



# Student Sexual Harassment Policy

## IT SHOULD BE NOTED THAT:

*The detailed policy which follows applies to sexual harassment of students by other students. In cases of sexual harassment which involves a staff member as either the offender or the offended, disciplinary procedures will be implemented according to the guidelines provided by the Department of Education & Training 'Sexual Harassment Policy', and in the school's Staff Sexual Harassment Policy.*

## RATIONALE

"Sexual harassment in a school means that people will be offended, self-esteem and morale will be undermined and work effectiveness and learning ability will be impeded. Students and staff should not have to work in such an environment" (statement from Director General of Education, 1985).

Sexual harassment is an unacceptable form of behaviour. It will not be tolerated and will be proactively addressed at St Albans Secondary College.

## GUIDING PRINCIPLES

Sexual harassment means any spoken, written, or physical behaviour of a sexual kind when it is **unwanted**. Sexual harassment is unwelcomed and involves behaviour that could reasonably be expected to make a person feel intimidated, humiliated or offended, regardless of intention (Victorian Equal Opportunity Act, 2010).

## IMPLEMENTATION

There are three basic categories of sexual harassment – **SUBTLE**, **EXPLICIT**, and **CRIMINAL**. None is acceptable and none is too trivial to warrant complaint.

### 1. **SUBTLE (Not always obvious)**

Subtle forms of sexual harassment tend to be the most common. They include:

- Leering, staring.
- Sexual comments about a person's body, or dress.
- Sexualised comments or jokes (verbal or written).
- Questions about another's sexual activity.
- Persistent and intrusive comments about a person's private life/sexual orientation.
- Physical contact, eg purposefully brushing up against another's body.
- Belittling (degrading) comments based on sex-role stereotyping.
- Inappropriate advances, comments and pictures on social networking sites.

### 2. **EXPLICIT (Obvious)**

Explicit forms are easier to identify as they often involve overtly offensive or intimidating behaviour. They include:

- Unwanted touching on areas other than on the buttocks, breasts or genitals.
- Repeated requests for dates, especially after refusal.
- Sexualised jokes and comments (verbal or written).
- Sexually provocative remarks.
- Displays of sexually graphic material – pornography.
- Offensive gestures.
- Removing a person's clothing without exposing their breasts, buttocks or genitals eg. 'dacking'.

### 3. **CRIMINAL SEXUAL HARASSMENT/SEXUAL ASSAULT**

Sexual assault may include some of the above, but also covers:

- Indecent exposure
- Indecent assault
- Attempted or actual rape.

Sexual assault is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation. It includes rape, assault with intent to rape, and indecent assault, which are offences under the Crimes Act 1958. Indecent assaults are assaults accompanied by circumstances of indecency. Examples include unwelcome kissing, touching or massaging in the area of a person's breasts, buttocks or genitals. This also includes removing a person's clothing and exposing their breasts, buttocks or genitals.

Indecent assault can also include behaviour that does not involve actual touching, such as forcing someone to watch pornography or masturbation.

### **CONSEQUENCES**

All complaints of sexual harassment should be treated as genuine and confidential, and should be acted upon immediately free from any bias. Students claiming harassment should be given the opportunity to discuss the matter with a staff member with whom they feel comfortable. This information should then be relayed as soon as possible to the Year Level Coordinator and the Wellbeing team.

### **SUBTLE SEXUAL HARASSMENT**

In the event of sexual harassment defined as subtle, the following procedures will occur:

- (i) Classroom teacher will deal with the situation immediately or send the offender to the Year Level Coordinator's room.
- (ii) The teacher will write a report of the incident which will be given to the Year Level Coordinator.
- (iii) The student will be interviewed by the Year Level Coordinator and will be expected to give an assurance that this behaviour will not happen again.
- (iv) An Assistant Principal will be notified of the incident.
- (v) Report of the incident will be kept in the student's file and on Compass.
- (vi) Student's behaviour will be monitored.

