

SEXUAL HARASSMENT RESPONSE POLICY

Policy Summary

Glenroy Neighbourhood Learning Centre is committed to ensuring that the working and learning environment is free from sexual harassment.

The Policy:

- i. Explains sexual harassment;
- ii. Clearly states expectations of all members of the GNLC community;
- iii. Provides a mechanism for addressing allegations of sexual harassment.

Scope

This Policy applies to all Students and Staff and GNLC Centre Users.

Guiding Principles

GNLC is committed to:

- Creating a working environment where all centre users and members of staff are treated with dignity and respect, courtesy and respect by others;
- Implementing training and awareness and raising strategies to ensure all Staff, Students and Centre Users know their rights and responsibilities;
- Providing an effective procedure for complaints based on the principles of natural justice;
- Treating all complaints in a sensitive, fair, timely and confidential manner;
- Guaranteeing protection from any victimisation or reprisals;
- Encouraging the reporting of behaviour which breaches this policy;
- Promoting appropriate standards of conduct at all times.

Definitions

Complaint: A notification to GNLC that a person has been sexually harassed on GNLC premises or otherwise in connection to the Centre, upon which the person making the report expects GNLC to act or respond or GNLC is required to respond, including provision of immediate and appropriate support.

Complainant: A person making a Complaint.

Discloser: A person making a disclosure.

Disclosure: A statement that a person has been sexually harassed on GNLC premises or otherwise in connection to GNLC, however communicated. A disclosure can only be made by a person who has experienced the sexual harassment, rather than a person who has heard about or is otherwise aware of the sexual harassment.

Respondent: The person whose behaviour is the subject of a Complaint.

Sexual Harassment: Sexual Harassment is any unwanted, unwelcomed or any uninvited behaviour of a sexual nature which makes the person feel humiliated, intimidated, or offended. A more detailed definition and examples of sexual harassment are included in the Policy statement below.

Victimisation: To subject or threaten to subject a complainant or someone supporting a complainant to any detriment for making a complaint or supporting someone who has made a complaint as the case may be. A more detailed definition and examples of sexual harassment are included in the Policy statement below.

Policy Summary

Part A: Rights and Responsibilities

Sexual harassment is unlawful and will not be tolerated at GNLC

All members of GNLC community have the right to work, study and participate in an environment free of sexual harassment, including the right:

- a. To expect that GNLC will work to create an environment free of sexual harassment, as reasonably practicable. This includes, but is not limited to, providing training and awareness raising programs for both staff and students.
- b. To be treated with compassion and dignity if you do experience sexual harassment.
- c. To be provided with any support services that you need to help you with the aftermath of the sexual harassment.
- d. To make your own decision about how you wish to progress the matter if appropriate, including whether you wish to proceed to a formal Complaint with the Victorian Equal Opportunity and Human Rights Commission, or not.
- e. To expect that GNLC will take action with regard to your complaint in a timely, fair and appropriate manner.
- f. To participate in a Complaints process that minimises further disruption to you.
- g. To not be victimised because you have made a disclosure or Complaint of sexual harassment or supported a person who has made a Complaint of sexual harassment.

All members of the GNLC community also have the responsibility:

- a. To not sexually harass others.
- b. To immediately desist from any behaviour that has been reported as sexual harassment,
- c. To respond compassionately and appropriately if a disclosure of sexual harassment is made to you by any person.
- d. To speak out when witnessing incidents of sexual harassment.

- e. If the disclosure is made by a person aged under 18 years, to report the matter using the Child Safety Reporting Process outlined in the Child Safe Standards and Mandatory Reporting Procedure. This is mandatory.
- f. To not victimise a person who has made a disclosure or complaint of sexual harassment.

GNLC acknowledges the experiences, needs and perspectives of distinct population groups, including, but not limited to:

- a. those who identify as transgender or gender diverse;
- b. those who identify as LGBTIQ+;
- c. Aboriginal and Torres Strait Islander staff and students;
- d. staff and students with a disability;
- e. culturally and linguistically diverse staff and students; and
- f. international students.

Part B: What is Sexual Harassment?

Sexual harassment is unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, and which a reasonable person, having regard to all the circumstances, would have anticipated as likely to cause offence, humiliation or intimidation

Sexual harassment also includes conduct that creates a sexually hostile working environment. Such conduct (e.g. displaying pornographic materials in the workplace) is equally unlawful. The laws relating to sexual harassment apply equally to women and men.

A person does not need to offend, humiliate or intimidate to sexually harass another person. Sexual harassment consists of both physical and non-physical behaviours. Examples include:

- a. Physical:
 - i. Physical contact, such as pinching, touching, grabbing, kissing or hugging.
 - ii. Unwelcomed physical contact such as massaging or deliberately brushing against someone.
- b. Non-physical:
 - i. Staring or leering at a person or at parts of their body.
 - ii. Persistent requests to go on dates that are refused.
 - iii. Suggestive comments about a person's body or appearance.
 - iv. Smutty or sexual jokes or comments.
 - v. Displays of offensive material such as posters, screen savers, internet material etc.
 - vi. Accessing or downloading sexually explicit or inappropriate material from the Internet.
 - vii. Sending rude or offensive emails, attachments or text messages (including pictures of body parts).

