



Ave Maria College Handbook

Anti-Harassment / Anti-Discrimination Policy

Mission Statement

Ave Maria College, a Catholic College for young women, is a community striving for excellence, inspired by the values and teachings of the Gospel.

Together we affirm the uniqueness and dignity of each individual and we nurture a vision of hope based on our faith in Jesus Christ. We are committed to preparing each person to meet the challenge of active and responsible participation in our society with its diverse culture and environmental heritage.

As a foundation for life-long education we seek to create an educational environment where students are encouraged to develop skills and to acquire knowledge empowering them to grow towards their full potential.

Introduction

Discrimination and harassment are unlawful under the following:

- Equal Opportunity Act 1995
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Workplace Relations Act 1996

Discrimination and harassment on the basis of any of the attributes listed below are unlawful

1. Age;
2. Lawful sexual activity;
3. Physical features;
4. Industrial activity;
5. Career status;
6. Disability;
7. Marital status;
8. Parental status;
9. Political belief or activity, pregnancy, race;
10. Religious belief or activity;
11. Sex;
12. Personal association with a person who is identified with reference to any of the above attributes.

In July 1999, the CECV published A Gender Equity Framework for Victorian Catholic Schools. This document seeks to support schools in their work for gender equity.

Relationships within and between the sexes, student to student, teacher to student, and teacher to teacher will be characterized by Christian dignity, respect and cooperation. (p7).

Discrimination Free Ave Maria College

At Ave Maria College we value the diversity of our school community and respect the differences between employees and students, recognizing that each person has individual talents and skills to bring to their work. As a condition of their presence at the College, the Policy also applies to visitors. At Ave Maria College we believe that all employees and students are entitled to work in an environment in which they can enjoy their work and their relationships with their colleagues and fellow students, free from unwanted discrimination and harassment of any kind.



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What is Harassment?

Harassment is any behaviour that is unwelcome and is based on one of the legislatively proscribed attributes listed above. It will usually be repeated behaviour, but can also consist of a single act.

Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the work environment unpleasant and sometimes even hostile. If a person is being harassed their ability to do their work is affected. They often become stressed and suffer health problems as a result.

Harassment can often be the result of behaviour that is not intended to offend or harm, such as jokes or unwanted attention. The fact that harassment is not intended does not mean that it is not unlawful. The differences between people should be acknowledged and respected – never ridiculed.

Harassment often involves an abuse of power, for example, a person in a position of authority may harass a person over whom they have authority. Abuse of power can also happen when certain groups are in a minority in the workplace and are therefore in a vulnerable position, for example, people from non-English speaking backgrounds.

It does not include lawful behaviour that is mutually acceptable to the parties.

Types of Harassment

There are many types of harassment. These can range from direct forms, such as abuse, threats, name calling and sexual advances; to less direct forms, such as where a hostile work environment is created, but no direct attacks are made on an individual.

Examples of verbal harassment:

1. Sexual comments, advances or propositions;
2. Racist comments or jokes;
3. Spreading rumours;
4. Belittling someone's work or contribution in a meeting;
5. Repeated unwelcome invitations;
6. Obscene telephone calls, unsolicited letters, faxes, E-Mail.

Examples of non-verbal harassment:

1. Putting offensive material on notice boards, computer screen savers, E-mail, etc;
2. Displaying sexist or racist cartoons or literature;
3. Demoting, failing to promote, or transferring someone because they refuse requests for sexual favours;
4. Mimicking someone with a disability;
5. Practical jokes which are unwelcome;
6. Ignoring someone, or being cold or distant with them.

Examples of physical harassment:

1. Unwelcome physical contact, such as kissing, hugging, pinching, patting, touching, brushing up against a person;
2. Hitting, pushing, shoving, or throwing objects at a person.

What is Discrimination?

Discrimination is making unlawful distinctions between individuals and groups on the basis of any of the proscribed attributes listed above. Direct discrimination occurs when a person is denied a benefit or an opportunity on the grounds of any of the proscribed attributes. Indirect discrimination occurs when a



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policy, rule or practice has a discriminatory effect against a group of people (for example a height requirement may discriminate against women).

College Policy Opposes Discrimination/Harassment

It is against Ave Maria College Policy and a breach of equal opportunity laws to harass or discriminate against an employee, student or visitor because of any of the proscribed characteristics. Harassment/discrimination will also occur if it is based on a perception that a person had one of those attributes, even if they don't, in fact, have that attribute.

