

DEALING WITH DISCRIMINATION

Practice & Procedures Manual

UNLAWFUL DISCRIMINATION IN EDUCATIONAL INSTITUTIONS

TEMPLATE SYSTEMS AND PROCEDURES MANUAL

EXPLANATORY NOTE

The following is designed to be a guide "skeleton" Systems and Procedures Manual including Policy Statement. Each section is to be laid out on separate pages for flexibility, in order that amendments and variations may be made to suit each educational institution's particular requirements. The order of the sections may be varied; accordingly the index is only loosely arranged.

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1. EXPLANATORY BRIEF

Discrimination may occur in an educational institution between two or more students, or between any of the following: staff, students, local carers, homestay families, and management.

Discrimination is a form of unacceptable conduct which both the Federal and State Governments have decided is of sufficient concern to require specific legislation, whereby those in charge of or responsible for other persons are encouraged to take positive steps to eliminate it. The following steps are encouraged:-

(i) raise awareness amongst personnel in the institution and amongst others who come into contact with students via the institution about racial and religious diversity, physical impairment and other areas where discrimination may occur and the fact that regulatory action may be taken as a result of complaints relating to it;

(ii) establish a policy visible to all staff, students, local carers, homestay families and management committing the institution to discourage discrimination in the above categories and deal with it in a manner which takes into account the legislative requirements and which provides a positive outcome for management, staff of the institution, students, local carers and homestay families;

(iii) Appoint Contact Persons to liaise with individual members of management, staff members, students, local carers and homestay families and with the institution about discrimination complaints or reports;

(iv) ensure that effective procedures and disciplinary action are available where necessary, after proper determination of a claim of discrimination by a person or Panel who shall mediate the claim; and

(v) ensure that the rights of all individuals are impartially, professionally and confidentially maintained.

Accommodation

In regard to accommodation, it is unlawful pursuant to the Equal Opportunity Act 1984 (WA) ("the WA Act") to discriminate against a person on the grounds of race, religion or political conviction by refusing the person's application for accommodation, the terms and conditions of accommodation or by deferring that application for accommodation to a lower order of precedence on a list of applicants for accommodation. Also, denying or limiting access to any benefit associated with accommodation, or evicting or subjecting the other person to any other detriment in relation to accommodation on the grounds of race, religion or political conviction, is unlawful.

An educational institution could be liable for a staff member's or management personnel's unlawful discrimination against another staff member or student, or for a local carer's or homestay family's unlawful discrimination against a student, unless the institution takes reasonable steps to ensure that management, staff, students, homestay families and local carers are able to teach, learn and provide care in a non-discriminatory and harassment-free environment.

It is important that all management, staff, students, local carers and homestay families are educated about their own responsibilities and those of the institution. They must abide by the institution's policies relating to discrimination in order that a non-discriminatory and harassment-free environment is established and maintained in the learning environment, and at home, where the

institution has had some connection with the arrangement of the accommodation.

Discrimination on the grounds of race

The WA Act at section 36 (1) renders it illegal for a person (the " discriminator") to discriminate against another person (the " aggrieved person") on the ground of race.

Offending conduct could include such things as segregation or less favourable treatment, on the basis of racial characteristics.

Discrimination on the grounds of religion or political conviction

The WA Act at section 53 (1) prohibits discrimination on the basis of religion or political conviction.

Discrimination on the grounds of impairment

Pursuant to section 66A of the WA Act, it is unlawful for a person to discriminate against another person on the grounds of impairment, whereby the person discriminated against is treated less favourably than a person without the impairment.

Section 66 I provides that it is unlawful for an educational authority to discriminate against a person on the ground of that person's impairment by refusing or failing to accept the person's application for admission as a student or by denying the student access, or limiting the student's access to any benefit provided by the educational authority, by expelling the student or subjecting the student to any other detriment.

