

SEXUAL HARASSMENT POLICY AND PROCEDURES

INTRODUCTION

Sexual harassment is unlawful behaviour under the Commonwealth *Sex Discrimination Act 1984* and the Victorian *Equal Opportunity Act 1995*.

The Department of Education and Training (*the Department*) considers sexual harassment an unacceptable form of behaviour which will not be tolerated under any circumstances in any education workplace. The Department's *Sexual Harassment Policy and Procedures* sets out the requirements for maintaining workplaces free from sexual harassment, the procedures for dealing with allegations or instances of sexual harassment and possible consequences regarding any breach of this policy.

The *Sexual Harassment Policy and Procedures* applies to all people in the workplace including Department and school council employees, casual staff, volunteers, contractors, students and other persons in the workplace acting as agents of the Department. Every person in the workplace is responsible for maintaining a working environment free from sexual harassment and is liable for his or her actions if sexual harassment occurs.

The responsibility for providing a working environment free from sexual harassment is discharged through principals, managers and school councils. In this policy, reference to principals includes reference to leading teachers (heads of school).

If a complaint of sexual harassment is made, or sexual harassment is observed or brought to the attention of a principal or manager, it must be acted upon immediately and managed in a sensitive and confidential manner. Action will be taken against any person in the workplace found to have sexually harassed another person. Depending on a range of factors including the severity of the case and the employment status of the person who is the subject of the allegation, the consequences may include an apology, counselling, an undertaking that the conduct will cease, or disciplinary action such as a reprimand, demotion or dismissal.

In implementing the *Sexual Harassment Policy and Procedures*, the Department affirms its commitment to the prevention of sexual harassment and the implementation of equal opportunity principles. These principles:

- uphold the rights of all people in the workplace to a safe working and learning environment free from sexual harassment;
- support diversity and inclusive work and learning practices;
- promote respect amongst all people in the workplace;
- encourage fair and equitable treatment of people in the workplace;
- allow people in the workplace to have redress against unfair and unreasonable treatment.

Legislative Context

The Victorian *Equal Opportunity Act 1995* addresses sexual harassment in Part 5. Section 85 (1) provides: “a person sexually harasses another person if he or she -

- a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or
- b) engages in any other unwelcome conduct of a sexual nature in relation to the other person -
in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated”.

Section 85(2) provides: “conduct of a sexual nature” includes –

- a) subjecting a person to any act of physical intimacy;
- b) making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence;
- c) making any gesture, action or comment of a sexual nature in a person’s presence.”

Similar provisions apply under the Commonwealth *Sex Discrimination Act 1984*. Sexual harassment can also amount to discrimination on the grounds of gender under both the Commonwealth and State legislation.

Sexual harassment is prohibited in any work-related context, including work functions, conferences and training programs even if they are outside normal working hours or outside the location of the primary workplace. Accordingly, references in this policy to the workplace include all places in which work related activities occur.

The legislation covers, amongst others, employees, prospective employees, employers, people in a common workplace, students and prospective students.

What is sexual harassment?

Sexual harassment can be physical, verbal or visual and may include statements or transmissions by phone, fax, video conference, internet and e-mail, and will vary in the degree and extent to which it causes affront and distress. Victims of sexual harassment are mostly female, however, both males and females can be subjected to sexual harassment from persons of the same or opposite gender.

Sexual harassment may include:

- comments about a person’s sex life or physical appearance;
- comments of a sexual nature;
- suggestive behaviours such as leering and ogling;
- unnecessary physical intimacy such as brushing up against a person;
- physical contact such as touching or fondling;

- ‘flashing’ or sexual gestures;
- sexual propositions or repeated unwanted requests for dates;
- making promises or threats in return for sexual favours;
- sexual jokes, offensive telephone calls, displays of offensive photographs, reading matter or objects;
- sending jokes or graphics of a sexual nature by e-mail, internet or fax;
- unwelcome questioning about a person’s private life;
- offensive computer screen savers;
- unwanted requests for sex; and
- stalking, indecent assault or rape (which are also criminal offences).

