

Equal Opportunities Policy

The purpose of this policy is to ensure that schools comply with legal obligations to provide inclusive educational environments where students are treated with respect and dignity, regardless of their attributes.

Details

The department values the human rights of every student.

Schools must comply with federal and state anti-discrimination laws and the [Charter of Human Rights and Responsibilities 2016 \(Vic\)](#).

Schools must take steps to create a school community and learning environment where all students are welcomed, accepted and treated equitably and with respect regardless of their backgrounds or attributes such as race, religious belief or activity, gender identity, disability or sexual orientation so that they can participate, achieve and thrive at school. For a full list of protected attributes, refer to the 'Definitions' section below.

Schools:

- must not unlawfully discriminate when deciding who should be enrolled as a student and on what terms
- must not unlawfully discriminate against a student by denying or limiting access to any benefit provided by the school or by subjecting a student to any other detriment because of the student's attribute
- must not unlawfully discriminate against a student by expelling them because of the student's attribute - refer to [Expulsions](#) for more information
- must make reasonable adjustments for students with disabilities who require adjustments to enable them to participate in their education and other school activities (for example, school sports, concerts and other events) on the same basis as their peers without a disability
- must take steps to provide an educational setting that is safe for all students and which is free from bullying, unlawful discrimination, sexual harassment, disability harassment (such as hurtful or humiliating comments or actions about a person's disability) or victimisation

- must acknowledge and respond to the diverse needs, identities and strengths of all students
- must encourage empathy and fairness towards others
- must challenge stereotypes that promote prejudicial and biased behaviours and practices
- must create a learning environment for all students that acknowledges, respects and values different cultures and identities including Koorie cultures
- must respond to complaints and allegations appropriately and ensure that students are not victimised for making a complaint or asserting their rights.
- must have a local policy (for example, an Inclusion and Diversity Policy) which explains that discrimination and other related unlawful behaviours will not be tolerated. The [School Policy Templates Portal](#) has a [template Inclusion and Diversity Policy](#) available for schools to download
- must act compatibly with human rights and give proper consideration to human rights when making decisions (refer to 'Charter of Human Rights and Responsibilities' for more information below).

Bullying, unlawful discrimination, sexual harassment, disability harassment, vilification, victimisation and other forms

Bullying, unlawful discrimination, sexual harassment, disability harassment, victimisation, vilification and other forms of inappropriate behaviour targeting individual students or groups because of their attributes must not be tolerated. Schools must take appropriate measures, consistent with the [Student Engagement Policy](#) and the [Bullying Prevention and Response Policy](#) to respond to students who demonstrate these behaviours.

Students with a disability

Schools have a legal obligation to make reasonable adjustments to accommodate students with disabilities. A reasonable adjustment is a measure or action taken to assist students with disability to participate in their education on the same basis as their peers without a disability. Reasonable adjustments will be made for students with disability in consultation with the student, their parents or carers, their teachers and, if appropriate, their treating practitioners. Schools must support students with disability, and consult with students, in accordance with department policy including [Students with Disability](#), [Student Support Groups](#), [Individual Education Plans \(IEPs\)](#), [Student Support Services](#), [Behaviour - Students](#), [Enrolment](#) and [Duty of Care](#).

Supporting students from culturally linguistic diverse backgrounds

Education plays a critical role in promoting social cohesion and building resilience in communities. Schools provide an environment where respectful relationships, acceptance of diversity, knowledge of other cultures and an understanding of global issues and events can be developed.

The Intercultural Capability Curriculum must be taught in Victorian government schools from Foundation to Year 10 to build awareness and respect for cultural diversity. Refer to the [Victorian Curriculum and Assessment Authority website](#) for more details.

Schools must offer interpreting and translation services to parents and carers who have limited or no English language skills to communicate key information about their child's education. Refer to the department's [Interpreting and Translation Services Policy](#).

Charter of Human Rights and Responsibilities

Every Victorian is equal before the law and is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.

Victoria's Charter of Human Rights and Responsibilities contains 20 basic rights that promote and protect the values of freedom, respect, equality, and dignity.

Public authorities, including all Victorian government schools, must act compatibly with the human rights in the Charter. This applies to actions undertaken in day-to-day work with students and families.

Schools must also give proper consideration to human rights when making decisions. This is known as the 'procedural' obligation for a public authority. Proper consideration to human rights must be undertaken before a decision is made which may impact on people's human rights. Limitations on human rights, for example to protect the safety of others, should be reasonable, justifiable and proportionate.

More information about the Charter of Human Rights and Responsibilities can be found on the [Victorian Equal Opportunity and Human Rights Commission website](#).

Related Policies

For students

- [Behaviour - Students](#)
- [Bullying Prevention and Response](#)
- [Duty of Care](#)
- [Health Care Needs](#)
- [Individual Education Plans \(IEPs\)](#)
- [Koorie Education](#)
- [LGBTIQ Student Support](#)
- [Marrung - Aboriginal Education Plan](#)
- [Pregnancy and Parenting - Students](#)
- [Student Engagement](#)
- [Student Support Groups](#)
- [Student Support Services](#)
- [Students with Disability](#)

For staff

- [Aboriginal Employment](#)
- [Equal Opportunity - Employees](#)
- [Respectful Workplaces](#)
- [Sexual Harassment - Employees](#)
- [Workplace Bullying](#)

Relevant legislation

- [Age Discrimination Act 2004 \(Cth\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Disability Discrimination Act 1992 \(Cth\)](#)
- [Disability Standards for Education 2005 \(Cth\)](#)
- [Equal Opportunity Act 2010 \(Vic\)](#)
- [Multicultural Victoria Act 2011 \(Vic\)](#)
- [Racial and Religious Tolerance Act 2001 \(Vic\)](#)
- [Racial Discrimination Act 1975 \(Cth\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)

Contact

For advice on any issues relating to human rights and discrimination law, Victorian government school principals can contact the Legal Division:

Legal Division

[03 9637 3146](tel:0396373146)

legal.services@education.vic.gov.au

Other contacts relevant to this topic are:

Inclusive Education Division

education.for.all@education.vic.gov.au

Safe Schools

[03 9637 3699](tel:0396373699) or [03 9637 3690](tel:0396373690)

safe.schools@education.vic.gov.au

Religious or racial discrimination

[Report racism or religious discrimination in schools](#)

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