(3) - DISCRIMINATION AND EQUAL OPPORTUNITY POLICY

To provide students, staff and the School community with equal opportunity and the same rights to education and employment. This will involve identifying, preventing and responding to situations that could result in discrimination of any kind.

Rationale

- This policy is fundamental to our philosophy that all have a right to equal opportunity, regardless of race, gender, religion, needs, physical attributes and any other potential basis for discrimination. This is consistent with Montessori philosophy that values diversity.
- This policy is also necessary to comply with relevant laws and legislation.
- Despite this, there may be instances where students, families or staff are discriminated against and this potential should be recognised and managed.

Objectives

- To provide an environment of equal opportunity for all.
- To promptly resolve any activities that are potentially discriminating.
- To provide an environment where potential discrimination can be reported free of consequence.

Links to School and Strategic Plan

The constitution states that the School may make, vary or repeal rules for its regulation, administration, control and management. The Montessori educational method includes the propagation, maintenance and furthering of the rights of young people and spreading knowledge concerning the physical, intellectual, moral and social development of young people.

The outcomes of any discrimination or equal opportunity concerns about any individual coming in contact with the School would have a severe impact on the School through loss of integrity and possible legal action.

Other Related Issues
Federal Government Legislation:
- Equal Employment Opportunity for Women in the Workplace Act 1999
- Equal Opportunity Act 1984
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984 – Section 21 - Education
- Workplace Relations Act 1996

Grounds for unlawful discrimination covered: EEO program required by organisations, disability, race, colour, descent, national or ethnic origin, sex, marital status, pregnancy, potential pregnancy, family responsibilities, age, religion, political opinion, temporary absence from work due to illness, injury, maternity/parental leave, union membership/non-membership, involvement in an AWA.

State Government Legislation:
- Equal Opportunity Act 1984
- Criminal Code Chapter XI
- Spent Convictions Act 1988

Grounds for unlawful discrimination covered: sex, marital status, pregnancy, family responsibility, family status, race, religious conviction, political conviction, impairment, age, racial harassment, incitement to racial hatred, spent convictions.


- WA Department of Health
- Education Department of WA
- WA Equal Opportunity Commission, Community Education Officer (www.equalopportunity.wa.gov.au)
- National Catholic Education Commission
- National Board of Independent Schools Associations
- Australian Board for Private Education and Training
- Association of Independent Schools of Western Australia (AISWA)
Other Related Issues (cont’d)

FAIR and REASONABLE: Disability Discrimination Act Implementation Kit (available on loan from AISWA library or purchase from Curriculum Corporation www.curriculum.edu.au)

The Admission Policy states in relation to “Sex Discrimination”: “Factors taken into consideration are commitment by the parents to Montessori education, a balance of gender in the classes and the availability of a place for a particular age child.” However, the School does not deny application based on the child’s sex; nor offer different programs based on sex.

Ian Fraser, AISWA, contacted on 8/7/04, advised that we could defend this policy on educational grounds and that we are upfront with parents at the time of interview and in our Admissions Policy.

The Disability Standards for Education covers: Enrolment, participation, curriculum development, accreditation and delivery, student support services, elimination of harassment and victimization.

Levels of Responsibility

The School Board is responsible for:
- developing and adopting the policy and ensuring that it is implemented.
- upholding relevant legislation.
- ensuring the elimination of harassment and victimisation.
- ensuring that thorough investigation is initiated in incidents where the Principal may have a conflict of interest.
- assuring physical access to the School of people with a disability.

The Principal is responsible for:
- fairness and strict confidentiality.
- duty of care.
- School community awareness of zero tolerance towards all forms of discrimination and inequality.
- elimination of harassment and victimization.
- implementation of inclusion practices.
Levels of Responsibility (cont’d)

The Principal is responsible for:

- preparing a disability awareness program with the involvement of students, staff, parents and community members.
- ensuring ongoing familiarisation with the disability awareness program by the School community.
- ensuring a written complaints procedure is established that encourages any person who is subject to unlawful discrimination or harassment to make a complaint.
- ensuring the complaints procedure is well publicised to both staff and families.
- ensuring that the staff professional development program includes continuing education on discrimination issues.
- equality and care in employing staff and volunteers.
- ensuring persons with a disability are offered the same educational opportunities as everyone else.
- assuring physical access to the School of people with a disability.
- empowering students to deal with and report discrimination and inequality effectively.
- ensuring that thorough investigation is initiated.
- removal from any conflict of interest.
- ensuring the School Board is briefed appropriately in the event of a discrimination or inequality concern.

The Vice Principals are responsible for:

- fairness and strict confidentiality in dealing with issues involving the reporting of potential discrimination.
- duty of care.
- those duties as delegated by the Principal.
- vigilance and assisting the Principal to promote awareness of zero tolerance towards discrimination and inequality.

The Staff is responsible for:

- providing a protective environment where the risk of any form of discrimination, harassment and inequality is eliminated.
- enacting their ‘duty of care’ responsibilities in dealing with all forms of discrimination, harassment and inequality and reporting as necessary.
- empowering students to deal with and report discrimination, harassment and inequality effectively.
Documentation

- The Policy as well as Procedures on how to recognise and manage complaints, and raise issues of concern is documented in the Parent Handbook.
- The Policy, Procedures and Guidelines for staff are documented in the Staff Handbook.

Performance Review and Measurement

There will be no incidents of discrimination or harassment. Where potential areas of discrimination are identified they are dealt with immediately.

Activity

- Annual review of the Policy is required by the School Board.
- Procedures and Guidelines will be updated in accordance with the Policy.

Related Documents

- Admissions Policy
- Child Conduct Policy
- Child Health and Safety Policy
- Child Protection Policy
- Child Safety Policy
- Complaints Policy
- Crisis Management Policy
- Educational Standards Policy
- Occupational Safety and Health Policy
- Parent Information Policy
- Privacy Policy