Sexual harassment is behaviour that is uninvited, unreciprocated and unwelcome. Sexual harassment can include situations where:

- such conduct is implicitly or explicitly a term or condition of an individual’s employment;
- such conduct is implicitly or explicitly a term or condition for decisions that might affect promotion, salary or any other job conditions;
- such behaviour creates an uncomfortable and/or intimidating, hostile or offensive work environment for one or more employees.

Even if the behaviour is not intended to be offensive, it may still be unlawful. Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect. Where the interaction is consensual, welcome and reciprocal it will not amount to sexual harassment. Judgements about what constitutes consensual, welcome and reciprocal interaction may be influenced by the relative power of the people involved. The capacity of persons in positions of authority to influence others and affect their well-being is a factor that will be taken into account in the management of any sexual harassment allegation.

It is not the intention of this policy to interfere in personal lives and relationships. However, an employer has an obligation to ensure that sexual harassment does not occur and that professional standards of conduct are maintained in the workplace. The effect of sexual harassment on those people involved and on the workplace as a whole can range from annoyance to deep distress and can lead to an intimidating, hostile and offensive work environment. This can contribute to reduced quality of work, low productivity, distraction from work, low morale, absenteeism, poor health and high staff turnover. Sexual harassment can deny people their entitlement to the quiet enjoyment of life in the workplace.

Criminal offences

Sexual harassment may in certain circumstances constitute a criminal offence. A criminal offence of a sexual nature can include inappropriate touching and inappropriate verbal comments concerning people in the workplace and members of the public. Sexual harassment involving physical or indecent assault, stalking,

making nuisance phone calls or the sending of obscene material using mail, e-mail or the internet, may be an offence under criminal law. Allegations of this nature must be reported to the police. The employer has a responsibility to deal with allegations even when the police are involved, and to determine appropriate action in the context of the workplace. In these cases, close liaison with the Department's Complaints and Investigations Unit and the police is necessary at the outset to ensure that the police investigation is not compromised in any way.

Allegations involving students

If a complaint is made, or conduct is observed or brought to the attention of the principal, concerning sexual harassment of a **student** by a student or other person in the workplace, the principal should immediately contact the Department's Complaints and Investigations Unit.

Sexual offences against children or young persons have mandatory reporting implications, which require contact with the Department of Human Services. Teachers and others involved in the provision of education to students owe a duty of care to students to protect them from risks of injury which are reasonably foreseeable.

It is unlawful for students to sexually harass other students, staff or agents of the Department. The responsibilities of students in relation to maintaining a school environment free of sexual harassment should be set out in the school's Student Code of Conduct. (Refer to *Guidelines for developing The Student Code of Conduct Incorporating Student Discipline Procedures*. This document is at www.sofweb.vic.edu.au/welfare/pdf/codeofc.pdf). Schools should ensure that the Student Code of Conduct addresses sexual harassment and that any school sexual harassment policy is reviewed to ensure consistency with the Department's *Sexual Harassment Policy and Procedures*.

Commitments

The Department's commitment to the elimination of sexual harassment includes:

- widely publicising the policy and providing a copy in electronic form to all employees;
- facilitating access to sexual harassment training;
- providing support for managing complaints;
- reviewing and updating policies in consultation with relevant stakeholders;
- maintaining the Department's commitment to its relationship with the Equal Opportunity Commission Victoria in promoting harassment free workplaces.

The responsibility for providing a working environment free from sexual harassment is discharged through principals, managers and school councils.

Under the *Equal Opportunity Act 1995*, the Department and school councils may be held to be **vicariously liable** for the actions of their employees and agents unless they can demonstrate that they have taken all reasonable steps to prevent the conduct from

occurring. An employer is required to take action if aware of any behaviour which could constitute sexual harassment, even if no complaint has been lodged. Principals, teachers, managers, students, staff and other persons can be liable for the actions of others if they authorise, encourage or assist sexual harassment. In some circumstances, inaction can amount to implicit authorisation.

