Victorians originate from 208 countries and they speak 151 languages. Nearly 20 per cent come from countries where English is not the main language – the highest proportion of any state or territory in Australia. The rich cultural and linguistic diversity of its people is undoubtedly one of Victoria’s greatest assets. The primary focus of these guidelines is to assist schools to successfully manage cultural, linguistic and racial diversity.
INTRODUCTION

These Guidelines for Managing Cultural and Linguistic Diversity apply to all schools, school councils, staff and students of the Department of Education, Employment and Training.

The guidelines have been developed to assist all those involved in the education of young people in Victoria to affirm cultural and linguistic diversity and uphold the rights and responsibilities of individuals and groups in our public education system. Principals of government schools are requested to familiarise themselves with these guidelines.

The guidelines are consistent with current federal and state anti-discrimination legislation, Government policies and Department initiatives, such as the principles expressed in the Department’s Mission Statement, the Managing Diversity Policy, the Curriculum and Standards Framework II, the Multicultural Policy for Victorian Schools and the Strategic Plan for Koorie Education 2001–2004 that builds on the Koorie 2000 framework. The sources of authority for these guidelines are provided in Appendix 1.

WHY IS CULTURAL AND LINGUISTIC DIVERSITY AN IMPORTANT ISSUE FOR OUR COMMUNITY?

Victorians originate from 208 countries and they speak 151 languages. Nearly 20 per cent come from countries where English is not the main language – the highest proportion of any state or territory in Australia. The rich cultural and linguistic diversity of its people is undoubtedly one of Victoria’s greatest assets. The 1996 Census showed that of the over 4,400,000 people who live in the state, 21,474 identified themselves as being of Aboriginal and Torres Strait Islander origin and more than 44.5 per cent were either born overseas, or have at least one parent who was born overseas.

The presence of young people from such a wealth of backgrounds and experience in the Victorian government school system presents particular challenges – challenges that have been met by our schools for many years.

Valuing and building on our cultural and linguistic diversity, and further developing the language skills of Victorian students, assist in empowering our young people to develop as confident citizens of the world.

Cultural and linguistic diversity is also a central factor in the enormous technological, social and economic changes of our time. Intercultural contact is increasing through:

- the rise of the global economy – the workforce is becoming increasingly international, and we depend for our daily survival on globally produced and distributed goods;
- permanent and temporary population movements, including migration, tourism, and travel for business and study;
- the influence of global media networks;
- rapid innovation in global information and communications technologies, such as the Internet and multimedia information systems;
- developments in transport which mean that virtually any place in the world can be reached from any other within twenty-four hours, and that it is possible to buy and sell to almost anywhere;
• the development of international social, economic, arts, business, political and educational organisations; and
• the growing importance of differences in dynamic and competitive local and global business cultures from small multicultural teams to large corporate cultures leveraging ‘diversity’ to gain an edge.

These forces of change mean that increasingly, cultural and linguistic diversity directly touches many aspects of our lives. Diversity is in the reality of our streets and local communities, in our schools, in our workplaces, and in our public lives.

Racial intolerance and discrimination are therefore counterproductive for both practical and ethical reasons. Understanding cultural sensitivities is critical to success in education, business and civic life. Cultural and linguistic diversity is to be recognised, accepted and celebrated. It is to be used as an asset to enable students and staff to develop relationships based on respect and appreciation of the importance of differences in meeting the global challenges of the 21st Century.

Equipping teachers and other staff to build effective relationships with parents, students and staff from different cultural, linguistic and religious backgrounds is a key for improving student learning and the success of schools in a diverse community.

SUPPORTING CULTURAL AND LINGUISTIC DIVERSITY IN VICTORIAN EDUCATION

The Department of Education, Employment and Training is committed to:
• assisting all students and staff to become informed, productive, adaptable, motivated and creative citizens, who take full advantage of their economic, social and individual opportunities
• building an accepting environment where all staff and students are treated with dignity and respect and where diversity is valued
• facilitating intercultural contact through broadening knowledge of the world and promoting the skills needed for cross-cultural cooperation and understanding
• creating a learning environment where stereotypes are questioned and bias, bigotry, ethnocentrism, prejudice or racism are wholeheartedly rejected.

In meeting these commitments, the Department recognises the significance of cultural, linguistic and racial differences amongst students, staff and parents.

Diversity brings significant educational benefits to all students, teachers and administrators and the wider community. It enables the creation of learning environments enriched by different life experiences, varied perspectives, dynamic interchange, flexibility and creativity. The skills and attitudes acquired by students in this environment are the same as those needed for the new worlds of work and community life. Schools can be, and generally are, model communities of mutual respect, harmony and tolerance.
These Guidelines for Managing Cultural and Linguistic Diversity in Schools set out the Department’s principles and strategies to:

- recognise, promote and manage the benefits of diversity for students and staff in schools
- prevent the occurrence of intercultural conflict, racial discrimination and intolerance
- handle complaints of race discrimination and offensive behaviour based on race.