- viii. Advances on email, social networking websites, internet chat rooms or other electronic mediums.
- ix. Intrusive questions about a person's private life or physical appearance.
- x. Sexually explicit conversations
- xi. Sexually explicit gifts, e.g. 'Kris Kringle' gifts.
- xii. Making promises or threats in return for sexual favours.

Sexual harassment is a form of discrimination based on sex and is therefore unlawful pursuant to Federal and State legislation. It is prohibited in recruitment for employment, selection for a promotion during the course of employment and in termination of employment.

Sexual harassment is **not** behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcomed and reciprocated it is **not** sexual harassment. Sexual harassment is unwelcome behaviour. Accordingly, behaviour which is based on mutual attraction, flirtation or friendship, or which is mutual, consensual, welcome or reciprocated, is not sexual harassment.

Part C - Victimization

Victimization is unlawful and will not be tolerated at GNLC.

Every member of the GNLC community is encouraged to raise concerns about workplace behaviour that potentially constitute sexual harassment. No one will be treated less favourably because they have made a complaint.

If you become aware of a complaint:

- a. You must not retaliate or treat detrimentally other employees or students who raise genuine complaints of unacceptable behaviour under this Policy or another policy.

If you have raised a complaint and are concerned about how you were treated after making your complaint, you are encouraged to raise your concerns in accordance with the complaint procedure relevant to this Policy.

Examples of victimisation might include:

- a. Excluding or isolating a person because they have lodged a complaint.
- b. Failing to promote a person because they have lodged a complaint.

Part D - Breaches of this Policy

GNLC treats all disclosures and complaints of sexual harassment seriously.

In addressing complaints of sexual harassment:

- a. GNLC will exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially.
- b. Confidentiality will be maintained wherever possible in the handling of complaints.

Part E - Disclosures and Complaints

GNLC treats all allegations of sexual harassment as serious matters.

In addressing allegations of sexual harassment:

- a. assist the discloser to access and understand GNLC policies and procedures;

- b. advise the discloser of counselling and support services available;
- c. refer the discloser to the Manager or CoM for help and assistance.

A disclosure is not a Complaint and is not investigated as one. A person who makes a disclosure may or may not proceed to make a Complaint.

GNLC will:

- a. exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially;
- b. Maintain confidentiality wherever possible in the handling of complaints of discrimination.

People making complaints should not suffer adverse consequences or reprisals from GNLC or any of its staff as the result of making a complaint. GNLC will take steps to address any victimisation according to the Student Complaints and Resolution Procedure, Student Disciplinary Policy and Procedure, Disciplinary Action Policy and Procedure (Centre Users) and/or Grievance Policy (staff)

Complaints are made, investigated and determined following the processes outlined in the Student Complaints and Resolution Procedure (for students) or the Grievance Procedure (staff).

Disclosures by witnesses or people who have heard of sexual harassment

If you have witnessed sexual harassment or possible sexual harassment, or have heard reports from others that sexual harassment may have taken place, you should discuss your concern with the Manager or CoM.

Your discussion will be treated with the same degree of confidentiality as a disclosure from an individual who has been sexually harassed would be.

Mandatory and other Reporting

In all cases where a child is involved, GNLC is mindful of the mandatory reporting obligations under section 327 of the Crimes Act 1958 (Vic), the Child Wellbeing and Safety Act 2005 (Vic) and Part 4.4 of the Children, Youth and Families Act 2005 (Vic), and those of other legislative schema such as the National Law under the Health Practitioners Regulation National Law Act 2009 (Vic).

If you have been sexually harassed

If you experience sexual harassment at GNLC, you are strongly encouraged to disclose the matter. You may choose to:

- a. Disclose the matter to a member of staff or fellow student whom you trust.
- b. Disclose the matter to the Manager or CoM.

After making a disclosure, you may choose to lodge a complaint.

The processes for lodging a Complaint, and the methods through which matters are explored and resolved, are detailed in the Student Complaints and Resolution Procedure, the Student Disciplinary Policy and Procedure, Disciplinary Action Procedure (Centre Users) and/or the Grievance Policy (staff)

If an allegation is made that you have sexually harassed someone

If an allegation is made against you, GNLC will follow the procedure as detailed in the Student Complaints and Resolution Procedure, the Student Disciplinary Policy and Procedure, the Disciplinary Action Procedure (Centre Users) and / or the Grievance Policy and Grievance Procedure (staff)

Disciplinary action will also be taken against anyone who retaliates against or victimises a person who has made a complaint.

After a Complaint is completed

After finalisation of any investigative or disciplinary, GNLC will continue to provide assistance and support measures as required to:

- a. protect the safety and welfare of all parties, and
- b. facilitate the recovery of any person who has been sexually harassed.

Legislation and Regulations

Child Wellbeing and Safety Act 2005, and the Child Safe Standards;

Children, Youth and Families Act 2005

Child Safe Standards 2019

Relevant Policies and Procedures

- Student Complaints and Resolution Policy and Procedure
- Student Disciplinary Policy and Procedure
- Disciplinary Action Policy and Procedure (Centre Users)
- Grievance Procedure (Staff)
- Child Safe Standards and Mandatory Reporting Procedure
- Child Safety Reporting Guidelines
- Child Safety Reporting Process
- Code of Ethical Practice
- Student Charter (See Student Handbook)
- Structured Work placement Learning Policy and Procedure



Glenroy
Neighbourhood
Learning Centre

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