



Prevention of Discrimination Policy

Policy Document Information

Policy Name:	Prevention of Discrimination Policy
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Compliance	
Board of Studies	Registered and Accredited Individual Non-government Schools (NSW) Manual May 2012 (incorporating changes from 2004 to 2012)
Department of Education, Employment and Workplace Relations	Commonwealth Schools Assistance Act 2008
Legislative requirements	NSW Education Act 1990
Other Policy Relationships	Code of Conduct Complaints and Grievances (Conflict Resolution) Policy Pastoral Care Policy
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1 Introduction

Student **Welfare** refers to the mental, physical, emotional and spiritual well-being of the student. Accordingly, the provision of student welfare policies and programs is essential in developing a sense of self-worth and fostering personal development. Because of the comprehensive nature of the school curriculum, student welfare will be affected by a range of matters.

It is noted that some school-based activities will be subject to a variety of 'policy areas'. It is also noted that each policy is not mutually exclusive - there are implicit and explicit interrelationships between many policies.

2 Safe and Supportive Environment

All staff members must ensure students have a safe and supportive environment. A safe environment for students is one where the risk of harm is minimised and students feel secure.

Harm relates not only to dangers in the built environment, involving such matters as architecture and construction, lighting, space, facilities and safety plans, but also refers to violence, physical threats, verbal abuse, threatening gestures, sexual harassment and racial vilification.

A supportive environment facilitates and enhances the social, academic, physical and emotional development of students. (*Registered and Accredited Individual Non-government Schools (NSW) Manual Section 3.6.2*)

3 Discrimination

Discrimination is a form of abuse towards another person or group of people.

Abuse towards any other person, whether it is physical or verbal, is an affront to God. God calls upon us to honour all men and women because all have been created in His image. Biblical principles clearly condemn discriminatory behaviour. Kuyper Christian School is committed to a school environment which is free from discriminatory and abusive behaviours. In making this commitment the school expects that all staff and students will maintain appropriate standards of behaviour and will respect individual differences.

In particular, staff and students should not be subjected to behaviour, practices, policies or processes that may constitute unlawful discrimination, harassment, victimisation or vilification.

4 Definitions – Discrimination

The definitions contained in this policy are framed with reference to specific legislation and concern unlawful discrimination. Not all unacceptable behaviour may be considered "discriminatory", but will still be proscribed by other school policies or rules, such as, for example, those covering work performance issues, staff or student misconduct or the principles enshrined in the Kuyper Christian School Code of Conduct.

- 4.1 Discrimination** is unfair or inequitable treatment on the basis of the characteristics and attributes listed in the section *Characteristics or Attributes*.
- 4.2 Harassment** is behaviour, comments or images that are unwelcome, offensive or intimidating and that, in the circumstances, a reasonable person should have expected would be offensive or intimidating.
- 4.3 Victimization** is any unfavourable treatment of a person as a consequence of their involvement in a grievance under the school's grievance procedures. Unfavourable treatment may include such things as adverse changes to their work or study environment, denial of access to resources, work opportunities or training, or ostracism.
- 4.4 Vilification** is the public incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race of that person. Vilification does not include, for example, legitimate academic debate about issues that might include discussions of race.

5 Forms Of Discrimination

Direct discrimination: treating someone in an unfair or less favourable way because of one or more characteristics or attributes.

Indirect discrimination: an unnecessary rule or requirement that is the same for everyone but has the effect of disadvantaging individuals and groups sharing the same characteristics or attributes.

Systemic or institutional discrimination: covert or hidden discrimination against particular groups (often unconscious) built into the seemingly neutral practices and policies of an institution or organisation.

5.1 Characteristics Or Attributes

The following are the main attributes covered by anti-discrimination legislation:

- Sex, pregnancy or potential pregnancy
- Race or colour
- National or ethnic origin
- Marital or carer status
- Breastfeeding requirements
- Sexual preference or orientation
- Disability, including HIV Aids status
- Age
- Religious or political beliefs
- Membership or non-membership of an industrial association
- Family responsibilities

6 Obligations on Staff, Students and Parents

All staff, students and parents are expected to contribute to the removal of discrimination and harassment from Kuyper Christian School.