### **FURTHER INCIDENTS OF SEXUAL HARASSMENT DEFINED AS SUBTLE**

In the event of a 2nd incident of subtle sexual harassment, the following procedures will occur:

- (i) The offending student will be interviewed by the Year Level Coordinator, and an Assistant Principal or Student Wellbeing Coordinator.
- (ii) Parents of the offending student will be notified.
- (iii) A contract will be drawn up by the student, which will be kept in the student's file along with a report of the incident.

Contract broken:

If the contract is broken, the following procedures will occur:

- (i) The offending student will be removed from class until parents attend an interview.
- (ii) An interview will take place with the student, parent or guardian, the Year Level Coordinator, and an Assistant Principal or Student Wellbeing Coordinator.
- (iii) Disciplinary action will be enforced, possible suspension.

### **EXPLICIT SEXUAL HARASSMENT**

To deal with more serious forms of harassment defined as explicit, a meeting will be convened as soon as possible with:

- (i) One representative of the Principal Class.
- (ii) Year Level Coordinator.
- (iii) One representative of the Wellbeing team.

The incident should not be investigated until this meeting is convened and a decision made on how to proceed. The above staff members can then gather information about the reported sexual harassment, and if it is found that serious harassment did occur, then the following procedures are to be implemented:

- (i) Offending student/s to be removed from class under supervision.
- (ii) Parents of all the offending students involved are to attend an interview with the committee or members of the committee.
- (iii) Suspension - a number of days to be decided by the committee, in line with current suspension procedures.
- (iv) Documentation of this incident must be accurately recorded and placed in the student's file and on compass.
- (v) Parents of the offended student/s will also be informed of the situation.

**CRIMINAL SEXUAL HARASSMENT OR SEXUAL ASSAULT**

Responding to allegations of sexual assault, attempted rape or rape is to be done in line with DET guidelines (*refer to 'Responding to Allegations of Student Sexual Assault' flowchart*). Students believed to be involved in the incident are not to be interviewed as this may compromise any subsequent police investigations. A report to SOCIT (Victoria Police) is mandatory and there is to be no investigations by school staff until directed by SOCIT. Once SOCIT have indicated that a school-based investigation may begin, the following procedures will occur:

- (i) Parents of the offending student/s involved are to attend an interview with members of the committee.
- (ii) Suspension – a number of days to be decided by the committee, in line with current suspension procedures.
- (iii) Documentation of this incident must be accurately recorded and placed in the student's file and on Compass.

**NOTE:**

- (i) If it is found that any student has deliberately falsely accused another student of sexual harassment, then the accusing student will be dealt with as the offending student.
- (ii) Parent/s of the harassed student/s will be notified as deemed appropriate.
- (iii) Counselling will be provided to offending or harassed students when needed.

**SUMMARY OF CONSEQUENCES**

SUBTLE SEXUAL HARASSMENT	ACTION TO BE TAKEN
1ST INCIDENT	(a) Warning by classroom teacher and / or (b) Warning by Year Level Coordinator, agreement made; (c) An Assistant Principal informed.
2ND INCIDENT	(a) Interview with Year Level Coordinator and an Assistant Principal or Student Wellbeing Coordinator. (b) Parent notified. (c) 1st Contract drawn up.
3RD INCIDENT (1 <sup>st</sup> contract broken)	(a) Parent interview with Year Level Coordinator, an Assistant Principal or Student Wellbeing Coordinator. (b) Possible suspension.
MAJOR CASES OF SEXUAL HARASSMENT	ACTION TO BE TAKEN
EXPLICIT	(a) Panel established. (b) Interview with parents/student. (c) Suspension.
CRIMINAL	(a) Report incident to DET, Victoria Police, and if appropriate, DHS Child Protection ( <i>refer attached flowchart "Responding to Allegations of Student Sexual Assault"</i> ).

**EVALUATION**

This policy will be reviewed as part of the school's three-year review cycle.

This policy was last ratified by school council in...	June 2016
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