The primary focus of these guidelines is to assist schools to successfully manage cultural, linguistic and racial diversity. From time to time, racial intolerance and discrimination, evident in speech, conduct and behaviours, can threaten social harmony. In addition, workplace policies, procedures and processes can have a differential impact on individuals as a result of their race, culture or language. The guidelines will therefore also support schools in developing processes and procedures for resolving situations of conflict or inequitable treatment on the basis of race, culture or language.

At the local level, principles and policies consistent with these guidelines will be reflected in schools governing documents and frameworks, including the School Charter, the Student Code of Conduct and the Codes of Practice for the principal, staff, school council and school community.

**LEGAL CONSEQUENCES OF RACIAL DISCRIMINATION**

Under the federal Racial Discrimination Act 1975 and the Victorian Equal Opportunity Act 1995, it is unlawful to discriminate against a person or group on the ground of their race.

**RACISM AND DISCRIMINATION**

**Race, ethnicity, culture**

The term “race” is taken to include a person’s colour, descent, ancestry, nationality, ethnicity and ethnic or national origin. It is often closely connected to visible or tangible cultural differences such as spoken language, skin colour, hairstyle, body language or clothing. It can also include intangible differences such as behaviour, eating habits, mannerisms and other characteristics that belong to, or are imputed to, a person of a certain race.

The test is not biological, but rather it is a sociocultural construct. It relates to whether the relevant individuals or group regard themselves and are regarded by others in the community as having a particular racial or ethnic identity.

**What conduct amounts to racial discrimination?**

Conduct which causes someone to suffer a detriment or to be treated “less favourably” than someone else because of their race can amount to racial discrimination. The term detriment is very broad and includes emotional and physical detriment.

Racial discrimination means any distinction, exclusion, restriction or preference based on race which has the effect of impairing a person’s enjoyment, recognition or exercise of a human right.

**Direct Discrimination**

Direct discrimination occurs when a person is treated less favourably because of their race, ethnicity or culture or a characteristic associated with these.

**Indirect Discrimination**

Indirect discrimination occurs when a person makes a decision or imposes a requirement, which appears neutral but which has the effect of disadvantaging a person because of their race, ethnicity or culture. This decision or requirement is also unreasonable.
Racial Vilification
Racial vilification is often referred to as “hate speech.” It is the communication of words, sounds, images, or writing to the public which are likely to offend, insult, humiliate or intimidate because of the race, colour or national origin of a person.

Examples of racial discrimination
Examples of racial discrimination include:

- verbal or written abuse, such as racist or racially based jokes
- racially based harassment which has the effect of insulting or intimidating a person
- voicing of prejudiced or stereotypical views of people on the basis of their national, cultural or linguistic identity
- picking on people because of visible differences (such as skin colour, ethnic or religious clothing such as hijabs – the head covering worn by Muslim women, or yarmulkes – the skullcaps worn by Jewish men)
- physical violence against people on the ground of race
- authorising, assisting or inciting others to vilify, discriminate or commit physical violence against people on the ground of race.

Categories of persons protected by discrimination laws
Schools must not engage in racial discrimination, harassment or vilification in relation to:

- a student
- an employee
- a prospective student or employee
- a contract worker or agent
- a person carrying out duties in the school such as a work experience student, contract cleaner or consultant, or
- any other people covered by the legislation.

Discrimination against students
It is unlawful for schools, the Department and other educational authorities to discriminate against a person on the ground of race:

- in deciding who should be admitted as a student
- by refusing to accept a person as a student
- in the terms on which a person is admitted as a student.
- by denying or limiting access to any benefit provided by the school
- by expelling a student, or
- by subjecting a student to any other detriment.

Discrimination against employees
It is unlawful for an employer to discriminate against an employee on the ground of race:

- in recruiting and selecting staff
- in the terms, conditions and benefits that are offered as part of employment
- in determining who receives training and the type of training offered
- in determining who is considered and selected for transfer, promotion, retrenchment or dismissal, or
- by subjecting an employee to any detriment on the ground of their race.
Discrimination in the provision of services
It is also unlawful for a school or service provider to discriminate against a person:
• by refusing to provide goods or services
• in the terms in which goods or services are provided, or
• by subjecting them to any other detriment.

Vicarious Liability
The Department could be vicariously liable for acts of its employees or agents unless it can show that it took “reasonable precautions” to prevent the discriminatory conduct. The Department is therefore committed to ensuring that all staff are aware of their rights and obligations with respect to cultural diversity and racial discrimination. The Department is committed to providing staff with appropriate training and access to information and services to ensure that they understand their rights and obligations.

