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# Castlemaine Secondary College

## Sexual Harassment Policy (2023 - 2025)

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<i>Date implemented</i>	1 March 2023
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<i>To be reviewed by</i>	Principal
<i>References</i>	Victorian Government Schools Reference Guide
<i>Approved by</i>	School Council
<i>Date</i>	1 March 2023

*Signature*

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### OVERVIEW

Castlemaine Secondary College is committed to providing a safe, inclusive and respectful learning community, which is free from sexual harassment.

Sexual harassment will not be tolerated by the college under any circumstances. Sexual harassment is unlawful under the Sex Discrimination Act 1984 (Cth) and the Equal Opportunity Act 2010 (Vic).

### SCOPE

This policy applies to all Castlemaine Secondary College students engaged in school activities. This may include but is not limited to conduct that occurs:

- at school
- whilst travelling to or from school
- at any after-hours school-related function (for example, awards nights)
- on a school excursion
- on a school camp
- across the schools IT channels including Google Classroom, the range of Google suite programs etc
- on social media platforms (for example, Facebook, Instagram, Snapchat, Tik Tok etc)

This procedure is for managing allegations of sexual harassment where the alleged perpetrator is a student. For incidents where allegations involve school staff please also see:

[DET Sexual Harassment Policy - Employees](#)

[Child Sexual Exploitation & Grooming](#)

[Child Safety Responding and Reporting Policy and Procedures \(2021 – 2023\)](#)

[Child Safe Policy \(2021-2023\)](#)

[Code of Conduct – Child Safety](#)

## DEFINITIONS

**Sexual harassment:** unwelcome conduct of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, humiliated or intimidated. It may be physical, verbal, visual or written.

A single incident is enough to be considered sexual harassment - it does not have to be repeated behaviour.

The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it. A key element of sexual harassment is that it is unwelcome.

It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

Examples of sexual harassment include:

- staring, leering or unwelcome touching
- suggestive or sexual comments or jokes
- unwanted invitations to go out on dates or sexual propositions
- intrusive questions about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- emailing/messaging pornography or rude jokes
- displaying images of a sexual nature
- communicating content of a sexual nature through social media or text messages
- comments about a person's sex life or physical appearance
- 'flashing'
- sexual gestures or imitating a sexual act, including making sounds of sexual nature
- making promises or threats in return for sexual favours
- offensive telephone calls, text messages or communications on social media platforms
- sending jokes or graphics of a sexual nature by email, internet, or mobile phone
- unwelcome questioning about a person's private life
- stalking (which is also a criminal offence)

Sexual harassment can also occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, regardless of whether the post was made during school hours or not.

Sexual harassment is unlawful under the Sex Discrimination Act (1984). Some types of sexual harassment may also be criminal offences.

The Equal Opportunity Act 2010 (Vic) addresses sexual harassment in Part 6. Section 92(1) provides 'a person sexually harasses another person if he or she':

- makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person, or

- engages in any other unwelcome conduct of a sexual nature in relation to the other person, or
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Section 92(2) provides 'conduct of a sexual nature' includes:

- 'subjecting a person to any act of physical intimacy,
- making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence,
- making any gesture, action or comment of a sexual nature in a person's presence'

## PROACTIVE MEASURES TO PREVENT SEXUAL HARASSMENT

Castlemaine Secondary College understands that ongoing education and support of staff and students is essential to ensure our inclusive environment is sustained. The following information provides details of programs / training that will be implemented on a regular basis with our College.

### Education of staff

Staff will participate in the following professional development, and information learnt through these sessions will be implemented continually and consistently across the College.

- Berry Street Education Model (BSEM) - focused on trauma-informed practice and providing unconditional positive regard for all students at all times.
- Respectful Relationships - to educate staff about delivering a program which reinforces acceptable and non-acceptable behaviour.
- CASA Aware and Respond Training - to enhance staff understanding of sexual based harassment and to reinforce reporting obligations.
- Mandatory reporting e-learning module - completed through the DET's online training platform every year.

### Education and empowerment of students

At Castlemaine Secondary College we encourage students to identify and report anti-social behaviour. The College uses the following strategies:

- Educating students about socially acceptable behaviour and providing strategies to challenge unacceptable behaviours via the Respectful Relationships and Extended Mentor Curriculum.
- Providing clear mechanisms to promptly report any type of antisocial behaviour. This includes through their Mentor Teacher, Precinct Manager, Precinct Leader or Wellbeing Team. A confidential sexual harassment reporting form may be completed, which allows students to provide prompt and efficient information about any incidents that may have occurred.

Sexual harassment and other forms of inappropriate behaviour targeting individuals or groups because of their personal attributes will not be tolerated at Castlemaine Secondary College, and these matters will be promptly followed up by various staff members in-line with the College's Staged Levels of Response, which can be found within our [Student Wellbeing and Engagement](#).

