Policy and Procedure

1. RATIONALE

Oxford College (hereafter referred to as the College) is an equal opportunity and culturally safe workplace and learning environment for staff and students.

At all stages of the employment relationship (recruitment and selection, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, retrenchment and termination) staff will be treated on their merits and valued according to how well they perform their duties.

The College believes that all staff and students should be able to work and study in an environment free from discrimination, victimisation, sexual harassment, vilification and the seeking of unnecessary information on which discrimination might be based. We consider these behaviours unacceptable and they will not be tolerated.

Discrimination is the treatment or consideration of, or making a distinction in favour of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. It includes behaviour such as less favourable treatment, unfair exclusion, and asking discriminatory questions.

Discrimination in any form is unacceptable. All at the College have a responsibility to provide working, and teaching and learning environments that are free from discrimination in all forms, including those based on **race, ethnicity, gender, ability, disability, sexuality and religion**.

2. SCOPE

This policy and procedure applies to all staff and students:

- full time, part time, casual, permanent or temporary;
- contract or commission workers;
- volunteers, vocational and work experience placements;
- full time and part time students.

The scope encompasses affiliates, contractors and consultants, appointed or engaged by the College, to perform functions and/or recognised for their contribution to the College. It applies to staff in all their work-related interactions with each other, and with customers, contacts or clients.

It applies to staff while in the workplace or off site, at work-related functions (including social functions and celebrations), while on trips and attending conferences.

3. POLICY

- 3.1 The College is committed to ensuring all students and staff work and study in a safe environment that is free from discrimination of any type. All students and staff have a right to expect *professional* standard behaviour from others, and a corresponding responsibility to behave professionally towards others at all times.
- 3.2 The College has a **zero tolerance** of discrimination and prohibits all forms of discrimination.
- 3.3 *Direct discrimination* occurs when a person (or a group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more of the attributes listed above. Direct discrimination may involve:
- making offensive 'jokes' about another worker's racial or ethnic background, sex, sexuality, age or impairment;
 - expressing negative stereotypes about particular groups or using stereotypes as a basis for decisions about work e.g. 'Women with young children shouldn't work.' or 'Older workers can't learn new skills';
 - using selection processes based on irrelevant attributes such as age, race or impairment rather than on skills really needed for the job.
- 3.4 *Indirect discrimination* occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute listed above. The fact that the disadvantage was not intended is not an excuse. For example:
- requiring everyone to be available for all shifts might be unfair to a person with responsibilities to care for children or an elderly parent;
 - only hiring people who have never had a back injury or a workers compensation claim might rule out an employee whose health has returned and can do the job well;
 - not considering the provision of some reasonable adjustments would disadvantage a person with an impairment, who may be able to perform the essential parts of the job in a different way.
- 3.5 Sexual harassment is any form of unwelcome sexual attention that might offend, humiliate or intimidate the other person and may be experienced by women or men. It includes uninvited touching or physical contact; leering at a person or at parts of their body; talking about your sex life or asking about another person's sex life; sexual jokes or propositions; sexually offensive communications (phone, email, SMS or other social media.)
- 3.6 Sexual harassment is against the law wherever and whenever it occurs. Ozford will not tolerate sexual harassment in the workplace or in any work-related context such as conferences, work functions and business trips. Sexual harassment has nothing to do with mutual attraction. Such friendships are a private matter.

