



EQUAL OPPORTUNITY & SEXUAL HARASSMENT

School Policy and Advisory Guide Reference: http://www.education.vic.gov.au/school/principals/spag/Pages/spag.aspx	Last updated 25/10/2018
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Introduction

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

The school 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.

Our Commitment

Wodonga 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. Our school is enriched by and celebrates the diversity of our whole school community.

The school is committed to ensuring that the working environment is free from discrimination, harassment, bullying, vilification and victimization, and that these behaviours will not be tolerated under any circumstance. Wodonga Primary School acknowledges that in society, some people are treated unfairly or unfavourably because of irrelevant personal characteristics such as their sex or race. The 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 status
- 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.

This Policy pertains to all programs run/organized by Wodonga Primary School, including Out of School Hours Care, unless a more specific policy applies whereby both policies should be read in conjunction.



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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 Wodonga Primary School provides.

While both women and men can experience discrimination, harassment, vilification, bullying and victimisation, Wodonga Primary School acknowledges that several forms are experienced either solely or disproportionately by women (such as pregnancy, carer status and sexual harassment). Wodonga Primary School will work to address gender inequality as the root cause of these forms of discrimination.

Under the *Victorian Equal Opportunity Action 2010* all organisations have a **positive duty** to be proactive about discriminatory practices. Wodonga Primary School recognises the impacts of gender-based discrimination and harassment, and is committed to building a school culture that challenges the stereotypes, power differences and social norms that foster gender inequality.

On behalf of the whole school community, the Principals, School Council, 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 Wodonga 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.

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 impairment.

Harassment is unacceptable at Wodonga Primary School.

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 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.

Examples: 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, stalking, indecent assault or rape (which are also criminal offences).

Racial and religious vilification is unacceptable at Wodonga Primary School.

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 Wodonga 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 towards the same person or group of people. Bullying can be physical, verbal or indirect, and creates an unfriendly, threatening or offensive environment.

Examples: Repeatedly taking or damaging the same person's property, repeatedly excluding or isolating someone, repeatedly subjecting someone to homophobic abuse, repeatedly deliberately withholding information so as to affect their work performance, threatening not to renew an employment contract.

Victimising someone who makes an EO and/or Sexual Harassment complaint is unacceptable at Wodonga Primary School.

Victimisation means treating someone unfairly or otherwise disadvantaging them because they have made an EO and/or Sexual Harassment complaint or might do so in the future.

Wodonga Primary School will take action to prevent discrimination, harassment, vilification, bullying and victimisation and to promote a safe and inclusive school.

Wodonga Primary School will take immediate and appropriate action to address and resolve EO and/or Sexual Harassment issues and complaints.

Wodonga 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 of Human Rights and Responsibilities Act 2006 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, board, 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

Wodonga 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 policy may include:

- [Managing Diversity and Inclusive Workplaces](#)
- Complaint Resolution Procedures
- [Health, Safety and WorkSafe](#)
- [Building Respectful and Safe Schools](#)
- School codes of conduct
- Student Engagement policy
- Charter of Human Rights and Responsibilities Act 2006 including any relevant [Department policies](#)

Rights and Responsibilities

Under this policy, Wodonga 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 is accountable for implementation of this policy.

The Principal may appoint an EO and Anti-Harassment Coordinator to support implementation of this policy.

Wodonga Primary School encourages all staff and students to report actions or behaviours that contravene our values, policies and Code of Conduct, and take appropriate bystander action to intervene safely and respectfully when they see or hear about sexist language, sex discrimination, sexual harassment or a potentially violent situation in the school community.

Review & Evaluation

This policy will be reviewed regularly and ratified by School Council if updated.

Complaints Procedures

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

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 should feel welcome, supported and emotionally and physically secure at school.

The wellbeing of all students and staff is a priority for Wodonga Primary School. We understand that you cannot achieve your potential if someone is treating you unfairly, discriminating against you, vilifying, harassing or victimising you.

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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 the school or goods, services or sport provided by the school.

If you are a member of staff:

Wodonga Primary School acknowledges that staff may sometimes be victim of sexual harassment from students, staff members or members of the school community and commits to treating complaints seriously and behaviour which constitute an EO issue or sexual harassment and to take immediate action. 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 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 the Kids Help Line, telephone 1800 55 1800.

If the unfair treatment or harassment persists, you can call the Victorian Equal Opportunity & Human Rights 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.

Wodonga 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.

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The Principal (or someone else they appoint) has responsibility for investigating complaints of discrimination, sexual harassment, 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. The 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.

Wodonga 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.

Wodonga 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

- **DET Regional office - Benalla**
Phone: 03 8392 9500
PO Box: 403, Benalla, Victoria, 3672
Location: 150 Bridge Street East, Benalla, Victoria 3672
- **The Victorian Equal Opportunity and Human Rights Commission**
Phone: 1300891848
Location: Level 3, 204 Lygon Street, Carlton 3053.
- Kids Helpline: 1800 55 180

Review

This policy will be reviewed as part of a three-year cycle.