



McAuley Catholic Central School

Sexual Harassment Policy

SEXUAL HARASSMENT POLICY

Related Policies

Nil

Purpose

The purpose of this policy is to:

- Create a working and learning environment that is free from sexual harassment and where all members of the school community are treated with dignity, courtesy and respect;
- Provide an effective procedure for complaints based on the principles of natural justice;
- Treat all complaints seriously in a sensitive, fair, timely and confidential manner;
- Guarantee protection from any victimisation or reprisals;
- Encourage the reporting of behaviour which breaches this Policy;
- Promote appropriate standards of conduct at all times.

Policy

The Catholic Education Commission (CEC), through Catholic Education (CE), is committed to ensuring that Archdiocesan schools are workplaces that are free from harassment.

Sexual harassment is unlawful and may give rise to an action under the Sex Discrimination Act 1984 (Cth) and the Anti-Discrimination Act 1977 (NSW). Sexual harassment will not be tolerated under any circumstances and action will be taken against those who breach this Policy.

At McAuley procedures are followed in regard to:

- sexual harassment by students, parents or visitors against members of staff;
- sexual harassment by students against other students;
- sexual harassment by staff against staff;
- sexual harassment by staff against students, parents or visitors.

Definitions

Sexual Harassment

Sexual harassment is defined as follows in section S22A of the Anti Discrimination Act 1977 (NSW):

‘A person sexually harasses another person (the ‘person harassed’) if:

(a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or

(b) the person engages in other unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated’.

The legal test for sexual harassment contains three essential elements:

- unwelcome behaviour;
- of a sexual nature;
- in which a reasonable person in the circumstances would anticipate that the behaviour would cause offence, humiliation or intimidation of that person.

Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour that creates a sexually hostile working or learning environment.

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

Types of Sexual Harassment

Australian case law has recognised two main types of sexual harassment:

1. Sexual harassment which is accompanied by a direct or implied threat, benefit or promise.

This type of sexual harassment is sometimes termed 'quid pro quo' harassment or 'sexual blackmail' and usually occurs where the harasser has some authority to influence the terms, conditions or outcomes of an individual's employment or education.

2. Behaviour which creates a hostile or sexually permeated environment.

This is where sexual conduct such as crude remarks, jokes, general banter or the display of offensive material makes the working or learning environment uncomfortable for an individual and affects their performance or general enjoyment of work or education.

Although the Sex Discrimination Act 1984 makes sexual harassment a civil offence, some types of harassment may also be offences under the criminal law. These include:

- physical molestation or assault;
- indecent exposure;
- sexual assault;
- stalking;
- obscene communications (telephone calls, letters etc).

Occurrence

Sexual harassment is illegal in all work-related and educational contexts. These contexts are not just confined to working/school hours or in the workplace/school itself but include conferences, work functions, school trips, school camps.

Consequences for Breach of Policy

Depending on the severity of the case, the consequence can include an apology, counselling, compensation and/or disciplinary action or misconduct proceedings against the harasser.

Retaliation or reprisals will not be tolerated and disciplinary action will be taken against anyone who victimises a person for complaining of sexual harassment.

Available Options for Dealing with Sexual Harassment

- An individual may confront the harasser directly if confident enough to do so.
- An individual may discuss the matter with a Workplace Harassment Contact Officer. At McAuley this person is the Administration Coordinator.

The role of the Contact Officer at McAuley should:

- Volunteer to do the job
- Reflect the diversity of the staff within the school
- Have appropriate knowledge and skills
- Take discrimination and harassment seriously
- Empathise with staff experiencing difficulties
- Publicise their role.
- Provide completely confidential one-to-one support to complainants or alleged discriminators by providing information about available options.
- Assist all staff to understand their rights and responsibilities.

The Contact Officer at McAuley should not:

- Support more than one party to a complaint
- Make judgements
- Sympathise
- Give advice
- Make decisions for the people they are supporting
- Investigate or attempt to resolve a complaint
- Advocate or represent individuals

Staff members may make a formal complaint, verbally or in writing, to the school contact officer who will ensure timeliness, confidentiality, fairness and protection from victimisation in responding to the complaint.

