

POLICY ON SEXUAL HARASSMENT

Authorised By:	Academic Registrar; HR Manager	Date Authorised: 27/05/2008
Effective Date:	27/05/2008	
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Confluence File Number:	PPH001 (Information Management – Policies – Human Resources)	
Government Legislation:	Sexual harassment is unlawful in all States and Territories of Australia under State or Territory legislation and/or under the Commonwealth Sex Discrimination Act 1984 (as amended).	
Related Documents:	Student Grievance Policy	
Implementation & Review:	HR Manager and Contact Officers	
Superseded Documents:	Policy first approved by the National Board of Tabor College (Aust.) Inc. 5.5.94. Policy amended March 2004; endorsed by the Board of Tabor College Adelaide 3.6.04.	

Any person who requires assistance in understanding any aspect of this document should contact the Sexual Harassment Contact Officers (refer to the Assistance Directory).

1 Overview

Sexual harassment is unlawful in all States and Territories of Australia under State or Territory legislation and/or under the Commonwealth Sex Discrimination Act 1984 (as amended). This policy and associated procedures express Tabor Adelaide's commitment to provide clear, accessible, transparent and just processes through which staff, students, volunteers and applicants can seek resolution of reported incidences of alleged sexual harassment.

2 Scope

This policy applies to any current or recent staff member, volunteer or student of Tabor Adelaide (including overseas students), or any person applying to Tabor Adelaide for admission or enrolment who believes that he or she has been sexually harassed.

A complaint made by a former student of Tabor Adelaide will be considered for up to 3 months from the time when the student ceased enrolment with Tabor Adelaide or from the date of the conferral of the student's award.

3 Definitions

Advocate: An advocate may represent and speak in support of a party to a complaint. Any permanent staff member or student of Tabor Adelaide may act as an advocate. Advocates are bound by the rules of the College and are required to comply with the procedures and requirements of this policy.

Appeal: a written request for the reconsideration of a decision made in response to the outcome of a formal complaint.

Appellant: a person who lodges an appeal.

Confidentiality: limiting disclosure of information relating to a complaint or appeal to as few people as possible, and only to those who are legitimately involved in the process of resolving the matter. Wilful breach of confidentiality by a staff member or student of Tabor Adelaide constitutes misconduct.

Complaint: a complaint is a grievance expressed either formally or informally in accordance with the procedures outlined in this document (refer to Formal complaint and Informal complaint)

Complainant: a person who makes a complaint in accordance with the procedures outlined in this document.

Conciliation: a process of seeking to resolve, to the satisfaction of both parties, a complaint made by one party against another, generally with the assistance of a neutral third party who has an advisory role, but not a determinative role in the outcome of the process.

Discrimination: any action, direct or indirect, which disadvantages an individual and/or a group.

Formal complaint: a complaint is a grievance submitted to Tabor Adelaide in writing (or in some other appropriate format if the complainant is prevented by a disability from making a written submission).

Grievance: a grievance is a concern or complaint, relating to perceived unfair treatment, discrimination, victimisation or vilification connected with work or study at Tabor Adelaide

Harassment: repeated or continuing behaviour, comments or display of images that are unwelcome, offensive or intimidating, and that, in the circumstances, a reasonable person should have expected would be offensive or intimidating.

Informal complaint: a complaint which the student seeks to have resolved (at least in the first instance) without resorting to formal processes. Informal complaints are usually made in person to the individual or faculty concerned but may also be made to the relevant responsible officer. (See section 5 below)

Procedural fairness: (also called "natural justice") in the handling of a complaint or appeal involves all of the following elements:

- a) The right to a fair hearing
- b) The right to have a support person and/or advocate
- c) The subject of the complaint has the right to be informed of the nature and substance of all allegations and of all information used in arriving at any decision and to respond to that information.
- d) The right to a decision maker in whom there is no reasonable apprehension of bias.
- e) A final decision must be based solely on the relevant evidence.
- f) Reasons must be given for the decision.

