



**Caloundra City  
Private School**

## **ANTI DISCRIMINATION POLICY**

**Administration**

July 2020

## Anti-Discrimination Policy

<b>Purpose:</b>	Caloundra City Private School is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur.	
<b>Scope:</b>	This policy covers students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements, and Board members.	
<b>Status:</b>	12 August 2020 Version 1.01	<b>Supersedes:</b> New policy
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b> 12 August 2020
<b>References:</b>	<ul style="list-style-type: none"> <li>• <i>Anti-Discrimination Act 1991 (Qld)</i></li> <li>• <i>Australian Human Rights Commission Act 1986 (Cth)</i></li> <li>• <i>Disability Discrimination Act 1992 (Cth)</i></li> <li>• <i>Australian Education Act 2013 (Cth)</i></li> <li>• <i>Age Discrimination Act 2014 (Cth)</i></li> <li>• <i>Racial Discrimination Act 1975 (Cth)</i></li> <li>• <i>Sex Discrimination Act 1983 (Cth)</i></li> <li>• CCPS Disability Discrimination Policy and Procedures</li> <li>• CCPS Sexual Harassment Policy</li> <li>• CCPS Student Bullying Policy</li> <li>• CCPS Child Protection Policy</li> <li>• CCPS Student Code of Conduct</li> <li>• CCPS Employee Code of Conduct</li> <li>• CCPS Complaints &amp; Dispute Resolution Policy</li> <li>• CCPS Complaints &amp; Dispute Resolution Procedure</li> <li>• CCPS Privacy Policy</li> </ul>	
<b>Review Date:</b>	Biennial	<b>Next Review Date:</b> July 2022
<b>Policy Owner:</b>	Board of Caloundra City Private School	

## Acknowledgment

Caloundra City Private School accepts that it is unlawful to discriminate against a person under the terms and conditions of the aforementioned Acts. Caloundra City Private School accepts its responsibility to comply with the above and with all future laws which may be enacted in relation to discrimination.

## Policy Statement

All students and employees at Caloundra City Private School have the right to learn and work in an environment that is safe and free from unlawful discrimination. Caloundra City Private School stands to provide a fair and safe learning and teaching environment where all students and employees have equal opportunities.

Caloundra City Private School is committed to protecting students, employees, volunteers and contractors from unlawful discrimination and to responding appropriately should discrimination occur, including possible disciplinary action. Any instances of discrimination should be reported under the Caloundra City Private School Complaints and Dispute Resolution Policy.

In accordance with relevant law, Caloundra City Private School will act to prohibit unlawful discrimination towards its students and employees, on the basis of 'protected attributes' relevant to the School, whilst they are engaging in their education and work at the School. Both direct and indirect unlawful discrimination are prohibited.

In accordance with the relevant laws and considering each individual's readiness and safety at every stage of the enrolment and education process, Caloundra City Private School may deem it inappropriate for an individual to engage in an aspect of School life. However, Caloundra City Private School prohibits unlawful discrimination against students in all facets of education at the School, including:

- a) admission and enrolment applications
- b) terms of admission and enrolment
- c) variation of the terms of a student's enrolment
- d) denial or limitation of benefits normally resulting from enrolment
- e) exclusion or suspension of students
- f) assessment and examination
- g) access to resources and facilities
- h) treatment of a student in regard to training or instruction

Further, in accordance with the relevant law, Caloundra City Private School prohibits unlawful discrimination against employees undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational placement or voluntary, and in every aspect of work, including:

- a) recruitment
- b) terms and conditions
- c) training
- d) promotion
- e) termination of employment

## Exemptions

The *Anti-Discrimination Act 1991 Act (Qld)* provides a range of particular exemptions in which not all forms of discrimination are against the law in all circumstances.

## Definitions

### ‘Direct discrimination’

Direct discrimination on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

### ‘Indirect discrimination’

Indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose, a term:

- a) with which a person with an attribute does not or is not able to comply; and
- b) with which a higher proportion of people without the attribute comply or are able to comply; and
- c) that is not reasonable.

