Sexual Harassment Policy

Effective	July 2026
Review	July 2028
Owner	Principal
Approver	The Sycamore School Governing Body

1 Purpose

The purpose of this policy is to ensure the school community understands the standards of behaviour expected of them and their legal rights and responsibilities in relation to sexual harassment, sex-based harassment, and conduct that creates a hostile workplace environment on the ground of sex and related victimisation; and to ensure the school community understands what sexual harassment is, how to prevent it, and how to respond in a way that minimises harm and ensures they meet their legal obligations.

2 Applicability

This policy and procedure is to be followed by a person who fills the role with a ☒.

- ☒ Staff (all employees (full-time, part-time, permanent, fixed term, casual or relief), apprentices/trainees, host employees, people doing work experience or vocational placement)
- ☒ Directors
- ☒ Contractors
- ☒ Parents/Carers
- ☒ Students
- ☒ Visitors
- ☒ Volunteers
- ☐ Others

3 Definitions

Conduct that creates a hostile workplace environment on the ground of sex	Under the SD Act means when a person's behaviour within the workplace creates an environment that is offensive, intimidating or humiliating for another person to work in based on that person's sex, or characteristics that generally relate to that person's sex.[1]

[1] *Sex Discrimination Act 1984* (Cth), s28M(2)(c).

Relevant unlawful conduct	Under the SD Act means the conduct covered by the positive duty in the SD Act which requires organisations and businesses to take 'reasonable and proportionate measures' to eliminate, as far as possible: • discrimination on the ground of sex in a work context. • sexual harassment in connection with work. • sex-based harassment in connection with work. • conduct creating a workplace environment that is hostile on the ground of sex. • related acts of victimisation.
Senior Leaders	Those who hold ultimate responsibility and accountability for the governance and legal compliance of their organisation or business. Senior leaders may be considered 'officers' under WHS legislation. That is, a person who makes or participates in making decisions, that affect the whole or a substantial part of the business or undertaking of the State or Commonwealth[2], public authority[3] or a corporation[4]. In a school this may include members of the school board and senior leadership employees such as the Principal.
Sex discrimination	Defined under the SD Act as when someone is treated unfairly, or is unreasonably disadvantaged, because of their sex, or a characteristic that is generally associated with people of that sex. [5]
Sexual harassment	Defined under the SD Act as 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: • 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. and the person engaging in the above conduct does so: • With the intention of offending, humiliating, or intimidating the other person; or

[2] *Work Health and Safety Act 2011* (Qld), s247.
[3] *Work Health and Safety Act 2011* (Qld), s252.
[4] *Corporations Act 2001* (Cth), s9.
[5] *Sex Discrimination Act 1984* (Cth), s5.

	• 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. [6]
Sex-based harassment	Unwelcome conduct of a demeaning nature based on a person's sex or characteristics that generally relate to a person's sex (but not necessarily sexual in nature), in circumstances in which a reasonable person would have anticipated that the person harassed would be offended, humiliated, or intimidated. 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; and • any other relevant circumstance. It does not matter that the harasser did not intend to offend, humiliate, or intimidate, or know that this was the effect of their behaviour, for this conduct to be against the law. [7]
School Community	In the context of this policy, encompasses students; workers including full-time, part-time, permanent, fixed-term and casual employees; contractors; volunteers and people undertaking work experience or vocational placements; and members of the broader school community, including parents/guardians, and visitors.
Victimisation	When a person is treated or threatened to be treated in a detrimental manner because of making or proposing to make a complaint. Victimisation can also occur where a person is treated adversely because they support another person's complaint. The positive duty under the SD Act also covers related acts of victimisation that relate to complaints, proceedings, assertions or allegations about: • Discrimination on the ground of sex in a work context; • Sexual harassment in connection with work; • Sex-based harassment in connection with work; • Conduct creating a workplace environment that is hostile on the ground of sex. [8]

[6] *Anti-Discrimination Act 1991* (Qld), s119 and s120; *Sex Discrimination Act 1984* (Cth), s28A.
[7] *Sex Discrimination Act 1984* (Cth), s28AA.
[8] *Sex Discrimination Act 1984* (Cth), ss47C(1), 47C(2)(d), 47(4)(c).

