



BRISBANE GRAMMAR SCHOOL

Sexual Harassment Policy

(V1.4 2020-09)

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SEXUAL HARASSMENT POLICY V1.4 2020-09

1. Purpose and Application

Brisbane Grammar School (**School**) is committed to providing a working and learning environment free from sexual harassment.

This policy applies to all students.

This policy also applies to all staff members of the School, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements (**Staff**).

This policy applies to all Students and Staff:

- In all their interactions with each other and members of the broader School community; and
- While in the School or off site, including at School-related events (such as sporting events) or functions (including social functions), while on trips or excursions, and when attending conferences.

Members of the broader Brisbane Grammar School community, including parents/guardians, are also required to comply with and support this policy.

Sexual harassment is unacceptable and will not be tolerated by Brisbane Grammar School under any circumstances.

2. Legislation

Sexual harassment is unlawful and is prohibited.

- The *Sex Discrimination Act 1984* (Cth) prohibits the sexual harassment of students and staff within the School environment.¹
- The *Anti-Discrimination Act 1991* (Qld) prohibits sexual harassment in all places.²

3. Definitions

Sexual harassment is any verbal, written, visual or physical behaviour of a sexual nature that is unwelcome and uninvited where the harasser in all the circumstances should have anticipated the possibility that the other person would be offended, humiliated or intimidated.

Sexual harassment happens if a person:³

- Subjects another person to an unsolicited act of physical intimacy; or
- Makes an unwelcome sexual advance or unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
- Makes a remark with sexual connotations relating to the other person; or
- Engages in any other unwelcome conduct of a sexual nature, which includes a statement whether orally or in writing, in relation to the other person;

¹ See in particular s 28F.

² See in particular s 118.

³ Refer to s 119 of the *Anti-Discrimination Act 1991* (Qld) and s 28A of the *Sex Discrimination Act 1984* (Cth).



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and the person engaging in the above conduct does so:

- With the intention of offending, humiliating or intimidating the other person; or
- In circumstances where a reasonable person, having regard to all the circumstances would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

The circumstances to be taken into account include:

- The sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
- The relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
- Any disability of the person harassed;
- Any other relevant circumstance.

4. Examples of Sexual Harassment

- Physical contact such as patting, pinching or touching in a sexual way;
- Unwelcome and uncalled for remarks or insinuations about a person's sex or private life;
- Distributing or displaying offensive pictures or written material including by e-mail, text message, social media or other forms of communication;
- Unwelcome requests to another person that he or she take part in a social outing or date;
- Offensive or suggestive comments about a person's physical appearance, dress or relationships;
- Unwelcome or offensive jokes, intrusive questioning, messages, e-mails or telephone calls of a sexual nature;
- Offensive gestures or "wolf whistling";
- Direct propositioning or subtle pressures to a person for sexual favours; and
- Leering, indecent exposure, patting, pinching, touching or unnecessary familiarity.

5. Responsibilities

5.1. School Responsibilities

The School takes reasonable steps to actively prevent sexual harassment in breach of this policy occurring at the School, including as follows:

- Develop and implement this sexual harassment policy and other materials and/or awareness activities to promote the purpose of this policy;
- Educate and provide appropriate resources to Staff to improve their knowledge and understanding, to assist in preventing any instances of sexual harassment in breach of this policy, and to appropriately respond should an alleged breach occur;
- Educate and provide appropriate resources to students and parents/guardians to improve their knowledge and understanding and to assist in preventing any instances of sexual harassment in breach of this policy; and
- Encourage students and Staff to contribute to a healthy School culture.



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The School may be held responsible for the behaviour of Staff if it is found that it did not take all reasonable steps to ensure that all places where the School conducts its business were free of sexual harassment.

The School is also responsible to provide a mechanism for complaints to be addressed and resolved – see **section 6** below.

5.2. Student and Staff Responsibilities

All students and Staff contribute to the creation of a School culture free of sexual harassment. All students and Staff have a responsibility to comply with this policy.

All students and Staff are required to attend any training provided by the School to ensure they fully understand all aspects of this policy and the School's commitment to it.

6. Reporting Sexual Harassment

No one should tolerate sexual harassment.

If you think you have been subjected to sexual harassment then you should report the behaviour immediately. Do not ignore it and hope it will go away as silence may give the impression that the behaviour is acceptable.

Where a parent, student or member of staff has experienced or is aware of an incident of sexual harassment, they should draw it to the attention of one of the following:

- A Contact Officer;
- The Chief Financial Officer; or
- The Deputy Headmaster - Staff.

The Contact Officers are: Philippa Douglas, Nick Byron, Amanda Hart and Bianca Hart, or as otherwise appointed and notified by the School from time to time.

The Contact Officers:

- Are available to answer questions about this policy or about what constitutes behaviour that might breach this policy;
- Can discuss concerns and assist understanding of the rights and options;
- Can provide support to resolve concerns in a manner appropriate to the nature and seriousness of the matter; and
- Will not be responsible for investigating concerns or determining resolutions.

Once reported, allegations of breach of this policy will be investigated by the School, so far as is reasonably possible:

- On a confidential basis and having regard to privacy requirements;
- In a timely way; and
- In a fair and impartial manner.

Action taken by the School following investigation will be decided by the Headmaster or the Board (as appropriate) and may include, but is not limited to, implementing reasonable corrective action (see **section 7** below), and providing students, parents/guardians and Staff with appropriate counselling and resources.



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A complaint can also be lodged with an external agency such as the Anti-Discrimination Commission Queensland (www.adcq.qld.gov.au) or Australian Human Rights Commission (www.humanrights.gov.au).

7. Consequences for Breach of this Policy

Disciplinary action, up to and including termination of enrolment or employment, may be taken against a student or Staff member who is found, by the Headmaster or the Board (as appropriate), to have breached this policy.

If a person is found to have raised a false or malicious complaint against another person in order to prejudice that other person, they may be subject to appropriate disciplinary action. Where a person is alleged to have breached anti-discrimination legislation, it is also possible that legal action could be taken against them personally.

8. No Victimisation

Victimisation occurs when a person is treated or threatened to be treated in a detrimental manner as a result of making or threatening to make a complaint about an alleged breach of anti-discrimination laws. Victimisation can also occur when there is detrimental treatment because a person has:

- Refused to do something that might breach anti-discrimination laws;
- Supported the complaint of another; or
- Supplied information or documents to a person performing a function under anti-discrimination laws.

Motive is irrelevant. A complaint of victimisation can be successful even if the underlying complaint of sexual harassment does not succeed.

It is unacceptable and against the law for any person to be treated differently for the reason that he or she decided to exercise his or her legal rights under anti-discrimination laws or to help someone else to do the same.

9. Related Documents

This policy is to be read in conjunction with the following policies:

- BGS Child Protection Policy and Child Risk Management Strategy: *If sexual harassment amounts to harm or sexual abuse as referred to in this policy then the matter must be dealt with in accordance with this policy.*
- Anti-Discrimination Policy
- Bullying Policy
- Code of Expectations and Behaviour (Students)
- Code of Conduct (Staff)
- Workplace Harassment Policy



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10. Contact Information

If you have any questions regarding this policy please contact Deputy Headmaster – Staff on dhm.staff@brisbanegrammar.com or 07 3834 5200.

11. Policy Management

The School will review and may change this policy at any time, in particular, to take account of changes, and effect of changes, in legislation and industrial instruments.

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