Impairment is defined by section 4 of the WA Act as one or more of the following conditions -

(a) Any defect or disturbance in the normal structure or functioning of a person's body;

(b) Any defect or disturbance in the normal structure or functioning of a person's brain; or

(c) Any illness or condition which impairs a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour, whether arising from a condition subsisting at birth or an illness, and includes an impairment which presently exists or existed in the past but has now ceased to exist, or one which is imputed to the person.

2. POLICY

The[insert educational institution's name] fully supports the rights and opportunities of all people to seek, obtain and pursue an education without discrimination.

Discrimination is unlawful behaviour and contrary to the Racial Discrimination Act 1975 (Commonwealth) ("the Commonwealth Act") and the WA Equal Opportunity Act, the Commonwealth Disability Act 1992, Human Rights and Equal Opportunity Commission Act 1986 and the Sex Discrimination Act 1984. It is also improper and inappropriate behaviour which lowers morale and interferes with teaching and learning effectiveness.

It is this institution's policy to make every effort to provide a non-discriminatory, harassment- and intimidation-free learning environment.

Discrimination within or relating to the educational institution will not be tolerated. We are all required to take all reasonable

measures to ensure that conduct of a nature which is likely to be or is taken as discrimination does not occur. Staff, management, students, local carers and homestay families, who conduct themselves this way will be subject to appropriate disciplinary action, including dismissal for serious offences. Students engaging in offending conduct risk suspension or exclusion from the institution.

The educational institution has an obligation to intervene, where there is activity which:-

- creates an intimidating, hostile or offensive environment;
- adversely affects an individual's performance;
- adversely affects an individual's scholarly prospects, employment or promotion;
- results in withdrawals from courses, resignations or unfair dismissal;
- reflects adversely on the integrity and standing of the education institution; or
- creates an intimidating or non-supportive educational environment.

We all have the responsibility to ensure that high standards of integrity and personal conduct are maintained. Therefore, a discrimination complaint procedure has been instituted, under which complaints of discrimination will be considered seriously and sympathetically; they will be attended to promptly and confidentially by appropriately trained authorised persons; and in all cases, the utmost care will be taken to investigate complaints impartially and with the recognition of the equal rights of all parties.

All of us must accept the responsibility of creating a teaching and learning environment which is free from all forms of discrimination, including racial, religious and political discrimination, discrimination on the basis of impairment, sexual harassment and discrimination in respect of accommodation which has been arranged by the institution.

3. LIABILITY

[It is intended that copies of the Commonwealth and WA Acts accompany this Practice and Procedures Manual.]

Racial Discrimination Act 1975 (Commonwealth) ("Commonwealth Act")

Certain forms of discrimination are unlawful.

Section 9 of the Commonwealth Act provides:-

"...that is it unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life."

The WA Act makes employers (including education institutions) "vicariously" liable for their employees' infringing conduct, pursuant to Section 161.

The WA Act provides a defence to vicarious liability, if the employer establishes that all reasonable steps have been taken to prevent the employee from doing an unlawful act.

It is the intention of this Practice and Procedures Manual, together with the efforts made by the educational institution to implement its systems and procedures, to discourage management, staff, students, homestay families and local carers from activity which constitutes unlawful discrimination.

4. EDUCATIONAL INSTITUTION RESPONSIBILITY

Section 160 of the WA Act says:-

"A person who causes, instructs, induces, aids or permits another person to do an act which is unlawful under this Act shall, for the purposes of the act, be taken also to have done the act."

And at Section 162:-

"Where for the purposes of this Act, it is necessary to establish that a body corporate has done an act on a particular ground, it is sufficient to establish that a person who acted on behalf of the body corporate in the matter so acted on that ground."

That is, if the educational institution permits discrimination, it is taken to have also been involved in the discrimination.

It is the responsibility of management and staff to ensure that a non-discriminatory, harassment-free teaching and learning environment exists in the educational institution, and in those areas of international students' lives which are managed by the institution.

Management is required to and will implement the systems and procedures set out in this manual so that staff, students, homestay families, local carers and management alike are discouraged from

discriminatory and harassing behaviour and so as to ensure that management is seen to, and does, take all reasonable steps to prevent discrimination from occurring.