Discrimination/harassment will not be tolerated at Ave Maria College. If, after an investigation by an appropriate person, it is found that discrimination or harassment has taken place, the person responsible will be disciplined. In serious cases, dismissal, expulsion or restraining order may be the result. Serious cases of harassment involving assault may also constitute a crime.

What to do if you are harassed or suffer discrimination?

If you feel that you are being harassed or suffering discrimination, tell the person to stop, that the behaviour is unacceptable and that it must not happen again. It is important to say these things to the harasser as the person might interpret silence as tacit consent. If, however, you are too frightened or embarrassed to say anything, this does not mean that your complaint will not be taken seriously.

If the behaviour does not stop, or even if it does stop but you wish to report it, tell the Principal or one of the Deputy Principals. If you so wish, you may make a formal complaint under Ave Maria College's Complaints Handling Procedure. Copies of the Procedure are available in the Staff Handbook (Staffroom) or from the Principal's Secretary.

It is a good idea to make a written note of any discrimination or harassment, including details of dates, times, witnesses, what happened, and what you said/felt.

Be frank and open with those who are investigating the complaint about what happened. This will enable appropriate action to be taken.

You can also get advice from your union, or a government agency such as the Equal Opportunity Commission Victoria or from the Catholic Education Office, Melbourne.

What Ave Maria College will do

It is Ave Maria College's legal responsibility to ensure that discrimination and harassment do not happen in the workplace. If they so occur, complaints will be taken seriously by Ave Maria College. The complaint will be investigated in a sympathetic, fair and confidential manner. Action will be taken to make sure that the offending behaviour stops.

Appropriate warnings or disciplinary action will be taken where harassment/discrimination is found to have occurred.

You will not be victimised or treated unfairly for making a complaint.

Responsibilities of the Principal

It is part of the role of the Principal to ensure that harassment does not occur in the workplace. The Principal must ensure that she does not engage in behaviour that is discriminatory or harassing herself – either of other employees, students or visitors.

When the Principal observes or is made aware of discrimination or harassment happening in the workplace, she should take steps to stop it and warn the person involved of the consequences if the offending behaviour continues.



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The Principal is also responsible for ensuring that all staff, students and visitors are aware that discrimination and harassment will not be allowed in the school and that complaints will be dealt with in accordance with the terms of Ave Maria College's Complaints Handling Procedure.

If you tell the Principal about harassment, she is obliged to make sure that confidentiality is maintained. If the Principal feels she is not the appropriate person to be dealing with a complaint, she will refer the matter to either Deputy Principal who will be able to assist you.

Responsibilities of Employees, Students and Visitors

Employees are legally obliged to ensure that they do not discriminate against or harass other employees, students or visitors at Ave Maria College. Students are expected to ensure that they do not discriminate against or harass other students, staff or visitors at Ave Maria College. As a condition of their presence on the school grounds, visitors are expected to ensure that they do not discriminate against or harass other visitors, staff or students at Ave Maria College.

Employees, students and visitors must also ensure that they do not encourage others to do so.

If you become aware that a staff member, student or visitor is being harassed or subjected to discrimination, you can assist them in a number of ways. Tell them that you are willing to act as a witness if they decide to make a complaint. Back them up or support them in saying "no" to the alleged offender. However, it is not your responsibility to say anything to the alleged offender. Remember that if you spread rumours about anyone, you may be subject to a defamation action.

Where to go for more information

For more information about workplace discrimination and harassment, you can approach the following (some examples):

- VIEU, 120 Clarendon Street, South Melbourne 3205, Telephone (03) 9254 1860,
- Equal Opportunity Commission Victoria, 380 Lonsdale Street, Melbourne 3000, Telephone (03) 9281 7111;
- Melbourne Archdiocese – the Manager, Student Wellbeing Unit CEO, James Goold House, 228 Victoria Parade, East Melbourne 3002, Telephone (03) 9267 0228.

Ratified: Board of Governance

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Complaints Handling Procedure of Ave Maria College

At Ave Maria College we are committed to providing a pleasant work environment for all employees and students. We acknowledge, however, that employees and students can sometimes feel aggrieved about something that is happening at Ave Maria College which appears to be discriminatory or to constitute harassment. An employee or student can have a complaint about any decision, behaviour, act or omission (whether by the Principal, members of the leadership team or other staff/students) that he/she feels is discriminatory or constitutes harassment.

