


ANTI-DISCRIMINATION POLICY

	Fairholme College Toowoomba ABN 16 917 099 053 CRICOS Provider Code 00651J		
Purpose	Fairholme College is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur.		
Scope	This policy covers students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements		
References	<i>Anti-Discrimination Act 1991 (Qld)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Age Discrimination Act 2004 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> Community Code of Conduct Complaints and Dispute Resolution Policy Disabilities Policy Recruitment Policy Sexual Harassment Policy Staff Code of Conduct		
Policy Type	Public		
Policy Location	College Website		
Version	5.1		
Supersedes	All previous versions of this policy		
Policy Owner	Leadership Team		
Review Date	5 March 2016	Next Review Date	5 March 2018
Authorised By	Principal	 Linda Evans	

Acknowledgement

Fairholme College accepts that it is unlawful to discriminate against a person under the terms and conditions of the above Acts, as amended. Fairholme College accepts its responsibility to comply with the above and with all future laws which may be enacted in relation to discrimination.

Definitions

'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 favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

'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.

Working and Learning Environment

All students and employees at Fairholme College have the right to learn and work in an environment free from unlawful discrimination. Fairholme College stands to provide a fair and safe learning and teaching environment where all students and employees have equal opportunities.

Fairholme College is committed to protecting students, employees, volunteers and contractors from unlawful discrimination and to responding appropriately should such discrimination occur, including possible disciplinary action. Any instances of discrimination should be reported under the Fairholme College Complaints and Dispute Resolution Policy.

In accordance with relevant law, Fairholme College will act to prohibit unlawful discrimination towards its students and employees, on the basis of 'protected attributes' relevant to the College, whilst they are engaging in their education and work at the College. Both direct and indirect unlawful discrimination are prohibited.

In accordance with the relevant law, Fairholme College prohibits unlawful discrimination against students in all facets of education at the College, including:

- admission and enrolment applications
- terms of admission and enrolment
- variation of the terms of a student's enrolment
- denial or limitation of benefits normally resulting from enrolment
- exclusion or suspension of students
- assessment and examination
- access to resources and facilities
- treatment of a student in regard to training or instruction

Further, in accordance with the relevant law, Fairholme College prohibits unlawful discrimination against employees undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational placement or voluntary, and in every aspect of work, including:

- recruitment
- terms and conditions
- training
- promotion
- termination of employment

Exemptions

The *Anti-Discrimination Act 1991 Act (Qld)* provides a range of particular exemptions in which not all forms of discrimination are against the law in all circumstances. Exemptions in which Fairholme College is legally allowed to positively discriminate include:

- Because it operates as a school for a particular sex or religion, it may exclude applicants who are not of a particular sex or religion.
- Because it operates as a school for a particular sex or religion, it may provide accommodation for applicants who are of a particular sex or religion.
- Because the school was established for providing an education in the context of the Presbyterian Church as a Christian school, it may exclude persons other than a particular religion/denomination.
- It is not required to provide special services or facilities that would impose unjustifiable hardship on the school.

College Responsibilities

The legislation establishes a legal responsibility on employers to provide workplaces free from discrimination.

Fairholme College takes reasonable steps to prevent unlawful discrimination in the College, as follows:

- Develop and implement an anti-discrimination policy to assist in preventing any instances of discrimination
- Educate and train employees to assist in preventing any instances of discrimination and to appropriately respond to any instances of discrimination
- Establish appropriate complaints procedures via the Fairholme College Complaints and Dispute Resolution Policy in order to appropriately respond to any instances of discrimination
- Remove of any discriminatory or offensive materials, rules and practices to assist in preventing any instances of discrimination
- Encourage all employees and students to contribute to a healthy workplace culture to assist in preventing any instances of discrimination

Student and Employee Responsibilities

All students and employees at Fairholme College have a responsibility not to engage in discriminatory conduct and to uphold the College's policies and Codes of Conduct.

If students or employees believe that this type of behaviour is occurring in the school, they should make a complaint under the Complaints and Dispute Resolution Policy.

Awareness

- Staff and students will be made aware of relevant legislation and policies regarding discrimination.
- Professional learning relating to discrimination will be provided for all staff, who in turn will model and practice appropriate non-discriminatory behaviour.
- Staff and students will be familiar with the school's approach to anti-discrimination and will be provided with information relating to their rights and responsibilities.

Management

Concerns raised regarding any aspect within the terms of the policy will be considered and managed according to the Complaints and Dispute Resolution Policy.