



Diversity and Inclusion Policy

1. Purpose

The Associated Grammar Schools of Victoria (**AGSV**) encourages an inclusive, welcoming and diverse culture through its practices, its interactions with each other, AGSV Member Schools and the communities in which it operates.

Diversity and inclusion is an essential part of building and delivering AGSV's objectives by fostering an environment where all staff and students can contribute to the achievement of AGSV's vision, mission and values.

2. Scope

This policy applies to the AGSV and all AGSV Member Schools.

3. Reference Points/Background Papers

- *Equal Opportunity Act 2010* (Vic)
 - *Sex Discrimination Act 1984* (Cth)
 - *Disability Discrimination Act 1992* (Cth)
 - *Age Discrimination Act 2004* (Cth)
 - *Racial Discrimination Act 1975* (Cth)
 - Discipline Policy and Procedure
 - Harassment, Discrimination and Grievance Policy and Procedure
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4. Accountability

The AGSV and all AGSV Member Schools are responsible for ensuring that:

- all respective managers, leaders and supervisors foster an inclusive and welcoming culture where individual differences are understood, respected, valued and promoted;
- all respective employees:
 - are responsible for understanding, respecting, valuing and promoting individual differences; and
 - comply with this Policy.

AGSV Member Schools will develop and implement their own policies to give effect to this Policy.

5. Employment

AGSV is committed to mutual respect, teamwork and diversity in the workplace among people who are diverse in work background, experience, education, age, gender, race, national and social origin, physical abilities, religious belief, sexual orientation, gender identity and other real and perceived differences. AGSV expects Member Schools to demonstrate this commitment in their own practices.

Recruitment and selection

Where reasonable, appropriate and lawful, AGSV may take special measures in its recruitment and selection activities to enable it to promote equal opportunity in its workforce. These special measures may be in place for as long as required to achieve the objective of equal opportunity that specifically targets groups of people with particular attributes, including but not limited to race or gender.

Discrimination and harassment

AGSV is committed to taking all reasonable steps to prevent unlawful discrimination and harassment. Any unlawful discrimination or harassment will not be tolerated and is inconsistent with the AGSV's values of diversity and inclusion.

Where any AGSV or AGSV Member School employee engages in such discrimination or harassment, it must be dealt with by the respective employer in accordance with the employer's relevant policies and procedures.

6. Access to sport

AGSV supports the rights of all students to access the same opportunities to sport as their peers, and is committed to providing the same access, where appropriate, to school sport for all students regardless of sex, gender identity, race, culture, religious belief, age or disability.

6.1 Students with disabilities

AGSV will work with AGSV Member Schools to provide students with disabilities opportunities to play sport in settings where they may compete with students with or without disability, as reasonable and appropriate in the particular circumstances. Where reasonably practicable, AGSV Member Schools should make minor modifications to the rules at the first level of entry to better include all students. This is best done at a local level, and between schools, using a common sense approach to competition. AGSV Member Schools should also ensure there are disability parking spaces in front of their sporting venues.

AGSV will work with its member schools to facilitate the existence of competition opportunities for students with a disability, and for pathways between school and

community sport to be mirrored. Where the need arises, the AGSV and AGSV Member Schools will decide what competition opportunities should be set up for students with a disability.

6.2 Gender identity and sex

AGSV will work with AGSV Member Schools and other school sport structures to endeavour to provide opportunities for all students to play sport competitively regardless of their gender identity or sex.

AGSV has an inclusive approach to all students playing sport competitively and encourages and supports participation of trans and gender diverse students in AGSV sports and competitions. Participation in sport should be based on a person's affirmed gender identity and not the sex they were assigned at birth.

Exemption: Competitive sporting activity

AGSV recognises that some of its Member Schools are single-sex schools and may therefore organise sporting activities on that basis. It is against the law to discriminate against someone on the basis of their sex or gender identity in sport, unless an exception or exemption applies. Refusing or failing to select a student in a sporting team or excluding a student from participating in a sporting activity may constitute unlawful discrimination.

