



THE CENTRE OF EXCELLENCE

Sexual harassment Policy

1. Policy statement

THE CENTRE OF EXCELLENCE regards sexual harassment as a serious breach of the Institute's Equal Opportunity Policy.

The Institute supports the rights of individuals to be free from sexual harassment while engaged in activities undertaken as part of their study, their employment, or in other associations with the Institute.

As an educational provider and an employer, the Institute, through the CEO and the Director of Studies will take all reasonable steps to eliminate sexual harassment of or by staff, students, or other members of the Institute community.

2. Definitions

Sexual harassment

Unwelcome sexual behaviour or sexual innuendo that has the effect of offending, intimidating or humiliating a person in circumstances, which a reasonable person having regard to all the circumstances would have anticipated that the person harassed would be offended, humiliated or intimidated.

Sexual harassment may be explicit or implicit. It may be a single incident or occur over a period of time. In defining and identifying sexual harassment it is the effect of the behaviour that is relevant not the intent. It is the impact of the behaviour on the receiver that determines whether sexual harassment has occurred.

Examples of behaviours that may constitute sexual harassment include:

- sexual jokes, lewd suggestions, whistling, foul language, leering, obscene gestures
- belittling comments on a person's anatomy or based on sex-role stereotypes
- persistent demands for participation in social activities or repeated requests for dates
- asking about a person's private or sex life, explicit sexual suggestions in return for 'reward'
- unwanted physical contact of a sexual nature including touching, brushing, kissing
- display of pornographic and/or sexually suggestive pictures, screen savers, jokes etc and/or sexual objects
- sexually offensive written, telephone or electronic communications
- indecent exposure; and



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- Sexual assault and rape.*

* Sexual assault and rape are criminal offences and the person assaulted will be advised to report the offence to the police.

Sexual harassment does not refer to behaviour that is mutually acceptable to the parties involved. Friendships (whether sexual or otherwise) are a private concern.

In establishing appropriate standards of behaviour the Institute recognises:

- social or cultural backgrounds may lead people to perceive the same conduct differently
- some people may accept, as reasonable, a behaviour that other people find offensive
- sexual harassment can arise where different values and beliefs are not respected
- both men and women may be sexually harassed by a person or persons of the same or opposite gender
- appropriate behaviour is behaviour which respects the rights and sensitivities of all people in the University work and study environment
- All individuals have a responsibility to contribute towards an environment of trust and respect which forms the basis of appropriate professional relationships.

3. Principles

3.1 Consistent with legislation this policy is based on the philosophy of using education and conciliation as the principal approach to the prevention of discrimination and harassment; and in the resolution of grievances.

3.2 Sexual harassment is an unacceptable form of behaviour that causes distress and is detrimental to the Institute environment. Sexual harassment erodes the rights of the individual, debilitates morale and interferes with the effectiveness of the work and learning environment.

3.3 Sexual harassment most often occurs in relationships of unequal power or authority, although it may also take place between peers. In providing a working and learning environment free of harassment it is important to recognise that certain groups may be particularly vulnerable including:

- Indigenous women
- people from non-English-speaking backgrounds
- people with disabilities
- people working or learning in non-traditional areas



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- Women working in isolated areas.

4. Implementation requirements

An essential element in the implementation of this policy is raising the awareness of all members of the Institute community of the principles of diversity, equity, social justice and procedural fairness.

The Institute, through the Administration: has established a network of equity contacts to provide information about the policy and related discrimination and harassment grievance procedures.

State and federal legislation provide that the Institute can be found vicariously liable for the sexual harassment of others by its employees. State and federal legislation also provide that the Institute may be found vicariously liable for the sexual harassment of others by its agents. In this policy the term 'agent' is deemed to mean

- students
- individuals engaged to provide a service for the Institute
- persons seeking to study or work in the Institute
- Volunteers and adjuncts.

As a defence against any finding of vicarious liability, the Institute, through the Management will:

- fulfil its commitment to educating members of the Institute community as to the nature and effects of sexual harassment and provide the necessary resources to inform its community about this policy, focusing on developing understanding of the rights and responsibilities of the individual
- Develop effective measures for the resolution of complaints.

Staffs who fail to fulfil the responsibilities required by this policy may find themselves personally liable for damages.

The policy applies where sexual harassment has occurred either on Institute grounds or when participating in other activities related to work or study at the Institute, (for example, travel, camps or field trips).

This policy does not automatically cover members of the Institute community undertaking a work or study placement in other organisations. In the event that sexual harassment occurs under these circumstances the Institute will act as far as possible to protect the complainant, and will work



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jointly with the other organisation (and in accord with this policy, if deemed appropriate) to investigate the grievance and take such precautions as are possible to prevent further incidents.

5. Responsibilities and/or authorities

All staff and students are responsible for ensuring that equal opportunity principles are respected.

Managers and supervisors are responsible for understanding the legislation and ensuring that the workplace and study environment is safe and free from sexual harassment.

The CEO and the Director of Studies are responsible for the ongoing development and maintenance of this policy.

6. Evaluation

The CEO and Director of Studies will evaluate the effect of this policy and recommendations will be reported to the Management.

7. Further information or assistance

For further information or for assistance and advice relating to an incident that may contravene this policy contact:

- Director of Studies
- CEO

In compliance with its legislative obligations, the Institute has developed separate student and staff complaint procedures for investigating and resolving any complaints that might arise on the basis of discrimination or harassment. These two processes are referenced in the Staff and student *Handbooks*.