

DIVERSITY AND INCLUSION POLICY



PURPOSE

The purpose of this policy is to explain Seaholme Primary School's commitment to making sure every member of our school community, regardless of their background or personal attributes, is treated with respect and dignity. Seaholme Primary School strives to provide a safe, inclusive and supportive school environment for all students and members of our school community.

SCOPE

This policy applies to 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, excursions, parent-teacher interviews, access to facilities, school events outside school hours)
- school sport
- employment at the school (recruitment, allocation of duties, employment conditions, access to benefits such as training, promotion and leave).

DEFINITIONS

Personal attribute: a feature of a person's background or personal characteristics that is protected by State or Commonwealth anti-discrimination legislation. For example: race, disability, sex, sexual orientation, gender identity, religion etc.

Discrimination

Any form of discrimination is unlawful and, accordingly, is unacceptable at Seaholme Primary School. **It is unlawful to discriminate even when it was not your intention to discriminate. It is also unlawful to victimise or treat unfavourably a person who has complained of discrimination.**

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 the 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

Gender Identity

Gender identity has the potential for discriminatory and unfair treatment. Below are the definitions Gender Identity and Intersex status outlined in the *Sex Discrimination Act 1984 (Cth)* (SD Act). Seaholme Primary School

DIVERSITY AND INCLUSION POLICY



supports students' gender identity, including those with intersex status, in line with both the *Victorian Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)*.

Gender identity is broadly defined in the as meaning 'the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth'.

By this definition, the *Sex Discrimination Act* therefore affords protection from discrimination for persons who identify as men, women or also as neither male nor female. It does not matter what sex the person was assigned at birth, or whether the person has undergone any medical intervention. Some terms used to describe a person's gender identity include trans, transgender and gender diverse. The *Sex Discrimination Act* does not use these labels; however it is intended to cover these identities and more.

Intersex Status is defined by the *Sex Discrimination Act* as meaning 'the status of having physical, hormonal or genetic features that are:

- a) neither wholly female nor wholly male; or
- b) a combination of female and male; or
- c) neither female or male.'

(See **Gender Identity Policy** for further information)

Harassment

Harassment is unlawful under the *Equal Opportunity Act 2010 (Vic)* and, accordingly, harassment is unacceptable at Seaholme 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 our 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, stereotypical jokes and offensive comments

Bullying, harassment and other forms of inappropriate behaviour targeting individuals because of their personal attributes will not be tolerated in our school community. Students who may have experienced or witnessed this type of behaviour are encouraged to speak up and to let their teachers, parents or carers know about those behaviours to ensure that inappropriate behaviour can be addressed.

Seaholme Primary School will take appropriate measures, consistent with its *Student Wellbeing and Engagement* and *Bullying and Harassment* policies to respond to discriminatory behaviour or harassment at our school. Students that are involved in bullying or harassing others on the basis of their personal attributes will be supported to understand the impact of their behaviour.

Sexual Harassment

Sexual harassment is unlawful and prohibited under the *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Commonwealth)*. Accordingly, sexual harassment is unacceptable at Seaholme Primary School.

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.

DIVERSITY AND INCLUSION POLICY



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

Sexual harassment is **not** behaviour that is based on mutual attraction, respect and friendship. If the interaction between individuals is consensual, welcome and reciprocated, it is not sexual harassment.

Sexual harassment is not only unlawful during working hours or on school premises. Sexual harassment is unlawful if it occurs at any work related function or activity; including conferences, work functions, business trips and social events. Sexual harassment can extend to unwanted invitations, telephone calls, emails or SMS messages outside of working hours.

Racial and Religious Vilification

The *Racial and Religious Tolerance Act 2001 (Vic)* prohibits any form of racial and religious vilification and, accordingly vilification is unacceptable at Seaholme Primary School. All staff will be made aware of, and provided with access to information relating to the Racial and Religious Tolerance Act 2001.

Vilification is behaviour (through words or actions) that incites hatred, serious contempt for, revulsion or severe ridicule of another person or group of people on the grounds of their race or religious belief. humiliate another.

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

Workplace Bullying

The Occupational Health and Safety Act 2004 (Vic) imposes legal responsibilities on both employers and employees. These duties and responsibilities extend to risks to health and safety from workplace bullying and occupational violence. [WorkSafe Victoria](#) has released a Guidance Note on the prevention of bullying and violence in the workplace.

