

Anti-Discrimination and Sexual Harassment

Effective	Aug 2023
Review	Aug 2025
Owner	Principal
Approver	The Sycamore School Governing Body

1 Purpose

Everyone, including staff, parents/carers and students have a responsibility to prevent discrimination and sexual harassment at The Sycamore School.

2 Applicability

This policy and procedure is to be followed by a person who fills the role with a .

- Staff (all employees (full-time, part-time, permanent, fixed term, casual or relief), apprentices/trainees, host employees, people doing work experience or vocational placement)
- Directors
- Contractors
- Parents/Carers
- Students
- Visitors
- Volunteers
- Others

3 Definitions/Acronyms

Discrimination attributes	<p>The <i>Anti-Discrimination Act 1991</i> (Qld) prohibits discrimination on the basis of the following attributes.</p> <ul style="list-style-type: none"> • sex • relationship status • pregnancy • parental status • breastfeeding • age • race • impairment • religious belief or religious activity
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	<ul style="list-style-type: none"> • political belief or activity • trade union activity • lawful sexual activity • gender identity • sexuality • family responsibilities • association with, or relation to, a person identified on the basis of any of the above attributes.
Direct discrimination	Occurs when a person (or a group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more attributes list above.
Indirect discrimination	Occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute listed above. The fact that the disadvantage was not intended is not an excuse.
Sexual harassment	<p>Sexual harassment is against the law in Queensland. It is prohibited by the <i>Anti-Discrimination Act 1991</i> (Qld).</p> <p>It includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions, and remarks with sexual connotations.</p> <p>It has nothing to do with mutual attraction or consensual behaviour.</p> <p>For there to be sexual harassment, all of these elements need to be present.</p> <ul style="list-style-type: none"> • The conduct is sexual in nature. • The conduct is unwelcome. • The conduct is done either: <ul style="list-style-type: none"> ○ with the intention of offending, humiliating, or intimidating the target; or ○ in circumstances where a reasonable person would have anticipated the possibility that the target would be offended, humiliated, or intimidated.
School	The Sycamore School

4 Policy

The Sycamore School is committed to providing an education setting to their students and parents/carers:

- which is free from discrimination and sexual harassment
- where the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.

Staff are also entitled to a workplace that is free from discrimination and sexual harassment by parents/carers.

4.1 Discrimination

The School will not tolerate discrimination towards students, parents/carers or staff on the basis of:

- race, (including colour, descent or ancestry, nationality, national or ethnic origin)
- age (whether young or older)
- impairment (including biological, functional, learning, physical, sensory, mobility, cognitive, psychological, psychiatric impairment, or the presence of an organism capable of causing disease)
- religious belief or activity
- sex or gender identity
- relationship status (including being married, single, divorced, separated, de facto or in a same sex relationship)
- sexuality
- pregnancy, breastfeeding, parental status (including being or not being a parent, guardian, foster parent, adoptive parent, or stepparent)
- family responsibilities (including the responsibility to care for and support a dependent child or immediate family member)
- lawful sexual activity as a sex worker
- trade union activity
- political belief or activity.

Both direct and indirect unlawful discrimination are illegal.

4.2 Sexual Harassment

Sexual harassment is any form of unwelcome sexual attention that might offend, humiliate, or intimidate the other person and may be experienced by women or men.

Sexual harassment can take various forms and may be obvious or subtle, physical or verbal.

Examples of sexual harassment include:

- unwelcome physical touching
- sexual or suggestive comments, jokes or innuendo
- unwelcome requests for sex
- intrusive questions about a person's private life or body
- the display of sexually explicit material such as posters or pictures
- unwanted invitations to go out on dates
- staring or leering
- sex based insults or taunts
- sexually offensive communications, including telephone calls, letters, faxes, email and computer screen savers.

Sexual harassment does not have to be repeated or continuous to be against the law. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation or compliment, may not be sexual harassment. Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault, and indecent exposure, are also criminal offences.

Sexual harassment is against the law wherever and whenever it occurs. The Sycamore School will not tolerate sexual harassment towards students, parents/carers or staff.

4.3 Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint. Victimisation is a very serious breach of this policy and may amount to misconduct.

The Sycamore School has a zero-tolerance approach to victimisation.

5 Related Legislation

Anti-Discrimination Act 1991 (Qld)

6 Related Documents

Child Protection Policy
Child and Youth Risk Management Policy
Complaints Handling Policy
Disability Discrimination Policy – Students
Safety Directions

7 Procedures

7.1 I am a Student and I Have Experienced Discrimination or Sexual Harassment by Another Student or Staff Member

- Tell someone you trust. This may be your teacher, the social worker or another staff member. If you do not speak to someone, or report what happened, then no one will know what is going on and they cannot help you. They may wish for you to speak with the Principal. You can take a friend, teacher or parent with you if you like.
- Tell your parent/carer. They can make a complaint to the School following the School's Complaint Handling Policy.

If you or your parent/carer are not happy with how the School has dealt with your complaint you can then take the matter further by contacting the Board Chair of The Sycamore School Governing Body by emailing jschmidt@sycamore.qld.edu.au.

If you feel the issue is still not resolved, you can make a complaint to either the Australian Human Rights Commission or the Queensland Anti-Discrimination Commission (but you can only complain to one or the other).

There are time limits associated with making a complaint to the Australian Human Rights Commission or Queensland Anti-Discrimination Board. You should complain to the Australian Human Rights Commission within 6 months of the discrimination occurring, or to the Queensland Anti-Discrimination Board within 12 months of the discrimination occurring; otherwise, there is a risk that the complaint will not be investigated.

Complaints are usually resolved through 'conciliation', where you sit down with your School and an officer from the Commission or the Board and have a chat about what happened and what the School can do to resolve the complaint; ideally coming to an agreement.

But sometimes this process does not lead to a good outcome. You then have the option of taking the complaint to a tribunal or court. However, you should not go to court or a tribunal without getting legal advice and representation first. It is often available for free.

You may feel scared about making a complaint, but it is against the law for someone to treat you unfairly or harm you because you made a complaint against them. If that happens, they can be fined or imprisoned.

7.2 I am a Parent/Carer and I Have Experienced Discrimination or Sexual Harassment by a Staff Member

The Sycamore School strongly encourages any parent/carer who believes they have been discriminated against, sexually harassed, or victimised by a staff member to take appropriate action. Do not ignore discrimination, sexual harassment, vilification, or requests for unnecessary

information, thinking it will go away, often it just gets worse. Choose the action you feel most comfortable with. You can follow more than one action at the same time.

- Contact the Principal by email rcollier@sycamore.qld.edu.au or by phoning 07 3117 0966.
- Follow the process outlined in the Complaint Handling Policy.
- Contact the Queensland Human Rights Commission on 1300 130 670 for information on your rights and responsibilities.
- Contact the Australian Human Rights Commission on 1300 656 419.

Disciplinary action will be taken by the School against any staff member found to have breached this policy.

7.3 I am a Staff Member and I Have Experienced Discrimination or Sexual Harassment by a Parent/Carer

- Seek assistance from the Principal or Director of The Sycamore School Governing Body.
- Seek assistance or advice from your trade union.
- Contact the Queensland Human Rights Commission on 1300 130 670 for information on your rights and responsibilities.
- Contact the Australian Human Rights Commission on 1300 656 419.

Actions that may be taken against parents/carers include not allowing direct communication with the staff member, not being allowed on the School grounds or reporting them to the police.

8 Document History

Version	Description of modification	Modified by	Date
1.1	New policy	Sandra Stuckey	26/08/2023