



EQUAL OPPORTUNITIES, DISCRIMINATION, HARRASSMENT AND BULLYING POLICY

Adopted By: Principal

Review Date: 28/06/2022

To Be Reviewed: Annually

Scope

Alkimos Baptist College is committed to providing a non-discriminatory environment within Biblical principles. The College acknowledges that discrimination on the basis of gender, age, ethnic background, disability, marital status or pregnancy (including potential pregnancy) is illegal.

The College aims to ensure 'all reasonable steps' are taken to provide equal opportunities to all members of the College community (students, parents and staff) and prevent discrimination or harassment. This policy applies to all staff, students, parents, volunteers and Board Members of the College.

Purpose

This policy is framed around two important determinants:

- a. The Biblical Christian Teaching on the equality of all human beings in the sight of God and humans. "All the old fashions are now obsolete. Words like Jewish and non-Jewish, religious and irreligious, insider and outsider, uncivilized and uncouth, slave and free, mean nothing. From now on everyone is defined by Christ, everyone is included in Christ." (Book of Colossians 3:11)
- b. The relevant Federal and State legislation as cited in this policy.

Students at Alkimos Baptist College have a right to be treated fairly by everyone at the school. They should enjoy the same legal protections as adults with regard to discrimination. The College staff and parents also need to feel safe from discrimination.

Discrimination occurs when someone is treated unfavourably or less favourably because of who they are or what they believe. It is against the law for people to be treated unfavourably or differently

because of their gender, race/ethnicity, family relationships, age or religious beliefs. It is also against the law to treat people unfavourably because of a physical, emotional or mental impairment.

The school already enforces fair treatment for everyone through the *Bullying Prevention Policy*. In some ways, racial or sexist comments and jokes that make fun of someone in a sexual context or sexual preference or a disability are just another kind of bullying. Everyone must have the same rights to equal treatment when it comes to classroom opportunities, enrolment and disciplinary matters.

The College maintains that everyone has the right to feel safe and be protected from bullying, harassment, intimidation and discrimination.

1. Policy on Equal Opportunity Discrimination and Harassment

1.1 Compliance with Equal Opportunity Laws

Alkimos Baptist College intends to be fully compliant with the laws and principles embodied in the Racial Discrimination Act 1975, the Sex Discrimination Act 1984, the WA Equal Opportunity Act 1984 (with amendments), the Affirmative Action (Equal Employment Opportunity for Women) Act 1986 (with amendments), and the Disability Discrimination Act 1992.

1.2 Commitment to Equal Opportunity

Alkimos Baptist College is committed to adopting principles, policies and procedures which are best practice in the areas of equal opportunity and discrimination. The College rejects inappropriate distinctions, except where in contravention of the College's Christian beliefs, on the grounds of race, sex, pregnancy, marital status, age, sexual orientation (exemption applicable regarding employment), family responsibility, family status, political conviction, religious belief (exemption applicable regarding employment), or impairment (not affecting employee work performance).

1.3 Applicability of Equal Opportunity Laws

The College accepts responsibility, both as an employer and as a supplier of education to provide a non-discriminatory, harassment-free and intimidation-free working and learning environment. All College staff, students and parents must comply with this policy, report all breaches of this

policy, and accept responsibility for the creation and maintenance of working, teaching and learning environments free from all forms of discrimination.

1.4 Discrimination Defined

Discrimination can be defined as any practice which makes a distinction between individuals or groups so as to disadvantage some and advantage others. Discrimination is only unlawful, however; if it relates to an unlawful act occurring within a regulated area – currently race, sex, pregnancy, marital status, age, sexual orientation, family responsibility, family status, political conviction, religious belief or impairment (not affecting employee work performance).

1.5 Direct Discrimination

Occurs when a person is treated less favourably than another person or group of persons because of a particular characteristic or attribute. In order to establish whether a complainant has been subjected to direct discrimination, three conditions must be present – less favourable treatment; the treatment is based on an attribute or characteristic for which discrimination is prohibited; the treatment occurs in circumstances which are the same or not materially different to a non-discriminatory situation.

1.6 Indirect Discrimination

Occurs when an apparently neutral rule, policy or practice is the same for everyone, but has an adverse effect or result on a particular individual or group and is not reasonable having regard to the circumstances. Organisational policies, procedures, rules and regulations can constitute discrimination if:

- they have the effect of discriminating against a person on the grounds of race, sex, pregnancy, marital status, age, sexual orientation, family responsibility, family status, political conviction, religious belief, or impairment; and
- they are not reasonable having regard to the circumstances of the case.

1.7 Consequences of Discriminatory Conduct

The College will take all reasonable measures to ensure that conduct of a nature which is likely to be, or is taken as, discrimination or harassment, does not occur. Staff who behave in a

discriminatory manner will be subject to appropriate disciplinary action, including possible dismissal. Students (or parents) engaging in behaviours which constitute discrimination or harassment will be suspended for a first instance, and ongoing or major discriminatory behaviour will result in enrolment termination. Whether relating to a student, parent or staff member, when an activity constituting discrimination or harassment is brought to the attention of the College, the College will intervene if the activity:

- is in breach of the law
- creates an intimidating, hostile, offensive or non-supportive environment
- adversely affects a student's performance
- adversely affects a student's academic prospects.
- reflects adversely on the Christian ethos, integrity and standing of the College

2. Vicarious Liability

2.1 The College may be vicariously liable for unlawful acts of discrimination and harassment by College staff members, students, or any member of the College community in connection with their education, employment or duties.