**Sexual harassment** is any unwelcome conduct of a sexual nature that is done either to offend, humiliate or intimidate another person, or where it is reasonable to expect the person might feel that way. It includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions, and remarks with sexual connotations. It has nothing to do with mutual attraction or consensual behaviour.

**Victimisation** is when someone is treated badly because they refused to do something that would contravene the Anti-Discrimination Act; complained about something that is unlawful under the Act; or were involved in another person’s complaint under the Act.

**Vilification** is a public act or statement that incites hatred towards, severe ridicule of, or serious contempt for a person or a group of people because of their race, religion, sexuality or gender identity. There are two tiers of vilification under the Act: unlawful vilification, which is a civil matter, and serious vilification, which is a criminal offence.

### Attributes of unlawful discrimination

State and Commonwealth law set out “attributes” on which unlawful discrimination is based, including:

- a) sex;
- b) age;
- c) race;
- d) impairment (disability);
- e) relationship status;
- f) pregnancy;
- g) parental status;
- h) lawful sexual activity;
- i) gender identity;

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- j) sexuality;
- k) intersex status
- l) breastfeeding;
- m) family responsibilities;
- n) religious belief or religious activity (*Under Part 4, Subdivision 2 of the Anti-Discrimination Act 1991 (Qld)*);
- o) political belief or activity;
- p) trade union activity;
- q) criminal record; or
- r) association with, or relation to, a person identified on the basis of a prohibited attribute.

The Queensland Human Rights Commission provides definitions for the above attributes.

<https://www.qhrc.qld.gov.au/your-rights/discrimination-law>

### School responsibilities

The legislation establishes a legal responsibility on employers to provide workplaces free from discrimination.

Caloundra City Private School takes reasonable steps to prevent unlawful discrimination in the School, as follows:

- a) develop and implement an anti-discrimination policy to assist in preventing any instances of discrimination;
- b) educate and train employees to assist in preventing any instances of discrimination and to appropriately respond to any instances of discrimination;
- c) establish appropriate complaints procedures via the Caloundra City Private School Complaints and Dispute Resolution Policy in order to appropriately respond to any instances of discrimination;
- d) remove of any discriminatory or offensive materials, rules and practices to assist in preventing any instances of discrimination;
- e) encourage all employees and students to contribute to a healthy workplace culture to assist in preventing any instances of discrimination; or
- f) exercise seriously its duty of care for all current and prospective members of the community, and will therefore consider an individual's readiness and safety at every stage of the enrolment, employment and education process.

## Employee responsibilities

All employees at Caloundra City Private School have a responsibility not to engage in discriminatory conduct and to uphold the School's policies and Codes of Conduct.

All employees at Caloundra City Private School are responsible for familiarising themselves with the relevant legislation and policies regarding discrimination.

If employees believe that this type of behaviour is occurring in the school, they should make a complaint under the Caloundra City Private School Complaints and Dispute Resolution Policy.

## Student responsibilities

All students at Caloundra City Private School have a responsibility not to engage in discriminatory conduct and to uphold the School's policies and Codes of Conduct.

If students believe that this type of behaviour is occurring in the school, they should make a complaint under the Caloundra City Private School Complaints and Dispute Resolution Policy.

## Awareness

- a) Staff and students will be made aware of relevant legislation and policies regarding discrimination.
- b) Professional learning relating to discrimination will be provided for all staff, who in turn will model and practice appropriate non-discriminatory behaviour.
- c) Staff and students will be familiar with the School's approach to anti-discrimination and will be provided with information relating to their rights and responsibilities.

## Management

Concerns raised regarding any aspect within the terms of the policy will be considered and managed according to the Caloundra City Private School Complaints and Dispute Resolution Policy.

## Implementation

Caloundra City Private School is committed to creating a work environment which is free from discrimination and sexual harassment and where all members of the organisation are treated with dignity, courtesy and respect. We have developed a policy on discrimination and sexual harassment, provide regular staff training on discrimination and sexual harassment, and have procedures for complaints.

The School has an obligation to treat all complaints of discrimination, victimisation, sexual harassment, vilification or seeking unnecessary information seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.