Students who may have experienced or witnessed this type of behaviour are encouraged to speak up and let their teachers, parents or carers know about those behaviours to ensure that inappropriate behaviour can be addressed.

### **Reasonable adjustments for students with disabilities**

Castlemaine Secondary College also understands that it has a legal obligation to make reasonable adjustments to accommodate students with disabilities. A reasonable adjustment is a measure or action taken to assist students with disabilities to participate in their education on the same basis as their peers. Reasonable adjustments will be made for students with disabilities in consultation with the student, their parents or carers, their teachers and if appropriate, their treating practitioners. Our school may consult through Student Support Group (SSG) processes and in other less formal ways. Mentor teachers will conduct an SSG with possible support from the Precinct Manager, Precinct Leaders, the College's Wellbeing Team and possibly some external services, e.g. Student Support Services, external psychologist etc.

For more information about support available for students with disabilities, and communicating with us in relation to a student's disability, please contact our school's Disability and Inclusion Leading Teacher for further information.

## **Procedure for managing allegations of sexual harassment perpetrated by a student towards another student**

### **RESPONDING TO ALLEGATIONS OF SEXUAL HARASSMENT**

Students can report or make a complaint about any instance of sexual harassment to any staff member. Castlemaine Secondary College takes any allegations of sexual harassment seriously.

If a complaint of sexual harassment is made, or sexual harassment is observed or brought to the attention of staff, it must be acted upon immediately and managed in a sensitive and as confidential as possible manner.

### **REQUIRED ACTIONS BY SCHOOL STAFF**

1. Ensure student safety - this may mean removing students from classes and placing them into alternative arrangements such as a senior class, wellbeing office, precinct office or into reception. Ensure they are asked how they can be best supported rather than making assumptions. Encourage the alleged victim to have a support person (peer) with them during all conversations.
2. Report to a Precinct Leader / Manager *and* a member of the Wellbeing Team as soon as possible so that they can begin the investigation.

### **REQUIRED ACTIONS BY PRECINCT LEADERS/MANAGERS IN CONJUNCTION WITH STUDENT WELLBEING TEAM**

1. Record the allegations from the alleged victim, perpetrator and any witnesses. In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a

person, or people providing information, confidential. In some situations, it may be the case that full details of allegations are required for appropriate inquiries to be made or so that a respondent is afforded procedural fairness and natural justice.

2. Contact families to inform them of the allegations and outcomes of the investigation.
3. At all times follow the [Four Critical Actions for Schools](#) if there is an incident, disclosure or suspicion of child abuse.
4. Record all actions undertaken, including any contact with families and reports made, on Xuno under Student Name>Incident>Sexual Harassment. Include both the alleged perpetrator and alleged victims in the incident record. Where appropriate, alleged victims, witnesses' or other peoples names may be redacted and this information recorded under 'confidential notes', with a note of this occurrence included in the incident record e.g. 'The names of witnesses have been redacted. These have been recorded and can be found under 'confidential notes'.
5. Where required, record the incident on Edusafe.

At all times, staff engaging in investigating and speaking to students about alleged sexual harassment should do so with an awareness of the gender of the alleged victim and should seek to involve a same gendered staff member.

Where a complaint of sexual harassment is found to be substantiated, the consequences for the person against whom the complaint is made will depend on the particular circumstances. However, in each instance it is important that the schools stance on sexual harassment is clearly explained to the students involved. The consequences for engaging in sexual harassment may include:

- an apology including an acknowledgement of wrongdoing and the impact on the victim
- loss of privileges including access to the school bus
- referral to student wellbeing for counselling regarding their behavior and impact on others
- where appropriate restorative practices may be used - seek guidance from Wellbeing staff regarding the appropriateness of this prior to engaging students in this process
- undertaking training via a [Google Classroom](#) class code 2i7k7ca
- disciplinary action which may include restriction of movement throughout the school, change of classes or timetable, suspension or expulsion
- referral to SSS
- referral to Centre Against Sexual Assault Refocus Program or other therapeutic supports for perpetrator.
- incident recorded with EduSafe and a report made to Principal Class.

## **Procedure for managing allegations of sexual harassment perpetrated by a student towards a teacher or ES staff member**

### **RESPONDING TO ALLEGATIONS OF SEXUAL HARASSMENT**

Staff can report or make a complaint about any instance of sexual harassment to any Precinct Leader, Precinct Manger, Assistant Principal or the Principal. Castlemaine Secondary College takes any allegations of sexual harassment seriously.

If a complaint of sexual harassment is made, or sexual harassment is observed or brought to the attention of staff, it must be acted upon immediately and managed in a sensitive and as confidential as possible manner.