The Department is committed to ensuring that all persons in the workplace are aware of their rights and obligations with respect to sexual harassment and is committed to providing staff with appropriate training and access to information and services.

The Department will appoint designated sexual harassment contact persons who can provide information and support in relation to sexual harassment and support any prospective complainant.

Roles and Responsibilities

The responsibilities of principals, managers and school councils include:

- modelling appropriate behaviour;
- monitoring the working environment to ensure as far as practicable that acceptable standards of conduct are maintained at all times and that sexual harassment is not tolerated;
- promoting awareness of the avenues for advice and the complaints procedures with respect to sexual harassment as set out in this policy;
- treating seriously complaints and behaviour which may constitute sexual harassment and taking immediate action;
- treating complaints of sexual harassment with appropriate confidentiality;
- ensuring that a person is not victimised for making, or being involved in, a complaint of sexual harassment;
- identifying an appropriate contact person (such as a sexual harassment contact person) to provide information and support to complainants or respondents (the sexual harassment contact person should not provide support to a complainant and a respondent involved in the same matter);
- referring to this policy within the school charter (including reference to this policy in the school, student and staff codes of conduct and practice);
- where an allegation involves a student, ensuring that an appropriate network of support, guidance, counselling and liaison with parents/guardians is established in accordance with duty of care obligations.

All employees have a responsibility to:

- comply with the Department's *Sexual Harassment Policy and Procedures*;
- participate in any training provided by the Department;
- model appropriate behaviour;

- treat information in relation to sexual harassment allegations with appropriate confidentiality;
- ensure that a person is not victimised for making or being involved in, a complaint of sexual harassment.

The role of the sexual harassment contact person is to:

- be familiar with the *Sexual Harassment Policy and Procedures* including the procedures for dealing with allegations of sexual harassment;
- understand the negative effects that sexual harassment can have in the workplace, and particularly the effect that making a complaint can have;
- act as a point of contact for any person considering making a complaint or seeking information about sexual harassment;
- provide the complainant with information about the various options and avenues for advice and the complaints procedures;
- where the allegation has been made by a student, ensure that an appropriate network of support, guidance, counselling and liaison with parents/guardians is established in accordance with duty of care obligations;
- liaise as necessary with the principal or manager and the Department's Complaints and Investigations Unit;
- understand that the role of the sexual harassment contact person is to provide information and support to the complainant, and does not extend to investigation, conciliation, making a judgement about what constitutes sexual harassment, or other intervention;
- participate in any training provided by the Department.

Fairness

The principal or manager must ensure that every complaint is dealt with in a manner that is both procedurally and substantively fair. The principles of natural justice to be observed include:

- the right of each party to be heard;
- the right of each party to be treated fairly;
- the right of the respondent to have a witness or support person, who may be a union representative, present at any meetings;
- the right of the respondent to know the allegations made against him or her;
- the right of the respondent to respond to the allegation(s) made against him or her;
- the right of both parties to a decision-maker who acts fairly and in good faith.

Counselling

If at any stage throughout the procedure the complainant or respondent or any other person requires counselling, advice can be sought from the Department's Employee Health Unit regarding the services that are available.

Confidentiality

The principal or manager must ensure that confidentiality is properly observed in relation to the management of a complaint. Proper steps should be taken at each stage to secure complaints documentation. Guidelines for securing documentation are set out under the heading "Documentation".

All persons involved in the complaints procedures should be advised of the importance of maintaining confidentiality and that the complaint should only be discussed with those who have official responsibility for dealing with it. The use of e-mails or facsimiles as part of these procedures may require particular arrangements to be put in place to ensure that confidentiality is not breached.

Allegations of sexual harassment carry the risk of defamation especially if confidentiality has not been maintained properly. Direct statement, imputation, pictures or jokes are some of the ways in which defamation may be said to have occurred.