The purpose of this document is to provide a procedure by which employees, students and visitors can have such complaints addressed.

If you feel that you are being harassed or discriminated against, this *Complaints Handling Procedure* is available to you so your concerns can be addressed.

Key Elements of our Complaints Handling Procedure

The following are the key elements of our *Complaints Handling Procedure*:

Impartiality. If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

Confidentiality. You can feel secure that if you do make a complaint under this policy, it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint and the Complaints Officers.

No victimisation. You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. Ave Maria College Leadership Executive will ensure that a person who makes a complaint is not victimised in any way.

Timeliness. Each complaint will be finalised within as short a period of time as possible. All complaints should be finalised within one month.

What to do if you have a complaint –

1. Approach the person involved

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. Telling the person will give them a chance to stop or change what they are doing.

2. Go to the Complaints Officers

If you don't feel as if you can approach the person directly, then go and explain the problem to a member of the Leadership Executive as the designated Complaints Officers. Their names are listed at the end of this policy. A Complaints Officer will advise you about what your options are and what will happen if you decide to make a formal complaint. A student may wish to raise the concern with her



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Year Level Coordinator prior to the matter being referred to a Complaints Officer. No action will be taken in relation to the complaint without your agreement.

What happens next?

Once you have made the complaint to a Complaints Officer, he/she will then consider whether there are any reasons why he/she should not proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for a particular Complaints Officer to deal with your complaint it will, with your consent, be referred to another appropriate person(s) from the Leadership Executive.

A Complaints Officer(s) will then interview you. A person of your choice may be present at the interview in a support role. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way Ave Maria College is dealing with the complaint. A Complaints Officer(s) will then take a written record of the complaint.

A Complaints Officer(s) will then talk to the person about whom the complaint is made to hear that side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g. possible defamation action, initiation of a complaint for harassment).

The Complaints Officer(s) will then tell you what the other people said and discuss what should be done to sort out the problem. You should tell the Complaints Officer(s) what action you would like taken, e.g. a written apology from the person, a written warning, etc.

Review

If the complaint remains unresolved it will be reviewed by the Principal who will make a final decision as to the outcome of the complaint. (Note that this review step will only be possible if the Principal has not been acting as the Complaints Officer).

Possible outcomes

If the complaint is proved, the following are possible outcomes:

- a written apology;
- an official warning;
- counselling;
- disciplinary action;
- expulsion;
- restraining order; or
- dismissal.

If the complaint is unproved (not enough evidence), possible outcomes are:

- relevant training for all staff and/or students;
- monitoring of behaviour of employees and/or staff; and/or
- review of visitor procedures.



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If the complaint is proved not to have happened at all, the following are possible outcomes:

- counselling for the person who made the complaint;
- a written apology;
- an official warning;
- disciplinary action;
- expulsion;
- restraining order; or
- dismissal.

One of the Complaints Officers will make sure that whatever outcome is decided upon actually happens. He/she will also assess the effectiveness of the outcome from time to time.

Appeals

- Melbourne Archdiocese – the Manager, Student Wellbeing Unit (CEO), James Goold House, 228 Victoria Parade, East Melbourne 3002, Telephone (03) 9267 0228.

If you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you, you may appeal to the Principal (if he/she is not the Complaints Officer in the particular case) or to the person listed above.

The Principal or other designated person will look at the way the complaint was handled and examine the outcome. If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action. If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again.

The appeal will be dealt with by someone other than the person who first handled the complaint.

Go to an external agency

If you are not happy with the way your complaint has been dealt with by the College, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint.

See Ave Maria College's *Anti-Harassment/Anti-Discrimination Policy* for names and addresses of external agencies.

Complaints Officers

The following people are contact officers whom you can speak to about your complaint:

Mrs Olwen Bell	(Principal)
Ms Angela Romano	(Deputy Principal: Learning)
Mr Cris Scarlata	(Deputy Principal: Staff)
Ms Filina Virgato	(Deputy Principal: Students)

Ratified: February 2006, Reviewed 26 October 2008

These procedures will be formally reviewed as necessary.



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