5. MANAGEMENT AND STAFF RESPONSIBILITY

Management and staff have a responsibility to themselves, other members of management, staff members, students and visitors to the educational institution to refrain from activities which amount to discriminatory acts and which are unlawful.

Members of management, staff members, students, local carers and homestay families are encouraged to become aware of behaviour which may be construed as harassment, discrimination or other unlawful conduct, and to participate in the education processes adopted by management to prevent such behaviour from occurring.

6. AWARENESS

[This section is designed to assist teaching staff and management in becoming aware of the different forms which discrimination takes, that the educational institution has educational information about it and the procedures which are in place to deal with it.]

What is Discrimination?

Discrimination can take many forms. Examples have been provided of some activities which may be defined as discrimination.

Examples are:-

- giving less preferential treatment in applications by students to educational institutions based on race, religious convictions or impairment;

- abusive comments or unwelcome jokes regarding a person, a person's racial characteristics, or a person's religious or political convictions;
- offensive actions or gestures regarding a person's race, religion or political convictions.

This institution has a policy of educating staff and management regarding discrimination.

The following educational programs and materials are available:-

- (a) Brochures identifying forms of discrimination;
- (b) In-house seminars and meetings; and
- (c) Contact Persons available to provide information and answer specific queries.

Contact Persons also assist as liaisons for parties involved in a discrimination complaint. All management, staff members, homestay families, students and local carers are encouraged to assist in making each other aware of the institution's policies and manual. This institution supports management, staff members, homestay families, local carers and students who actively discourage discrimination.

7. EDUCATION

[This section is designed to inform staff and management of the education programs within the educational institution.]

Contact Person(s)

One role of the Contact Person is to create and maintain an education program for the education institution specifically centered on discrimination prevention.

If you have any queries at all relating to discrimination, the first person to ask is the Contact Person.

Education begins with information. This institution has distributed to all current students, management, staff, homestay families and local carers and continuously distributes to all new members of those groups the following:-

- (i) the Policy Statement;
- (ii) Discrimination Brochures; and
- (iii) Discrimination Information Leaflets explaining the discrimination prevention education process (and advising all staff of the location of the Discrimination Practice and Procedures Manual for reference).

On an ongoing basis, this institution also arranges access to:-

- (i) regular seminars and workshops on discrimination and how to avoid it;
- (ii) education videos on discrimination in the workplace and the learning environment;
- (iii) written material setting out general information on making a complaint and the complaints procedure. **[This is to be prepared or obtained by the individual institution to suit their specific requirements.]**

The Contact Person is also available to discuss complaints and consequences for the complainant and the person alleged to have acted in an unlawful manner.

8. OPTIONS FOR DEALING WITH DISCRIMINATION

[This section sets out, in brief, options available to management, staff, students, homestay families and local carers when they are

faced with deciding whether to take action regarding conduct which they believe constitutes discrimination.]

You have several options open to you where you find that you (or another person) are subjected to behaviour which you believe constitutes discrimination:-

- go to a designated Contact Person for advice;
- go straight to the Grievance Officer or to the Determination Panel and lodge a formal complaint for determination; or
- attend the State Equal Opportunity Commission to obtain advice and/or to lodge a formal complaint.

For more information about these options, please now see Schedule 1 to this Manual.

Your other options are to:-

- deal with the matter directly with the person who you believe is discriminating against you; or
- take no action.

Complaints to the Contact Person, the Grievance Officer or the Determination Panel will be dealt with in accordance with the procedures outlined in the Procedures section 10 of this manual.

All matters relating to discrimination must be dealt with in a manner which encourages the parties to feel as if they are being treated with consideration. There must be confidence that all issues will be dealt with seriously and competently. All of the parties involved in a case of alleged discrimination must feel comfortable that they are getting a "fair deal".

