

SEXUAL HARASSMENT POLICY

RATIONALE

Torrens Valley Christian School is committed to developing and maintaining an environment that is free of discrimination and harassment and promotes respect for persons, integrity, equitable treatment and natural justice.

This commitment is based upon the Biblical values of freedom and justice for all people, and an underpinning belief in the dignity and uniqueness of every human being. (Romans 12:10, 1 Peter 2:17) We believe that every person is created in the image of God and is of great value and worth.

Torrens Valley Christian School has a zero-tolerance policy towards harassment (including sexual harassment), vilification, victimisation, bullying, discrimination and other wrongful, unlawful and inappropriate conduct. This type of behaviour is unacceptable and for staff can result in summary dismissal and for students is reason for exclusion and may be unlawful under State or Commonwealth law. The School provides procedures by which members of the community can have a complaint of discrimination and harassment addressed in a sensitive, fair, timely and confidential manner.

Torrens Valley Christian School aims to build and foster a genuinely protective environment framed upon the *TVCS Educational Creed* and *Focal Points*.

SCOPE

This policy applies to all students, staff, volunteers, parents/carers, contractors and other individuals involved with the school, while on campus or engaged in school-related activity.

It is recognised that all individuals in the school community have a responsibility to contribute towards an environment of trust and respect which forms the basis of appropriate professional relationships and for providing an environment free from sexual harassment.

OBJECTIVES

- To promote an environment which is free from harassment (including sexual harassment), vilification, victimisation bullying and assault (including sexual assault) where all persons are treated fairly, with respect, dignity and courtesy.
- To ensure that all persons are aware of this policy and their rights and obligations to a safe study, work and teaching environment.
- To promote appropriate standards of conduct at all times.
- To express TVCS' commitment to provide accessible, transparent and equitable processes through which all persons can seek resolution of reported incidences of alleged bullying and sexual harassment or assault.
- To provide opportunity for all persons to resolve issues in a fair, timely and confidential manner.
- To encourage the reporting of behaviour that is perceived as inappropriate which breaches this policy and to protect complainants from reprisals when making a complaint.
- To ensure TVCS complies with its legal responsibilities.

POLICY STATEMENT

Torrens Valley Christian School is committed to ensuring that the working and learning environment is harassment-free. Sexual harassment is unlawful and will not be tolerated. Action will be taken against those who breach the policy. In particular, and in accordance with the legislation:

- An employee at the school must not sexually harass anyone in the course of their duties, including another employee, a student at the school or someone seeking to become a student at the school, or a student at another school.

- An adult student at the school must not sexually harass another student or employee at the school or a student or employee at another school.

By implementing this Policy, TVCS reaffirms its commitment to the prevention of sexual harassment and the implementation of equal opportunity principles.

DEFINITIONS

Sexual harassment

Sexual harassment is defined under the *Sex Discrimination Act 1984* (Cth) as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of behaviours that may amount to sexual harassment include:

- inappropriate remarks with sexual innuendos, smutty jokes or lewd comments
- suggestive remarks about a person's body or appearance
- persistent, unwanted requests for dates
- offensive hand or body gestures
- uninvited physical contact such as patting, pinching, touching or putting an arm around another person.
- other acts or behaviours that may amount to an offence of sexual assault under relevant criminal legislation.

Sexual harassment can take many forms – it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males or females against people of the same or opposite sex.

Sexual harassment **does not** refer to behaviour that is mutually acceptable to the parties involved. Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect. Where the interaction is consensual, welcome or reciprocal it will not amount to sexual harassment.

Complainant – a person who, individually or in conjunction with others, make(s) a complaint of sexual harassment under the school's Sexual Harassment Policy.

Respondent – a person or organisation against whom a complaint has been made under the school's Sexual Harassment Policy and Procedures.

ROLES AND RESPONSIBILITIES

The Principal and Executive team have a responsibility to:

- reinforce within the school community that no form of sexual harassment is acceptable.
- provide a safe, secure work and learning environment for all
- raise awareness of the issues involved in sexual harassment and provide information to students, staff and parents
- ensure that all reported incidents of sexual harassment are addressed promptly, fairly and sensitively and that support is given to both the victim and the perpetrator
- identify what the school will do to discourage sexual harassment
- impart information, skills and strategies to students, staff and parents.

All members of the school community have a responsibility to:

- ensure that at all times their behaviour is consistent with the expectations outlined under this policy and relevant Codes of Conduct
- treat all members of the TVCS community with dignity and respect
- ensure the school environment is free from sexual harassment

- ensure their own behaviour does not constitute or foster sexual harassment and will be involved in sexual harassment professional development
- engage in good faith in the complaint management process with the positive aim to achieve resolution of the complaint
- ensure cooperation by remaining open to suggested options for resolution and engaging respectfully with those concerned as appropriate
- respect cultural and social differences among colleagues and students
- avoid vexatious and frivolous complaints and the vilification or victimisation of complainants.