Complaints of Racism and Discrimination
Any grievances or observations by staff, students or parents of discriminatory or otherwise inappropriate behaviour should be treated seriously, and all complaints should be dealt with according to the most recent local complaints resolution procedures issued by the Department.

The possible outcomes of a complaint include a formal or informal investigation, apology, referral for mediation or counselling and implementation of appropriate student or staff discipline procedures. In cases of discrimination or serious misconduct, the ultimate outcome of a complaint could be transfer or even dismissal of the person who committed the unlawful act. In these cases, the Complaints and Investigations Unit should be contacted before any action is taken concerning the complaint.

At any stage in following local complaints resolution procedures, complainants have the right to take their complaint directly to an external agency, such as the Merit Protection Boards, the Victorian Equal Opportunity Commission, the Human Rights and Equal Opportunity Commission or the Ombudsman.

If a complaint of discrimination is taken to an external agency, after conducting a formal inquiry, an anti-discrimination Tribunal could:
• order that a person refrain from committing any further act of discrimination
• order that a respondent pay an amount of compensation
• order that a respondent do something to redress any loss, damage or injury suffered by the complainant, or
• order that the complaint be dismissed.
ROLES AND RESPONSIBILITIES

Affirmation of cultural diversity, together with backup counter-racism strategies is both good management and educational practice, expected of all Departmental leaders and members of the learning community.

The particular roles of members of the education community with respect to implementing these guidelines are set out below.

Department of Education, Employment and Training

As a government employer and provider of educational services to the Victorian community, the Department has a responsibility to ensure that it upholds the Commonwealth and State anti-discrimination legislation. In fulfilling this obligation, the Department is committed to:

• upholding the rights and responsibilities of students and staff to learn and work in an environment which affirms cultural and linguistic diversity
• continuing to develop curriculum programs which foster positive community attitudes to cultural and linguistic diversity
• making available to all staff, students and members of school councils copies of these guidelines
• continuing to develop and implement practices which uphold the rights of all students and staff and acknowledge cultural and linguistic differences
• developing strategies to deal with situations of intercultural conflict or racism and providing students and staff with avenues of complaint and redress.

The Department’s commitment to the prevention of racism in schools has significant implications for the roles and responsibilities of its staff as set out below.

Director of School Education

The Director is committed to:

• making available to Regional Directors the contents of these guidelines so that they are aware of their responsibilities and rights
• including in the performance management process for Regional Directors and Assistant Regional Directors evidence of a commitment to implementing these guidelines
• making available to staff training and professional development opportunities
• updating existing and new policies of the Department for consistency with these guidelines.

Regional Administration

To ensure that schools are supported in implementing these guidelines and upholding the law in relation to cultural and linguistic diversity, Regional Directors are committed to:

• promoting and affirming diversity as expressed in these guidelines in every school for which they are responsible
• making available to principals the contents of these guidelines so that they are aware of their responsibilities
• nominating at least one trained diversity contact officer in every region
• facilitating access to training and development for staff, especially principals
• supporting the implementation of the Department’s Local Complaints Resolution Procedures guidelines as required.
**Government Schools**
Within each school community, the commitments of members in managing cultural and linguistic diversity are as follows:

**School Councils**
School councils are committed to:
- ensuring that the contents of the school’s charter, particularly the school profile, codes of practice and the student code of conduct reflect the Department’s managing diversity and multicultural education policies
- promoting and affirming the values of diversity among members of the school community
- contributing to school strategies to prevent racism and value cultural and linguistic diversity
- encouraging and facilitating the participation by parents in school community activities and decision making, taking into account the special needs of culturally and linguistically diverse communities
- ensuring that the educational policies of the school promote and nurture self esteem and acknowledge and build on the life experiences of all students
- ensuring that all of the school’s current and future policies are consistent with these guidelines.

**Principals**
Principals are committed to:
- ensuring that the school curriculum, leadership and management practices promote and affirm principles of diversity
- making available to staff, students and members of the school council copies of these guidelines so that they are aware of their rights and responsibilities
- participating in Department training on diversity management and discrimination and facilitating professional development and training opportunities for staff
- making available to Department staff the curriculum materials and professional development opportunities associated with the Multicultural Policy for Victorian Schools and the Strategic Plan for Koorie Education 2001–2004
- monitoring the school environment in terms of racist attitudes and behaviours and overseeing the school’s efforts to eliminate racism and discrimination
- ensuring that there are appropriate procedures in place for dealing with complaints and implementing the Department’s local complaints resolution procedures when appropriate
- modelling appropriate behaviour and promoting a climate of mutual respect
- making available translations of the school’s diversity and equal opportunity policies including complaints processes to ensure they are accessible to staff, students and parents from language backgrounds other than English, as appropriate.

