

SEXUAL HARRASSMENT POLICY STATEMENT

BELIEFS

Sexual harassment (as defined below) is totally unacceptable at Moonee Ponds West Primary School. It is recognised that sexual harassment may be experienced by either sex, but that the majority of those subjected to it are female. **Sexual harassment** communicates to people that they are seen as sexual objects. They are denied the personal respect, which is their right to expect from others. **Sexual harassment** is personally offensive, promotes feelings of powerlessness and has a negative effect on the working environment.

DEFINITION...

Sexual harassment is any verbal or physical conduct of a sexual nature, which is unwelcome and offensive to the person receiving the attention, regardless of the person demonstrating the behaviour. Sexual harassment is not necessarily face-to-face action - it may be via various media, e.g., telephone, internet, letters, etc. Sexual harassment does not refer to occasional compliments or common courtesies.

There are three basic categories of sexual harassment - **subtle, explicit** and **criminal action**.

NONE IS ACCEPTABLE AND NONE IS TOO TRIVIAL TO WARRANT COMPLAINT.

SUBTLE forms of sexual harassment tend to be the most common.

They include:-

- offensive staring, leering and gesturing
- suggestive comments about a person's physical appearance or sexual preference.
- offensive comments or jokes
- questions or comments about another's sexual morality
- physical contact e.g. purposefully brushing up against another's body
- offensive name calling
- belittling (degrading) comments based on sex-role stereotyping.

EXPLICIT forms are easier to identify as they are often overtly offensive or intimidating.

They include:-

- offensive hand and body gestures
- pinching, patting, touching, and embracing.
- repeated requests to go out with someone, especially after prior refusal
- offensive comments or jokes
- sexually provocative remarks
- displays of sexually graphic material, including graffiti
- requests for sexual favours.

CRIMINAL ACTION may include some of the above, but also includes:* indecent exposure

- sexual assault
- attempted or actual rape
- sending obscene or making obscene phone calls.

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It is against the law for:

- principals to sexually harass staff or students
- staff to sexually harass other staff
- staff to sexually harass students
- students to sexually harass staff
- students to sexually harass other students.

STUDENTS

Broad Guidelines:

All complaints of harassment should be treated as genuine, confidential and should be acted upon immediately, free from any bias.

Strategies for dealing with Sexual Harassment Cases will depend on the child's age, developmental stage and family circumstances. Students claiming harassment by another child should be given the opportunity to discuss the matter with a teacher with whom they feel comfortable or trust. This teacher then has the responsibility to act upon the complaint in compliance with the Behaviour Management Model for Students Sexual Harassment (Appendix 1)

In the case of a student claiming harassment by an adult the Principal or the Sexual Harassment Workplace Contact Person should be notified and the D.o.E. Investigations Officer should be contacted for advice.

STAFF

Broad Guidelines:-

When a formal complaint has been lodged, both parties have the opportunity to put their cases separately with the support person if required and be assured of an unbiased investigation. The alleged harasser is to have the opportunity to respond fully to the allegations.

Appropriate counselling will be available to both parties.

Complainants and/or respondents are advised that they have the option of proceeding with the matter at the Equal Opportunity Board.

Where possible the handling of complaints and conciliatory procedures should be at the workplace. This is the preferred procedure in order to avoid escalation of low profile cases.

Role of the Principal

Principals are responsible for ensuring that all staff are aware of the Equal Opportunity Act 1995 and the Rights and Responsibilities under the Vic EO Act 95 Kit for Government

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Schools. When a Principal, Sexual Harassment Workplace Contact Person or Investigations Officer (EEO) becomes aware of a formal complaint, it must be acted on immediately.

In the event that a staff member or student comes to the principal with a complaint of sexual harassment against/by a staff member or a member of the public (in the context of the workplace), the Principal must decide whether or not the allegation is such that it can be handled entirely at the local level or if advice is sought from the DE&T's Investigations Officer.

Principals are responsible for ensuring that no subsequent victimisation occurs of those who have complained of sexual harassment or of others who have provided them with support.

Role of the Sexual Harassment Workplace Contact Person:

The school will provide a Sexual Harassment Contact Person who will have access to appropriate training.

This **Contact Person** will:

- Be well versed in the nature of sexual harassment and its negative effects, particularly with respect to the effect that a complaint is likely to have on others.
- Have a visible and publicised role in the school
- Be available as a first point of contact for a person considering making a complaint or seeking advice about sexual harassment
- Be an empathetic and non-judgemental listener
- Provide ongoing support to a complainant, if required, in the event of an investigation and attempted resolution of the complaint.
- Provide complainants with support, information about the various avenues for advice, procedures for complaint resolution and the range of options available
- Treat all disclosures of sexual harassment (against staff) with utmost confidentiality, including beyond the resolution of a particular case
- Liaise as necessary with the Principal, Head Teacher and the Department of Education complaints investigations officer (EEO)

Although information may only be provided to a Principal with the complainant's consent, it is expected that the Workplace Contact Person will keep the Principal appropriately informed on the fact that an allegation has been made and that a process is underway. In the case of the offender being the Principal, the matter should be referred to the Regional Principal Consultant.

