



DUNMORE LANG COLLEGE

An Affiliated Residential College at Macquarie University

Dunmore Lang College Sexual Harassment Policy

Left blank on purpose

Sexual Harassment Policy

Board Approved: #

Date of next review: December 2017

Version: 1.0

Dunmore Lang College Sexual Harassment Policy

Policy Title: SEXUAL HARASSMENT POLICY

Approved by: Dr Alasdair Murrie-West, Principal, Dunmore Lang College

Date of Issue: 2015

Review Date: 2016

CONTENTS

1.0 PURPOSE

2.0 OVERVIEW

3.0 DEFINITION

4.0 SCOPE

5.0 POLICY

6.0 BREACHES

7.0 COLLEGE HARASSMENT CONTACTS

1.0 PURPOSE

Sexual harassment is an unacceptable behaviour that results in distress and is damaging to the College environment. Sexual harassment erodes the rights of the individual, weakens morale and detrimentally interferes with the effectiveness of the work and learning environment. Dunmore Lang College does not tolerate harassment of any form.

2.0 OVERVIEW

Dunmore Lang College is committed to providing an environment free from all forms of discrimination and harassment/bullying. Members of the Dunmore Lang College community and all visitors are also bound by Macquarie University Policy Guidelines, State and Federal Laws.

3.0 DEFINITION

Sexual harassment includes any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

This may include (but is not restricted to):

- an unwelcome sexual advance
- a request for sexual favours
- unwelcome comments about someone's sex life or physical appearance
- leering and ogling
- sexually offensive comments, stories or jokes
- displaying sexually offensive photos, pinups or calendars, reading matter or objects
- sexual propositions or continued requests for dates
- physical contact such as touching or fondling, or unnecessary brushing up against someone
- indecent assault or rape (these are criminal offences).

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

Sexual harassment may occur between one student and another, between students and staff members, or between staff, students, clients, contractors, guests or visitors. It may occur wherever individuals are interacting with others in the context of their position in the College, including events, activities, work off-site and social functions.

In establishing appropriate standards of behaviour the College recognises:

- social and/or cultural backgrounds may mean that people identify the same conduct differently
- sexual harassment can arise where different values and beliefs are not recognised and respected
- 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 College environment

4.0 SCOPE

The Dunmore Lang College community, includes:

- students
- staff (including full time, part time and casual)
- sub-contractors working on the Dunmore Lang College site
- visitors to the College, and
- conference guests.

5.0 POLICY

Dunmore Lang College:

- is committed to ensuring students, staff and visitors are able to live, study and work in an environment that is free from discrimination and harassment/bullying
- will not tolerate discrimination and/or harassment/bullying on the basis of a person's:
 - age
 - sex
 - transgender status or sexuality
 - race, colour, nationality, descent and ethnic, ethno-religious or national origin
 - disability or presumed disability
 - religious or political belief or activity
 - marital or domestic status
 - responsibilities as a carer
 - pregnancy or potential pregnancy
- will not condone the victimisation of a person for making a complaint of discrimination and/or harassment/bullying
- will implement awareness-raising and communication strategies to ensure that all members of the community are aware of their rights and responsibilities in relation to the prevention of discrimination and harassment/bullying
- will deal promptly and effectively with all complaints of discrimination and/or harassment/bullying from staff, students and visitors
- will ensure there are trained staff/student mentors available to assist with advice & facilitating external assistance, and
- will ensure the names & contact details of staff/student mentors are displayed throughout the College

6.0 BREACHES

Dunmore Lang College may commence disciplinary procedures if members of or visitors to the community to whom this policy applies breach this policy (and/or any of its related procedures).

Disciplinary procedures, depending on the severity of the breach, may include the following:

- counselling
- suspension
- exclusion

A. External complaint

A student or staff member who has been harassed may choose to take their complaint to the Australian Human Rights Commission or the NSW Anti-Discrimination Board.

Contact for the Australian Human Rights Commission is 1300 656 419 and for the NSW Anti-Discrimination Board 1800 670 812.

B. Internal complaint

A student or staff member who believes they have been harassed (the complainant) should:

- if comfortable to do so, inform the alleged harasser the behaviour is offensive, unwelcome, against the College's policy and should stop
- make a note of the date, time and location of the incident/s
- if not comfortable to confront the alleged harasser or if unwelcome behaviour continues, report to the nominated College Harassment Contact
- if confronting the alleged harasser is inappropriate, speak to another senior member of the College, such as the Principal, the Dean or another member of staff or a Resident Adviser

The College Harassment Contact will follow the procedures set out below. At any time the complainant has the right to discontinue this process.

