

STUDENT SEXUAL HARASSMENT POLICY

This policy 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 victim, disciplinary procedures will be implemented according to the guidelines provided by the Department of Education & Training (DET) 'Sexual Harassment Policy'.

GUIDING PRINCIPLES

Sexual harassment is unwelcome sexual behaviour that could make a person feel offended, humiliated or intimidated. It can be a symptom of gender inequality and most often – but not always – affects women. Sexual harassment can be a single incident or repeated behaviour; a suggestive comment or an offensive joke. It may happen in the office, a work party or at school. It doesn't matter what the intention is, sexual harassment is against the law. (Victorian Equal Opportunity and Rights Commission, 2021)

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).

Sexual harassment is an unacceptable form of behaviour. It will not be tolerated and will be proactively addressed at St Albans Secondary College through age-appropriate education for each year level.

Sexual harassment may be subtle or explicit and it also may constitute a criminal sexual offence.

Sexual harassment includes:

- an unwelcome sexual advance
- an unwelcome request for sexual favours
- any other unwelcome conduct of a sexual nature
- comments about someone's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive images or objects
- repeated requests to go out on a date
- requests for sex
- sexually explicit emails, text messages or posts on social media
- questions about another's sexual activity.
- persistent and/or intrusive comments about a person's private life/sexual orientation.
- belittling (degrading) comments based on sex-role stereotyping.
- inappropriate advances, comments and pictures on social networking sites.
- unwanted touching
- sexually provocative remarks.
- displays of sexually graphic material – pornography.
- offensive gestures.
- removing a person's clothing with or without exposing their breasts, buttocks or genitals eg. 'dacking'.
- online image-based abuse
- posting inappropriate photos of someone else online without their consent.

Sometimes people accused of sexual harassment say they were only joking. But jokes can still be insulting, threatening and unwelcome (The Victorian Equal Opportunity and Human Rights Commission, (2021: <https://www.humanrights.vic.gov.au/for-individuals/sexual-harassment/>). It is also important to note that someone does not have to voice their concerns or tell someone to stop for behaviour to be considered sexual harassment.

Sexual Offending and Consent

In some cases, sexual harassment may constitute a criminal offence.

Student sexual offending refers to sexual behaviour that is led by a student who is over 10 years of age and which may amount to a sexual offence.

Under the Crimes Act 1958, a sexual offence includes:

- sexual Assault
- rape
- indecent Acts
- other unwanted sexualised touching.

Specific examples are outlined in the [DET PROTECT](#) document.

Sexual offending specifically relates to one party not gaining consent before engaging in sexual behaviour. Consent is an agreement between people to engage in a sexual activity. It involves both parties freely choosing to say 'yes' to a sexual activity. Consent is needed for any kind of sexual activity and it needs to be clearly communicated - there should be no mystery or doubt. Without consent, any sexual activity is against the law and can be harmful. **Only yes, means yes. Silence or lack of resistance does NOT equal consent. Consent should never involve pressure and cannot be influenced** (Kids Help Line 2021 <https://kidshelpline.com.au/teens/issues/what-consent/>).

Under Victorian Law children between 12 and 15 years of age can only consent to sexual activity with someone who is not more than two years (24 months) older than them. Therefore, sexual contact with a person outside of this age range may amount to student sexual offending.

For a person to consent to sexual activity, they must have the capacity to understand the context and possible consequences of the act. Therefore, sexual contact led by a student involving a person with a cognitive impairment* or affected by alcohol and other drugs may also amount to student sexual offending.

*A cognitive impairment is when a person has trouble remembering, learning new things, concentrating, or making decisions that affect their everyday life.

IMPLEMENTATION

Reporting by students

- Students can report sexual harassment to any staff member who will refer the matter to the relevant Sub School.
- All complaints of sexual harassment will be treated as genuine and confidential and, will be acted upon immediately free from any bias. This is regardless of where and when the incident occurred.
- The school will ensure the victim of sexual harassment is always supported. This may involve a referral to Wellbeing for further support and safety planning may need to be conducted to support the victim.
- It is not appropriate for a student to be victimised for making a complaint or supporting someone else to make a complaint. Sub Schools will respond to any reports of victimisation in accordance with the Student Management Policy.

- Parents will be contacted, as appropriate, in consultation with the victim. **Staff responding to complaints of sexual harassment**

All complaints of sexual harassment must be referred to the relevant Year Level Coordinator (YLC) and documented in Compass.

In the event of possible sexual offending, this must be referred to a YLC, a member of the Wellbeing Team or a Principal immediately. This may require a teacher to send for assistance during class time. More information regarding this process is documented in the section below.

Sub Schools, in consultation with the Wellbeing Team and a Principal, will determine consequences for students engaged in sexual harassment in accordance with the Student Management Policy. When making this decision, the following factors are to be considered:

- the impact on the victim
- level of severity
- intent of the perpetrator
- cognitive capacity of the students involved.

Possible consequences may include:

- detention
- suspension
- Behaviour Support and Intervention Meeting (BSIM) to consider expulsion.

For all occurrences of sexual harassment, parents of the offending student will be informed. Serious instances of sexual harassment may require holding a Student Support Group (SSG) meeting with a member of the Sub School, a Principal and a member of the Wellbeing Team.

Responding to sexual offending

All school staff must respond to any incidents, allegations or suspicions that a student is victim to student sexual offending and/or a student has committed sexual offending. For more information, staff should also refer to mandatory reporting guidelines outlined in the Child Safety Policy.

The DET process for responding to Student Sexual Offending is outlined in the [‘Four Critical Actions: Responding to Student Sexual Offending’](#) document and MUST be followed. The Wellbeing Team and a Principal must also be consulted.

Students believed to be involved in the incident are not to be interviewed as this may compromise any subsequent police investigations. Consultation with the Victoria Police Sexual Offences and Child Abuse Investigation Team (SOCIT) is mandatory (usually completed by the College Wellbeing Team) and there are 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:

- parents of the offending student/s involved are to attend an SSG
- suspension – a number of days to be decided by the Sub School, in line with current suspension procedures. A Behaviour Support Intervention Meeting (BSIM) may also be held to determine if expulsion is warranted
- documentation of this incident must be accurately recorded and placed in the student’s file and on Compass.

Note:

- parent/s of victims will be notified as deemed appropriate in consultation with the student.
- counselling and education will be provided to students when needed
- safety planning will be conducted in consultation with the Wellbeing Team.

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...	August 2021
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