



# **ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY**

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## **1. Preamble**

Redeemer Lutheran College, Biloela has a legal and moral responsibility to ensure that staff, students, volunteers and visitors are not subject to behaviours, practices or processes that may constitute harassment, discrimination, vilification, or victimization and is therefore committed to developing an environment which promotes respect for persons, integrity, equitable treatment and natural justice.

Part of the Christian Ethos in Redeemer Lutheran College, Biloela is the commitment to encourage a climate of love and care for each other and the Biblical principle enunciated by our Lord Himself to Love One Another. This includes the condemnation of any attitudes or behaviours which result in harassment of other people. It also involves the provision of an orderly and secure environment in which all people are able to realise their full positive potential without interference from others.

Harassment and discrimination will not be tolerated at Redeemer Lutheran College, Biloela under any circumstances, and may, in some circumstances be unlawful under State or Commonwealth law.

## **2. Definitions**

**2.1** In general terms, discrimination is any practice which makes distinctions between individuals or groups that advantage some and disadvantage others on the basis of their Membership of that group, or characteristics generally attributed to that group.

**2.2** The Queensland Anti-discrimination Act 1991 prohibits discrimination on the basis of the following attributes:

- Sex;
- Marital status;
- Pregnancy;
- Parental status;
- Breastfeeding;
- Age;
- Race;
- Impairment;
- Religion;
- Political belief or activity;
- Trade union activity;
- Lawful sexual activity;
- Association with, or relation to, a person identified on the basis of any of the above attributes.

## **3. 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 favourable than another person without the attribute is, or would be treated in circumstances that are the same or not materially different.

## 4. 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.

Whether a term is reasonable depends on all relevant circumstances of the case, including for example:

- a) the consequences of failure to comply with the term; and
- b) the cost of alternative terms; and
- c) the financial circumstances of the person who imposes, or proposes to impose, the term.

**4.1** It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination.

‘Term’ includes condition, requirement to practice whether or not written.

**4.2** The term harassment refers to behaviour towards an individual or group of individuals, that is based on the attributes referred to in 2.2 (above), that is usually of a repeated nature, which is humiliating, intimidating, degrading or insulting and which takes place in circumstances in which a reasonable person would have been offended, humiliated or intimidated.

It includes:

- a) Bullying
  - i) Physical  
Punching, hitting, spitting, damaging property.
  - ii) Verbal  
Name calling, ridicule, threats, rumour-spreading.
  - iii) Non-verbal  
Extortion, intimidation, threatening signs, ostracism.
- b) Racism  
Comments, gestures, ostracism on the base of nationality, skin colour, ancestry.
- c) Religious Discrimination  
Ridiculing religious beliefs and practices.

**4.3** Although sexual abuse fits within this definition, it is the subject of a separate mandatory church policy; ‘Lutheran Church of Australia Policy and Action Plan for Responding to Complaints of Sexual Abuse/Harassment by Church Employees’. Reference to this policy should be made for Complaints relating to sexual abuse or sexual harassment, where both the alleged perpetrator and complainant are over the age of 18 years and the matter does not relate to criminal behaviour.

## **5. Victimisation**

Occurs when a person does an act, or threatens to do an act against a person because:

- They have made a complaint, or are associated with a person who has made a complaint under this policy, or;
- They have had a complaint made against them or are associated with a person who has had a complaint made against them under this policy.

## **6. The Policy**

- 6.1** This policy covers all staff, volunteers, visitors and students at Redeemer Lutheran College, Biloela, who are engaged in college related activity either on college property, or off campus. It includes, and also applies to sporting coaches, music instructors, sporting umpires and other tutors associated with Redeemer College.
- 6.2** Harassment or discrimination by any member of the Redeemer Community against another is prohibited. Procedures to address complaints of discrimination or harassment will be regularly reviewed to ensure they comply with relevant legislation and social justice principles.
- 6.3** Victimization of a person who lodges a grievance or who is the subject of a grievance covered by this policy is unlawful. Redeemer Lutheran College, Biloela will not tolerate victimization, which must be reported to the Principal.
- 6.4** The implementation of this policy is the responsibility of all staff and students of Redeemer Lutheran College, Biloela. However, Senior Management at the College has a particular responsibility to ensure that the workplace is free from discrimination and harassment, and that the relevant policies and procedures regarding resolution of grievances are followed.
- 6.5** Redeemer Lutheran College, Biloela will undertake educative processes within the school to develop awareness of the policy and procedures and of issues related to discrimination and harassment. Redeemer Lutheran College, Biloela will publish the name and contact details of the person to whom the staff member, volunteer, visitor or student can report to in the event that they feel discriminated against or harassed.

## **7. Process**

- 7.1** Staff or students who believe they are being harassed or discriminated against, or staff members who become aware of a student who is being harassed or discriminated against, should make it known to the persons involved that the actions, comments, behaviours are unwelcome or offensive.
- 7.2** If the staff member, volunteer, visitor or student feels that they cannot discuss the matter directly with the person/s involved, they should report the matter to the Principal, or any other member of Senior Management, the Student Wellbeing and Pastoral Care Co-ordinator or Pastor.
- 7.3** Complaints will be investigated promptly and fairly, and in a confidential manner. No staff member or student will be disadvantaged as a result of making a complaint.

- 7.4** The College will take all appropriate actions regarding the allegations including those steps outlined by the Child Protection Policy 2004 such as Mandatory Reporting. The principles of Natural Justice and due process will apply to all steps taken within the process.
- 7.5** The aim of the process will be to seek reconciliation and restore relationships and create a secure environment, however if necessary, disciplinary action could be instigated as a result of this process for the perpetrator/s of harassment or discrimination. Disciplinary action could include, for staff, warnings and/or ultimately dismissed from employment, and for students, warnings and/or ultimately expulsion From the school.  
Where necessary, the relevant authorities will also be advised (ie) Police for cases of e.g. assault. (See Child Protection Policy 2004)
- 7.6** Where the staff member or student believes that he/she has not received Natural Justice as a result of the completed process at the School, they may send a signed written complaint to the Appropriate external authority, in the following order:
- Executive Director, Lutheran Education Queensland.
  - The President, Lutheran Church of Australia – Queensland District.
  - The President, Lutheran Church of Australia.
- 7.7** The procedures that are utilised in conjunction with this policy do not preempt, limit, prevent or delay the parties rights’ to pursue other avenues for resolution of grievances such as direct application to the Queensland IR Commission or the Queensland Anti-Discrimination Commission. Where alternative avenues are chosen, the student or staff member will no longer have access to the schools grievance procedures.
- 7.8** In all cases, the scriptural principles of reconciliation in Matthew 18:15 will be followed.