- 3.7 Sexual harassment does not have to be repeated or continuous to be against the law. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation or compliment, may not be sexual harassment. Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure, are also criminal offences.
- 3.8 The person being harassed does not need to say that the behaviour is unwelcome. Many people find it difficult to speak up. All staff and students are responsible for their own behaviour. If you think the behaviour may offend, then don't do it.
- 3.9 The College acknowledges that education and awareness are important aspects of prevention and commits to actively informing and training students and staff in preventing, reporting and responding to discrimination.
- 3.10 The College will not publish or display an advertisement or other information that intends to discriminate.
- 3.11 The College will not request or require a person to supply information that could be used to discriminate, unless the information is reasonably required for a legitimate purpose that does not involve discrimination.
- 3.12 At all stages of the relationship with staff and contractors, recruitment and selection, orientation, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, retrenchment and termination, the College's staff will be treated on their merits and valued according to how well they perform their duties.
- 3.13 At all stages of the relationship with students, marketing, recruitment and selection, orientation, academic delivery and assessment, student support and accreditation, the College's students will be treated in a non-discriminatory manner and supported equally to enable success in their studies.
- 3.14 All students are expected to contribute to the creation of a discrimination free and inclusive learning environment.
- 3.15 The **Student Code of Conduct** and **Staff Code of Conduct** require that all students and staff act in a manner that promotes a safe, positive, productive and harmonious learning environment, act ethically and responsibly, and be accountable for their actions and decisions.

Responsibility of staff

- 3.16 Ozford College will take all reasonable steps to prevent or minimise unlawful Discrimination, Bullying, Harassment, Victimisation and Vilification against staff or students in the workplace and learning environment. All staff contribute to the creation of a discrimination free and inclusive workplace and a healthy workplace culture.
- 3.17 All staff are expected, when carrying out their duties, to show respect towards all persons.
- 3.18 The College provides all staff with information about discrimination and sexual harassment at induction and conducts regular awareness training.

3.19 **Managers** have a particular obligation to model appropriate behaviour and promote this policy. Managers have responsibility to:

- take reasonably practicable steps to ensure that their workplace or learning environment both on-campus and online, is free from Discrimination, Bullying and Harassment;
- provide training or advice to staff to eliminate Discrimination, Bullying and Harassment and develop cross-cultural awareness and sensitivity among professional and academic staff and students;
- encourage due recognition to the history and experiences of the Aboriginal and Torres Strait Islander Peoples of Australia and other ethnic groups;
- inform staff or students who experience Discrimination, Bullying and Harassment of their rights and provide them with the appropriate policy and procedures to resolve their concerns;
- monitor the work environment and ensure that all staff are treated fairly and are not subject to any of the behaviours mentioned in this policy;
- ensure that staff or students who make a Complaint are not victimised for doing so and respect their privacy and confidentiality at all times;
- treat all complaints seriously and attend to them promptly;
- seek expert help for complex or serious matters
- maintain a confidential database of complaints.

Incident Report

- 3.20 Staff are expected to ensure that **discrimination and racism is identified, confronted and not tolerated**, and any instances within the school environment are addressed with appropriate consequences.
- 3.21 All staff have the responsibility to comply with this policy; report incidents to their Managers and not tolerate discriminatory or harassing behaviour.
- 3.22 The College encourages everyone to seek advice and support when they feel they have been treated unfairly, or when they have experienced or witnessed concerning behaviour. The College has policies and procedures for the effective resolution of complaints, including how to make a report of concerning behaviour.

Response and Support

- 3.23 When discrimination is reported it will be seen as a serious matter and will be investigated in a timely manner. Allegations will be investigated in accordance with the procedures. Where necessary, a formal investigation will be undertaken and disciplinary action may result.
- 3.24 If a case is referred to the Victoria Police or the Equal Opportunity Commission (EOC) or to the Australian Human Rights Commission (AHRC), then the College will not take any action that will compromise the police investigation or EOC/AHRC complaint resolution process. While accountability for prosecuting criminal acts rests with the local police where the offence occurred, the College can take internal action where there is a breach of its rules, by-laws, policies and procedures for activities and circumstances related to the College matters.
- 3.25 The College ensures that any person who makes a complaint of discrimination or sexual harassment is supported and does not suffer any victimisation for making the complaint. This also applies to any person who agrees to be a witness in a complaint or have a complaint made against them.