To this end, this institution has appointed persons within the institution who are authorised to liaise with staff, students and other relevant parties to advise on discrimination matters and work with the Grievance Officer or with the Determination Panel in resolving discrimination claims.

These persons are the Contact Persons within the educational institution.

9. CONTACT PERSONS

They are readily accessible people appointed from staff members of this institution who have undertaken appropriate training in the management of discrimination in the learning environment. This training should include appropriate attention to discrimination awareness and avoidance procedures.

Their role is to provide advice and guidance but not to resolve issues or complaints.

They are the first points of contact and they are the continuing liaison officers in discrimination disputes.

These are the Contact Persons within this institution. Their names and contact details are as follows:

Name:	Name:
Telephone:	Telephone:
Fax:	Fax:
E-mail:	E-mail:

The role of determining discrimination disputes within this institution is taken either by a Grievance Officer or by an appointed panel consisting of three members, two internal persons in

the institution and one impartial "outside" person. This is the Determination Panel.

Determination Panel

The Determination Panel has the power, after fully investigating and determining the seriousness of a complaint, with the consent of the Complainant, to resolve the complaint. No such consent is required from the alleged Discriminator.

The Determination Panel is more fully explained in section 16 of this manual.

The Grievance Officer

The Grievance Officer fulfills a conciliation role to facilitate a resolution of the complaint. If the complaint cannot be resolved then the Complainant has the option of referring the complaint to the Determination Panel.

The Grievance Officer, if used, will attempt to resolve the complaint and, if unsuccessful, may refer the matter to the Determination Panel with the consent of the Complainant.

10. PROCEDURES - FORMAL COMPLAINTS

[This section is designed to provide the outline of the procedure adopted by the educational institution for making a complaint and dealing with it by investigation and determination by the Determination Panel].

Where a member of management, staff member, student, local carer or homestay family has decided to take the action of making a formal complaint to the Contact Person or directly to the Grievance Officer or Determination Panel, the following procedure will be followed:-

The Contact Person will liaise with the person who is making the complaint ("Complainant") and will determine whether the behaviour complained of should be referred to the Grievance Officer or Determination Panel or whether it is merely a matter of personal conflict or misunderstanding, or more properly a matter to be dealt with by management in other circumstances;

The Complainant will be asked to document the complaint in writing, giving full and specific details. If necessary, the Contact Person may assist the Complainant to do this. The complaint is to include:-

- (i) the alleged conduct;
- (ii) the names of the parties concerned;
- (iii) relevant dates and times;
- (iv) details of the events;
- (v) details of the places where the events took place and the witnesses to the behaviour, if any; and
- (vi) such other information as may be relevant.

This shall be the "formal written complaint";

- The formal written complaint will then be lodged with the Contact Person. This must be done within five working days of the Contact Person determining that the matter is appropriate to be dealt with by either the Grievance Officer or, with the consent of the Complainant, by the Determination Panel;
- The Contact Person and the Complainant will then discuss the complaint further, to ensure that all matters have been covered and there has been no misunderstanding or misinterpretation;
- The Complainant will then be given the opportunity to discuss with the Contact Person how they wish the matter to be resolved.

That is, what action, if any, is to be taken against the alleged Discriminator if the complaint is found to be proved. In this discussion, it must be made clear to the Complainant that whatever steps are taken against the alleged Discriminator, they must be lawful and reasonable and appropriate considering the behaviour;

[Counselling may be offered if the educational institution has this facility or wishes to offer it to the Complainant through an outside source;]