It is not defamatory for an individual to make a complaint in good faith through the proper channels. However, the complaint should only be discussed with those who have official responsibility for dealing with it. A claim that defamation has occurred may be defended on the basis that the alleged defamatory statement was made without malice and only to a person with a proper duty to receive such a statement.

Protection from victimisation

A person should feel that they are able to make a complaint without fear or retribution. Victimisation occurs when a person is subjected to or threatened with, any detriment for his or her involvement, whatever that may be, in a complaints procedure. It is unlawful to victimise another person.

Principals and managers need to be aware that victimisation of one or more of the parties involved in these complaints procedures can occur. Reasonable precautions need to be taken to prevent this happening. The procedures set out in this policy have been designed as far as possible to prevent victimisation from occurring, however in implementing these procedures it should be made clear to the parties that victimisation will not be tolerated and will be dealt with accordingly. Disciplinary action may be taken against persons who are found to have engaged in victimisation.

Victimisation should not be confused with the natural consequences of a properly applied complaints procedure. A person who claims the application of these procedures to be victimisation should be counselled about due procedure.

Vexatious complaints

Some complaints may be determined to be vexatious or malicious in nature. If, as a result of implementing these procedures, the principal or manager determines that this is the case, the complaint should be dismissed and the complainant counselled about his or her action in lodging the complaint. The fact that a complaint is not found to have been substantiated does not mean that the complaint was vexatious.

Consequences if this policy is breached

Where sexual harassment is found to be substantiated, the consequences for the person against whom the complaint is made will depend on a range of factors such as the seriousness of the case and the person's employment status. A range of appropriate action is set out in the section entitled "Step 3. Determining Appropriate Action".

COMPLAINTS PROCEDURES

If a principal or manager observes, or becomes aware of, behaviour which may constitute sexual harassment, he or she must address the matter through the use of this policy even where no formal complaint has been made. It is incumbent on the principal or manager to act where unacceptable conduct is observed or brought to his or her attention. This is the case even if the complainant wishes no action to be taken.

Individuals who believe they have been subjected to sexual harassment have several courses of action available to them. The complainant has the right to decide whom he or she will contact for advice. The procedures contained in this policy must be used in relation to sexual harassment.

A person in the workplace may lodge a complaint of sexual harassment with their principal or manager. Where the principal is the subject of the complaint, the complaint should be referred to the Regional Director. For regional or central staff, where the manager is the subject of the complaint, the complaint should be referred to the appropriate Regional Director or General Manager. Those people managing the complaint should ensure that the complaints procedures are implemented expeditiously and within a reasonable time frame.

Complainants also have the right to take their complaint directly to an external agency, such as those listed under Information and Contacts. All persons involved in these complaints procedures (including the principal or manager) are entitled to have a witness or support person, who may be a union representative, accompany them to any interview or meeting.

Contact the Complaints and Investigations Unit

Where a complaint of sexual harassment has been made, or conduct which may constitute sexual harassment is observed, or is brought to the attention of the principal or manager, the principal or manager **must** contact the Department's Complaints and

Investigations Unit for advice. Such advice may include whether the respondent should remain on duty pending the outcome of an investigation.

Informal complaint procedure

After contacting the Complaints and Investigations Unit, the principal or manager may decide to respond to a complaint through an informal procedure in cases where the complainant wishes the matter to be dealt with informally (and the principal or manager considers this appropriate in the circumstances), or where the complaint has arisen from a lack of or unclear information. Informal procedures emphasise resolution rather than establishing whether or not the complaint has substance.

Informal complaints procedures may involve the following situations:

- Where the complainant asks the principal, manager, sexual harassment contact or other person to speak to the respondent on their behalf. This person should privately convey the complainant's concerns and reiterate the objectives of the Department's *Sexual Harassment Policy and Procedures* to the respondent without assessing the merits of the case (and without establishing if the complaint has substance).
- Where the complainant wants to deal with the matter him or herself but seek advice on possible strategies to resolve the matter (i.e. from the principal, manager, sexual harassment contact or other person). In this situation, the complainant should be advised that the employer has an obligation to the whole workplace and is required to take supportive action regardless of the complainant's wishes.

