



Topic	Sexual Harassment Policy
Director General Requirement/Registration Standard	4. Levels of Care
Originally Released	2021
Date for Review	2024

Rationale:

Court Grammar School (**School**) is committed to providing a working and learning environment free from sexual harassment.

Definitions

Sexual harassment is any verbal, written, visual or physical behaviour of a sexual nature that is unwelcome and uninvited where the harasser in all the circumstances should have anticipated the possibility that the other person would be offended, humiliated or intimidated.

Sexual harassment does not need to be repeated or continuous, it can involve a single incident.

Sexual harassment happens if a person (as defined by s4 of the Equal Opportunity Act 1984 (WA) and s28A of the Sex Discrimination Act 1984 (Cth)

- Unwelcome physical touching, hugging or kissing
- Staring or leering at someone or at parts of their body
- Suggestive comments or jokes
- Insults or taunts based on sex
- Sexually explicit pictures, emails or text messages
- Intrusive questions about a person’s private life or body.

And the person engaging in the above conduct does so:

- With the intention of offending, humiliating or intimidating the other person; or
- In circumstances where a reasonable person, having regard to all the circumstances would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

The circumstances to be taken into account include:

- The sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin of the person harassed.
- The relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
- Any disability of the person harassed;
- Any other relevant circumstance.

“Adult student” is anyone aged over 16 years is considered to be an adult student and are personally liable for sexually harassing another student of teacher.

Scope

This policy applies to all students.

This policy also applies to all staff members of the School, including full-time, part-time, ongoing, fixed-term and casual employees as well as contractors, volunteers and people undertaking work experience or vocational placements (**Staff**).

This policy applies to all Students and Staff:

- In all their interactions with each other and members of the broader School community; and
- While in the School or off site, including at School-related events (such as sporting events) or functions (including social functions), while on trips or excursions, and when attending conferences.

Members of the broader Court Grammar School community, including parents/guardians, are also required to comply with and support this policy.

Sexual harassment is unacceptable and will not be tolerated by Court Grammar School under any circumstances.

Principles

- Students are entitled to an education free of sexual harassment. The same applies to Staff – they are entitled to a workplace free from harassment.
- Schools have an obligation to deal with sexual harassment and all other forms of bullying.
- Sexual harassment by a member of staff – regardless of age, it is unlawful for a staff member to sexually harass another staff member or student.
- Sexual harassment by a student – regardless of age, it is unlawful for an adult student to sexually harass another student or staff member. Certain types of bullying, about sex or sex-based characteristics, may also be sexual harassment.

Procedures

Examples of Sexual Harassment

- Physical contact such as patting, pinching or touching in a sexual way;
- Unwelcome and uncalled for remarks or insinuations about a person's sex or private life;
- Distributing or displaying offensive pictures or written material including by email, text message, social media or other forms of communication;
- Unwelcome requests to another person that he or she take part in a social outing or date;
- Offensive or suggestive comments about a person's physical appearance, dress or relationships;
- Unwelcome or offensive jokes, intrusive questioning, messages, emails or telephone calls of a sexual nature;
- Offensive gestures or "wolf whistling";
- Direct propositioning or subtle pressures to a person for sexual favours, and
- Leering, indirect exposure, patting, pinching, touching or unnecessary familiarity.

Responsibilities

School Responsibilities

The School takes reasonable steps to actively prevent sexual harassment in breach of this policy occurring at the School, including the following:

- Develop and implement this sexual harassment policy and other materials and/or awareness activities to promote the purpose of this policy;
- Educate and provide appropriate resources to Staff to improve their knowledge and understanding, to assist in preventing any instances of sexual harassment in breach of this policy, and to appropriately respond should an alleged breach occur;
- Educate and provide appropriate resources to students and parents/guardians to improve their knowledge and understanding and to assist in preventing any instances of sexual harassment in breach of this policy; and
- Encourage students and Staff to contribute to a healthy School culture.

The School may be held responsible for the behaviour of Staff if it is found that it did not take all reasonable steps to ensure that all places where the School conducts its business were free of sexual harassment.

The School is also responsible to provide a mechanism for complaints to be addressed and resolved – see Reporting Sexual Harassment.

Student and Staff Responsibilities

All students and Staff contribute to the creation of a School culture free of sexual harassment. All students and Staff have a responsibility to comply with this policy.

All students and Staff are required to attend any training provided by the School to ensure they fully understand all aspects of this policy and the School's commitment to it.

Reporting Sexual Harassment

No one should tolerate sexual harassment.

A complaint of sexual harassment cannot be made against another student if the harasser is under 16 years. In these circumstances, however, a complaint may be able to be made against the school as it has a duty of care to protect students from harassment and discrimination

If you think you have been subjected to sexual harassment, then you should report the behaviour immediately. Do not ignore it and hope it will go away as silence may give the impression that the behaviour is acceptable.

Where a parent/guardian, student or member of staff has experienced or is aware of an incident of sexual harassment, they should report it to the Deputy Principal/Principal.

Once reported, allegations of breach of this policy will be investigated by the School, so far as is reasonably possible:

- On a confidential basis and having regard to privacy requirements;
- In a timely way; and
- In a fair and impartial manner.

Action taken by the School following investigation will be decided by the Principal or the Board (as appropriate) and may include, but is not limited to, implementing reasonable corrective action (see Consequences for Breach of this Policy), and providing students, parents/guardians and Staff with appropriate counselling and resources.

A complaint can also be lodged with an external agency such as the Equal Opportunity Commission (www.eoc.wa.gov.au) or Australian Human Rights Commission (www.humanrights.gov.au)

Consequences for Breach of this Policy

Disciplinary action, up to and including termination of enrolment or employment, may be taken against a student or Staff member who is found, by the Principal or the Board (as appropriate) to have breached this policy.

If a person is found to have raised a false or malicious complaint against another person in order to prejudice that other person, they may be subject to appropriate disciplinary action.

Where a person is alleged to have breached anti-discrimination legislation, it is also possible that legal action could be taken against them personally.

No Victimisation

Victimisation occurs when a person is treated or threatened to be treated in a detrimental manner as a result of making or threatening to make a complaint about an alleged breach of anti-discrimination laws. Victimisation can also occur when there is detrimental treatment because a person has:

- Refused to do something that might breach anti-discrimination laws;
- Supported the complaint of another; or
- Supplied information or documents to a person performing a function under anti-discrimination laws.

Motive is irrelevant. A complaint of victimisation can be successful even if the underlying complaint of sexual harassment does not succeed.

It is unacceptable and against the law for any person to be treated differently for the reason that he or she decided to exercise his or her legal rights under anti-discrimination laws or to help someone else to do the same.

References

Sexual harassment is unlawful and is prohibited.

- The Sex Discrimination Act 1984 (Cth) prohibits the sexual harassment of students and staff within the School environment.
- The Equal Opportunity Act 1984 (WA) prohibits sexual harassment in all areas of employment, education and accommodation.

Related Documents

CGS Code of Conduct

Bullying and Harassment Policy

Review History

Year of Review	Review/Amendments	Approved By
2021	Developed and implemented	Deputy Principal

Next Review

Year	Reviewer
2024	Deputy Principal