Staff members may also lodge a complaint with the Commonwealth Human Rights and Equal Opportunity Commission or NSW Anti-Discrimination Board.

Procedures

Guidelines for Investigating a Complaint

The principles of natural justice (procedural fairness) must be observed when dealing with a complaint of sexual harassment. This is particularly important in cases which could potentially result in dismissal of an employee. Although a complex area of law, the basic principles of natural justice are as follows:

- Persons who are the subject of a complaint must be fully informed of the allegations against them. This includes knowing who has made the complaint and whom the offending actions have been towards.
- Persons who are the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence.
- The allegations should be properly investigated, all parties heard and relevant submissions considered.
- Irrelevant matters should not be taken into account.
- Persons who make an allegation cannot be involved in determining the outcome.
- The decision maker must act fairly and without bias.

- It is important that the confidentiality of all parties to the complaint, i.e. complainant, respondent, witnesses and complaint handlers is maintained.
- Final responsibility for ensuring that these requirements are met rests with the Director of the Catholic Education Office.

Seeking Help or Advice

Staff members can choose to contact McAuley's Workplace Harassment Contact Officer, CE Contact Officers, the Head of Human Resources Division at the CE, or their Union to provide information and assistance in making a complaint.

The following agency may also be contacted:

New South Wales Anti-Discrimination Board

Level 17, 201 Elizabeth Street

Sydney NSW 2000

PO Box A2122 Sydney South 1235

Phone: (02) 9268 5544 Facsimile: (02) 9268 5500

References

Sex Discrimination Act 1984 (Cth)

Anti-Discrimination Act 1977 (NSW)

Forms

Nil

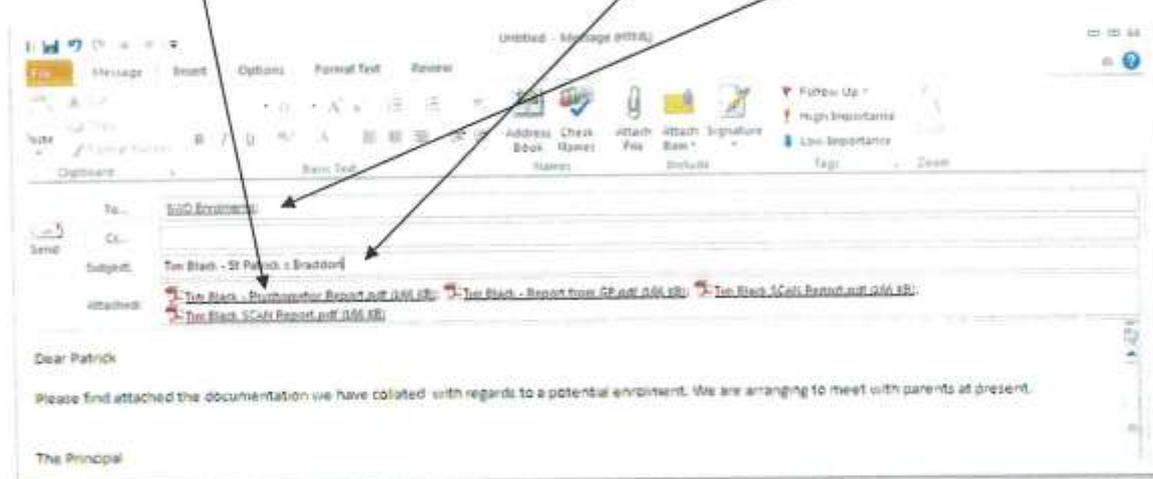
Approved by:	
Implementation Date:	August 2015
Policy Revision Date:	August 2018

Validation of Students with Disabilities

Enrolment of Students with Disabilities (SWD)

When conducting enrolment meeting for Students with Disabilities, schools are asked to engage in the following process:

- a. when parents indicate a desire to enrol their child with a disability at a CEO school, the principal is required to request any additional documentation that could inform the enrolment process. This may include:
 - i. Specialist reports
 - ii. NAPLAN results
 - iii. Other diagnostic assessments
 - iv. Previous Student Centred Appraisals of Need
- b. the principal and LST meet to confirm that the documentation validates that the child has a disability
- c. copies of this documentation are then forwarded to Patrick Kelly at swdenrolments@cg.catholic.edu.au
- d. the 'subject' line of each email needs to include the students name, the school & suburb where the placement is being sought, e.g. subject – **Tim Black - St Patrick's Braddon**
- e. each report or piece of evidence provided to support the student's placement must be attached to the email separately



- f. a separate email is required for each student being considered
- g. a learning support officer will contact the principal to discuss the reports and any implications for the enrolment meeting
- h. the principal conducts the enrolment meeting and completes the *CEO Enrolment Considerations for Students with Disabilities Form* (refer intranet), with the student and their parents.

The student will only be added to the schools list of validated SWDs once the completed Enrolment Considerations for Students with Disabilities form along with a letter from the principal stating that a place has been offered and accepted have been sent to the CEO at swdenrolments@cg.catholic.edu.au

In the case of an enrolment of a potential high needs student, Principals are encouraged to contact Patrick Kelly on 6234 5462 as early in the process as feasibly possible. Patrick will arrange for an officer to provide support to the school.