There may be circumstances where the exclusion of a student aged 12 years or over from a competitive sporting activity on the basis of sex or gender identity may not constitute unlawful discrimination. The law provides that in limited circumstances where the strength, stamina or physique of competitors is relevant in a single-sex competitive sporting activity, it may be lawful to exclude a student on the basis of their sex or gender identity.

Guidelines

Students under 12 years should generally be permitted to compete in AGSV competitions as the gender to which they identify, or in respect of students who identify as non-binary, the competition in which they elect to participate.

Students 12 years and older will generally be permitted to compete in AGSV competitions as the gender to which they identify or in respect of students who identify as non-binary, the competition in which they elect to participate, subject to the following qualifications.

Students may be excluded from participation in competitive sporting activities on the basis of their sex or gender identity only in the circumstances contemplated by this policy (or as otherwise contemplated by legislation) including single sex schools organising single sex sporting activities.

In limited circumstances a student may be lawfully excluded from competing in a single sex competitive sporting activity on the basis of sex or gender identity where the strength, stamina or physique of competitors is relevant. However, the skill and competition level of the activities should be carefully considered when deciding whether it is appropriate to rely on this exception. The relevance of strength, stamina or physique will also depend on the sport.

Where an AGSV member school seeks to specifically exclude a student from a sporting activity based on sex or gender, it will then consider:

- what evidence supports the relevance of strength, stamina and physique to the relevant sport;
- how a student's participation might lead to unfair disadvantage;
- whether a student's individual circumstances give them a competitive advantage;
- what impact exclusion would have on both the student and the school, as well as the competition;
- consulting with the relevant national or state sporting organisation;
- ensuring that any assessment is undertaken in a timely manner so that the student is not unnecessarily disadvantaged;
- consulting with and providing the student (and student's parent or guardian) with an opportunity to respond to any proposal to exclude them based on the exemption;
- providing the student (and student's parent or guardian) with reasons of any decision to exclude them; and
- providing the student (and student's parent or guardian) with an opportunity to seek a review of a decision to exclude them.

Primary decision making authority in relation to the inclusion or exclusion of a student in accordance with this policy rests with the member school.

Access to facilities

AGSV recognises that students participating in sport need access to appropriate changing and bathroom facilities, and have the right to use these facilities without stress.

Uniforms

AGSV Member Schools should encourage their students to wear the uniform of their choosing as it aligns with their gender identity, so long as it complies with the wider sporting code attire rules. AGSV Member Schools' uniform requirement rules should cater to all types of bodies, and where possible, various uniform options and sizes should be offered to students so they can participate in a uniform they feel comfortable in.

Collection of personal information

All personal information that is collected from students regarding gender will be collected and retained in accordance with the AGSV Privacy Policy.

Pride and Diversity Coordinator

The AGSV has appointed a Pride and Diversity Coordinator as a first point of contact to provide advice and support to students, parents and staff regarding the safety and wellbeing of LGBTQIA+ students. Contact AGSV Sports Operations and Compliance Coordinator sportop@agsvsport.com.au

Reports of discrimination or bullying of such students can be made directly to the Pride and Diversity Coordinator, who will act in accordance with the AGSV Policies and Procedures. Confidentiality will be maintained throughout the grievance procedure to protect the privacy of individuals involved.

The contact details for the Pride and Diversity Coordinator are:
<https://www.agsvsport.com.au/contact-us/>

7. Implications for practice

7.1 At AGSV level

To properly implement this Policy, AGSV must ensure;

- that this Policy is reviewed and endorsed on an annual basis;
- that copies of this Policy are made available to employees on the AGSV website and within members schools;
- that this Policy is incorporated into the current record AGSV of policies;
- that this policy is incorporated into AGSV induction program, to ensure that all employees are aware of the Policy, have read and understood the Policy, and acknowledge their commitment to comply with the Policy;
- that periodic training and refresher sessions are administrated to all employees of the AGSV in relation this Policy

7.2 At Other Levels

To properly implement this Policy, AGSV staff and member schools must abide by this Policy and assist in the implementation of this Policy.

7.3 At AGSV Member School Level

To properly implement this Policy, AGSV Member Schools must ensure that they implement a policy and procedures to give effect to this Policy that this Policy is endorsed on an annual basis.