COMPLIANCE AND MONITORING

Torrens Valley Christian School will take reasonable steps to prevent sexual harassment:

1. **Awareness** - regularly raise awareness of sexual harassment with staff, parents and students via the clear support and promotion of the policy by the school board and executive management team.
2. **Training staff** - regularly educate and train employees (especially senior staff) appropriately on how to prevent and manage sexual harassment.
3. **Instructing students** – how to identify sexual harassment (e.g. inappropriate comments, touching, gestures, bullying) and that in the first instance to report directly to their classroom teacher.
4. **Dispute resolution** - awareness, promotion and implementation of the *TVCS Complaints Handling Policy*.
5. **Record keeping, monitoring, reporting** - keep appropriate records, monitor and report on sexual harassment issues.
6. **Culture** - removal of any discriminatory or offensive materials, rules and practices, and encouragement of employees and students to contribute to a healthy school culture.

DEALING WITH COMPLAINTS OF SEXUAL HARASSMENT

1. **All complaints** will be treated with utmost confidentiality and with impartiality, procedural fairness, immunity from detrimental action and prompt resolution.
2. **Confidentiality.** The confidentiality of all parties involved will be maintained. Details of the matter should only be known by those directly concerned.
3. **Impartiality.** All sides will have their chance to tell their side of the story. No assumptions will be made, and no action will be taken until all relevant information has been collected and considered.
4. **Freedom from repercussions.** No action will be taken against anyone for making a genuine complaint or genuinely helping someone make a complaint, provided the complaint is made in good faith. The Principal or delegate will take all necessary steps to ensure victimisation does not occur to anyone who makes a genuine complaint or who is involved in such a complaint.
5. **Timeliness.** All complaints will be dealt with as quickly as possible.
6. **Frivolous or Vexatious Complaints.** Vexatious complaints are considered serious misconduct. Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of the TVCS Community. A complaint made in bad faith, with the intent to cause distress to one or more persons, or as a practical joke, will not be tolerated and will be dismissed.
7. **Procedure for lodging a complaint of sexual harassment.** Refer to Appendix 1.

RELEVANT LEGISLATION, STANDARDS AND FRAMEWORKS

Education and Early Childhood Services (Registration and Standards) Act 2011 <http://www.legislation.sa.gov.au>

The *Sex Discrimination Act 1984 (Cth)* <http://www.legislation.gov.au>

Equal Opportunity Act (SSA) 1984 <http://www.legislation.sa.gov.au>

Fair Work Act 2009 (Cth)

APPENDIX 1: PROCEDURE FOR LODGING A COMPLAINT OF SEXUAL HARASSMENT

Any employee who believes they are being subjected to unwanted attention, discriminatory conduct, bullying or other inappropriate behaviour should utilise the following process:

Step 1

If you are comfortable, try to resolve the matter directly with the other party involved.

Explain to the other person that their behaviour makes you feel uncomfortable and that you want it to stop. You may also seek advice from the TVCS Human Resource Department.

Step 2

If the incident is unable to be resolved directly with those involved the grievance should be referred to the relevant Deputy Principal, Principal or Human Resources. This step should also occur if you are uncomfortable raising the issue with the person or people directly.

Step 3

If appropriate the complaint is raised directly with the person or persons against whom the complaint is made in an attempt to resolve the matter informally by reaching an agreed resolution. It may also be appropriate, especially with issues of bullying, to instigate a mediation process by agreement with the parties.

If the matter is unable to be resolved at Step 3 or the person raising the complaint wants to make a formal complaint a detailed investigation of the alleged incident(s) will be carried out to assist in the resolution of the grievance. A complainant may be required to put the details of their complaint in writing. Witnesses may be called upon as part of the investigation. Any investigation will be kept confidential on a 'need to know' basis.

Step 4

If at any stage during the grievance procedure the complainant is not satisfied with the School's actions, employees can take their matter to the Human Rights and Equal Opportunity Commission, the Equal Opportunity Commission or any other relevant Authority.