The role and responsibility of the Sexual Harassment Workplace Contact Person is limited to the provision of information and support to the complainant and does not extend to the investigation, conciliation or other intervention.

RAISING AWARENESS:

- Make Sexual Harassment Policy available in the office.
- Publish Sexual Harassment Policy - to be distributed to new families
- Include in Welfare and Discipline Document.

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- Speakers, parent meetings and School Council Meeting. Include articles in newsletters.
- Each year discuss Sexual Harassment Policy with the whole staff
- As part of rights, responsibilities and consequences develop strategies and understandings with children, within the classroom program in their implementation of the Sexual Harassment Policy.
- Provide Professional Development.

Endorsed by School Council 13/12/1999.

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Appendix 1

BEHAVIOUR MANAGEMENT MODEL FOR STUDENTS SEXUAL HARASSMENT

TYPE OF SEXUAL HARASSMENT	POSSIBLE WAYS OF DOING THIS	
SUBTLE	<p>Define and recognise problem ask children involved what</p> <ul style="list-style-type: none"> ➤ happened. ➤ ask those involved reasons for ➤ their behaviour ➤ reinforce the accepted, desirable behaviours <p>Work out possible solutions (depending on problem, the circumstances and the people involved)</p>	<p>OFFER THE CHILD CLEAR CHOICES FOR IMPROVING THEIR BEHAVIOUR</p> <ul style="list-style-type: none"> ➤ Offer a simple warning ➤ Reinforce the accepted desirable behaviours
REPEATED OFFENCES	<p>NEGOTIATE LOGICAL CONSEQUENCES eg</p> <ul style="list-style-type: none"> ➤ In their own time, children write out an explanation and why it may have upset others and possible options for the future ➤ Isolate child/'cooling-off' time ➤ Loss of privilege ➤ Follow-up/inform classroom teachers. 	
EXPLICIT SEXUAL HARASSMENT	<p>Enlist help from other people</p> <p>Further action taken by class teachers/Principal</p>	<p>Consult other people</p> <ul style="list-style-type: none"> ➤ Classroom teacher ➤ Student Welfare Coordinator ➤ Principal <p>Contact parents</p> <ul style="list-style-type: none"> ➤ phone ➤ informal meeting ➤ formal meeting ➤ negotiate contracts ➤ enlist help from outside agencies eg. GO & H&CS

**GRIEVANCE PROCEDURES
FOR STAFF**

Complaints of harassment should be treated as genuine, confidential and should be acted upon immediately, free from any bias.

Where possible the complaint will be dealt with at the local level in an impartial and unbiased manner with a view to resolving the dispute in a low-key and conciliatory way. Confidentiality must be ensured.

1. Discussion with either Sexual Harassment Workplace contact person or Principal for advice on procedures. (See roles of Sexual Harassment Workplace Contact Person and Principal.)
2. While there will be an emphasis on solving disputes at the local level the complainant maintains the right to seek advice from or lodge, a complaint with any of the following:
 - Workplace Contact Person
 - Principal or Head Teacher - (Telephone: 9370 6875)
 - Department of Education's Investigations Officer (EEO)(Telephone: 9637 2592)
 - Commissioner of Equal Opportunity(Telephone: 9281 7111)
 - Victoria Police - (Moonee Ponds Police Station (Telephone: 9370 0655)
 - A.E.U. contact - (Telephone: 9417 2822)
3. The individual has the right to decide whether or not the allegation can be handled at the local level or if advice should be sought through the DE&T's Investigations Officer (EEO) or Union Representative.
4. A person may lodge a complaint with the EO Commission under the Victorian Equal Opportunity Act (1 995) at anytime, provided they must not have lodged a complaint with the Merit Protection Board in relation to the same subject matter. If the complaint comes within the jurisdiction of Federal Legislation a complaint can be put forward to the Commission as well as the Merit Protection Board.
5. If the Commission's conciliation process is unsuccessful, the matter may be referred, at the complainant's request, to the Anti-Discrimination Tribunal for a public hearing.

The Principal needs to be informed about the grievance process. When a complaint is brought to the Principal, Head Teacher or Sexual Harassment Contact Person he/she will decide if the allegation can be handled at the local level or if advice should be sought from the Department of Education's Investigations Officer.