The Guidance Note provides practical advice on how to eliminate or reduce the risks of harassment, bullying or violent behavior in the workplace, whether the source of such behavior is internal (employees, including principal class employees) or external (subcontractors and other visitors).

Workplace bullying is unlawful and, accordingly, is unacceptable at **Seaholme Primary School**. (See [DET Workplace Bullying Policy](#))

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

What is not bullying?

Reasonable management actions carried out in a fair and reasonable manner are not bullying. Such actions could include:

Examples: setting realistic performance goals, standards and deadlines; not selecting an employee for promotion if they are not the best candidate for the position; informing an employee about unsatisfactory work performance; informing an employee about inappropriate behaviour; setting performance goals, standards and deadlines

DIVERSITY AND INCLUSION POLICY



Victimisation

Victimisation is unlawful conduct, whereby a person is treated unfavourably or disadvantaged following the filing, or anticipated filing, of a workplace complaint, or through taking a workplace complaint to the Equal Opportunity Commission. Accordingly, victimisation is unacceptable at Seaholme Primary School.

POLICY IMPLEMENTATION

Commitment Statement

Seaholme 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. This school is enriched by, and celebrates, the diversity of our whole school community. For these reasons discrimination, harassment, vilification, bullying and victimisation will not be tolerated at Seaholme Primary School under any circumstances.

Seaholme Primary School is committed to ensuring that the working environment is free from discrimination, harassment, bullying, vilification and victimisation.

Equal Opportunity

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
- carer and parental status
- disability (including physical, sensory and intellectual disability, work related injury, medical conditions, and mental, psychological and learning disabilities)
- employment activity
- gender identity, lawful sexual activity and sexual orientation
- industrial activity
- marital status
- physical features
- political belief or activity
- pregnancy and breastfeeding
- race (including colour, nationality, ethnicity and ethnic origin)
- religious belief or activity
- sex
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

Inclusion and diversity

Seaholme Primary School is committed to creating a school community where all members of our school community are welcomed, accepted and treated equitably and with respect regardless of their backgrounds or personal attributes such as race (including Aboriginal and Torres Strait Islanders), language, religious beliefs, gender identity, disability or sexual orientation so that they can participate, achieve and thrive at school.

Seaholme Primary School acknowledges and celebrates the diversity of backgrounds and experiences in our school community and we will not tolerate behaviours, language or practices that label, stereotype or demean others.

It is unlawful for any person or group of people to be treated less favourably because they possess any of these personal characteristics. No member of the school community will be treated less favourably should they possess any of these personal characteristics, nor will such characteristics affect access to the benefits and services Seaholme Primary School provides.

Seaholme Primary School will:

DIVERSITY AND INCLUSION POLICY



- ensure that all students and members of our school community are treated with respect and dignity
- ensure that students are not discriminated against and where necessary, are accommodated to participate in education and all school activities (e.g. schools sports, concerts, excursions, camps) on the same basis as their peers
- acknowledge and respond to the diverse needs, identities and strengths of all students
- encourage empathy and fairness towards others
- challenge stereotypes that promote prejudicial and biased behaviours and practices
- contribute to positive learning, engagement and wellbeing outcomes for students.
- will take action to prevent discrimination, harassment, vilification, bullying and victimisation and to promote a safe and inclusive school.
- will take immediate and appropriate action to address and resolve any issues and complaints
- will take action to promote a human rights approach to diversity, inclusion and Equal Opportunity, 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.
- Support and respect a staff member or student's choice to identify as their desired gender when this does not align with their designated sex at birth.
- Respect privacy and confidentiality in relation to gender identity and intersex status.

Cultural and Class Celebrations

Our school is a multicultural community with a broad range of political, cultural and religious beliefs and viewpoints. At the same time, our school is Australian, and we live in a predominantly Christian society with predominantly Christian views.

The school will:

- celebrate all of the typical special occasions including Christmas and Easter. Our end-of-year concert may have a Christmas theme and include Santa Claus and Christmas carols etc; but we will also ensure that the program invites other groups to participate and feature their own cultural celebrations at the same time.
- explore other cultural celebrations that occur within families across the school, and will provide opportunities for children and families to celebrate their special occasions throughout the school year
- No child will have to partake in cultural celebrations that they or their parents do not approve of, and will instead be provided with alternative activities
- Multicultural events and occasions will be regular features of our school's calendar and our multiculturalism will be celebrated.

