



Policy – Sexual Harassment

Policy number:	2026/07	Review date:	6 May 2029
Authorised by:	College Board	Authorisation date:	6 May 2026

Purpose

This policy outlines Tatachilla Lutheran College's practices for managing sexual harassment, covering students, staff, members of the school community, volunteers, contractors and Board members.

Background

Tatachilla Lutheran College is committed to ensuring that the working and learning environment is harassment-free. Sexual harassment is unlawful and will not be accepted or tolerated. Action will be taken against those who breach the Sexual Harassment Policy.

Policy Objectives

The objectives of Tatachilla Lutheran College's Sexual Harassment Policy are to:

- Promote an environment that is free from sexual harassment and where all people are treated with courtesy, dignity, and respect;
- Promote appropriate standards of conduct;
- Implement strategies to ensure that all members of the school community know their rights and responsibilities in this area;
- Encourage the reporting of inappropriate and unlawful behaviour;
- Provide an effective complaints management procedure based on principles of natural justice;
- Treat all complaints in a serious, sensitive, fair, and timely manner; and
- Protect against victimisation or reprisals for complainants.

Coverage

Tatachilla Lutheran College's Sexual Harassment Policy applies to all students, staff, members of the school community, volunteers, contractors and Board members. Every person in the school is responsible for maintaining an environment free from sexual harassment. This Policy applies to staff and students engaged in activities reasonably connected with their role at the school, including excursions, camps and social activities relating to the college.

The responsibility for providing an environment free from sexual harassment is fulfilled by the Principal, leaders, and the School Board.



Definitions

Sex-based discrimination occurs when someone is treated less favourably, or not given the same opportunities as a person of a different sex, because of their sex. This is referred to as direct discrimination.

It also occurs when a rule, policy or practice applies to everyone but disadvantages a person based on their sex. This is indirect discrimination. Sex-based discrimination captures behaviour that falls between sexual harassment and sex discrimination. This does not have to include conduct of a sexual nature.

Sex-based harassment is characterised by verbal abuse, insults and/or behaviours that aim to marginalise on the basis of sex or gender. Instances of sex-based harassment in the workplace can overlap with sexual harassment.

Sexual harassment is defined by the Australian Human Rights Commission (AHRC) as, “any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated, or intimidated. It has nothing to do with mutual attraction or consensual behaviour.” Sexual harassment can be a one-off incident. It does not have to be repeated or continuous.

Victimisation is any attempt to subject a person to any detriment or threat of detriment because they have:

- Made, or propose to make, a sexual harassment complaint under a school’s Sexual Harassment Policy and Procedure;
- Furnished, or propose to furnish, information or documents to a conciliator or formal investigation;
- Attended or propose to attend a conciliation conference;
- Appeared or proposed to appear as a witness in a formal investigation; and
- Reasonably asserted their own or another person’s rights under a school’s Sexual Harassment Policy and Procedures.

Sexual Harassment Examples

The AHRC has listed the following examples of sexual harassment:

- Staring, leering or unwelcome touching;
- Suggestive comments or jokes;
- Unwanted invitations to go out on dates or requests for sex;
- Intrusive questions about a person’s private life or body;
- Unnecessary familiarity, such as deliberately brushing up against a person;
- Emailing pornography or rude jokes;
- Displaying images of a sexual nature around the workplace; and
- Communicating content of a sexual nature through social media or text messages.



Confidentiality

Tatachilla Lutheran College is committed to maintaining confidentiality in relation to sexual harassment matters to the greatest possible extent. Communications about incidents of sexual harassment will be limited to the relevant senior staff and/or those who assist in the resolution or conciliation of a specific incident.

Procedural Fairness

Tatachilla Lutheran College is committed to ensuring that the principles of procedural fairness apply at all stages of the complaint resolution process. Persons responsible for investigating and resolving complaints have a duty not to be affected by bias or conflict of interest and must act fairly and impartially. Each party will be given a fair opportunity to know the details of the complaint and to be heard.

Investigations

The following principles will be applied by Tatachilla Lutheran College when an investigation is being undertaken:

- Complaints will be investigated promptly, involving only necessary individuals on a need-to-know basis. Parties to a complaint will be entitled to receive advice and support as appropriate, and will be kept informed of the progress of the complaint.
- Students, staff, members of the school community, volunteers, contractors and Board members will not be victimised; and
- Appropriate steps will be taken to ensure harmonious working and learning relationships during and after the investigation process.

Managing Sexual Harassment Complaints

Tatachilla Lutheran College acknowledges that there are a variety of informal and formal options for handling sexual harassment. Tatachilla Lutheran College will manage sexual harassment complaints in the following manner:

- A range of resolution processes;
- Formal complaint handling processes such as investigation processes and procedures, mediation and conciliation processes;
- Appointment of Discrimination and Harassment Contact Officers; and
- Access to Employee Assistance Programs (EAP) for employees.