All staff contribute to the creation of a discrimination free and inclusive workplace and a healthy workplace culture. Managers have a particular obligation to model appropriate behaviour; promote this policy; treat all complaints seriously and attend to them promptly; monitor the work environment and seek expert help for complex or serious matters. All staff have the responsibility to comply with this policy; report incidents to their managers and not to participate in discriminatory or harassing behaviour.

Persons who make a complaint of discrimination or sexual harassment will not suffer any victimisation by the School for making the complaint. This also applies to persons who agree to be a witness in a complaint or have a complaint made against them. False and/or malicious complaints may lead to legal action being taken against the complainant.

Disciplinary action will be taken by the School against any staff member found to have breached this policy. Action will be appropriate to the breach and may include: an official warning and note on the person's personnel file; a formal apology; counselling; demotion, transfer, suspension; or dismissal for very serious matters.

### Options to address concerns

- a) Make an Internal Complaint
  - i. The starting point to resolving a complaint is to talk with someone. This can be your manager or a member of the School Leadership Team. Tell them what your concerns are; explain what has happened and how it has affected you.
  - ii. The staff member may take immediate action (e.g. removing offensive graffiti or posters).
  - iii. The staff member may provide a range of options. One approach is to centre on the resolution of the issue, without deciding fault. The manager may speak to the person you are making a complaint about, to see if the situation can be resolved simply.
  - iv. Some matters are not resolved so easily, especially if the person being complained about denies or disputes the allegations, or the issues are complex. Your manager (or another manager if appropriate) may handle your complaint or refer it to members of the School Leadership Team or engage an independent external agency. This option will involve an investigation, collecting evidence and witness statements, and making findings and recommendations which will be implemented by the School.

The Principal, Mrs Sherrie Cuthbert ([scuthbert@ccps.qld.edu.au](mailto:scuthbert@ccps.qld.edu.au)) and the Head of Junior School, Mrs Gabrielle Frisby ([gfrisby@ccps.qld.edu.au](mailto:gfrisby@ccps.qld.edu.au)) are available to provide assistance to members of the School Community who are subjected to discrimination and harassment and support management in the prevention and elimination of such behaviour in the workplace.

- b) Make an external complaint
  - i. You can complain to the Queensland Human Rights Commission (QHRC). QHRC has offices in Brisbane, Rockhampton, Townsville, and Cairns and can be contacted on 1300 130 670 statewide. They will send you a complaint form and explain the process to resolve your complaint. The QHRC complaint resolution service is free. The Commission's website [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au) has more information including the complaint form. NOTE: A complaint to the Anti-Discrimination Commission must be made within one year of the incident, unless good reasons for any delay can be shown.
  - ii. Call the Australian Human Rights Commission in Sydney on 1300 656 419 to make a complaint under federal anti-discrimination legislation.

## Gender identity

If a student has identified as having a gender identity different from the sex they were designated at birth and the student and their parents/carers have requested support from the School. In general, the following steps will be followed once the students and parents/carers have requested support.

- a) Parents/carers are to provide the School with a letter from a gender identity specialist or psychologist that outlines the issues and recommendations. This written communication is required so that the School can plan appropriately and develop an individual plan to support the student.
- b) Relevant stakeholders, including the student, their parents, specialists and School staff will meet to formulate strategies and develop an individual support plan for the student whilst they are at school.
- c) The support plan will be trialled for an appropriate amount of time, reviewed and adjusted where necessary.
- d) At all times, the School will aim to respect the privacy and confidentiality of the gender identity of its students so far as is reasonably practicable.
- e) It is important for everyone to understand that a student will be choosing to change their gender identity in an on-going capacity; they will not be entitled to choose different genders on a short-term basis.

## Name changes

If a student's parents/carers have applied to change the student's name on their birth certificate and wish for the School to update their records accordingly, the School will require the student's parents/carers to provide a letter to the School requesting name and pronoun changes. Once received, the School will be able to update the School data base, reporting procedures and arrange for new student ID cards to be made. The School will also require a copy of the student's new birth certificate reflecting their name change once it becomes available.

## Facilities

The School will aim to give careful consideration to the appropriate use of facilities such as toilets, showers and change rooms, in consultation with the student, their parents/guardians and their gender identity specialist/psychologist.

**Policy Responsibility:** School Governing Body

**Review Date:** July 2020

**Next Review Date:** July 2022