#### **REQUIRED ACTIONS BY SCHOOL STAFF**

1. Ensure staff safety - this may mean removing a student from class, or providing cover for a class.
2. Ensure the staff member is asked how they can be best supported rather than making assumptions. The alleged victim may have a support person with them during all conversations.
3. Report to the Principal class as soon as possible. Discuss with the staff member whether they would like to meet with a member of the Wellbeing Team to debrief the incident. Arrange this meeting if required.
4. Offer external supports:
  - a. Workplace Contact Officer (WCO)
  - b. Employee Assistance Program (EAP)

#### **REQUIRED ACTIONS BY MANAGERS IN CONJUNCTION WITH STUDENT WELLBEING TEAM**

1. Record the allegations from the alleged victim, perpetrator and any witnesses. In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a person, or people providing information, confidential. In some situations, it may be the case that full details of allegations are required for appropriate inquiries to be made or so that a respondent is afforded procedural fairness and natural justice.
2. Contact families to inform them of the allegations and outcomes of the investigation.
3. Record all actions undertaken, including any contact with families and reports made, on Xuno under Student Name>Incident>Sexual Harassment. Include both the alleged perpetrator and alleged victims in the incident record. Where appropriate, alleged victims, witnesses' or other peoples names may be redacted and this information recorded under 'confidential notes', with a note of this occurrence included in the incident record eg. 'The names of witnesses have been redacted. These have been recorded and can be found under 'confidential notes''
4. Where required, alleged victims who are school staff should be supported to record the incident on Edusafe and seek support from a [Workplace Contact Officer](#), and the [Employee Assistance Program](#).

Where a complaint of sexual harassment is found to be substantiated, the consequences for the person against whom the complaint is made will depend on the particular circumstances. However, in each instance it is important that the school's stance on sexual harassment is clearly explained to the students involved. The consequences for engaging in sexual harassment may include:

- an apology including an acknowledgement of wrongdoing and the impact on the victim
- referral to student wellbeing for counselling regarding their behaviour and impact on others
- where appropriate restorative practices may be used - seek guidance from Wellbeing staff regarding the appropriateness of this prior to engaging students in this process

- undertaking training via a [Google Classroom](#) class code 2i7k7ca
- disciplinary action which may include restriction of movement throughout the school, change of classes or timetable, suspension or expulsion
- referral to SSS
- referral to Centre Against Sexual Assault Refocus Program or other therapeutic supports for perpetrator.
- incident recorded with EduSafe and a report made to the college Principal.

## General Information

### SUPPORTING VICTIMS OF ALLEGED SEXUAL HARASSMENT

It should be noted that an unsubstantiated allegation does not constitute a false allegation.

- All alleged staff victims of sexual harassment should be offered support as required.
- All alleged student victims should be offered a referral to Student Wellbeing for support as soon as practicable.

### SUPPORTING PERPETRATOR/S OF ALLEGED SEXUAL HARASSMENT

All alleged perpetrator(s) should be referred to Student Wellbeing for support as soon as practicable.

### STUDENT SEXUAL OFFENDING & PROBLEMATIC SEXUAL BEHAVIOURS

If you witness an incident, receive a disclosure or form a suspicion that a student is a victim of a student sexual offending, or a student has engaged in student sexual offending you must act immediately by following the [Four Critical actions](#).

For more information, refer to Report child abuse in schools.

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/report.aspx>

### IDENTIFY STUDENT SEXUAL OFFENDING

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

### SEXUAL OFFENCES UNDER THE CRIMES ACT 1958:

#### SEXUAL ASSAULT

Sexual assault refers to circumstances where:

- a person (A) intentionally touches another person (B)
- the touching is sexual - B does not consent to the touching
- A does not reasonably believe that B consents to the touching.

#### RAPE

Rape is the intentional sexual penetration by the penis, finger or an object, of the vagina, mouth or anus of another person without that person's consent, and refers to circumstances where:

- a person (A) intentionally sexually penetrates another person (B)
- B does not consent to the penetration
- A does not reasonably believe that B consents to the penetration.

## **INDECENT ACTS**

A person must not willfully commit, or willfully take part in an indecent act with a child under the age of 16, or in their presence.

In the context of student sexual offending this relates to indecent acts where the student engaging in the offence:

- is more than 2 years older than the child and
- cannot demonstrate a belief on reasonable grounds that the child was aged 16 or older.

## **CONSENT UNDER VICTORIAN LAW**

Under Victorian Law children between 12-15 can only consent to sexual activity with a peer no more than two years their senior.

Therefore sexual contact led by a student with a child outside of these age parameters may amount to student sexual offending.

In order for a person to consent to sexual activity they have to 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.

## **REVIEW CYCLE AND EVALUATION**

This policy was last updated on 1 March 2023 and is scheduled for review in March 2026.