

Developing a sexual harassment policy for your school

Resource sheet

As a student you are entitled to an education free of sexual harassment. The same applies to teachers – 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 your age, it is unlawful for a teacher to sexually harass you.

Sexual harassment by another student

Regardless of your age, it is unlawful for an adult student to sexually harass you. Certain types of bullying, about sex or sex-based characteristics, may also be sexual harassment.

Who is responsible?

Anyone aged over 16 years is considered an 'adult student', which means they are personally liable for sexually harassing another student or teacher. If you are harassed, you may be able to lodge a complaint against the student and, in some cases, against the school.

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

Anti-harassment policies

Each school should have a policy for dealing with these issues.

A good policy will include the following elements (You can tick off those ones that your school has in its policy on sexual harassment).

A good school sexual harassment policy has . . .

A strong statement on the school's attitude to sexual harassment	
This should state that the school is committed to ensuring that the working and learning environment is harassment-free. It should also state that sexual harassment is unlawful and will not be tolerated, and that action will be taken against those who breach the policy.	<input type="checkbox"/>
An outline of the school's objectives regarding sexual harassment	
<p>This may include such aims of the school as:</p> <ul style="list-style-type: none"> • to create a working and learning environment that is free from sexual harassment and where all members are treated with courtesy, dignity and respect • to promote appropriate standards of conduct at all times • to implement strategies to ensure that all members of the school community know their rights and responsibilities in this area • to encourage the reporting of prohibited behaviour • to provide an effective complaints procedure based on principles of natural justice • to treat all complaints in a serious, sensitive, fair, timely and confidential manner • to guarantee against victimisation or reprisals 	<input type="checkbox"/>

A plain English definition of sexual harassment	
It is best if this definition includes a list of the sorts of situations and behaviour that constitute sexual harassment. Use the <i>What is sexual harassment?</i> resource sheet to develop a good definition.	<input type="checkbox"/>
What sexual harassment is not	
The policy should stress that sexual harassment is not behaviour that is based on mutual attraction, friendship or respect. If the interaction is consensual, welcomed and reciprocated it is not sexual harassment.	<input type="checkbox"/>
A statement that sexual harassment is against the law	
Students and teachers need to know that sexual harassment is against the law. Depending on the circumstances, all students and staff may be covered by the <i>Sex Discrimination Act 1984</i> or laws in their state or territory.	<input type="checkbox"/>
Possible consequences if the sexual harassment policy is breached	
Normally a variety of consequences will apply according to the severity of the situation and whether it is a first or subsequent offence. Consequences may include an apology, counselling, compensation, disciplinary action, misconduct proceedings or even suspension or expulsion.	<input type="checkbox"/>
Options available for dealing with sexual harassment	
Staff and students should be advised of a variety of possible informal and formal options for dealing with sexual harassment, such as confronting the harasser, or the processes for making a complaint within the school system (who to approach, and what their role is from then on).	<input type="checkbox"/>
Where to get help or advice	
The policy should include the contact details of people who have been appointed to provide information or assistance or who are responsible for receiving complaints.	<input type="checkbox"/>

Making it work

A written policy is not enough. There must also be a program within the school for making the policy known, and for enforcing it.

Find out about the sexual harassment policy at your school.

- Are people aware of the policy? Do they have a copy of it?
- Is it provided to new staff and students?
- Is it periodically reviewed? It is available in appropriate languages?
- Are there training and awareness-related strategies associated with the policy?

For more information see www.humanrights.gov.au/sexual_harassment