



Student Diversity and Equality of Opportunity Policy

1. Object

- 1.1 Part 3.3.4 of the NSW Registration Manual requires Newington College to have teaching strategies and programs designed and implemented to meet the learning needs of students across a variety of student backgrounds and learning profiles, including any Aboriginal and Torres Strait Islander students. Part 3.6.2 of the NSW Registration Manual requires the College to provide a safe and supportive environment by having in place policies and procedures that provide for student welfare.
- 1.2 The College is committed to providing a safe and positive learning environment that is based on mutual respect, where individual differences and diversity are welcomed and celebrated. Equality of opportunity means that every student can participate freely and equally in all aspects of College life, regardless of background, beliefs or culture, without fear of bullying, harassment or unlawful discrimination.
- 1.3 This object of this policy is to:
- (a) explain how the College promotes diversity and equality of opportunity for students;
 - (b) prescribe the rights and responsibilities of students in relation to bullying, harassment and discrimination;
 - (c) prescribe the responsibilities of the College and its Council members, staff, volunteers, contractors, and external education providers in relation to bullying, harassment and discrimination;
 - (d) explain the meaning of bullying, harassment and unlawful discrimination;
 - (e) describe the options available to students who believe that they have experienced bullying, harassment or discrimination; and
 - (f) comply with the NSW Registration Manual.

2. Application

- 2.1 This policy applies to the College and its students, Council members, staff, volunteers, contractors, and external education providers, for the welfare and benefit of our students.
- 2.2 This policy applies to bullying, harassment and unlawful discrimination inside and outside of College grounds, including:
- (a) on public transport or during travel to and from school;
 - (b) at sporting, social and co-curricular events; and
 - (c) on social media or through other forms of electronic communication.



3. Definitions

3.1 In this policy:

College means Newington College, as represented by the authorised delegates of the Council.

contractor means a party engaged by the College pursuant to a contract for services, and includes any sub-contractor to a contractor, and any individual engaged by a contractor or sub-contractor.

Council means the Council of Newington College, established by section 1 of the *Newington College Council Act 1922*.

Council member means a member of the Council, elected in accordance with section 9 of the *Newington College Council Act 1922*.

characteristic means:

- race, colour, religious belief, ethnic or ethno-religious background, descent or nationality;
- sex;
- pregnancy, childbirth or breastfeeding;
- marital, relationship or domestic status;
- carers' responsibilities;
- transgender, transsexual or intersex status, or gender identity;
- homosexuality or sexual orientation;
- age; or
- disability (past, present or future), including physical, intellectual, psychiatric or psychological, learning or cognitive disabilities, and any virus or bacteria that can cause disease, such as HIV;

and includes an actual or perceived (imputed) characteristic.

external education provider means any organisation or person that the College has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.

NSW Registration Manual means the *Registered and Accredited Individual Non-Government Schools (NSW) Manual*.

parent means one or more parents, guardians or carers of a student enrolled at the College.

reasonable adjustment means a measure or action taken by the College that has the effect of assisting a student with a disability to:

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- apply for admission or enrolment;
- participate in learning activities; or
- use the College's facilities or services;

on the same basis as students without a disability, and which is reasonable in all the circumstances, taking into account the interests of all affected parties.

staff or staff member

means the College's permanent, temporary and casual teaching and non-teaching staff.

volunteer

means a person acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses), and who is not a contractor.

3.2 A reference in this policy to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

4. Diversity and equality of opportunity

- 4.1 The College welcomes students from diverse cultural, social and economic backgrounds and is committed to fostering an educational environment that enables all students to pursue their goals and achieve their personal potential.
- 4.2 The College recognises the fundamental right of every child and young person to access a quality education in a safe, supportive and inclusive school environment that supports their learning needs.
- 4.3 The Council will ensure that the College's curriculum, leadership and management practices promote and affirm the benefits of mutual respect and diversity.
- 4.4 The College will:
- identify and charge nominated staff with responsibility for overseeing the implementation of this policy;
 - educate staff about culturally safe practices;
 - encourage staff to promote and affirm the College's commitment to diversity in all aspects of their work practices and processes, and in interactions with students, staff and parents;
 - employ strategies and procedures to promote the cultural safety of students from culturally or linguistically diverse backgrounds, including Aboriginal and Torres Strait Islander students;
 - provide opportunities for every student to develop, maintain and enrich their relationships with families and friends, and within the local multicultural community;
 - promote diversity and manage bullying, harassment and discrimination through a 'whole-of-College community' approach involving students, staff and parents – all members of the College community are responsible for the physical and psychological safety of students;



