

# POLICY - March 2017



LILYDALE HEIGHTS  
COLLEGE

## EQUAL OPPORTUNITY Incorporating HARASSMENT & SOCIAL JUSTICE

**Review: 2020**

### Child Safe Standards

Victorian government schools are child safe environments. Lilydale Heights College actively promote the safety and wellbeing of all students, and all school staff are committed to protecting students from abuse or harm in the school environment, in accordance with their legal obligations including child safe standards. All schools have a Child Safety Code of Conduct consistent with the Department's exemplar available at <http://www.education.vic.gov.au/about/programs/health/protect/Pages/childsafestandards.aspx>

### Rationale:

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

**Lilydale Heights 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 school community.

### **Aims:**

**Lilydale Heights College** 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.

### Expectations and explanations:

Discrimination, harassment, vilification, bullying and victimisation will not be tolerated at **Lilydale Heights College** under any circumstances.

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

This school acknowledges that in society some people are treated unfairly or unfavourably because of irrelevant personal characteristics such as their sex or race. This school supports the Charter of Human Rights and the Equal Opportunity Act 2010 (Vic), 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 **Lilydale Heights College** provides.

On behalf of the whole school community, the principal, the school council president, members of school council as representatives of the parent body 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 is unacceptable at **Lilydale Heights 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.

**Examples:** refusing to enrol a student because he has Hepatitis C, refusing to allow a Muslim student to wear the hijab as part of her school 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, motor or intellectual impairment.

Harassment is unacceptable at **Lilydale Heights College**

**Harassment** is behaviour (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)

**Examples:** name calling, stereotyping jokes and offensive comments.

**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 **Lilydale Heights 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 Lilydale Heights 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.

**Victimising someone who makes an Equal Opportunity complaint is unacceptable at Lilydale Heights College.**

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

**Lilydale Heights College** will take action to prevent discrimination, harassment, vilification, bullying and victimisation and to promote a safe and inclusive school.

**Lilydale Heights College** will take immediate and appropriate action to address and resolve Equal Opportunity issues and complaints.

**Lilydale Heights College** 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.

### **Implementation**

#### **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 (extracurricular 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**

**Lilydale Heights College** Equal Opportunity policy is one component of the Education Department's broader policy framework for the promotion of safe and inclusive schools and protection of human rights. Other relevant policy 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 harassment guidelines
- Charter of Human Rights and Responsibilities Act 2006 including any relevant Department policies

### **Rights and Responsibilities:**

Under this policy, every member of the **Lilydale Heights 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 **Lilydale Heights College** is accountable for implementation of this policy.

The principal of **Lilydale Heights 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 principal, assistant principal, or Policy and Planning sub-committee of School Council and ratified by the school council.

### **Complaints procedures:**

The **Lilydale Heights College** 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 **Lilydale Heights College** should feel welcome, supported and emotionally and physically secure at school. The wellbeing of all students and staff is a priority for **Lilydale Heights College**. 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 **Lilydale Heights College** or goods, services or sport provided by **Lilydale Heights College**

#### **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 guardian:**

Please refer to DET's Parent 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 principal or the Student Engagement Wellbeing Leader. 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 [www.bullyingnoway.com.au](http://www.bullyingnoway.com.au), <http://www.education.vic.gov.au/healthwellbeing/respectfulsafe/default.htm>, rainbow network at [www.glhv.org.au](http://www.glhv.org.au) , [www.pflagaustralia.org.au](http://www.pflagaustralia.org.au) , [ecasa@maroondah.org.au](mailto:ecasa@maroondah.org.au) , Eastern Centre against Sexual Assault (ecasa) 9870 7330, <http://www.easternhealth.org.au/services/community/communityecasa.aspx>, Victorian sexual Assault crisis line 1800806292, Child Protection the Kids Help Line, telephone 1800 55 1800), if you are disabled, <http://www.education.vic.gov.au/hrweb/divequity/disability.htm>.

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.

**Lilydale Heights 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 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 as per DET guidelines. **Lilydale Heights College** 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.

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

**Lilydale Heights College** 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:**

##### **School complaints contact(s): Principal, Assistant Principal**

- DET contacts including the regional office and Student Wellbeing Branch
- VEOHRC contact details: On application
- School Council contacts: School Council President 9735 1133 and your call will be redirected
- Parent support contacts: School Council Nominees 9735 1133 and your call will be redirected
- Student contacts [helplines]: Student Engagement and Wellbeing Leader, Year Level Student Liaison will provide contact numbers or assist in resolving complaints

#### **Resources:**

- Copies of relevant documents as well as the Policy itself are available on request within the college community.
- Educational materials will be available for use in appropriate learning areas and forums.

#### **Evaluation:**

The teaching staff, under the guidance of the Leadership Team and with the assistance of all staff, will monitor:

- The implementation of the policy
- Developments in the Department of Education policy on Equal Opportunity Provision
- The progress of students and staff in adhering to the equal opportunity policy goals within the daily program of the College

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

**Policy and Planning**

**23/03/2017**

**Council**

**18/05/2017**



LILYDALE HEIGHTS

## ADDRESSING HARASSMENT AND BULLYING

### PROCEDURES AT LHC

Applicable to all members of the College Daily Community: students and staff and visitors/ guests.