Worker	Has the same meaning in the SD Act as under WHS law.[9] Workers include employees, contractors and subcontractors and their employees, employees of a labour hire company who has been assigned to work in the school, outworkers, apprentices, trainees, students gaining work experience and volunteers.[10] A person conducting a business or undertaking (PCBU), for example a sole trader, can also be a worker if they carry out work in the business.
Workplace	Has the same meaning in the SD as under WHS law.[11] Workers is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. In the context of this policy, the term ***school environment*** will also be used to refer to the workplace in an educational setting. This includes all areas where school-related duties are performed, such as classrooms, playgrounds, staff rooms, offices, and any other location where workers are present in the course of their work.

A note on Terminology

This policy acknowledges the gendered nature of discrimination, harassment and victimisation. When discussing the law, and the conduct covered by the positive duty, this policy uses the term 'sex' rather than 'sex and/or gender' and refers to concepts such as sex discrimination and sex-based harassment. This is because it is the language used in the SD Act.

4 Policy

The Sycamore School has a positive duty to eliminate as far as possible sexual harassment and related unlawful conduct in the school environment under the *Sex Discrimination Act 1984* (Cth) (SD Act).[12]

The School is committed to creating a safe, diverse and inclusive place to work and study and does not tolerate sexual harassment, sex-based harassment, or conduct which creates a hostile work environment.

Every member of the school community is responsible for their own conduct and required to take reasonable care that their acts or omissions do not adversely affect the health, safety, and wellbeing of others in the school environment, which includes when working and/or studying from home and at school related events (including school trips/activities and fundraisers). Preventing sexual harassment, sex-based harassment and a hostile environment in the school environment is everyone's responsibility.

This Policy should also be considered in conjunction with The Sycamore School's *Work Health and Safety Policy*, which applies to the school's duty to manage the risk of psychosocial hazards at work, including sexual harassment or sex-based harassment, under the *Work Health and Safety Act 2011* (Qld) (WHS Act),

[9] *Sex Discrimination Act 1984* (Cth), s4(1).
[10] *Work Health and Safety Act 2011* (Qld), s7.
[11] *Work Health and safety Act 2011 (Qld), s8*.
[12] *Sex Discrimination Act 1984* (Cth), s28M.

the *Work Health and Safety Regulation 2011* (Qld) (WHS Regulation) and relevant codes of practice.

5 Prevention

The Sycamore School acknowledges that it has a positive duty to take reasonable and proportionate steps to eliminate relevant unlawful conduct as far as possible.[13]

The School understands and acknowledges that senior leaders, workers, and students contribute to the creation of a school culture free of sexual harassment, sex-based harassment, and conduct that creates a hostile workplace environment on the ground of sex and related victimisation.

A holistic approach has been developed by the School that involves consultation, advances gender equality, acknowledges intersectionality, and is person-centred and trauma informed.

The School will implement measures addressing each of the seven standards outlined in the *Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984*:[14]

- Leadership
- Culture
- Knowledge
- Risk Management
- Support
- Reporting and Response
- Monitoring, evaluation and transparency.

Responsibilities

Senior Leader Responsibilities

Senior leaders at The Sycamore School must ensure appropriate measures for preventing and responding to relevant unlawful conduct and will:

- Ensure an understanding of their legal obligations and maintain up-to-date knowledge about relevant unlawful conduct.
- Implement a risk-based approach, recognising that relevant unlawful conduct is an equality risk and a health and safety risk. This includes being responsible for and actively involved in risk management processes for relevant unlawful conduct and actively seeking out and being regularly provided with information about:
    - Risk assessments: identification, analysis and risk evaluation to determine the nature and extent of relevant unlawful conduct in the organisation/business.
    - Controls: any specific measure or action that modifies or regulates the risk of relevant unlawful conduct.

