



# RIVERMOUNT COLLEGE

*Realising the Potential Within*

## 8.02.01 ANTI-SEXUAL HARASSMENT POLICY

### PURPOSE OF THIS POLICY

The College has a positive duty to provide a safe, respectful and inclusive workplace free of sexual harassment and discrimination. This policy communicates the College's responsibility and commitment to ensure the prevention, response and management of sexual harassment and sex or gender-based harassment.

### SCOPE

This Policy applies to students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placement.

### RESPONSIBILITY

Principal reporting to the Board of Directors

### LEGISLATION AND REFERENCES

Fair Work Act 2009

[Anti-Discrimination Act 1991 \(Qld\)](#), [Sex Discrimination Act 1984 \(Cth\)](#)

Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)

[Work Health and Safety Act 2011 \(Qld\)](#), [Work Health and Safety Regulation 2011 \(Qld\)](#)

[Work Health and Safety \(Sexual Harassment\) Amendment Regulation 2024](#)

**Anti-Discrimination Policy 08.01.01**

**Child Protection Policy 08.03.01**

**Code of Behaviour Policy – Students 05.01.01**

**Code of Conduct Policy – Staff 03.07.01**

**Complaints Handling Policy and Procedure 03.16.01**

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## POLICY STATEMENT

All students and employees at Rivermount College have the right to learn and work in an environment free from sexual harassment and sex or gender-based harassment. The College will take proactive measures to provide a fair and safe learning and teaching environment where all students and employees have equal opportunities.

The College is committed to taking action to protect students and employees from harassment and to responding appropriately should such behaviour occur, including possible discipline. Any instances of sexual harassment and sex or gender-based harassment should be reported under the College *Complaints Handling Policy and Procedure*.

In particular, and in accordance with the legislation, it is College policy that:

- An employee must not sexually harass anyone including another employee, a student (existing or potential) or a student at another school.
- An adult student<sup>1</sup> must not sexually harass another student or employee or a student or employee at another school.

## DEFINITIONS

**Sex or gender-based harassment<sup>2</sup>** is the harassment of a person on the basis of the person's sex or gender, by unwelcome conduct of a demeaning nature, with the intention of offending, humiliating or intimidating the person or in circumstances where a reasonable person would have anticipated the person would be offended, humiliated or intimidated by the conduct.

Sex or gender-based harassment includes denying opportunities or promotions to an individual based on their gender or perceived gender, or excluding someone from social events or team building activities based on their gender or perceived gender.

**Sexual harassment<sup>3</sup>** happens if a person subjects another person to unwelcome sexual behaviour with the intention of offending, humiliating or intimidating the other person, or in circumstances where a reasonable person<sup>4</sup> would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Sexual harassment has nothing to do with mutual attraction or consenting friendships.

<sup>1</sup> An adult student means a student who has attained the age of 16 years.

<sup>2</sup> Defined in section 55BA(2) of the WHS Regulation.

<sup>3</sup> Defined in section 55BA(1) of the WHS Regulation.

<sup>4</sup> The 'reasonable person test' is a common law test that asks what a reasonable person, having access to all the facts, would consider to be appropriate.

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Harassment may come from co-workers, subordinates, supervisors or managers, or from third parties such as customers, clients, patients, students, visitors, or other businesses (for example, suppliers). Acts of harassment can take various forms (eg physical or verbal) and may be obvious or indirect. For example, a person may experience harassment by overhearing a conversation or witnessing harassment that is directed at someone else.<sup>5</sup>

**Examples of Harassment may include:**

- the distribution or display of offensive pictures or written material, including by electronic distribution
- repeated unwelcome requests for social outings or dates
- offensive comments about a person's physical appearance, dress or private life
- jokes, intrusive questioning, messages or telephone calls of a sexual nature
- direct propositioning or subtle pressure for sexual favours
- leering, patting, pinching, touching or unnecessary familiarity
- indecent exposure, sexual assault or rape
- spreading rumours about someone's sex life
- workers normalise inappropriate sexual jokes and innuendo as part of their accepted workplace culture
- a team of male workers make fun of their female colleague by questioning whether she is 'tough enough' for the job

Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure, are also criminal offences and should be reported to the police.

**Sexual Harassment may occur:**

- between students
- between staff members and students - from a staff member to a student or from a student to a staff member.
- between staff members
- from a visitor/contractor or to a visitor/contractor of the College.

Anyone may be sexually harassed, but it happens more to girls than boys.