Respondent: a person against whom a complaint has been laid and who is involved in any process involving investigation or conciliation.

Sexual harassment includes any form of unwelcome sexually-orientated behaviour that is offensive, humiliating or intimidating. Examples of such behaviour include:

- deliberate physical contact such as forcing a hug, embrace or kiss, patting, pinching or brushing against another person;
- touching or fondling;
- leering or ogling;
- requests for sexual favours, either directly or by implication;
- sexual jokes and comments;
- displays of sexually suggestive material;
- suggestive comments about a person's physical appearance or sexuality;
- persistent requests for a date after having been refused;
- persistent questioning about a person's private life;
- belittling comments based on sex-role stereotypes;
- a teacher/counsellor causing a student/counseee to become dependent on him/her with the express purpose of commencing a sexual liaison.

Note that only unwelcome behaviour can be classified as sexual harassment. Behaviour that is mutually welcomed is not sexual harassment.

Staff: (for the purposes of this policy) any employee of Tabor Adelaide and any staff visitor, such as a sessional lecturer, visiting fellow or adjunct appointment, whether or not those persons are employees of Tabor Adelaide.

Student: A currently enrolled student or person seeking to enrol in a study program.

Support Person: A support person may be a relative, friend or fellow student who provides support by being present with the complainant. A support person is not an advocate (see above) and need not be a student or staff member of Tabor Adelaide. A support person who is not a student or staff member of Tabor Adelaide cannot be bound by Tabor Adelaide rules but accepts a moral obligation to respect the grievance process. This especially applies to the requirement regarding confidentiality and privacy. Support persons are not protected from civil liability should they misuse information provided as part of any grievance process.

Victimisation: an act or acts causing someone to suffer for something that is not essentially a fault. It includes imposing unjust penalties or practices on a person as a result of a complaint.

Vilification: the public incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race of that person. Vilification does not include legitimate academic debate.

4 Policy Principles

Tabor Adelaide is committed to the biblical belief that each man, woman and child is created in the image of God as a unique individual of great dignity and worth. Therefore the College seeks to ensure that the dignity of every staff member, volunteer, student and visitor to the College is respected at all times. The College, as a Christian organisation, seeks at all times to teach biblical precepts by instruction and example. Therefore, staff and students are expected to demonstrate biblical standards of behaviour at all times.

Sexual harassment is an affront to the dignity of an individual, contrary to biblical patterns of behaviour, and totally unacceptable to the College. Furthermore, sexual harassment is unlawful in all States and Territories of Australia under State or Territory legislation and/or under the Commonwealth Sex Discrimination Act 1984 (as amended).

5 Procedures and Responsibilities

5.1 PROTECTION AGAINST SEXUAL HARASSMENT

Tabor Adelaide will take the following steps to ensure that staff, students, persons seeking to enrol as students, voluntary workers and visitors are protected from sexual harassment and have access to appropriate help should it occur:

- i Tabor Adelaide Executive members will be instructed in how to deal with complaints of sexual harassment;
- ii Contact Officers for the College will be appointed and trained;
- iii contact details for the Contact Officers will be made available to all workers and students;
- iv any complaint will be treated seriously and with utmost confidentiality, and dealt with quickly and impartially;
- v all staff and students will be assured that there will be no victimisation or vilification of, or prejudice towards, complainants or persons giving information about a complaint;
- vi all necessary measures will be taken to prevent the recurrence of the offence; and
- vii records of all formal complaints, and of the outcomes and the actions taken will be kept strictly confidential in a locked filing cabinet with access restricted to authorised personnel specified by the Principal. These records will be kept separate from the personal files of students and/or staff members, except where disciplinary action has been taken, in which case documentation will be included in the student and/or staff member's personal file.

5.2 CONTACT OFFICERS

Contact details for the College's current Contact Officers are provided in the Assistance Directory, which is published in the Student Handbook Supplement each semester, and is available in Student Services, on request, during office hours.