Consequences of breach of the policy

- 3.26 A failure to comply with the College's policies may result in action that includes disciplinary and other action up to and including potential termination of employment for employees or the cessation of engagements for contracted services.
- 3.27 **Disciplinary action** will be taken by the College against any staff member or student found to have breached this policy.
- 3.28 Action will be appropriate to the breach and will be as set out in the **Student Behaviour Management Policy and Procedure** and the **Human Resources Policy and Procedure**.

Anti-discrimination legislation

- 3.29 In Victoria under the Equal Opportunity Act 2010, the Racial and Religious Tolerance Act 2001 and Charter of Human Rights and Responsibilities Act, discrimination, victimisation, sexual harassment, vilification and seeking unnecessary information on which discrimination might be based are illegal.
- 3.30 Discrimination on the following grounds is against the law:
- race, (including colour, descent or ancestry, nationality, national or ethnic origin);
 - age (whether young or older);
 - disability or impairment (including biological, functional, learning, physical, sensory, mobility, cognitive, psychological, psychiatric impairment or the presence of an organism capable of causing disease);
 - physical features;
 - religious belief or activity;
 - sex or gender identity;
 - marital or relationship status (including being married, single, divorced, separated, de facto or in a same sex relationship);
 - lawful sexual activity
 - pregnancy, breastfeeding, parent or carer status (including being or not being a parent, guardian, foster parent, adoptive parent, or step parent);
 - family responsibilities (including the responsibility to care for and support a dependent child or immediate family member);
 - industrial activity
 - political belief or activity;
 - employment activity, profession, trade or occupation
 - spent conviction;
 - association with someone else who is identified because of one of the above attributes.
- 3.31 Other behaviour that is against the law includes:
- seeking unnecessary information on which discrimination might be based;
 - victimisation because a person has made a complaint, agreed to be a witness or has had a complaint made against them;
 - sexual harassment is prohibited under both state legislation and the federal legislation;
 - vilification on the basis of a person's race, religion, gender identity or sexuality;
 - or
 - discrimination on the basis of criminal record, medical record or social origin.

Vicarious liability

- 3.32 Under the Act the person who discriminates against, victimises, sexually harasses, vilifies or asks for unnecessary information can be liable for the illegal behaviour as well as their employer, (*Company name*); unless the College can show we have taken reasonable steps to prevent it.

Reporting and Monitoring

- 3.33 The College ensures that all incident data is kept confidentially and incident data is reported to the EMT to monitor the prevalence of misconduct in connection with the College.
- 3.34 Confidentiality and information privacy will be upheld, in accordance to the legislative requirements and the College Privacy Policy.
- 3.35 Any suggested improvement required to enhance the campus safety will be discussed and implemented as appropriate.

Review

- 3.36 As required by Ministerial Order 1359 Managing the Risk of Child Abuse in Schools and School Boarding Premises, this policy is reviewed after any significant child safety incident, or at least every two years, and improved where applicable.

4. PROCEDURE

Prevention, Training and Awareness

- 4.1 The College will take all reasonable steps to prevent or minimise unlawful discrimination, bullying, harassment, victimisation and vilification against staff or students in the workplace and learning environment. All staff are expected, when carrying out their duties, to show respect towards all persons.
- 4.2 Anti-discrimination and harassment information will be included in the College policies, procedures and codes of conduct.
- 4.3 Anti-discrimination and harassment information will be included in student orientation, briefings and communications.
- 4.4 The College will conduct regular awareness training for staff including in staff induction, training, briefings and communications.
- 4.5 Information will be made publicly available on the College website and intranet.

What to do if a person is discriminated against, sexually harassed, vilified or asked for unnecessary information

- 4.6 Discrimination, sexual harassment, vilification or requests for unnecessary information, must not be ignored thinking it will go away - often it just gets worse.
- 4.7 If a staff member or student who believes that she/he is being discriminated against, and is unable to resolve the matter herself/himself, or is of the belief that it is unsafe to do so, he or she may approach the Principal in the first instance, and then follow the Complaints and Appeals process.