Formal Investigations

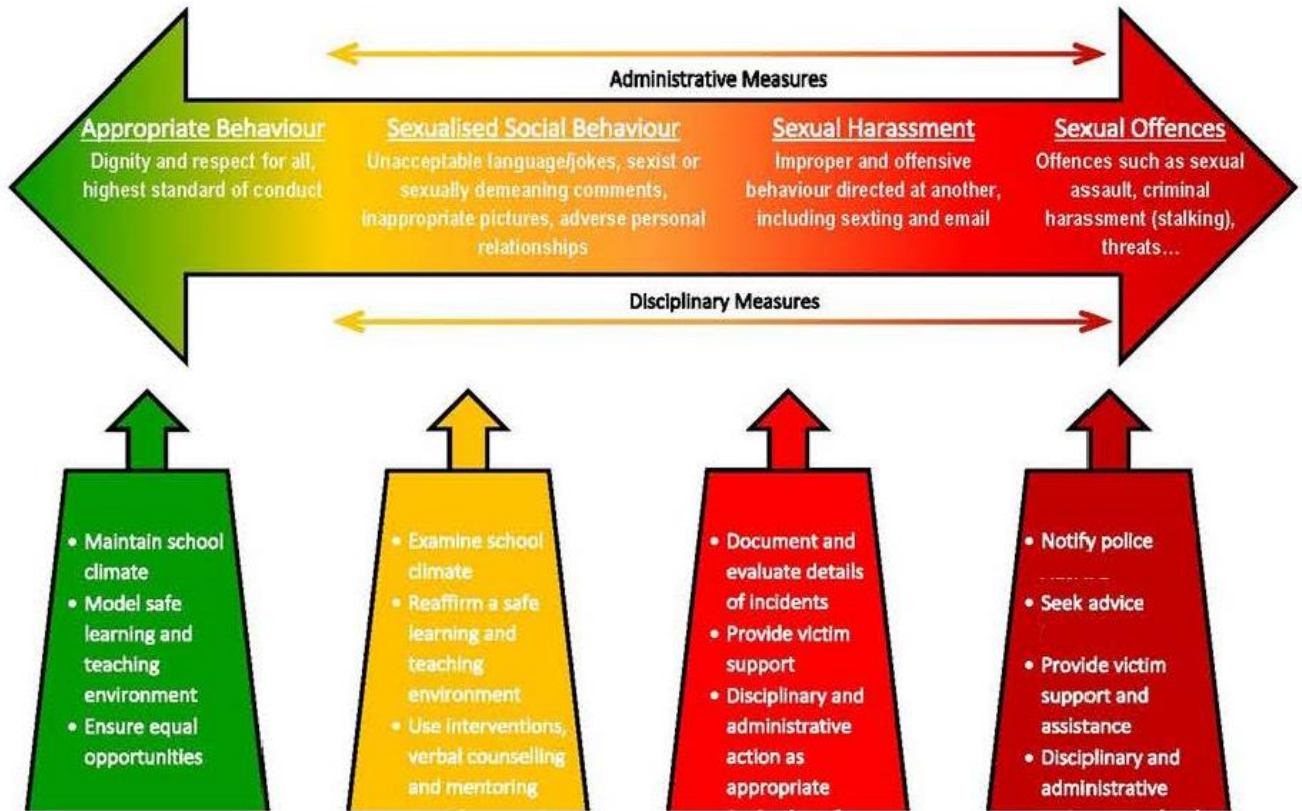
If an employee makes a formal complaint of inappropriate behaviour the School will undertake an objective, confidential and thorough investigation with a view to making findings.

Once findings have been made steps will be taken to resolve the complaint. An independent external advisor may be used at the formal investigation stage depending on the circumstances. During a formal investigation, the following procedure will be applied:

- Upon receiving the complaint, the Principal or other relevant member of the Executive Team will document the complainant's account of the issues ensuring all the necessary information is obtained.
- A complainant may be asked how they see the matter being resolved.
- On completion of the detailed interview with the complainant the respondent to the complaint will generally be interviewed about the allegations.
- Depending on the circumstances of the complaint a respondent to a complaint may be suspended with pay to allow a formal investigation to occur. Even if suspended, a respondent to a complaint will be required to actively participate in the investigation process.

- All complaints will be treated with discretion and in a confidential manner.
- The respondent to the complaint will be given the opportunity to respond to the complaint.
- Witnesses, where appropriate/required will also be interviewed as part of the investigation process.
- If, after investigation, a complaint is substantiated, TVCS will take appropriate action in response. This may involve disciplinary action which may result in termination of employment.
- If a complaint is unable to be substantiated, both parties will be informed and other action as deemed appropriate may be taken, such as providing awareness raising training.
- Where the complaint has not been resolved at employer level, the employee may request mediation/a hearing through an external agency.
- Any decision determined under this process shall be final and binding upon all parties.

APPENDIX 2: LEADERSHIP RESPONSIBILITIES AND ACTIONS



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