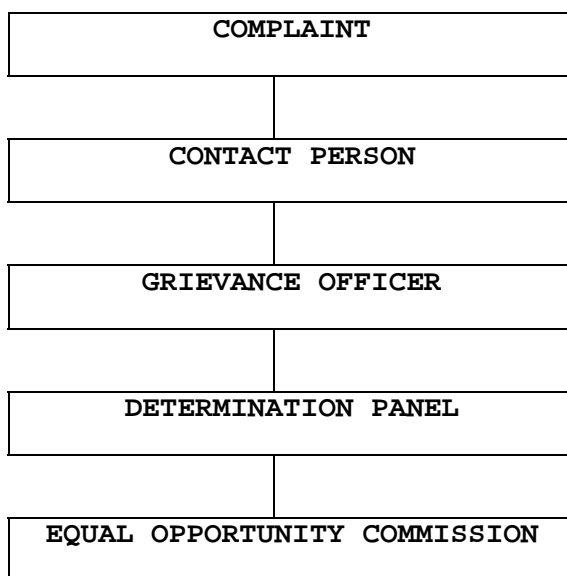
- The Contact Person shall then make every effort to contact the alleged Discriminator within two working days of a formal complaint being lodged;
- The alleged Discriminator will have a copy of this Practice and Procedures Manual made available to him or her and will be provided by the Contact Person with a copy of the formal written complaint and advised that he or she is under no legal obligation to provide a formal written response and that he or she is at liberty to obtain independent legal advice. If the alleged Discriminator is willing to provide a formal written response he or she should do so within a further five working days of being notified;
- The Complainant and the alleged Discriminator will both be advised of the requirement to maintain strict confidentiality;
- The Contact Person may wish to interview witnesses and request formal statements of events from witnesses;
- The Contact Person will then provide all information to the Grievance Officer or the Determination Panel, and the Grievance Officer or the Determination Panel will review the information. The Grievance Officer or Determination Panel may require the Contact Person to obtain further information in appropriate circumstances;

- The Grievance Officer will attempt to resolve the matter by conciliation. If a resolution cannot be reached, then with the consent of the Complainant, she or he will refer the matter to the Determination Panel for determination;
- The Determination Panel will decide how they wish to go about the determination process and will provide all relevant parties with copies of the procedure they wish to undertake for the determination;
- The procedure at this point is to be dictated by the complaint. The Grievance Officer or the Determination Panel may decide to deal with it by any combination of the following:-
 - (i) confidential interview with each party separately;
 - (ii) confidential interview of all witnesses separately;
 - (iii) interviews of all parties and witnesses separately or in any combination or number as the case may be;
 - (iv) open forum discussion controlled by the Grievance Officer, by the Determination Panel or by a Panel member;
 - (v) preparation of a report on findings after interviews and recommendations for disciplinary action where appropriate, to be dealt with by the Grievance Officer or by a person nominated by the Determination Panel; and
 - (vi) formal hearing after any combination of the above, where all parties will be given an opportunity to put their case and a determination will be made either orally or after time for discussion and a formal report being prepared;
- Disciplinary action will be authorised by the institution's Board of Management;
- Details of the procedure and the discrimination incident will remain confidential and all documentation will be held by management on a restricted access basis;

- All disciplinary action will be documented and placed on the personal file of the relevant member of management, staff member, student, homestay family or local carer.

The Complainant may at any time before, during or after the initial contact with the Contact Person or investigation and resolution of the discrimination incident, make a complaint to the Equal Opportunity Commission (" the Commission"), even if an apparently satisfactory resolution has been reached through the Grievance Officer or Determination Panel. If the Complainant lodges a complaint with the Equal Opportunity Commission it is appropriate that all investigations and procedures within the institution should be suspended, pending the outcome of the Commission's enquiry.

PROCEDURAL STEPS



11. RECORD KEEPING AND STORAGE

A 'Restricted Access File' will be made up and all documentation, notes and information will be placed on that file. The file will remain locked in a restricted cabinet and access to the file will be confined to the Contact Officer dealing with the complaint, the Grievance Officer and members of the Determination Panel, the

Principal, Vice Principal, International Education Conciliator and Industrial Relations Officer where appropriate.

- Any formal disciplinary action taken will be documented and placed on the personal file of the relevant member of management, staff member, student, local carer or homestay family.
- The Complainant and the alleged Discriminator will only be able to view any documentation relating specifically to themselves. They will not be permitted to view information given by witnesses or other parties without the written permission of the Grievance Officer or Determination Panel.
- The Freedom of Information Act impacts on the provision of information to interested parties. The final decision on the release of information will be made by the Director of Administrative Services or Freedom of Information Commissioner.