Where a complainant wishes to handle the matter him or herself, and the principal or manager considers this appropriate, this does not absolve the employer of its obligation to act. This obligation exists regardless of whether the procedure implemented is formal or informal. It is imperative that managers and principals act as soon as they are alerted to the possibility that sexual harassment may be occurring in the workplace. Sexual harassment can have serious ramifications for the whole of the workplace, not just for the harassed person. The employer has a duty of care to provide a safe workplace and must take responsibility for the work environment and culture.

Supportive actions of principal or manager

Where a complainant wishes to deal with the matter him or herself, and the principal or manager considers this appropriate, the obligation on the employer to act in these circumstances requires the principal or manager to:

- reiterate to the whole workplace that sexual harassment is unacceptable and will not be tolerated;
- promote this policy and the avenues for seeking advice and making complaints;
- monitor the whole workplace to ensure that acceptable standards of conduct are maintained in the workplace;

- ensure compliance as far as practicable with the items listed in the “Responsibilities” section of this policy;
- ensure that the alleged harasser is aware of and understands this policy (this may involve speaking directly to the respondent about the allegations);
- take any other appropriate action.

It is advisable to provide to the complainant a written response outlining the action taken and the outcome. Where an informal procedure is inappropriate, unsuccessful, or the complainant wishes to pursue the matter further, the principal or manager will implement the formal procedure.

Formal complaint procedure

After contacting the Department’s Complaints and Investigations Unit, the principal or manager may decide to respond to a complaint through a formal procedure. The circumstances where formal procedures are appropriate include the following:

- informal attempts at resolution have failed or are deemed inappropriate;
- the complaint involves serious allegations and informal resolution could compromise the rights of the parties;
- the complainant fears victimisation or disadvantage;
- the allegations are denied and an investigation is required to determine whether or not the complaint has substance;
- the complainant wishes to make a formal complaint from the outset;
- the principal or manager considers that the informal procedure is inappropriate.

Formal procedures involve the following steps:

Step 1. Investigating the complaint;

Step 2. Making a finding;

Step 3. Determining appropriate action;

Step 4. Preparing a report;

Step 5. Monitoring the situation.

Pro forma letters are attached as appendices to this policy to assist the principal or manager in documenting the procedure and preparing correspondence.

Step 1 Investigating the complaint

Commencement of a formal complaints procedure requires the principal or manager to investigate the complaint to determine whether or not it has substance. This involves:

- establishing the precise nature of the complaint. This would normally involve interviewing the complainant, recording the details and requesting that the

complaint be put in writing (if this has not already been done) (see *Attachment 1*);

- acknowledging the complaint in writing (see *Attachment 2*);
- informing the respondent in writing of the full details of the complaint and providing the opportunity for the respondent to respond in writing (see *Attachment 3*) and where necessary, interviewing the respondent (see *Attachment 4*);
- considering other relevant matters to assist in clarifying the complaint. This may involve examining personnel records and other documentation, requesting a written statement from any witnesses or other persons and interviewing those people separately;
- keeping a written account of all interviews;
- allowing the parties to have a witness or support person, who may be a union representative, to accompany them to any interview or meeting. (This person should not be acting for fee or reward.)

Note: Where a person is invited to provide a written statement but does not do so, this does not prevent the investigation of the complaint proceeding.

Step 2 Making a finding

Following the investigation, the principal or manager should determine whether there is any substance to the complaint and make a decision about what action, if any, should be taken. In addition to the information listed in Step 1, this assessment should take into consideration:

- the circumstances and context of the complaint;
- whether evidence was presented by the parties in a credible and consistent manner;
- the absence of evidence where it should logically exist.

In making a decision, the principal or manager should consider all available information. The principal or manager should be satisfied so far as is possible, of the facts of the situation and make a decision based on this assessment. Where there are no independent witnesses to provide evidence, the principal or manager may make a decision based on the credibility of the parties involved. Each case should be assessed on its own particular circumstances.