[13] *Sex Discrimination Act 1984* (Cth), s47C(1)

[14] Guidelines for Complying with the Positive Duty under the *Sex Discrimination Act 1984 (Cth),* Australian Human Rights Commission

  - Risk monitoring and review: trends, patterns and lessons learned and adjustments to controls as necessary.
  - Registering reports and outcomes: the outcomes of reports of relevant unlawful conduct and consequences for people who engage in relevant unlawful conduct must be entered on the School's Complaint Register.
  - Records: create other written records as required, evidencing the risk management process including implementation and changes to controls.
  - Industry-relevant WHS guidance, including approved Codes of Practice which set out what is reasonably practicable to manage hazards, such as sexual harassment, under WHS laws.

- Ensure appropriate measures for preventing and responding to relevant unlawful conduct are developed, recorded in writing, communicated to workers, and implemented, including:
  - This policy and other materials regarding respectful behaviour and unlawful conduct.
  - School anti-bullying policies.
  - Code of conduct that clearly set standards regarding respectful behaviour.
  - Policy is communicated to workers through position descriptions, contracts, induction processes, education and training, emails, codes of conduct and notice boards.
- Regularly review the appropriate measures (this policy and other materials) and update workers as required.
- Ensure easy access to resources for workers, students, and parents/guardians to improve their knowledge and understanding of relevant unlawful conduct and the consequence for engaging in that conduct, and where to seek support, including:
  - Ensuring this policy and associated resources are publicly accessible.
- Support workers and students to engage in safe, respectful and inclusive behaviour through education, including:
  - Providing resources, and supporting and training **workers** in the school environment with a specific mandate to address relevant unlawful conduct, including:
    - Expected standards of behaviour, including actions and attitudes that foster equality and respect
    - Identifying behaviours that constitute relevant unlawful conduct, and the consequences of engaging in such conduct
    - Their rights and responsibilities in relation to safe, respectful and inclusive workplaces and working relationships, including their role in preventing and responding to relevant unlawful conduct.
- Providing resources and supporting **students** in the school environment with a specific mandate to address relevant unlawful conduct.
- Be visibly committed to and contribute towards a school culture that promotes a safe, respectful and inclusive school community that values diversity and gender equality and empowers workers (including senior leaders) to report relevant unlawful conduct.
  - Senior leaders will express their commitment to eliminating relevant unlawful conduct by:
    - Articulating why gender quality, diversity, inclusion and respectful workplace conduct are important

        - Acknowledging the existence of relevant unlawful contact and the harm that it causes
        - Role modelling respectful behaviour
        - Setting clear behaviour expectations and holding people to account for their actions.
        - Outline progress made against their commitment and action taken.
    - Senior leaders will contribute to the school culture by:
        - Paying particular attention to gender balance and diversity in recruitment.
        - Attempting to increase the representation and workplace inclusion underrepresented groups.
        - Consulting with workers (and their representatives, where applicable) on workplace issues concerning gender equality, diversity and inclusion. It gives particular attention to the voices and experiences of workers who have lived experience of gender inequality and intersecting inequalities.
        - Openly discussion the role of all people in the workplace for creating a positive workplace culture. This includes in in team meetings and reflected in relevant policy documents.
        - Encouraging workers to call out disrespectful behaviour when they see it.
- Ensure appropriate support is available to workers who experience or witness relevant unlawful conduct, and that workers and students are informed about and can access the support, regardless of whether they make a complaint or not. Support available to the worker or student:
    - The worker communicates with the Principal to determine appropriate support
    - Contact with the Employee Assistance Program or contact with free community supports and assistance.
- Ensure appropriate options for reporting and responding to relevant unlawful conduct are provided and regularly communicated to workers and other impacted people (see below under *Reporting and Responses*).
- Collect and analyse appropriate data to understand the nature and extent of relevant unlawful conduct at the school and actions taken to address it.
- Report on the data in a transparent manner with relevant stakeholders, as required.
- Ensure improvement processes are implemented, where the data indicates improvements in the school culture are required. Processes should include the actions taken to address it. Such as developing further measures for preventing and responding to relevant unlawful conduct.