12. DISCIPLINE

[Discipline of members of management, staff members, students, local carers or homestay families in minor incidents may be all that is required, in various forms.]

Disciplinary action in incidents which are deemed to be "minor" incidents may take the form of:-

- a written apology;
- a written warning;
- separation of members of management, staff members, students, local carers or homestay families to different areas;
- relocation of either party to other areas.

More serious complaints could be resolved in one or more of the following ways :-

- suspension of the staff member on full pay pending an investigation;
- termination of employment [The Educational Institution should consult with its Human Resources personnel and legal advisers prior to taking this step];
- cessation of use as a local carer or homestay family;
- suspension or termination of the student's studies.

These are examples of possible forms of disciplinary action. They are not an exhaustive list of the possibilities.

All complaints and determinations will be recorded and placed on the personal file of the relevant member of management, staff member, student, local carers, and homestay family.

Equal Opportunity Commission

If the Complainant lodges a complaint with the Equal Opportunity Commission and the determination of the Commission is that the complaint is justified, damages may be required to be paid by the Discriminator and in certain circumstances by the institution as employer. Refer to section 14 of this manual on Penalties.

13. CRIMINAL OFFENCES

Any behaviour which is considered by the Institution to constitute a criminal offence will be reported to the Police Department for further investigation and action or advice.

14. PENALTIES

[This section is designed to inform all members of management, staff members, students, local carers and homestay families that despite the complaints procedure and resolution procedure within this institution, a member of management, staff member, student, local carer or homestay family may still take a complaint to the Equal Opportunity Commission and obtain judgment against an alleged Discriminator and in certain circumstances, the educational institution. Although this is not something that an educational institution would normally wish to "advertise", it is also something this institution cannot hide from a member of management, a staff member, student, local carer or homestay family.

Effectively, if this institution's policies and procedures are sufficient, the risk of any action taken in the Equal Opportunities Commission resulting in liability for this institution will be greatly reduced. Therefore, advising all parties of their rights in this area should not adversely affect the institution.]

The Commonwealth Act and the State Act referred to in this manual provide determination processes and penalties for unlawful acts.

The Commonwealth Act sets no limit on the amount of damages that may be awarded against a party who has been found guilty of unlawful discrimination.

In each instance educational institutions, as employers, may be vicariously liable and required to pay similar damages as the Discriminator to the Complainant, unless the educational institution as employer has a defence.

15. CONFIDENTIALITY AND VICTIMISATION

Confidentiality

An essential aspect of the systems and procedures put in place by this institution to deal with discrimination is "confidentiality".

Confidentiality is demanded by the State and Commonwealth legislation. It is the obligation of all parties involved, including the Complainant, the alleged Discriminator, all witnesses and interested parties, the Contact Person, the Grievance Officer and the Determination Panel, to maintain strict confidentiality.

Any breach of confidentiality could result in legal action.

An exception to maintaining confidentiality is where the circumstances are such that information must be released to prevent a possible danger to any person, or where there is a written agreement to disclose information.

Another exception is where the Police must be informed of alleged criminal activities.

The Equal Opportunity legislation protects people's rights to confidentiality by providing penalties against such breaches. (See section 14 of this manual on Penalties).

All parties must ensure that confidentiality is maintained at all times.

Victimisation

From the time that a Complainant goes to the Contact Person with a complaint, there is also the possible risk of the Complainant, directly or indirectly, being intimidated or "victimized" because of making a complaint. This is also dealt with in the legislation.

Victimisation is another form of discrimination and will be treated seriously, by this Institution if committed by a member of management, a staff member, a student of this institution or by a local carer or homestay family.