Class celebrations must have prior approval from a member of the principal class and, if off site, are subject to the planning and approval processes outlined in the school's Camps and Excursions policy, and are subject to the following:

- Parents are to be informed of all class parties or celebrations in writing
- Parents will be informed in writing that food may be shared and that if their child has allergies, they should not inform the school in writing
- The school has a focus on the promotion of healthy lifestyles, healthy foods should form the basis of all school activities involving food and drink.
- Teachers will ensure that their duty of care to the students is not compromised during a class celebration, a teacher's duty of care and legal responsibility are not diminished.

DIVERSITY AND INCLUSION POLICY



- The timing of class celebrations must be considered, and involve little or no disturbance to surrounding classes. If multiple classes are considering celebrations for the same event (eg: end of the school year) it would be prudent to hold them at the same time.
- The clean-up and disposal of rubbish associated with parties and celebrations is the responsibility of the classroom teacher and students involved.

Rights and Responsibilities

Under this policy, every member of Seaholme 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 of Seaholme Primary School is accountable for implementation of this policy.

Seaholme Primary School also understands that it has a special obligation to make reasonable adjustments to accommodate students with disabilities. A reasonable adjustment is a measure or action taken to assist all students to participate in their education on the same basis as their peers. Reasonable adjustments will be made for students with disabilities through our Student Support Group processes in consultation with the student, their parents or carers, their teachers and if appropriate, their treating practitioners.

For more information about support available for students with disabilities, please refer to our school's *Student Wellbeing and Engagement* policy or contact the student welfare coordinator for further information.

Complaints Procedures

Seaholme Primary School 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 promptly as possible. **(See Concerns and Complaints Policy)**

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.

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 Seaholme Primary School or goods, services or sport provided by Seaholme Primary School.

If you are a member of staff:

Please refer to the Department's Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct guidelines available [here](#).

If you are a parent or guardian:

Please refer to DET's [Parent Complaints](#) guidelines available [here](#).

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

DIVERSITY AND INCLUSION POLICY



- 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 Wellbeing 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).

Seaholme 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.

Grievance officers have been appointed within Seaholme Primary School to investigate complaints of discrimination, harassment, bullying, vilification and victimisation. These individuals have an in-depth understanding of the details of this policy document and have received specific training on dealing with grievances should they arise. The designated grievance officers within Seaholme Primary School are:

- Principal Class Employees
- Wellbeing and Engagement Coordinator
- Occupational Health and Safety Co-ordinator

Information about the current incumbents of these positions is displayed within the Seaholme Primary School staffroom and other designated areas around the premises.

Consequences:

If proven, the consequences of such behaviour may include counselling, the removal of privileges; a parental interview, suspension or expulsion. Seaholme Primary 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 if the complaint relates to the conduct of students.

Seaholme 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.

Whilst Seaholme 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.

DIVERSITY AND INCLUSION POLICY



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 grievance contact(s) (listed above)
- DET contacts including the regional office and Student Wellbeing Branch
- VEOHRC contact details
- School Council contacts
- Parent support contacts
- Student contacts [helplines]

FURTHER INFORMATION AND RESOURCES

Related school policies

- Child Safe Policy
- Concerns and Complaints Policy
- Duty of Care Policy
- Digital Technologies Acceptable use Policy
- Camps and Excursions Policy
- Code of Conduct Policy
- Critical and traumatic Incident Policy
- Student Engagement and Wellbeing Policy
- Bullying and Harassment Policy

Other Resources and References

School Policy and Advisory Guide:

- [Inclusive Education](#)
- [Koorie Education](#)
- [Teaching Aboriginal and Torres Strait Islander Culture](#)
- [Safe Schools](#)
- [Supports and Services](#)
- [Program for Students with Disabilities](#)
- Equal Opportunity Act 2010 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)

EVALUATION AND REVIEW

This policy will be reviewed in response to any incident; as part of the school's review cycle and/or if there are changes in legislation, policy or local circumstances.