SEXUAL HARASSMENT POLICY

St Francis Xavier College
Berwick, Beaconsfield & Officer
Ratified by College Board June, 2003
Amended September, 2007
Ratified by College Board October, 2007
Amended June, 2011
Ratified by College Board July, 2011
VISION

St. Francis Xavier College is a Catholic community that is educative and supportive. We have a clear purpose: the development of a person of competence, conscience and compassion formed in the Christian tradition; one who is guided by a sense of hope and self-belief and who will be of service in the world. We recognize God’s presence in our lives by celebrating and pursuing personal excellence and by living courageously with optimism and respect for all.

PREAMBLE

The mission of St. Francis Xavier College requires staff and students to exhibit a personal ethic of courage and courtesy in their relationships with each other. This respect extends to a person’s right to be treated equitably and justly.

RATIONALE

Sexual Harassment refers to any behaviour of a sexual nature that causes a member of staff, students or a member of the St. Francis Xavier College community to feel offended, intimidated or humiliated. It erodes the rights of the individual, debilitates morale and impacts negatively with the effectiveness of the work and learning environment.

Sexual Harassment is a serious breach of the school’s Equal Opportunity commitment and is an unacceptable form of behaviour at St. Francis Xavier that will not be tolerated.

Such behaviour will result in disciplinary action being taken against anyone who is found to have harassed another person, up to and including dismissal from employment or withdrawal of enrolment from the College.

Sexual Harassment has serious ramifications for both the person being harassed as well as the College.

The College is required under the Equal Opportunity Act (1984) and the Sex Discrimination Act (1984) to take reasonable steps to prevent and eliminate sexual harassment, and to protect those who complain of victimization in the workplace.

DEFINITION OF SEXUAL HARASSMENT

- Sexual Harassment maybe explicit or implicit; it maybe a single incident or occur over a period of time.
- Sexual Harassment is any verbal or physical conduct that is unwelcome and/or uninvited.
- Sexual harassment may also be written (email) or photographic.
- It is the effect of the behaviour that is relevant not the intent, that is, it is the effect on the receiver that determines whether sexual harassment has occurred.

STRUCTURES TO HANDLE COMPLAINTS

Any member of staff or the student body who believes that they have experienced unwelcome and uninvited sexual attention, either verbally, written (email), photographically or physically, has the right to report the perpetrator to the school authority. At St. Francis Xavier College the Principal represents this authority. The
Principal may delegate this responsibility to appropriate members of the school leadership team.

**PROCESS TO BE ADOPTED**

**General Staff**

If a person experiences sexual harassment he/she should report the incident to the Principal or a member of the School Leadership Team.

Written details of the formal complaint should be specific and it is the right of the respondent to know exactly what the allegation is and who is making the allegation.

**School Situation**

Students who are being harassed may wish to discuss the situation with a teacher or School Counsellor in order to obtain confidential advice on how to handle the situation.

If the complainant wishes to make a formal complaint a written complaint must be lodged with the Principal.

It is advisable that all meetings/discussions are documented and witnessed by those present at the meeting. The Principal or the Principal's representative must be present at such a meeting.

**Conciliation**

Conciliation is the educative process where the primary aim is to enable the complainant and respondent to discuss fully all issues relating to the complaint and, if possible, reach solution of the complaint through reconciliation. Conciliation seeks to resolve the behaviour that gave rise to the complaint.

Conciliation also allows respondents who are genuinely unaware that their behaviour has given offence, the chance to understand the nature and impact of their behaviour and hence the opportunity to modify it.

The Conciliation process will be initiated under the direction of the Principal. A representative from the CEO will be present at each staff conciliation meeting and one of the College Counsellors in the case of students.

The aim of conciliation is to settle the complaint initially at the school level. However, if conciliation is not successful, a person can request that the case be referred to the Equal Opportunity Board which can hand down a legally enforceable decision.

**COVERAGE OF THE POLICY**

The policy applies where Sexual Harassment has occurred and is related to any aspect that impacts on staff, students and members of the College community (for example, camps, excursions, communication).

**VICARIOUS LIABILITY**
Both State and Federal law provide that the College can be found vicariously liable for sexual harassment inflicted on others by members of staff or student over the age of 16 years.

As a defence against any finding of vicarious liability, the College will work towards fulfilling its commitment to educate members of the College community as to the nature and effects of Sexual Harassment in line with the College Vision.

FALSE ALLEGATION

Due care must be taken to avoid vexatious claims. If a complaint is brought against someone, which after proper investigation and process, proves to be dishonest and unfounded, the person making a false allegation could be liable for legal action (defamation) being brought against them by the innocent party.

RECORDS

It is important that records be kept to ensure that the Sexual Harassment grievance procedure is effectively implemented. Record keeping is also important in providing information about multiple complaints either with respect to a particular respondent or to a work area within the College. However, the need for record keeping shall be balanced against the need to maintain confidentiality and to guard against the risk of defamation.

All written records of the persons involved in the complaint are to be held in the Personal file at the College.

In the event that a complaint has not been investigated, or after investigation found to be not substantiated, any records pertaining to the complaint will be used solely for monitoring purposes. Information on unsubstantiated complaints can be used in the investigation of formal complaints at a later date.

All conditions of the College’s Privacy Policy shall apply.

MANAGEMENT

The following steps are a guide that will facilitate the resolution of the problem.

Staff

- Tell the harasser that you object to the behaviour and do not want it repeated
- Discuss the situation with a member of the College Executive who will advise you of your options
- Lodge a formal written complaint with the Principal.
- Lodge a formal written complaint to the Director of Catholic Education in the Diocese of Sale (a copy needs to be submitted to the Principal)
- Seek advice from VIEU and/or Equal Opportunity Commission

Students

- Tell the harasser that you object to the behaviour and do not want it repeated
- Discuss with Care Group Teacher, House Co-ordinator or Head of Campus.
- Lodge a formal written complaint with the Principal.
- Lodge a formal written complaint with the Director of Catholic Education in the Diocese of Sale (a copy needs to be submitted to the Principal)
Sexual Harassment complaints will remain strictly confidential amongst those directly involved. It is to be noted that confidentiality under this Policy may be overridden by legal obligations requiring disclosure.

The Law requires that persons act reasonably and in good faith and disclose information only to those legitimately involved in resolving the complaint.

The College offers protection against victimization and support for all individuals who either make a complaint of sexual harassment or are legitimately involved in the administration of this Policy.