Students, Workers, and the Broader School Community's Responsibilities

All students, workers and members of The Sycamore School's broader school community contribute to the creation of a school culture free of sexual harassment, sex-based harassment, and conduct that creates a hostile workplace environment on the ground of sex and related victimisation. Students, workers and members of the school community have a responsibility to:

- Understand and comply with this policy
- Attend and engage with training provided by the school (students and workers only)

- Consider the effect of their behaviour on others
- Report any incidents of sexual harassment, sex-based harassment, hostile workplace environment or victimisation experienced or witnessed
- Not sexually harass or victimise another person, engage in sex-based harassment or create a hostile workplace environment on the ground of sex

6 Reporting and Response

Sexual harassment, sex-based harassment and creating a hostile work environment are unlawful conduct and prohibited under federal, state and territory laws. Individuals who engage in such conduct may be personally liable, and the School may also be held liable for their actions.

Certain forms of sexual harassment, such as sexual assault, rape, and stalking, constitute criminal offences. In some cases, the School may be required to report these matters to the Police.

If this Policy is breached, The Sycamore School will take appropriate action against the individuals involved, in accordance with the school's Complaints Handling Policy.

The School strongly encourages workers who have been sexually harassed or have witnessed sexual harassment to report the behaviour. The school will take all reports of sexual harassment seriously. The response to the report will be guided by the person making the report.

The response to reports will be consistent, timely and minimise harm including avoiding victimisation. Consequences will be consistent and proportionate.

Reporting options for workers include:

- ***Internal:*** Workers can report unlawful behaviour through the School's Complaints Handling Policy informal or formal complaint processes.
- ***External:*** A complaint can also be lodged directly with an external agency, including a regulator or the police. A worker who experiences criminal conduct, such as sexual assault, can report this to the police.

In some cases, a person may be eligible to make a whistleblower disclosure. This avenue also enables a person to raise a concern anonymously. Refer to The Sycamore School's Whistleblower Policy.

If a specific instance of unlawful conduct is also harm or sexual abuse as defined in the School's Reporting Concerns of Harm and Abuse Policy, the matter must be dealt with in accordance with that policy.

7 Related Legislation

- *Anti-Discrimination Act 1991 (Qld)*
- *Corporations Act 2001 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Work Health and Safety Act 2011 (Qld)*
- *Work Health and Safety Regulation 2011 (Qld)*

- *Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth)*
- *Information Guide on the Positive Duty under the Sex Discrimination Act 1984 (Cth)*

8 Related Documents

- *Anti-Discrimination Policy*
- *Complaints Handling Policy*
- *Harassment Prevention Plan*
- *Reporting Concerns of Harm and Abuse Policy*
- *Risk Management Policy*
- *Staff Code of Conduct*
- *Anti-bullying/Workplace Bullying Policy ·*
- *Student Anti-bullying Policy*
- *Student Code of Conduct*
- *Whistleblower Policy*
- *Work Health and Safety Policy*

9 Procedure

The Sycamore School will ensure it is implementing processes relating sexual harassment by ensuring staff are aware of the policy and their obligations and that students and parents/care are aware of the policy. The School will educate and train relevant staff to assist in preventing any instances of discrimination and to appropriately respond to any instances of discrimination.

I am a Student and I Have Experienced Discrimination or Sexual Harassment by Another Student or Staff Member

- Tell someone you trust. This may be your teacher, the social worker or another staff member. If you do not speak to someone, or report what happened, then no one will know what is going on and they cannot help you. They may wish for you to speak with the Principal. You can take a friend, teacher or parent with you if you like.
- Tell your parent/carer. They can make a complaint to the School following the School's Complaint Handling Policy.