C. Complaints Process

When a complaint is received, the College Harassment Contact will:

- obtain and record a full, step-by-step account of the incident/s
- ensure the College's process for handling the complaint is understood
- ascertain the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change in working arrangements
- agree on the next step: informal resolution or formal investigation
- keep a confidential record of all details of this discussion and subsequent steps in the process

D. Informal Resolution

Where a complainant has chosen informal resolution, the College Harassment Contact will inform a senior member of the College staff who will:

- inform the alleged harasser of the complaint and provide an opportunity to respond
- ensure both parties understand their rights and responsibilities under the College's policy
- if possible, mediate an outcome that is satisfactory for the complainant
- ensure that confidentiality is maintained
- follow up to ensure the behaviour does not re-occur.

E. Formal Investigation

If a formal investigation is requested by the complainant, or if an informal resolution fails, the College Harassment Contact will escalate the matter to a senior member of the College or to a member of the Board or a qualified external mediator.

That person will:

- afford natural justice to all involved
- interview all directly concerned, separately
- interview witnesses, separately
- keep records of the interviews and investigation
- ensure confidentiality and minimise disclosure
- make a determination as to whether there is sufficient evidence that a reasonable person could conclude, on the balance of probabilities (i.e. it's more likely than not), that an incident/incidents of sexual harassment, as defined by the legislation, has occurred
- in such a case, determine appropriate action, which may include a change of duties for the harasser, change to working arrangements or, where the incidents were frequent and/or severe, dismissal (if a staff member) or exclusion (if a student or resident)
- where it cannot be determined by the required test that an incident/incidents of sexual harassment as defined by the legislation has occurred, may still take action to ensure the proper functioning of the workplace; but these actions should not prejudice any party. They will also continue to closely monitor the situation and provide retraining where required
- check to ensure the action meets the needs of the complainant and the College

Complaints against the Principal

If a complaint is made against the Principal, the procedures in this document will apply, except that the matter will be referred for determination to the Chairman of the Board of Directors and any power to be exercised by the Principal will instead be exercised by the Chairman.

Outcomes as they affect the complainant will be discussed with the complainant to ensure that needs are met, where appropriate.

7.0 COLLEGE HARASSMENT CONTACTS

STAFF:

Dr Alasdair Murrie-West, Principal

Ms Liza Allen, Dean of Students

Ms Joanne Dunwell, Business Manager

STUDENTS:

Appointed each year after completing training. Names are advertised on College noticeboards and Resident Adviser doors.

Key resource

Effectively preventing and responding to sexual harassment: A Code of Practice for Employers by the Australian Human Rights Commission. http://www.hreoc.gov.au/sexualharassment/employers_code/COP2008.pdf

Sexual Harassment Policy Action Chart

Sexual harassment is a type of sex discrimination and the Sex Discrimination Act 1984 (Cth) makes sexual harassment unlawful in some circumstances. It includes any unwanted or unwelcome sexual behaviour that makes a person feel offended, humiliated or intimidated. Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.

Sexual harassment can take many different forms – it can be obvious or indirect, physical, online or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite gender.

Dunmore Lang College is committed to providing a respectful and inclusive community for all residents: We take all complaints seriously and act only with your permission with the aim of mediating a mutually respectful resolution. With permission and where appropriate, a complaint may be referred to an external mediator or agency for assistance and support.

If evidence of a breach has been established but no complaint is made the College reserves the right to implement education and awareness programmes to address the issue at a whole of community level.

Who can I talk to...?

A friend or family member

Dunmore Lang College Residential Adviser (RA) or Harassment Officer

Dunmore Lang College Principal or Dean of Students

Macquarie University Campus Wellbeing

Student Advocacy and Support Service via Campus Wellbeing
students.mq.edu.au/support/health_and_wellbeing/student_advocacy_and_support/

With your permission, the above people and services can support you with:

Information about your options including making a formal complaint

Support if you choose to talk directly to the perpetrator to try and resolve the situation

Support to access counselling services

Advice about available mediation services including organising an external mediator if required

Information about your legal rights and where to obtain further information

Information about the Student Advocacy and Support Service available through Campus Wellbeing

The College respects the rights of individuals to make their own decisions and we will support you in whichever course of action you choose to take. This can include choosing not to take formal action however, we strongly recommend you seek advice about your options and the services available first. There is always an opportunity to come back to the issue at a later date.

Sexual Assault Action Chart

Sexual assault is a crime and it is never the fault of the victim. It can happen to anyone, anywhere and the offender is often known to the victim. The experience and impact of sexual assault is different for each individual and there is no 'right' way to feel or act. Whatever your response please be reassured it is a normal response to an extreme emotional and physical violation.

Dunmore Lang College takes seriously all reports of assault and we offer non-judgemental support information, and assistance to access external counselling, medical and legal assistance. We will act only with your permission and we will be guided by what you wish to do and at the pace you feel comfortable.