- (g) implement bullying and harassment prevention strategies on a continuous basis with a focus on teaching age-appropriate skills and strategies to empower staff, students and parents to recognise bullying and harassment and respond appropriately;
- (h) ensure that staff establish positive role models emphasising the College's no-bullying, no-harassment culture;
- (i) intervene quickly and appropriately when inappropriate behaviour is identified;
- (j) tailor bullying/harassment response strategies to the circumstances of each incident, and provide appropriate support for all parties;
- (k) provide information and training for staff on diversity, cross-cultural awareness and equality of opportunity in education; and
- (l) make reasonable adjustments for students with disabilities.

4.5 The Headmaster and other members of the College's leadership team will demonstrate and promote leadership and management practices that affirm the College's commitment to student diversity.

5. Bullying, harassment and unlawful discrimination are prohibited

- 5.1 Bullying, harassment and unlawful discrimination are prohibited and will not be tolerated at the College.
- 5.2 All students have a right to an education that is free from bullying, harassment and unlawful discrimination, and to be treated with dignity and respect.
- 5.3 All students, Council members, staff, volunteers, contractors, and external education providers have a responsibility to ensure that they do not engage in bullying, harassment or unlawful discrimination.

6. Meaning of bullying

- 6.1 For the purposes of this policy, bullying is repeated and unreasonable behaviour directed towards a student or group of students that creates a risk to their physical or emotional health and safety.
- 6.2 Repeated behaviour is behaviour that occurs more than once and may involve a range of different behaviours over time. Behaviour does not have to be intentional to constitute bullying.
- 6.3 Examples of bullying include:
 - (a) verbal abuse or threats, including yelling, insulting or offensive language;
 - (b) constant or public criticism or belittling;
 - (c) baiting, teasing, name-calling and ridiculing a student and their achievements;
 - (d) pushing, pulling or hitting a student;
 - (e) threatening or frightening a student, including glaring or making menacing gestures;
 - (f) deliberately excluding a student from activities;
 - (g) ignoring a student, as if they do not exist;
 - (h) spreading misinformation or rumours;
 - (i) initiation ceremonies and practical jokes;

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- (j) demanding money or possessions;
 - (k) damaging, removing or hiding a student's possessions without their permission; and
 - (l) physical abuse.
- 6.4 Bullying can occur through any kind of communication, including in person, by telephone, email, text, messaging, social media and other forms of electronic communication, or through another person.
- 6.5 The following behaviours do not constitute bullying:
- (a) a single comment or incident of unreasonable behaviour (however, if it is based on a characteristic, it may constitute harassment);
 - (b) reasonable teaching and student management practices, supervision and discipline; and
 - (c) low-level conflict.
- 6.6 Low-level conflict is interpersonal conflict or disagreement that is not sufficient to constitute bullying. What differentiates low-level conflict situations from bullying is whether there is a risk to a student's health and safety, and the reasonableness of the behaviour overall.
- 6.7 The College encourages students to develop resilience when dealing with low-level conflict.

7. Meaning of unlawful discrimination

- 7.1 Unlawful direct discrimination occurs when a person, or a group of people, is treated less favourably than another person or group of people, on the grounds of one or more characteristics protected by legislation, in the same or similar circumstances.
- 7.2 Examples of unlawful direct discrimination in education may (depending on the circumstances) include refusing to accept a student's application for admission, or denying them access to a benefit provided to other students, on the grounds of a characteristic.
- 7.3 Unlawful indirect discrimination occurs when an unreasonable rule, condition or requirement disadvantages a student or group of students more than another student or group of students, because of one or more characteristics.
- 7.4 An example of indirect discrimination in education may (depending on the circumstances) be prohibiting students from wearing particular headwear at school, because it disadvantages students from some cultural and religious backgrounds.