Support and counselling

4.8 The College provides confidential assistance to staff or students in the form of wellbeing support and professional counselling and encourages all staff and students to seek help.

4.9 **To obtain more information before deciding what to do** the student or staff member can contact the following person in the College for support:

Name	Ms. Rong LIU
Position	Principal
Telephone	03 8663 7198
Email	rongliu@ozford.edu.au

4.10 Alternatively, the student or staff member can contact the Victorian Equal Opportunity and Human Rights Commission for information about your rights and responsibilities.

Level 3, 204 Lygon Street
Carlton Vic 3053
Phone: 1300 891 848
Fax: 1300 891 858
Email: information@veohrc.vic.gov.au
Hearing impaired (TTY): 1300 289 621
Interpreters: 1300 152 494

4.11 For information on leave entitlements or Work Cover, staff should speak to the Accounts team.

Self help

4.12 If the student or staff member feels confident and wants to deal with the situation, they can be encouraged to use self-help techniques. *However, it is not necessary that the person tries to resolve the complaint this way.*

4.13 This option can involve:

- approaching the person responsible for the discriminatory or sexually harassing behaviour
- telling the person what you are unhappy about, why you are unhappy about it, and what you would like to happen.

4.14 Taking a person with you for support may be helpful.

Make an internal complaint

4.15 The College has an obligation to treat all complaints of discrimination, victimisation, sexual harassment, vilification or seeking unnecessary information seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.

4.16 The starting point to resolving a complaint is to talk with a College staff member. This can be a teacher, the Student support team, the Principal or an Senior Management team member. Tell them what your concerns are; explain what has happened and how it has affected you.

- 4.17 The College staff member may take immediate action (e.g. removing offensive graffiti or posters).
- 4.18 The College staff member may provide a range of options. One approach is to centre on the resolution of the issue, without deciding fault. The College staff member may speak to the person you are making a complaint about, to see if the situation can be resolved simply.
- 4.19 Some matters are not resolved so easily, especially if the person being complained about denies or disputes the allegations, or the issues are complex. A Senior Management Team member may handle your complaint or refer it to an external specialist. This option will involve an investigation, collecting evidence and witness statements, and making findings and recommendations which will be implemented by the College. The Principal is available to discuss these options; her contact details are as follows:

Name	Ms. Rong LIU
Position	Principal
Telephone	03 8663 7198
Email	rongliu@ozford.edu.au

External complaint bodies

- 4.20 The Victorian Equal Opportunity and Human Rights Commission offers information and a dispute resolution service that is free and confidential. The Victorian Equal Opportunity and Human Rights Commission assists people to resolve complaints of discrimination, sexual harassment, racial and religious vilification, and victimisation. The Victorian Equal Opportunity and Human Rights Commission's contact details are as follows:

Phone: 1300 292 153 (10am-3pm weekdays)

Email: enquiries@veohrc.vic.gov.au

Website: <https://www.humanrights.vic.gov.au/>

- 4.21 The Australian Human Rights Commission investigates and conciliates complaints about discrimination and breaches of human rights. Complaints are made online using the form or via email. The Australian Human Rights Commission's contact details are as follows:

Telephone: 1300 656 419 or 02 9284 9600

Email: complaints@humanrights.gov.au

Website: <https://humanrights.gov.au>

Reporting and monitoring of incidents

- 4.22 The College keeps all records of all incidents involving students in the student management system and any incidents involving staff in staff files.
- 4.23 All incidents will be reported to the Senior Management team and the School Council.
- 4.24 The data about any potential or actual incidents or concerns will be collated and a report will be prepared and presented. Confidentiality and information privacy will be upheld, in accordance with the legislative requirements and the **Privacy Policy and Procedure**.
- 4.25 Any improvements required to enhance the campus safety will be discussed and implemented as appropriate.

5. FEEDBACK

Feedback or comments on this policy and procedure is welcomed by the responsible listed officer.