5.3 RESPONSIBILITIES OF A CONTACT OFFICER

The Contact Officer may provide:

- advice on various available options for dealing with an incident of sexual harassment;
- information to workers and students on matters relating to sexual harassment;
- ongoing support to those who believe they are subject to sexual harassment.

The Contact Officer is not responsible for investigating or resolving sexual harassment complaints and is not to function as a conciliator, mediator or arbitrator. The Contact Officer may take brief notes on the matter, which should be kept totally confidential and destroyed as soon as the matter is resolved. The Contact Officer should maintain a register, which does not identify individuals, of the general nature of complaints presented to him/her, the dates and the outcomes in terms of resolution, referral etc., for review purposes.

5.4 GRIEVANCE PROCEDURES

If a staff member, volunteer, visitor, student or person seeking to enrol at Tabor Adelaide feels that he/she is being sexually harassed, the College recommends that the complainant address the problem as soon as possible in one of the following ways:

- telling the harasser that the behaviour is objectionable and that he/she does not want it repeated;
- discussing the situation with a Contact Officer, who will advise about possible courses of action and/or avenues of assistance;
- discussing the situation with the Principal, another member of the College Executive or senior staff, or a member of the Board of Governors; or
- lodging a formal written complaint with the Principal of the College.

Formal complaints will normally be handled as described for formal complaints in Tabor Adelaide's Student Grievance Policy (PPA006).

EXCERPT FROM THE STUDENT GRIEVANCE POLICY:

(NOTE: for the purposes of this Sexual Harassment Policy the Responsible Officer identified below is the Principal or his / her delegate)

Formal Complaints

- 5.1.4 The responsible officer will ensure that the process of assessing the complaint will commence within **10 working days** of receipt of the written complaint and that it is completed within a reasonable timeframe. In the case of an **overseas student** the commencement and duration of the process must take into consideration the length of a student's visa and the student's enrolment in future subjects and/or courses.
- 5.1.5 The responsible officer will ensure that all parties are made aware of their rights and obligations under the process and of the nature of the process.
- 5.1.6 The responsible officer will ensure that the complainant will be given an opportunity to put his or her case either in person or through an advocate and to be accompanied by a support person at any relevant meetings.
- 5.1.7 If the issue involves a threat to the student's enrolment the responsible officer will ensure that the student's enrolment is maintained through the complaints and appeal process. Note that this does not imply that the student will have the right to attend classes or other College activities.
- 5.1.8 If the complaint is of a personal nature the responsible officer may at any stage of the proceedings invite the parties to undertake conciliation under the direction of a neutral counsellor.
- 5.1.9 The responsible officer will make a determination regarding the issue.
- 5.1.10 The responsible officer will ensure that both the complainant and the respondent receive a written response indicating the determination and the reasons for the decisions taken.
- 5.1.11 The responsible officer will implement within 30 days any decision and/or corrective and preventive action required.

5.1.12 If the complainant considers that his or her complaint has not been satisfactorily addressed through the process described in this section he or she may seek a review of the decision through to the Appeals procedures described in Section 5.3 of the Student Grievance Policy.

At any stage, a complainant may seek advice from, or lodge a complaint with, the Equal Opportunity Commission; however Tabor Adelaide recommends dealing with complaints internally, where possible.

Complainants are advised to keep a detailed written record of incidents involving sexual harassment.

6 Resources (Guidelines, toolkits, checklists etc)

Nil.

7 Implementation and Review

HR Manager and Contact Officers.

8 Training

All staff will be expected to comply with this policy in relation to all aspects of the College's operations and staff with designated special responsibilities will be given appropriate training, guidelines and professional development opportunities in relation to their roles and responsibilities.

9 Communication

Contact details for the College's current Contact Officers are provided in the Assistance Directory, which is published in the Student Handbook Supplement each semester, and is available in Student Services, on request, during office hours.

This policy statement is to be made available to all staff, volunteers, students and persons seeking to enrol as students at Tabor College and is to be included in each edition of the Tabor Adelaide Student Handbook and Lecturers' Handbook and made available on the website [<http://www.taboradelaide.edu.au>].