

SCHOOL POLICY: COUNTERING SEXUAL HARASSMENT IN ACT PUBLIC SCHOOLS

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IDENTIFIER: CSH200704

LEGISLATION: *Discrimination Act 1991*
Human Rights Act 2004

1. Policy Statement

- 1.1 Consistent with the *Providing Safe Schools P-12* policy every school must develop procedures to counter sexual harassment.
- 1.2 All schools will have in place practices and programs that are designed to ensure that all students are protected from sexual harassment.
- 1.3 Schools must report instances of sexual harassment that pose an immediate threat to the safety of students and staff as critical incidents. This report must be made to the School Network Leader immediately by telephone and in writing within 24 hours.
- 1.4 The principal will initiate the election of two Anti Sexual Harassment Contact Officers for Students (at least one of whom must be a woman) from the staff at each school at the beginning of each year. Cluster schools may identify a male contact officer from within the cluster to be a contact officer where necessary for schools without a male teacher. The appointees should be:
 - well versed in the nature of sexual harassment and its effects
 - officers in whom the staff and students have confidence and trust
 - able to maintain confidentiality
 - able to be non judgemental.
- 1.5 Sexual assault and sexual abuse are criminal offences. In such cases, it may be appropriate to contact the ACT Child Protection Unit for advice and/or the ACT Police and follow the procedures detailed in Section 159 of the *Children and Young People Act 1999*. The appropriate School Network Leader must also be advised.
- 1.6 A statistical record of incidents of sexual harassment must be kept by the school.

2. Rationale

- 2.1 The purpose of this policy is to set out the responsibilities of all ACT public schools to counter sexual harassment.

3. Definitions

3.1 **Sexual harassment** is any unwanted or uninvited sexual behaviour that is offensive, embarrassing, intimidating or humiliating. It has nothing to do with mutual attraction or friendship. It includes behaviour which creates a sexually hostile or intimidating environment, such as unwelcome touching, staring or leering, suggestive comments or jokes, sexually explicit pictures, unwelcome requests for sex or intrusive questions about your private life. (*Human Rights and Equal Opportunity Commission Website: Frequently Asked Questions. <http://www.humanrights.gov.au/faqs/general.html#9>*)

3.2 Sexual harassment may occur in the following contexts:

- between students
- between students and teachers
- between students and other employees or volunteers
- in the context of work experience.

3.3 The term “sexual harassment”, when used in its widest sense includes gender based harassment, sexual assault, sexual abuse and homophobia.

3.3.1 **Gender-based Harassment:**

Unwelcome conduct directed at an individual or group because of their gender, but does not involve behaviour of a sexual nature.

3.3.2 **Sexual assault:**

Sexual assault is a criminal offence. Some forms of sexual harassment may also be criminal offences.

3.3.3 **Sexual abuse:**

Any sexual act or sexual threat imposed on a child or young person.

3.3.4 **Homophobia:**

A hatred or fear of homosexuals and homosexuality, usually associated with hostility and sometimes with violence.

3.4 **Critical Incident:**

An incident, or series of incidents, which result in:

- significant disruption to the school’s normal procedures
- a school being locked down, evacuated or requiring closure
- police notification and involvement in the school
- significant threat to the safety of students and/or staff.

4. Procedures

4.1 This policy must be read in conjunction with the *Providing Safe Schools P-12* policy document.

4.2 Anti Sexual Harassment Contact Officers for Students should:

- model appropriate behaviour
- have attended Directorate training
- provide initial and ongoing support to students who approach them with a complaint
- advise students in advance that, while they will attempt to keep confidentiality, there may be some complaints which are of such concern that other people need to be informed
- keep a statistical record of complaints.

4.3 When an incident of sexual harassment occurs, all staff involved must:

- ensure that all complaints are treated seriously and confidentially
- adopt a spirit of conciliation rather than confrontation, but ensure that the alleged harasser understands the unacceptable nature of sexual harassment
- apply the rules of procedural fairness and natural justice.

4.4 After completion of any investigation the principal, in consultation with the Anti Sexual Harassment Contact Officer/s for Students, will decide if further action is required.

4.5 If the principal decides that the complaint should not be handled at school level, the matter should be referred to the appropriate School Network Leader.

Policy Owner: Director, Aboriginal and Torres Strait Islander Education and Student Support

Related Documents: *Providing Safe Schools P - 12*
