1. Overview
   1.1 Burgmann College is committed to ensuring a safe environment free from sexual harassment;
   1.2 Sexual harassment will not be tolerated under any circumstance;
   1.3 Swift disciplinary action will be taken against anyone who breaches the policy;
   1.4 Bystanders will be supported to take action against sexual harassment;
   1.5 Appropriate standards of conduct apply at all times.

1.6 Definitions – see Appendix A.

2. Who this policy applies to
   2.1 This policy applies to all residents and staff of Burgmann College.
   2.2 This policy also applies to guests of the college as defined in Appendix A.

3. When this policy applies
   3.1 This policy applies on Burgmann grounds and at off-site Burgmann functions.

4. Our Commitment
   4.1 This sexual harassment policy outlines Burgmann College’s commitment to:
       a. Creating a college culture which is focused on equality and respect, which supports people to take bystander action and takes a zero tolerance approach to sexual harassment;
       b. The prevention of sexual harassment;
       c. The establishment of a safe, supportive and fair complaints procedure.

5. How is this commitment achieved?
   a. By actively promoting our college’s sexual harassment policy and ensuring that all residents and staff are encouraged to making a formal complaint if they experience sexual harassment;
   b. By establishing a fair complaints procedure and treating all complaints in a sensitive, timely and confidential manner;
   c. By ensuring residents and staff who make a complaint about sexual harassment or who take bystander action in response to sexual harassment will be protected from victimisation or negative consequences.
6. Definition of sexual harassment

6.1 Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature in circumstances in which a reasonable person would have anticipated the possibility that the person being harassed would be humiliated, intimidated or offended. Sexual harassment can take many different forms – it can be obvious or indirect, repeated or one-off – and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment. Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

6.2 Sexual harassment is not only inappropriate in the workplace and at College, it is also illegal.

6.3 Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated then it is not sexual harassment.

6.4 The following behaviours could be considered sexual harassment at college:

- Sexually suggestive comments or jokes
- Intrusive questions or inappropriate comments about your private life or physical appearance
- Inappropriate staring or leering
- Unwelcome touching, hugging, cornering or kissing and other forms of inappropriate physical contact
- Sexually explicit text messages, images, phone calls or emails
- Displays of sexually graphic material including posters, pinups, cartoons, graffiti or messages left on notice boards or desks

7. Roles & Responsibilities

7.1 Residents and staff will:

- Comply with this sexual harassment policy
- Model equitable, respectful and ethical behaviours at all times
- Take action to ensure they are aware of their rights and responsibilities around sexual harassment
- Participate in training and information sessions provided by the college around sexual harassment and bystander action
- Take bystander action (if safe to do so) if they see or hear about sexual harassment at Burgmann College
7.2 Residential Staff/Managers and Supervisors will:
- Model equitable, respectful and ethical behaviours at all times
- Proactively monitor the college and workplace environment and culture to ensure that staff are treated equitably and respectfully
- Promote this sexual harassment policy throughout the resident body and in work areas, ensuring that all residents and staff know how to access the policy.

7.3 The Postgraduate Community Coordinator, Residential Advisors (RAs) and the Men’s, Women’s and Queer* Officers (“Officers”) are available to support residents who are experiencing sexual harassment or who need support to take bystander action. RAs and Officers are staff members who have been trained to provide confidential and impartial information and support to help residents make an informed decision about how to try to resolve an issue. They cannot provide legal advice or resolve complaints; however they can act as a support person to someone experiencing harassment or to a bystander, and can provide information relating to external support services and college policies and procedures. RAs and Officers are also able to attend mediation sessions or complaints meetings as a support person.

7.4 The Deputy Principal is responsible for investigating all complaints of sexual harassment, including conducting interviews with residents and providing advice to affected residents/staff on the outcome of the complaint and any disciplinary measures in response to a complaint. The Deputy Principal is impartial and will not have any direct relationship with the residents involved in the complaint, either as a manager or otherwise. Where there is a perceived conflict, the Deputy Principal may nominate an appropriate person to investigate the complaint.

8. Supporting Bystander Action

8.1 In order to promote a safe, equitable and respectful college and workplace, Burgmann College encourages all residents and staff to take action if they witness or hear about sexual harassment at College.

8.2 See: Know where the line is. If you see something or hear something that makes you feel uncomfortable, don’t ignore it.

8.3 Talk: It takes courage to speak up. Talk with your RA, a College Officer, the Village Community Coordinator, a staff member or with the person who is crossing the line.

8.4 Support: Don’t underestimate the power of support. It can help a fellow resident or staff member stand up and take action.

9. Consequences of breaching the policy
9.1 Depending on the severity of the case, this might include making an apology, counselling, dismissal (staff) or a resident being asked to leave College.

10. **Making a complaint**

10.1 The college strives to provide a complaints process that is transparent, efficient, confidential and fair. We will ensure that:

- Participants are notified of any allegations made against them and are afforded the opportunity to respond to those allegations
- Participants are informed about the process for resolving complaints
- Complaints of sexual harassment are dealt with impartially and without bias
- Information about a complaint is only provided to those people who need to know in order for the complaint to be actioned properly

10.2 **Steps in Making a Complaint**

1) Where possible, inform the person of their unwanted behaviour and that you wish it to stop immediately. This may be verbally or in writing. If you do not feel comfortable doing so, proceed to step 2.

2) Approach a Residential Advisor, College Officer, Village Community Coordinator, Manager of Residential Services and let them know you have experienced sexual harassment.
   a. They will provide confidential and impartial information and support you to make an informed decision about how to try to resolve an issue.
   a. This initial contact person can only act in a supportive capacity to you when you are making the complaint and will not be involved in investigating or making decisions in relation to the complaint.