All members of the school community can actively participate by:

- Speaking up. People should be made aware that discriminatory and/or harassing behaviour is unacceptable.
- Promoting mutual respect between individuals, irrespective of whether they are students, parents or members of staff.
- Fostering informed attitudes and behaviour which support the prevention of discrimination objectives.

7 Premises

At Kuyper all the premises are designed and constructed as to be accessible to a person with a disability

8 Sexual Discrimination

Sexual discrimination occurs when a person is treated less fairly than another person because of their sex or marital status or because they are pregnant. This is direct discrimination. Indirect discrimination can also occur when a requirement that is the same for everyone has an unfair effect on some people because of their sex, marital

status, pregnancy or potential pregnancy.

The Sex Discrimination Act 1984 makes sex discrimination against the law. The Act gives effect to Australia's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and parts of International Labour Organisation Convention 156. Its major objectives are to:

promote equality between men and women;

eliminate discrimination on the basis of sex, marital status or pregnancy and, with respect to dismissals, family responsibilities; and

eliminate sexual harassment at work, in educational institutions, in the provision of goods and service, in the provision of accommodation and the administration of federal programs.

Accordingly, Kuyper Christian School expects that all staff and students will maintain appropriate standards of behaviour and will respect individual differences.

9 Sexual Harassment

Complaints of sexual harassment will be dealt with promptly, and with strict confidentiality, sympathetically and impartiality by the Principal with due regard for the sensitivity of the issue, and the privacy and rights of the individual concerned.

If a student or staff member experiences such conduct, confidential advice and assistance is immediately available from the Principal.

9.1 Sexual Harassment - Definitions

9.1.1 Sexual harassment is any unwelcome conduct, including comments, attention or contact of a sexual nature that a reasonable person would have anticipated would cause the person subjected to that conduct offence, humiliation or intimidation. It can be verbal, physical, written or visual.

9.1.2 Activities conducted in the context of mutual attention or consenting friendship do not constitute sexual harassment.

9.1.3 Examples of sexual harassment may include:

- the distribution or display of offensive pictures or written material;
- repeated unwelcome requests for social outings or dates;
- offensive comments about a person's physical appearance, dress or private life (excepting constructive or correctional comments by the Principal with regard to appearance, dress or life style);
- jokes, intrusive questioning, messages or telephone calls of a

sexual nature;

- direct propositioning or subtle pressure for sexual favours;
- leering or unnecessary familiarity;
- unwanted physical conduct, such as patting, pinching or touching; or sexual assault;
- persistent questions or insinuations about a person's private life; or,
- offensive phone calls, letters, e-mail messages or computer screen savers, SMS texts or images.

9.2 In relation to sexual harassment it is against the law to victimise a person who:

- has made a complaint;
- intends to make a complaint;
- acts as a witness;
- intends to act as a witness;
- supports a victim or; intends to support a victim.

A person is *victimised* if threatened, harassed, harmed or subjected to any form of detrimental action.

10 Unreasonable Behaviour

Difficulties can arise in determining what behaviour goes beyond the boundaries for what is “welcome”. Staff should be careful not risk being misunderstood and thus becoming the subject of complaint. Some people find particular types of behaviour offensive when others would not. The behaviour must always be considered from the point of view of the person receiving it. Innocent intention is no defence to sexual harassment.

Put simply, no one should tolerate sexual harassment.

All members of Kuyper Christian School community will make every effort to:

- create a working and learning environment that is free from sexual harassment and where all members of the school community are treated with dignity, courtesy and respect;
- implement training and awareness raising strategies to ensure that all staff and students know their rights and responsibilities;
- provide an effective procedure for complaints based on the principles of natural justice;
- treat all complaints in a sensitive, fair, timely and confidential manner;

- guarantee protection from any victimisation or reprisals;
- encourage the reporting of behaviour which breaches the sexual harassment policy; and
- promote appropriate standards of conduct at all times.

In summary, Kuyper Christian School will take every reasonable step to ensure that all staff and students should enjoy a working environment free of all forms of discrimination, including sexual harassment.