If you or your parent/carer are not happy with how the School has dealt with your complaint you can then take the matter further by contacting the Board Chair of The Sycamore School Governing Body by emailing boardchair@sycamore.qld.edu.au

If you feel the issue is still not resolved, you can make a complaint to either the Australian Human Rights Commission or the Queensland Anti-Discrimination Commission (but you can only complain to one of these organisations).

There are time limits associated with making a complaint to the Australian Human Rights Commission or Queensland Anti-Discrimination Board. You should complain to the Australian Human Rights Commission within 6 months of the discrimination occurring, or to the Queensland Anti-Discrimination Board within 12 months of the discrimination occurring; otherwise, there is a risk that the complaint will not be investigated.

Complaints are usually resolved through 'conciliation', where you sit down with your School and an officer from the Commission or the Board and have a chat about what happened and what the School can do to resolve the complaint; ideally coming to an agreement.

But sometimes this process does not lead to a good outcome. You then have the option of taking the complaint to a tribunal or court. However, you should not go to court or a tribunal without getting legal advice and representation first. It is often available for free.

You may feel scared about making a complaint, but it is against the law for someone to treat you unfairly or harm you because you made a complaint against them. If that happens, they can be fined or imprisoned.

I am a Parent/Carer and I Have Experienced Discrimination or Sexual Harassment by a Staff Member

The Sycamore School strongly encourages any parent/carer who believes they have been discriminated against, sexually harassed, or victimised by a staff member to take appropriate action. Do not ignore discrimination, sexual harassment, vilification, or requests for unnecessary information, thinking it will go away, often it just gets worse. Choose the action you feel most comfortable with. You can follow more than one action at the same time.

- Contact the Principal by email principal@sycamore.qld.edu.au or by phoning 07 3117 0966.
- Follow the process outlined in the Complaint Handing Policy.
- Contact the Queensland Human Rights Commission on 1300 130 670 for information onyour rights and responsibilities.
- Contact the Australian Human Rights Commission on 1300 656 419.

Disciplinary action will be taken by the School against any staff member found to have breached this policy.

I am a Staff Member and I Have Experienced Discrimination or Sexual Harassment by a Parent/Carer

- Seek assistance from the Principal or Director of The Sycamore School Governing Body.
- Seek assistance or advice from your trade union.
- Contact the Queensland Human Rights Commission on 1300 130 670 for information onyour rights and responsibilities.
- Contact the Australian Human Rights Commission on 1300 656 419.

Actions that may be taken against parents/carers include not allowing direct communication with the staff member, not being allowed on the School grounds or reporting them to the police.

Contact Information

If you have any questions regarding this policy, or have any feedback about the policy, please contact the Principal, principal@sycamore.qld.edu.au or (07) 3117 0966.

Contact details for sexual and sex-based complaints.

- **Fair Work Commission**
  - Application to deal with a sexual harassment dispute (including seeking a 'stop sexual harassment order') Form F75
- **WorkSafe Queensland**
  - 1300 362 128
- **Queensland Police**
  - (07) 3055 6206
  - Submit a sexual assault report online – Online Form
  - Complete an Alternative Reporting Option (ARO) sexual assault form – Online Form

Contact details for anti-discrimination and bullying complaints

Federal

- **Australian Human Rights Commission (AHRC)**
  - 1300 656 419
- **Fair Work Commission** - for bullying claims including a 'stop bullying order'
  - 1300 799 675. Form F72

Queensland

- Queensland Human Rights Commission. 1300 130 670. Online Form

10 Document History

Version	Description of modification	Modified by	Date
1.0	New policy. Developed using the ISQ template (June 2026). Separation of the School policy, Anti-discrimination and Sexual Harassment Policy into two separate school policies.	Toni Banfield	07/07/2026