**Sexual Harassment can cause:**

- poor study performance
- academic results that do not reflect ability or effort
- absenteeism due to stress
- loss of self-confidence or self-esteem

**How Do I know If My Behaviour Is Causing Offence?**

Sexual harassment is often unintended. If you are not sure about your behaviour, you can:

<sup>5</sup> [https://www.worksafe.qld.gov.au/\\_\\_data/assets/pdf\\_file/0018/141921/guide-for-PCBUs.pdf](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0018/141921/guide-for-PCBUs.pdf)

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- carefully watch the effect of your actions and words on other people and consider whether they are really appreciating your behaviour or just pretending to because they are embarrassed.
- check your behaviour and language by asking if it is offensive or inappropriate.
- stop behaving in that way.
- apologise, if you are in doubt.
- always treat other people as equals instead of as possible objects of sexual attention.
- discuss your behaviour with someone who has an understanding of the issues.

### Victimisation

A person is victimised if threatened, harassed, harmed or subjected to any form of detriment.

In relation to sexual harassment it is against the law to victimise a person who:

- has made a complaint
- intends to make a complaint
- acts as a witness
- intends to act as a witness
- supports a victim
- intends to support a victim

## RESPONSIBILITIES

### College Responsibilities

The College acknowledges its responsibility to take proactive and meaningful action to prevent unlawful conduct from occurring in the workplace or in connection to work.<sup>6</sup> The College seeks to provide an environment free from sexual harassment and sex or gender-based harassment will undertake the following steps to prevent and appropriately respond to any instances of sexual harassment:

- Promote a culture of respect and encourage employees and students to treat others with dignity to assist in preventing any instances of sexual harassment.
- Prepare and implement a 'prevention plan' to manage any identified risks of sexual harassment, sex discrimination and gender-based harassment.
- Develop and implement a sexual harassment policy to assist in preventing any instances of sexual harassment.
- Educate and train employees to assist in preventing any instances of sexual harassment and to appropriately respond to any instances of sexual harassment.
- Establish appropriate grievance and complaints procedures via its *Complaints Handling Policy* to appropriately respond to any instances of sexual harassment.
- Support employees who report sexual harassment with options that are appropriate to their circumstance.
- Afford procedural fairness to all parties when responding to instances of sexual harassment.
- Remove any discriminatory or offensive materials, rules and practices to assist in preventing any instances of sexual harassment.

<sup>6</sup> <https://humanrights.gov.au/our-work/sex-discrimination/positive-duty-sex-discrimination-act>

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## Student and Employee Responsibilities

All students and employees have a responsibility not to engage in sexual harassment against any person. **As employees, all staff/teachers have a duty to ensure that any sexual harassment brought to their attention or personally witnessed, is addressed as soon as possible.**

## What Can You Do If You Are Being Sexually Harassed?

If you believe that you are being sexually harassed, you can:

- tell the person who is harassing you that you don't like it and that you want it to stop;
- speak to your parents;
- speak to any of the staff members listed below:

Primary School	Secondary School
Classroom Teacher	Classroom Teacher
Counsellor	Counsellor
College Nurse	College Nurse
Dean of Lower/Upper Primary	Year Level Coordinator/Dean
Head of Primary School	Head of Secondary School
Deputy Principal	Deputy Principal

You may also email [safe2be@rivermount.qld.au](mailto:safe2be@rivermount.qld.au) to seek assistance from the College.

## PARENT'S ROLE

In the event of your knowledge as a parent of a sexual harassment problem, you are asked to draw it to the attention of the appropriate College contact so that it can be investigated as quickly as possible.

## What Can You Do If Your Child Is Being Sexually Harassed

Listen to your child - don't treat the matter lightly. Your child has the right to a safe and secure learning environment.

If you believe that your child is being sexually harassed, there are several options available.

- if the person harassing your child is another student, your child may be prepared to tell the offender to stop the behaviour.
- if the behaviour does not stop after an approach has been made or if your child does not wish to approach the offender or if the offender is an adult, you and your child could talk to a teacher at the College about the situation. Alternatively, you may prefer to talk to someone in the College you know and with whom you feel comfortable.
- you and/or your child may make a formal complaint.

## Making a Complaint

If you are concerned about sexual harassment of your child and wish to make a complaint, you may, at any stage, inform the staff members listed above or refer to the College's

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*Complaints Handling Policy and Procedure* for information to make a formal complaint. Your complaint will be taken seriously and handled confidentially.

### **What Will Happen If A Formal Complaint Is Made?**

At all times, confidentiality will be maintained. The complaint will be investigated following documented procedures and both sides of the case will be considered.

Sometimes the matter can be settled confidentially at the initial stage, especially if the offender is unaware of the inappropriate behaviour and its effects.

## **IMPLEMENTATION**

The College takes reasonable steps to prevent sexual harassment including the establishment of this policy and its regular promotion via staff professional development days and at student assemblies. Students are regularly reminded to speak to a College Counsellor or senior management if they feel sexually harassed or unsafe in any way.

## **COMPLIANCE AND MONITORING**

The College utilises the *Complaints Handling Policy & Procedure* to address sexual harassment complaints and keep appropriate records. Complaints will be monitored by the College's Executive Management Team. The College will report any criminal offences to the police.

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