The Principal must be notified of all complaints of unlawful discrimination and harassment and will notify the College Board of Directors of such complaints.

It is the responsibility of every staff member to ensure that they know what constitutes discrimination, that they report all acts of discrimination, that they are vigilant against all forms of discriminatory behaviour and that the steps taken to prevent discrimination, whether in the educational or work environment, are active and preventative measures. Lack of awareness that the discrimination was occurring is not a defence.

2.2 A school can also be held liable for discrimination committed by its agents. The discriminator has to be performing duties on behalf of the College and could include:

- Volunteers (e.g. Parents assisting in the College, volunteer coaches, etc)
- Office Bearers (e.g. Student Councillors)
- Holders of unpaid honorary positions (e.g. Committee or Board members)

- Contractors and consultants

3. The Equal Opportunity Act WA

3.1 The College is committed to equal employment opportunity and diversity, where the rights of individuals are upheld and everyone is treated with respect, fairness, equality and dignity. All staff are obligated to report all instances of discrimination and harassment and to eliminate discrimination and harassment in the College's structure, policies, procedures, culture, curriculum and working and learning environments.

3.2 Under the *Equal Opportunity Act 1984 (WA)* it is unlawful to discriminate against a person either directly or indirectly on any of the following grounds:

- race (includes colour, nationality, ethnic or national origin or descent and may comprise two or more distinct races, and the race of a relative or associate of the person)
- sex
- marital status of the student's care givers (the status of being single, married, separated, divorced, widowed or defacto) - for the purposes of employment at Alkimos Baptist College an exemption under Section 73 of The Equal Opportunity Act applies, where manner of life issues are related to the Christian beliefs of the College
- pregnancy
- impairment – any defect or disturbance in the normal structure or function of a person's body or brain; any illness or condition which impairs a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour. The impairment can relate to an individual or a relative or associate of the person
- religious conviction (includes a lack or absence of religious conviction except for the purposes of employment at Alkimos Baptist College – exemption under Section 73 Equal Opportunity Act)
- political conviction (includes a lack or absence of political conviction)
- age (or the age of a relative or associate of the person)

- family responsibility or family status (having the responsibility for the care of another person, whether or not that person is a dependant, other than in the course of paid employment)
- family status (the status of being a particular relative or the status of being a relative of a particular person)
- gender history (it is unlawful to discriminate against a 'gender reassigned person' on the ground of that person's gender history. A gender-reassigned person is defined to mean a person who has been issued with either a recognition certificate, or an equivalent certificate. 'Gender history' means a person who identifies as a member of the opposite sex by living, or seeking to live, as a member of the opposite sex. 'Opposite sex' means a sex of which the person was not a member at birth.)
- in relation to a person's 'sexual orientation', means heterosexuality, homosexuality, or bisexuality, and includes the sexual orientation imputed to the person (except for the purposes of employment at Alkimos Baptist College – exemption under Section 73 Equal Opportunity Act WA) and the sexual orientation of a relative or associate of the person.

4. Affirmative Action Policy

4.1 For students, the Affirmative Action Program will include the provision of an inclusive educational environment that is free from prejudice and direct and indirect discrimination. This includes the implementation of strategies to improve access to non-traditional areas of study for both female and male students.

5. Sex Discrimination and Sexual Harassment

5.1 It is this College's policy to provide a learning environment which is free of sex discrimination or sexual harassment.

5.2 The Sex Discrimination Act 1984 and the Equal Opportunity Act 1984 WA are similar pieces of legislation relating to sex discrimination and sexual harassment.

5.3 The ***Sex Discrimination Act*** aims to:

- Promote equality between men and women

- Eliminate discrimination on the basis of sex, marital status, family responsibility and pregnancy, with respect to appointment, promotion and dismissal

5.4 The Sex Discrimination Act 1984 can be accessed through:
http://www.hreoc.gov.au/sex_discrimination/

5.5 *The Equal Opportunity Act WA* states that it is unlawful to discriminate on grounds which include:

- sex
- marital status
- pregnancy
- family responsibility
- family status.

5.6 A copy of the Equal Opportunity Act 1984 Act can be viewed through <http://www.slp.wa.gov.au>

5.7 **Sex discrimination** occurs when a person is treated less fairly than another person because of their sex or marital status or because they are pregnant or potentially pregnant. Examples include - refusing to enrol a student who is pregnant.

5.8 **Indirect discrimination** occurs where a requirement or condition is set that can more easily be met by persons of one group than another. For example, a school which timetabled in a way that made it difficult for boys to do cooking or childcare or a girl to take sport or woodwork.

5.9 **Sexual harassment** is unwelcome sexual conduct, remarks or innuendo aimed at an individual or a group of people that creates an uncomfortable environment for the recipient.

