



Sexual Harassment Policy and Procedure

1 Background

The Institute is committed to creating a work and study environment which is free of sexual harassment for all members of the Institute community. The Institute regards sexual harassment as a serious breach of the *MITP21 Bullying, Harassment and Discrimination Prevention Policy and Procedure*. It accepts its responsibilities under Federal and State laws and will take steps to ensure that no staff member, student or affiliate subjects another person to or is subjected to sexual harassment while in the course of Institute activity. Any report of sexual harassment will be taken very seriously and dealt with promptly, confidentially and with due severity.

2 Purpose

This policy has been developed to comply with the requirements of state and federal legislation and Institute policies and regulations in order to deter sexual harassment, and provide a means to protect victims and reprimand offenders.

3 Audience

This policy covers all staff of the Institute as well as the Institute's students and affiliates.

4 Definitions

Sexual Harassment: refers to any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended and it is reasonable in all the circumstances that the person feeling harassed would feel this way. Sexual harassment needs not to be repeated or ongoing to be against the law.

Victimisation: refers to when a person subjects another person to detriment (or threatens to do so) because he/she has made, intend to make or has helped someone else make a complaint, or refused to do an act in contravention of this policy or because he/she has provided information about a complaint. It also includes acting to a person's detriment because he/she has agreed to be a witness.

5 Policy

Sexual harassment is behaviour of a sexual nature that is unwelcome, unsolicited and unreciprocated. A person sexually harasses another person if he or she makes an unwelcome sexual advance, request for sexual favours, or engages in any other unwelcome conduct of a sexual nature.

Sexual harassment can be physical, verbal or written. It can include words or statements, which are transmitted by post, phone, fax, email, computer servers or screensavers. The intention of the perpetrator and gender/or sexual orientation of the perpetrator or victim are irrelevant.

Sexual harassment can take various different forms and may include:

- Staring, leering or unwelcome physical touching
- Making sexual or suggestive comments, jokes or taunts
- Display of sexual materials clearly including photos, pinups
- Making remarks with sexual connotations
- Unwanted invitations to go out on dates
- Request for sex
- Unsolicited demands or requests for sexual favours
- Intrusive questions about a person's private life or body
- Unnecessary familiarity such as deliberately brushing up against a person
- Unsolicited acts of physical intimacy
- Sexually explicit physical contact
- Sexually explicit letters, faxes, emails or SMS text messages

Sexual harassment can be any unwelcome sexual conduct where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated.

Sexual Harassment is not sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated. In this situation, the Institute would not become involved in the issue. However, if such behaviour is inappropriate and offensive to other employees in the work environment the Institute would involve. Some sexual harassment, such as sexual assault, indecent exposure and stalking are also criminal offences and will be reported to the police.

6 Procedures

This demonstrates that the Institute is committed to a comprehensive strategy for eliminating sexual harassment. The Institute aims to achieve this by:

- Creating a working environment which is free from sexual harassment and where all members of staff are treated with dignity, courtesy and respect
- Implementing training and awareness raising strategies to ensure that all members of the Institute community know their rights and responsibilities
- Providing an effective procedure for complaints, based on the principles of natural justice
- Treating all complaints in a sensitive, fair, timely and confidential manner
- Guaranteeing protection from any victimisation or reprisals
- Encouraging the reporting of behaviour which breaches the sexual harassment policy
- Promoting appropriate standards of conduct at all times.

The Institute will have Discrimination and Harassment Contact Officer to provide information and support for people on sexual harassment issues. The Discrimination and Harassment Contact Officer will not conciliate cases of sexual harassment but may assist a complainant or respondent in an informal or formal resolution of a complaint. Information on the location and contact details of the Discrimination and Harassment Contact Officer will be available and widely publicised by the Institute. Any person can seek information from the Discrimination and Harassment Contact Officer without necessarily making a complaint. This policy will be carried out rigorously to enforce the Institute's legitimate position on this serious issue. Offenders will be treated with due severity. This may involve counselling, re-education, a warning, a formal apology, a suspension, and termination of employment or a combination of these actions. In circumstances amounting to sexual assault, the police may be involved. This will protect victims and deter other would be offender from offending.

7 Review

This policy will be subjected to a review and update at intervals of three years from the approval date. Exceptions to frequency of review can be made if necessary. Any person who wishes to enter a complaint concerning this policy may do so in accordance with the appropriate policies.

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Related Policies/Documents:	Sex Discrimination Act 1984 (Cth) Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013 (Cth) Victorian Equal Opportunity Act 2010 MITP21 Bullying, Harassment and Discrimination Prevention Policy and Procedure	
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2	01/06/2012	Reviewed and updated the next review date
3	01/06/2014	Reviewed and updated the next review date
4	01/09/2016	Reviewed and updated the next review date
5	01/03/2017	Reviewed and updated the next review date
6	18/04/2018	Updated policy and procedure sections to be in accordance with MITP21 Bullying, Harassment and Discrimination Prevention Policy.