#### DEFINITIONS

- Harassment is any act that is unwanted and unsolicited.
- Harassment and Bullying can involve:
  - Verbal Acts: name calling, offensive jokes, offensive language etc.
  - Non-Verbal Acts: leering, offensive pictures, gestures etc.
  - Physical Acts: pinching, patting, hugging, brushing against another, molestation and violence.
  - Online Act: (see Cyber Safety Policy)

#### INDIVIDUAL RESPONSES and SUGGESTED ACTION

- If someone says they don't like this behaviour it must stop.
- If someone behaves like this towards you tell them to STOP.
- If they do not stop, you must seek help from a teacher / colleague you trust. Staff should inform the Principal. You will be helped.
- If you are unsure how to ask for help, ask your parents, friends or colleagues to speak on your behalf

**Student Response:** If this behaviour occurs, students must immediately inform one of the following people:

- Student Engagement and Wellbeing Leader
- Student Liaison / Learning Leader
- Assistant Principal

**Staff Response:** If this behaviour occurs, staff must immediately inform one of the following people:

- Principal
- Assistant Principal
- Student Engagement and Wellbeing Leader

#### STUDENT GRIEVANCE PROCEDURES RE HARASSMENT

1. Incidents of harassment will be dealt with by the Student Liaisons, Learning Leader or Assistant Principal each taking care to ensure confidentiality.
2. The preferable outcome of a complaint is counselling and conciliation where the two parties are prepared to discuss the complaint and work towards a solution, that is, **conciliation**. This method of resolution will have the greatest chance of success.
3. It is also advisable for the parents of the victim and the alleged perpetrator to be notified within the limits of confidentiality.
4. Where conciliation is not successful or considered unworkable, disciplinary procedures are as follows:

##### **First or minor offence**

- Counselling and Mediation between parties by Student Liaison, Learning Leader, Assistant Principal or Student Engagement and Wellbeing Leader
- Contact with parents and a copy of Harassment Policy supplied to all parties.
- Second or more serious offence Parent Conference with parents of offender and sanction such as Notified School detention or exclusion from school for a nominated period
- In some cases counselling with an appropriate agency will be considered compulsory.

**NOTE: In extreme offence or sexual harassment cases / incidents, welfare agencies and the Police will be called to assist.**

The school reserves the right to enforce greater penalties for first offences in extreme circumstances.

**End student Procedures.**

## STAFF GRIEVANCE PROCEDURES RE HARASSMENT

1. Incidents of harassment will be dealt with by the Principal, taking care to ensure confidentiality.
2. The preferable outcome of a complaint is counseling and conciliation where the two parties are prepared to discuss the complaint and work towards a solution, that is, **conciliation**. This method of resolution will have the greatest chance of success.
3. Where conciliation is not successful or considered unworkable, disciplinary procedures appropriate to the circumstance will be followed.
4. Depending on the incident(s), the Principal, will decide to enter a Complaints Resolution Process which may be formal or informal and referred to the Policy above
5. Depending on the circumstances, the Conduct and Ethics Branch may be contacted by the Principal for advice. The Conduct and Ethics branch is responsible for the implementation of policy and the provision of advice on complaint resolution procedures, unsatisfactory performance, and serious misconduct and equal opportunity complaints. The Branch also manages discipline matters involving members of the teaching service (including principal class officers) school services officers and public servants.
6. On issues of alleged serious misconduct or sexual harassment the Conduct and Ethics Branch must and/will be contacted for advice regarding the appropriate course of action.

### End staff Procedures.

## KEY PRINCIPLES IN RESOLUTION OF WORKPLACE HARRASSMENT AND BULLYING

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|---|--|
| Treat all matters seriously             | treating all reports seriously encourages reporting and shows employees the organisation's commitment to its 'no bullying' policy.   |
| Act promptly                            | prompt intervention can assist in resolving reports as quickly and as fairly as possible.  |
| Non-victimisation of person who reports | it is important to ensure that anyone who raises an issue of bullying is not victimised for coming forward.  |
| Support for both parties                | once a complaint has been made, the person or persons involved should be told of the support systems available to them. These can include employee assistance programs and peer support systems. The person or people against whom the allegations have been made should also be informed of opportunities for support. In addition, all employees involved should be allowed to have a support person present at interviews or meetings (e.g.: health and safety representative, union representative or friend). |
| Confidentiality                         | those involved need to be assured that confidentiality will be maintained. This is important in case the matter is not proven and to prevent the matter from escalating.   |
| Neutrality                              | the person in charge of an investigation or resolution should never have been directly involved in the incident they are investigating or attempting to resolve. Impartiality towards all parties involved is crucial. Everyone involved should have the confidence in the person who is undertaking the resolution process.   |

Communication of process

all parties need to be informed of the resolution process, how long it will take and what they can expect will happen during and at the end of the process. Note: It is very important to communicate with the person who has made a complaint when any delays occur.

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Documentation

documentation is important to any formal investigation or resolution action. Even if the matter is not formally investigated, a record should be made of all meetings and interviews detailing who was present and the agreed outcome(s).

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Natural justice

the principles of natural justice should be followed in all formal investigations. These principles are designed to protect all parties involved.

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**Note:**

**These Principles hold true for both adult and child bullying and harassment and reflect the principles of the harassment and bullying sections of the Equal Opportunity Policy.**