8. Meaning of harassment

- 8.1 Harassment is a type of unlawful discrimination. It occurs when a person, or a group of people, is offended, intimidated, insulted or humiliated on the grounds of one or more characteristics protected by legislation.
- 8.2 Harassment can be the result of a single incident as well as repeated incidents.
- 8.3 Lack of intent is not a defence to harassment. What matters is how other people experience the behaviour. If a person finds a particular act or behaviour offensive, intimidating, insulting or humiliating and it relates to a characteristic, it may constitute harassment even if the person doing the act did not intend to harass anyone.

- 8.4 Harassment can occur in person, through email, text, messaging, social media posts and other forms of electronic communication, or through another person.
- 8.5 Harassment can take many forms, including:
- (a) sexual harassment;
 - (b) jokes about particular racial groups, or about a person's disability;
 - (c) imitating someone's accent, habits or disability;
 - (d) displaying offensive websites or screensavers; and
 - (e) making derogatory comments about a person's race, religion, gender or sexual orientation.

9. Sexual harassment

- 9.1 Sexual harassment occurs if a person:
- (a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
 - (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.
- 9.2 Lack of intent is not a defence to sexual harassment. What matters is how other people experience the behaviour.
- 9.3 Sexual harassment includes:
- (a) unwelcome touching, hugging or kissing;
 - (b) inappropriate staring or leering;
 - (c) sexual gestures;
 - (d) sexually suggestive comments or jokes;
 - (e) displaying, sending or requesting sexually explicit pictures or posters of oneself or others;
 - (f) giving sexually explicit gifts;
 - (g) repeated or inappropriate invitations to go out;
 - (h) intrusive questions about a person's private life or physical appearance;
 - (i) requests or pressure for sexual intercourse, or other sexual acts;
 - (j) spreading rumours about someone's sexual relationships or practices;
 - (k) strip-o-grams or any other form of striptease;
 - (l) wolf-whistling;
 - (m) sexual assault.
- 9.4 Some kinds of sexual harassment are also a crime, and may lead to criminal prosecution and conviction.

- 9.5 Sexual harassment can occur through any kind of communication, including in person, by telephone, email, text, messaging, social media and other forms of electronic communication, or through another person.
- 9.6 Mutual attraction between people is not sexual harassment. Conduct that is welcome or consensual is not unlawful.

10. Counselling and support

- 10.1 The College encourages any student who has a concern about bullying, harassment or discrimination to seek assistance and support from their Mentor, Head of House or a College Counsellor (as relevant) or a trusted adult.
- 10.2 Counselling services are free for all students, and students do not need a referral to see a College Counsellor.

11. Complaints

- 11.1 All students and parents have a right to make a complaint of bullying, harassment or discrimination in accordance with the College's **Complaints Resolution Policy and Procedures**.
- 11.2 Students, Council members, staff, volunteers, contractors, and external education providers must not victimise or otherwise subject a student to detrimental action as a consequence of the student or their parent:
- (a) making a complaint about bullying, harassment or discrimination;
 - (b) providing information about a complaint of bullying, harassment or discrimination; or
 - (c) supporting a person who has made a complaint about bullying, harassment or discrimination.

12. Responsibilities

- 12.1 Council members, staff, volunteers, contractors and external education providers have a responsibility to report suspected bullying or harassment of, or unlawful discrimination against, a student.
- 12.2 Reports should be made to the Deputy Headmaster, Deputy Preparatory Schools or an immediate supervisor, as appropriate.

13. Disciplinary action

- 13.1 The College may take disciplinary action against any student, staff member, volunteer, contractor, or external education provider who breaches this policy.
- 13.2 For students, this may include suspension or expulsion under the **Student Discipline Policy and Procedures**.
- 13.3 For staff, this may include suspension or dismissal under their employment contract.
- 13.4 The Council may take disciplinary action against any Council member who breaches this policy.
- 13.5 Where any other member of the College community breaches any obligation, duty or responsibility within this policy, the College will take appropriate action.

Notes

Student Diversity and Equality of Opportunity Policy

Date approved: 20 August 2020

Date commenced: 24 January 2022

Date amended: 1 December 2022 (non-substantive amendments)

Related documents: [Complaints Resolution Policy and Procedures](#)

[Pastoral Care Policy](#)

[Student Discipline Policy and Procedures](#)