Step 3 Determining appropriate action

In determining the appropriate course of action, the options available to the principal or manager are to:

- dismiss the complaint; or
- accept the complaint.

Dismiss the complaint

The principal or manager may determine that a complaint is not substantiated and dismiss it. In this case the principal or manager should clarify any misunderstandings and deal with the issues. This may involve:

- acknowledging the different perspectives;
- reminding those involved of expected standards of conduct;
- conducting training and awareness raising sessions;
- monitoring the situation carefully.

Accept the complaint

If the principal or manager determines that there is substance to the complaint, the Complaints and Investigations Unit should again be contacted for further advice. In determining appropriate action, the principal or manager may consider one or more of the following:

- formal apologies;
- counselling;
- undertakings that inappropriate behaviour will cease;
- clarification of expectations of appropriate conduct;
- setting up a support group;
- issuing a warning in relation to the consequences of continued behaviour and placing a copy on the respondent's personal file or general complaints file, as appropriate (see *Attachment 5*);
- implementing a formal period of monitoring (see *Attachment 6*);
- disciplinary action for employees, which could include dismissal* (see important Note on the following page);
- other as appropriate.

Any decision concerning appropriate action should have regard to factors such as:

- the severity and frequency of the harassment;
- the weight of the evidence;
- the wishes of the complainant;
- the level of remorse;
- whether there have been any prior incidents or warnings.

Sexual harassment may constitute serious misconduct. For members of the teaching service, sexual harassment could amount to an offence under the *Teaching Service Act*

1981. Serious misconduct of a member of the teaching service may be dealt with under section 9 or section 45 or Part V of the *Teaching Service Act 1981*. The consequences of serious misconduct for members of the teaching service are set out in the Teacher Class and Principal Class Handbooks, February 2001. For School Service Officers, sexual harassment could amount to misconduct under the relevant Ministerial Order. For public servants, sexual harassment could amount to misconduct under the *Public Sector Management and Employment Act 1998*.

* *Note: Disciplinary action is subject to relevant instruments such as the Teaching Service Act 1981, the Public Sector Management and Employment Act 1998 (the Acts) and the relevant Ministerial Order for SSOs. If principals consider that disciplinary action is appropriate, they must contact the Complaints and Investigations Unit for advice as they cannot take formal disciplinary action under the Acts against members of the teaching service or school-based Victorian Public Service employees.*

Notification of Outcome

The principal or manager must notify both the complainant and the respondent in writing of the outcome. This will include the agreed outcome of any conciliation process or any decision to refer the matter to the Department for advice on what, if any, disciplinary action may be taken.

For complaints that are not substantiated, see *Attachments 7(a)* and *8(a)*. For substantiated complaints, see *Attachments 7(b)* and *8(b)*. For complaints where the outcome involves a warning that formal procedures may be implemented if there is a recurrence of the conduct, see *Attachment 5*. For complaints where the outcome involves the implementation of a formal monitoring period, see *Attachment 6*.

Conciliation

Prior to determining the course of action, **and where the parties agree to participate**, the principal or manager may choose to use a conciliation procedure, where the principal or manager considers it appropriate and where it may assist in achieving a resolution of the complaint.

Whilst conciliation is not mandatory, complaints may be settled where the parties are brought together to discuss the problem and seek solutions. The object of conciliation is to assist the parties to achieve resolution of the complaint.

Any party involved in the conciliation process may include another person, including a union member, for support and assistance. No party to the conciliation process may be represented by another person acting for fee or reward. Where any of those involved may be disadvantaged, for example due to disability or non-English speaking background, steps should be taken to mitigate the disadvantage, such as providing access to interpreters.

Through conciliation a resolution may be achieved which is mutually acceptable to the parties, for example:

- acknowledging each other's perspective and developing agreed strategies for managing differences;
- offering of an apology;
- giving an undertaking that inappropriate behaviour will be changed;
- clarifying expectations of appropriate conduct;
- setting up a support group;
- setting up mentor support;
- counselling.