A complaint of victimisation may result in disciplinary action and termination for serious offences. Complaints may also be lodged with the Equal Opportunity Commission or under the Commonwealth legislation with the Director of Public Prosecutions. These complaints will be dealt with in accordance with the usual procedures adopted under the legislation and the penalties referred to in the relevant Act apply.

16. DETERMINATION PANEL

[This section is to set out, in brief, who is to be included in the Panel and to establish the Panel's responsibilities. Of course, each educational institution will have its own suggestions and requirements in relation to this Panel].

The Determination Panel is to be made up of three people. These people will be:-

- (i) two internal persons from the Institution who have been working in the institution for at least 5 years and have undertaken training in management and prevention of discrimination in the learning environment; and
- (ii) an external person, for example the International Education Conciliator from the Department of Education Services.

The role of the Determination Panel is to supervise the investigation of discrimination claims and determine these claims with the consent of the Complainant. No such consent is required from the alleged Discriminator.

If the institution has a Grievance Officer, that person may be a member of the Determination Panel.

17. LEGISLATION

[It is proposed that copies of the relevant legislation be attached to the manual for perusal.]

Attached are:-

- (i) Racial Discrimination Act, 1975, as amended (Commonwealth);
- (ii) Equal Opportunity Act, 1984, as amended (Western Australia),

If you have any queries in relation to the Acts or the information set out in this Practice and Procedures Manual, please do not hesitate to ask the Contact Person.

[Further information which may be included in this manual is:-

- (i) the contact details for the Equal Opportunity Commission;
- (ii) attachments for Contact Persons providing an outline of what is expected of them;
- (iii) further examples of disciplinary action against a Discriminator;
- (iv) a check list for management of discrimination complaints.]

CHECKLIST FOR MANAGEMENT OF DISCRIMINATION COMPLAINTS

1. Treat all disclosures by the Complainant as serious, regardless of whether or not you think that the complaint is true or significant;
2. Do not ignore any disclosure;
3. Listen intently without asking leading questions. (an example of a non-leading question would be, " Can you tell me about it?")
4. Reassure the Complainant that they have done the right thing in telling you about it;
5. Explain to the Complainant that the alleged Discriminator will need to be given a copy of the allegations made against him or her in order for a response to be given; and that Management of the Institution will need to be advised;
6. Document all the details of the Complaint such as the name, age, level of comprehension and communication of the Complainant, the level of support which may be required for the Complainant to cope with the situation, the identity of the alleged Discriminator, current whereabouts of the alleged Discriminator, status or

relationship to the Complainant, age of the alleged Discriminator, and comprehension or communication levels of the alleged Discriminator;

7. Ascertain whether the alleged Discriminator is aware of the allegations;

8. Develop strategies with staff to ensure that the Complainant is protected from the alleged Discriminator;

9. Ensure that storage of confidential information at the Educational Institution is secure;

10. At the conclusion of any investigation, resolution of the complaint or arbitration by the Determination Panel, ensure that all documentation is stored for a period of at least 7 years under secure and confidential arrangements. This includes the retention of all documentation, even when the allegations against the alleged Discriminator have not been proved.

11. As far as possible student grievances should be resolved by the institution on an individual case basis in the manner specified in this document.

12. Any hearing held before the Determination Panel should be informal with each party being permitted to represent their case clearly.

13. Each case must be considered on its merits and the Determination Panel and any recommendations should include proposals for conciliatory action that may be acceptable to both parties.

CHECKLIST FOR LODGING A COMPLAINT

Information for Complainant

1. Your complaint must be in writing.

2. You, the Complainant must sign it.

3. Your letter of complaint must say that you consider that you have been the victim of sexual harassment, and should also say how you have been affected by it.

4. You must explain what happened. For example, "When did the incident occur?" "Who were the people involved?"

5. You should provide any relevant documentation such as medical reports, medical certificates and statements of witnesses, if any.

6. If you decide to lodge a complaint to the Equal Opportunity Commission you should do so within twelve months of the last incident of harassment.

7. Remember, it is **your** responsibility to provide the information to support your complaint.