3) Consider whether early resolution as outlined in 10.3 is an appropriate avenue.

4) If early resolution is not appropriate, you may decide to make a formal complaint. To do this, you will be asked to detail the complaint to the Deputy Principal who is responsible for investigating complaints of college sexual harassment, including interviewing residents and providing advice to the Principal on the investigation of the complaint.

5) When speaking with you (the Complainant), the Deputy Principal will:
   a. Provide information about the complaint process, potential outcomes, options for assistance/support and protections from victimisation
   b. Ensure the allegations are documented, either by the complainant or the Deputy Principal
   c. Explain that the process is confidential, what this means and why it is important
   d. Explain what records of the complaint will be kept, for how long and where
e. Explain the action that may be taken if the complaint is found to be vexatious or malicious
f. Ask the complainant to provide relevant documents or details of witnesses that may support the allegations.

6) When speaking with the Respondent, the Deputy Principal will:
a. Advise the respondent that a complaint has been made against him or her and provide as much information as possible about the allegations and supporting information (where applicable)
b. Confirm that he or she will be given the opportunity to respond to the allegations in writing or through an interview
c. Provide information about the complaint process, potential outcomes and options for assistance/support
d. Explain that the process is confidential, what this means and why it is important
e. Explain what records of the complaints will be kept, for how long and where
f. Explain that it is unacceptable to victimise someone who has made a complaint

7) Assessment:
a. If the respondent confirms that he or she did what is alleged to have occurred, and if this behaviour would be considered discrimination or harassment as defined in the organisation’s policy, an appropriate outcome will be considered (see number 8 below).
b. The respondent will be provided with the opportunity to comment on any proposed decision and outcome before a final decision is made. If there is disagreement about what happened, the Deputy Principal will consider whether there is other information that will help to determine what happened.
c. The Deputy Principal should be satisfied that it is ‘more probable than not’ that what is alleged to have happened did happen. This is the standard endorsed by the Human Rights Commission.
d. Given the nature of discrimination and harassment, there may often be no direct witnesses or documents to support the complainant’s version of events. This does not mean that the allegation is untrue. In these situations the complainant will be given the opportunity to comment on the information that has been provided by the respondent and to provide any other information to support his or her allegations before a final decision is made.

8) Outcomes from the process:
a. Where the allegations are admitted or substantiated, outcomes for the respondent may include:
   i. a requirement to provide a formal apology to the complainant
   ii. an official warning
iii. a requirement to attend discrimination and harassment awareness training
iv. disciplinary action, and/or
v. participation in mediation to restore relationships.

b. Outcomes for the complainant may include:
   i. Supportive counselling
   ii. Reaccrediting of any leave taken as a result of the discrimination or harassment (for staff members)
   iii. A change in the work environment, as requested; for example, a change in work teams or location • participation in mediation to restore relationships in the workplace (for staff members)
   iv. The complainant will be provided with general information about the outcome of a complaint, as this may affect their decision to pursue the matter with an external agency. The level of detail provided will be balanced against the need to respect the privacy of the respondent.

9) The disciplinary consequences of a complaint remain at the discretion of the Principal.

10.3 Early Resolution
In some situations it may be appropriate to consider early resolution of an initial complaint without undertaking an assessment of its merit. This approach may be useful where:
   ▪ the complainant indicates a desire to sit down and discuss the matter with the respondent informally and this seems appropriate in the circumstances
   ▪ the information on hand supports a view that the complaint has arisen from a misunderstanding or miscommunication
   ▪ the behaviour being complained about is not serious and does not appear to be discrimination or harassment, as defined by the College’s policy.

10.4 Early resolution may involve:
   ▪ a direct private discussion between the complainant and the respondent
   ▪ an impartial third person conveying information between those involved
   ▪ an impartial third person helping those involved to talk to each other and find a solution.

10.5 Where the allegations are not admitted or substantiated
10.5.1 Where allegations have not been admitted or substantiated, it may still be appropriate for the employer to take some action as a result of the complaint. For example, it may be appropriate to:
   ▪ provide refresher training for all staff regarding appropriate workplace behaviour, and/or
   ▪ re-issue the discrimination and harassment policy or code of conduct to all residents and employees.
# APPENDIX A

## DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td><strong>Bystander</strong></td>
<td>A person who witnesses an instance of sexual assault or sexual harassment and who is not the victim or perpetrator of that instance of sexual assault or sexual harassment.</td>
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<tr>
<td><strong>Complaint</strong></td>
<td>A report of an incident that may, on full investigation, amount to sexual harassment.</td>
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<tr>
<td><strong>Complainant</strong></td>
<td>The person who is bringing the complaint of sexual harassment.</td>
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<tr>
<td><strong>Guest</strong></td>
<td>A person who is a non-resident or non-staff member who was invited onto college grounds by a resident or staff member.</td>
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<tr>
<td><strong>Officer</strong></td>
<td>A resident who holds the position of either Women’s Officer, Men’s Officer or Queer* Officer</td>
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<tr>
<td>** Resident**</td>
<td>A person who resides at the College under a contract of occupation.</td>
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<tr>
<td><strong>Respondent</strong></td>
<td>The person who is responding to an allegation against them of sexual harassment by a complainant.</td>
</tr>
<tr>
<td><strong>Staff</strong></td>
<td>A person who is employed by the College to provide a service or perform a task, including full time and part time staff members, contractors and external service providers.</td>
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