Step 4 Preparing a report

After making and acting on a decision, a confidential report must be prepared by the principal or manager (see *Attachment 9*). This should be done immediately after the complaint procedures have been completed. The report should include a summary of the procedure undertaken, including timelines, action taken and the outcome of any conciliation process. The report should include any other relevant documents, such as:

- a written statement from the complainant setting out the complaint;
- a written response from the respondent to the complaint,
- written witness statements;
- documentation of any assistance provided to the complainant and respondent;
- any other relevant documentation, including copies of all correspondence to the complainant or the respondent.

See paragraph below on "Documentation" for advice about storing the report.

Step 5 Monitoring the situation

Following the determination of the outcome, the principal or manager will monitor the situation to ensure, as far as practicable, that the situation does not recur. The principal or manager will document this procedure where necessary (see *Attachment 6*).

Documentation

Documents relating to a complaint should be placed by the principal or manager in a sealed envelope marked 'Authorised Access Only' and filed on the respondent's personal file. If the respondent is not an employee, a general complaints file should be established. If the respondent is a student, documents should be filed on the student's file. Generally only the principal or manager or other persons authorised by the appropriate Director would access these documents as they contain information that could be considered to be about the personal affairs of people involved in a complaints procedure and are subject to strict privacy provisions. Principals or managers are responsible for ensuring that all documents are handled with absolute confidentiality.

Appeals/Grievances

If an employee is dissatisfied with the decision made at the local level, the Merit Protection Boards (MPB) administer a grievance process that is available to all Department employees, other than those employed on a casual basis. The grievance process is available where these employees consider that they have been treated unfairly or unreasonably in a relation to a decision concerning their employment. These employees can request a review of a decision or action, or lack of action, that directly affects him or her. The MPB provide guidelines of the procedures relating to grievance hearings.

In addition, a teacher has a formal right of appeal to the MPB against the outcome of any disciplinary action taken under section 45 or Part V of the *Teaching Service Act 1981*, including dismissal.

If any person is dissatisfied with the determination made at the local level, he or she may request that the Department review the decision.

Any person may lodge a complaint with an appropriate external authority at any time, as listed at the end of this policy.

Information and Contacts

Guidelines:

Victorian Government Schools – Principal Class Handbook, February 2001

<http://www.sofweb.vic.edu.au/hrm/sstaff/pdfs/prin-hbk.pdf>

Victorian Government Schools –Teacher Class Handbook , February 2001

<http://www.sofweb.vic.edu.au/hrm/sstaff/pdfs/teacher-hbk.pdf>

Victorian Government Schools –School Services Officers Handbook, December 2001

<http://www.sofweb.vic.edu.au/hrm/sstaff/pdfs/SSOhbkb.pdf>

Legislation:

<http://www.dms.dpc.vic.gov.au/>

Contacts:

DE&T Central

Complaints and Investigations Unit

Diversity and Equity Unit

www.sofweb.vic.edu.au/hrm/mandiv

9637 2594

9637 2454

DE&T Regional

Barwon South Western	5272 8300
Central Highlands Wimmera	5337 8444
Eastern Metropolitan	9881 0200
Gippsland	5127 0400
Goulburn North Eastern	5761 2100
Loddon Campaspe Mallee	5440 3111
Northern Metropolitan	9488 9488
Southern Metropolitan	9794 3555
Western Metropolitan	9291 6500

External Agencies

Merit Protection Boards 9412 5180
Email: meritboards@edumail.vic.gov.au
Website: <http://www.mpb.vic.gov.au>

Victorian Equal Opportunity Commission 9281 7111
Email: eoc@vicnet.net.au
Website: <http://www.eoc.vic.gov.au>

Human Rights and Equal Opportunity Commission (02) 9284 9600
Email: publications@humanrights.gov.au
Website: <http://www.humanrights.gov.au>

Ombudsman
Email: ombudvic@ombudsman.vic.gov.au 9613 6222
Website: <http://www.ombudsman.vic.gov.au>