**School staff**
School staff are committed to:
- promoting and affirming diversity in all aspects of their work practices and interactions with students, parents and staff
- using the curriculum materials and other resources available to support the Multicultural Policy for Victorian Schools and the Strategic Plan for Koorie Education 2001–2004 where appropriate
- making use of available professional development opportunities where appropriate
- monitoring the school environment in terms of racist attitudes and behaviours and assisting the school's efforts to eliminate racism
- modelling appropriate behaviour and promoting a climate of mutual respect.

**Students**

Students are expected to:

- abide by the Student Code of Conduct, in particular the principles concerned with the elimination of discrimination based on difference of culture, race and gender
- participate in cultural awareness, anti bullying and other curriculum-linked strategies aimed at increasing respect for diversity.
APPENDIX 1 sources of authority for these guidelines

International Conventions
International Convention on the Elimination of all Forms of Racial Discrimination 1966

Federal and State legislation
The legislative context of these guidelines is provided by:
- the Commonwealth Racial Discrimination Act 1975 (including the Racial Hatred Act)
- the Victorian Racial Tolerance Motion

Victorian Government Cabinet Committees
- Aboriginal Affairs Cabinet Committee (AACC)
- Multicultural Affairs Cabinet Committee (MACC)

Whole of Government Initiatives
- Office of Public Employment: Directions on Managing Diversity
- Multicultural Strategy

Department of Education, Employment and Training Committees and Advisory Groups
- Policy Coordination Group on Diversity
- Managing Diversity Quarterly Forum
- Victorian Aboriginal Education Association Incorporated
- Koorie Education Central Implementation Committee
- Ministerial Advisory Council on LOTE, ESL and Multicultural Education

Specific Department of Education, Employment and Training Policies
Strategic Plan for Koorie Education 2001–2004
Managing Diversity Policy
Multicultural Policy for Victorian Schools
Anti-bullying Policy
Post Compulsory Education Training and Employment (PETE) Diversity Statement
HUMAN RESOURCES MANAGEMENT

For further information about the publications listed below, please contact the Diversity and Equity Unit, Human Resources Division, Department of Education, Employment and Training, by telephone on (03) 9637 2454.

- Local complaints resolution procedures – February 1999
  www.sofweb.vic.edu.au/hrm/PayCond/lcrp.htm


- Rights and responsibilities under the Victorian Equal Opportunity Act 1995 – Training for principals, staff and school councils (kit)

- Schools of the Future Reference Guide 1996
  6.5 Merit and equity policy
  6.5.1 Definitions
  6.5.2 Legislation
  6.5.3 Managing Diversity
  6.5.4 Policy for eliminating sexual harassment in schools
  6.5.5 Grievances


- Victoria, Department of Education 1997, Valuing diversity workshop resource booklet for schools, Melbourne.

MULTICULTURAL EDUCATION, SCHOOL PROGRAMS AND STUDENT WELFARE RESOURCES FOR SCHOOLS

All of the resources listed in this section are available for loan from the Languages and Multicultural Education Resource Centre (LMERC), 150 Palmerston Street, Carlton 3053. For further information about multicultural education resources for schools, please contact the LMERC Librarian by telephone on (03) 9349 1418, refer to the website at www.sofweb.vic.edu.au/lem/lmerc/index.htm, or visit the Centre in Carlton.

Policy Documents


Background Resources


Teacher Resources

  This resource comprises three posters, and an interactive website for schools.
Classroom Resources

- *curriculum@work* 2000, Victoria, Department of Education, Employment and Training. See particularly SOSE teacher support materials units of work: “Australians – who are we?” (Level 3), “The Aboriginal Civil Rights Movement” and “The American South in the Sixties” (Level 6)

Videos

- Magna Systems, USA 1996, *Diversity. From Early Childhood Training Series*. Set of four videos, including *Contrasting perspectives; Diversity and communication; Diversity and conflict management; Diversity, independence and individuality*.
- South Australia, Department for Education and Children’s Services 1997, *Countering racism*.
- Victorian Employers’ Chamber of Commerce and Industry and JobWatch Inc. 1999, *No bull: say no to bullying and violence in the workplace*.

Websites

- *Facing history and ourselves* – [www.facinghistory.org](http://www.facinghistory.org) Well-designed and inspiring online guide to an educational program available to US educators, focusing on the Holocaust, students examine history, human behaviour and moral choices.
- Victorian Association of TESOL and Multicultural Education Inc. (VATME) [www.acta.edu.au/vatme](http://www.acta.edu.au/vatme)