Sexual harassment by a student

Should a child or young person engage in inappropriate behaviour of a sexual nature, either toward a teacher or another student, Tatachilla Lutheran College will ensure that immediate action is taken. The matter will be reported and documented promptly with the Principal and a plan of action will be developed to deal with the situation and to support those involved in the incident. Depending on the age of the student and contextual information, the plan of action may involve:

- Communication with parents;
- Referral to and liaison with specialist counselling;
- Formalised support at the school, which may include closer monitoring or supervision of the student in their interactions with others;
- Referral to and liaison with an appropriate agency; or
- Expertise will be sought in the case of students with disabilities.

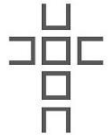
Consequences

A variety of consequences will apply according to the severity of the situation and whether it is a first or subsequent offence. Consequences may include an apology, counselling and/or mediation, and/or undertaking training. Disciplinary action may include warnings, suspension, student expulsion or termination of employment.

Sexual Harassment Prevention Strategies

There are a number of strategies that will be implemented by Tatachilla Lutheran College to prevent sexual harassment. The strategies will vary from time to time in response to certain circumstances and situations. These strategies include:

- Promoting the Sexual Harassment Policy to students, staff, parents, contractors, volunteers and the school community
- Provision of a copy of the school's Sexual Harassment Policy in student enrolment packages and staff induction and orientation programs;
- Reviewing the school's Sexual Harassment Policy at regular intervals with stakeholders to ensure that it remains effective and relevant;
- Incorporating sexual harassment prevention guidelines in the student code of conduct and behaviour management policies;
- Providing professional development that will:
 - Educate staff and students about what constitutes sexual harassment and about their responsibility not to harass other staff and students sexually; and
 - Provide information and training to staff on meeting their responsibilities in relation to maintaining a work and learning environment that is free of sexual harassment.



Responsibilities

Every member of the Tatachilla Lutheran College community has rights and obligations under the Sexual Harassment Policy. Although different community members have different responsibilities, Tatachilla Lutheran College acknowledges the importance of all parties working together under the Sexual Harassment Policy.

The Principal, Leaders and the School Board

The responsibilities of the Principal, leaders and the School Board includes:

- Modelling appropriate behaviour;
- Maintaining a work and learning environment free of harassment by exercising appropriate leadership practices;
- Monitoring the working environment to ensure as far as practicable that acceptable standards of conduct are maintained at all times and that sexual harassment is not tolerated;
- Promoting awareness of the avenues for advice and the complaints procedures with respect to sexual harassment as set out in the policy;
- Treating complaints and behaviour which may constitute sexual harassment seriously and taking immediate action;
- Treating complaints of sexual harassment with appropriate confidentiality;
- Ensuring that a person is not victimised for making, or being involved in, a complaint of sexual harassment;
- Identifying an appropriate contact person to provide information and support to complainants or respondents. It is recommended the contact person not provide support to a complainant and a respondent involved in the same matter;
- Referring to the policy in the school, student and staff codes of conduct and practice; and
- Where an allegation involves a student, ensuring that an appropriate network of support, guidance, counselling, and liaison with parents is established in accordance with duty of care obligations.

Staff

Tatachilla Lutheran College staff and students have a responsibility to:

- Model and promote appropriate behaviour;
- Maintain a work and learning environment free of sexual harassment;
- Understand the school's policies relating to sexual harassment;
- Comply with the school's Sexual Harassment Policy;
- Respond in a timely manner to incidents of sexual harassment in accordance with the college's Sexual Harassment Policy;
- Participate in any training provided by the school;
- Treat information in relation to sexual harassment allegations with appropriate confidentiality; and
- Ensure that a person is not victimised for making or being involved in a complaint of sexual harassment.



Students

All students of Tatachilla Lutheran College have a responsibility to:

- Display appropriate behaviour; and
- Respect and uphold a learning environment free of sexual harassment;
- Understand and comply with the school's Sexual Harassment Policy;
- Participate in any training provided by the school.

The School Community

All members of the Tatachilla Lutheran College community have a responsibility to:

- Model and promote positive relationships that respect and accept individuals;
- Support the school's Sexual Harassment Policy through words and actions; and
- Where appropriate, work collaboratively with the school to resolve incidents of sexual harassment when they occur.

Legislative Context

- Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)
- Australian Education Act 2013 (Cth)
- Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)
- Equal Opportunity Act 1984 (SA)
- Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Cth)
- Standards for Registration and Review of Registration of Schools in South Australia, 2019
- The Sex Discrimination Act 1984 (Cth)
- Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Act 2023 (Cth)