5.10 A person sexually harasses another person if:

- the act is unwelcome
- it is reasonable in the circumstances that the person who was harassed felt offended, humiliated or intimidated
- the person being harassed believed that resistance would in any way lead to disadvantage in his or her education or employment.

5.11 Sexual harassment can take a variety of forms and may involve physical contact, verbal remarks or non-verbal conduct of a sexual nature:

- Uninvited touching, kisses or embraces
- Sexual jokes, offensive sexual comments, innuendos or propositions (written, verbal or sent electronically)
- Sexually explicit conversation
- Making promises or threats in return for sexual favours
- Displays of sexually graphic material including posters, pin-ups, cartoons, graffiti or messages left on notice boards, desks or lockers
- Repeated invitations to go out, especially after prior refusal
- 'Flashing' or sexual gestures
- Sex based insults, taunts or name-calling
- Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them, patting, pinching, fondling
- Staring, or leering at a person or at parts of their body and making suggestive comments about their appearance or making sexual gestures
- Touching or fiddling with a person's clothing e.g. flicking bra straps, dacking
- Requests for sex
- Persistent questions or insinuations about a person's private life
- Offensive phone calls, letters, e-mail messages, text messages, computer screen savers, electronic messages
- Stalking.

6. Racial Discrimination, racial harassment and racial hatred

6.1 The relevant Federal legislation is the *Racial Discrimination Act 1975* and the *Racial Hatred Act 1995*. The *Equal Opportunity Act WA* states that it is unlawful to discriminate against an individual on several grounds, including race. Vilification is not unlawful under the WA Equal Opportunity Act; however, written, electronic and pictorial materials amounting to racial harassment or incitement to racial hatred are covered by WA criminal law.

- 6.2** *The Racial Discrimination Act* and *Racial Hatred Act* can be viewed at www.hreoc.gov.au, select the Racial Discrimination section.
- 6.3** It is this College's policy to make every effort to provide a learning environment which is free of racial discrimination, vilification, harassment or hatred.
- 6.4** **Direct racial discrimination** occurs when someone is treated less favourably because of their race, colour, descent, national origin or ethnic origin.
- 6.5** **Indirect racial discrimination** occurs when a policy or a rule that treats everyone in the same way has an unfair effect on people of a particular race, colour, descent, national origin or ethnic origin.
- 6.6** **Racial harassment** occurs when a person threatens, abuses, insults or taunts another person because of their race, and that other person is disadvantaged, or has reasonable grounds for believing that they will be disadvantaged, by taking objection. It includes:
- Jokes or offensive comments about cultural practices
 - Offensive ethnic stereotyping
 - Racially insulting statements, essays, emails, posters or graffiti
 - Name calling
 - Negative comments concerning skin colour, culture or traditions.
- 6.7** **Racial vilification**, or offensive behaviour, based on racial hatred refers to any public acts that are done, in whole or in part, because of race, colour, national or ethnic origin of a person or group and are reasonably likely in all circumstances to offend, insult, humiliate or intimidate that person or group. The act must have occurred either within sight or hearing of other people or in a place to which the general public is invited or has access. The public acts include speaking, singing, drawings, written publications and making gestures as well as drawings and written publications such as newspapers, leaflets and websites. An act that has trivial impact is not unlawful e.g. newspaper articles calling English people 'Poms' are not offensive in themselves, however, an article about English tourists littering a beach headed 'Filthy Poms' was considered offensive and the Human Rights and Equal Opportunity Commission intervened. The newspaper had to issue an apology.

7. College Enrolment Policy

- 7.1** In its Enrolment Policy and procedures, the College is fully committed to and compliant with the Racial Discrimination Act 1975, the Sex Discrimination Act 1984, the WA Equal Opportunity Act 1984 (with amendments) and the Disability Discrimination Act 1992.
- 7.2** The College has a non-discriminatory, open enrolment policy.
- 7.3** *Religious Affiliation of students.* Alkimos Baptist College has been established specifically to provide a Christian education within a Christian environment. Students enrolling at the College are not required to have a commitment to the Christian faith, but are enrolled in the College on the understanding that they will engage in the Christian program of the College and that Christian values and a biblical world view will be incorporated into all aspects of the life of the College, including the Curriculum. Students of any or no religious affiliation are eligible to be enrolled at the College.
- 7.4** *Gender of students.* The College is co-educational. Enrolments will be offered to students on the basis of order of registration.

8. Complaints procedure relating to Equal Opportunity, Discrimination and Harassment at Alkimos Baptist College

8.1 Parents and Students

Parents and students who believe that they have been discriminated against have the right to have the matter redressed in accordance with Alkimos Baptist College *Complaints Policy*.

8.2 Victimization

Victimization is any attempt or threat to subject a complainant to any detriment or threat of detriment due to the lodging of a complaint under the College's Equal Opportunity, Discrimination

and Harassment policy. This includes any person involved in the complaint, either as a witness or as part of an investigation.

8.3.1 Victimization is unlawful under the WA Equal Opportunity Act. Staff members making non vexatious reports are assured that their complaints will not generate adverse consequence

Related Policies:

Bullying Prevention