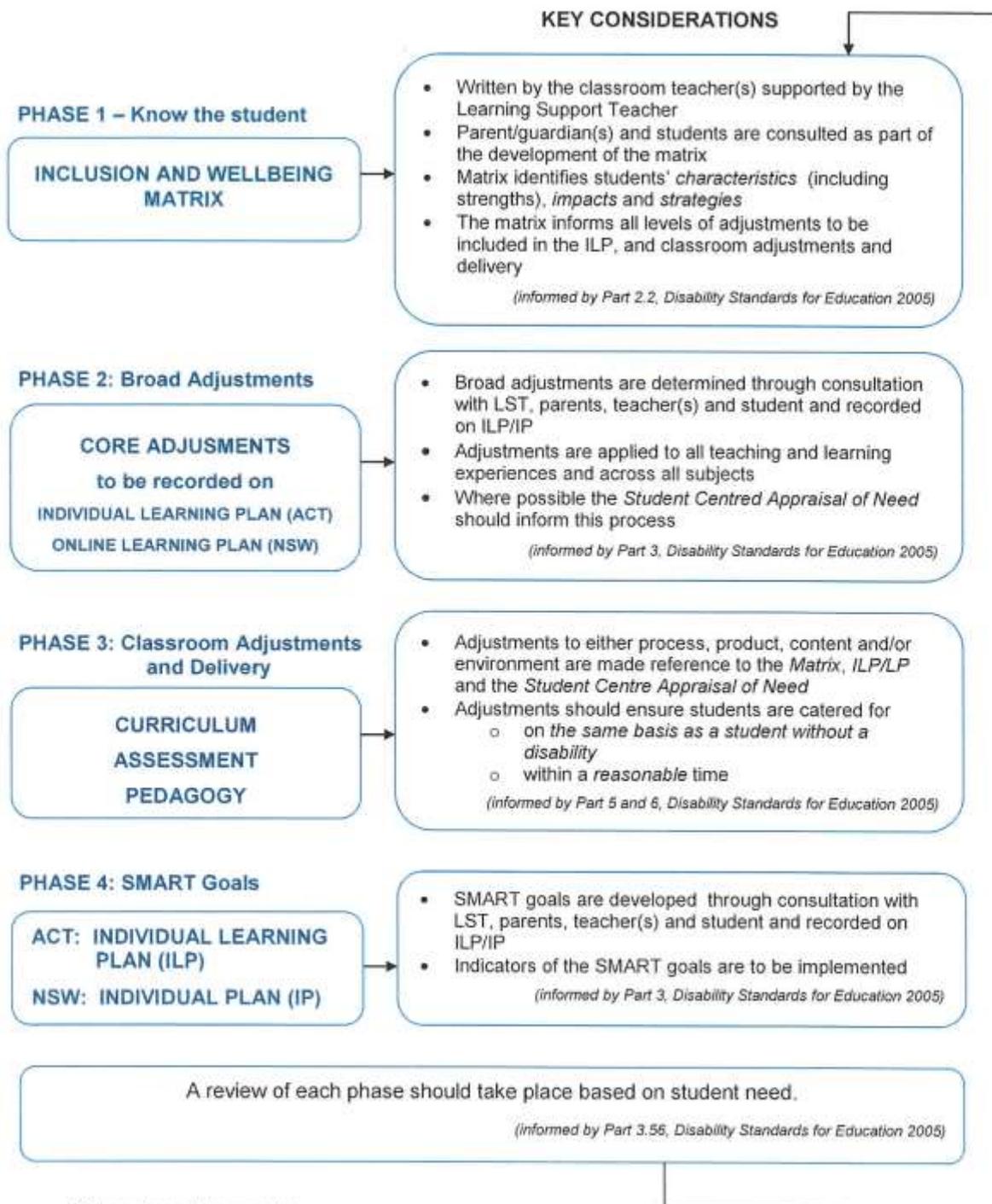


Criteria for Validating Students with Disabilities

SENSORY IMPAIRMENT (VISION):	Vision Assessment indicating a permanent Vision Loss of 6/24 or less in the better eye corrected, or less than 20% field of vision with a resultant impact on the student's ACCESS and PARTICIPATION.
SENSORY IMPAIRMENT (HEARING):	Audiogram and hearing report indicating a Permanent (sensory-neural/conductive) hearing loss of 30+ decibels with resultant communication difficulties with a resultant impact on the student's ACCESS and PARTICIPATION
COGNITIVE DELAY:	A Psychometric Assessment report indicating a Full scale IQ score of 70 ± 5 with a resultant impact on the student's ACCESS and PARTICIPATION. (ABAS forms need to be completed for disability criteria to be validated)
SPEECH AND LANGUAGE:	Speech and Language assessment identifying a Receptive, Expressive or Core Language Score of 70 or below with a resultant impact on the student's ACCESS and PARTICIPATION. (Reports are valid for a 12 month period and need to reviewed annually)
CHRONIC MEDICAL CONDITION	Specialist (Medical) report that indicates a condition that affects functioning and independence and where the student is highly dependent on others for ACCESS to and PARTICIPATION in learning. (ACT only) (Report are valid for a 12 month period and need to reviewed annually)
PHYSICAL DISABILITY:	Specialist and/or Therapist report that indicates an ongoing physical condition that significantly limits functioning and independence and where the student is highly dependent on others for ACCESS to and PARTICIPATION in learning.
MENTAL HEALTH DISORDER:	Report from a psychiatrist/psychologist indicating mental health disorder at a level of frequency, duration and intensity that requires ongoing health specialist intervention with a resultant impact on students ACCESS and PARTICIPATION. (Report are valid for a 12 month period and need to reviewed annually)
PERVASIVE DEVELOPMENTAL DISORDER:	Report from a psychiatrist/psychologist/paediatrician that indicates a diagnosis of PDD with a resultant impact on students ACCESS and PARTICIPATION. (ABAS forms need to be completed for disability criteria to be validated)



PLANNING PROCESS FOR STUDENTS WITH DISABILITIES (SWD)



Other relevant documents:

- Disability Discrimination Act 1992
- Disability Standards for Education 2005
- Melbourne Declaration 2008
- Equity, Diversity and Inclusion in Catholic Education Strategic Plan 2010-2014
- National Disability Strategy 2010-2020 (2011)



PROCESSING ASSESSMENTS FOR STUDENTS WITH A DISABILITY

REQUEST FOR A PSYCHOMETRIC OR LANGUAGE ASSESSMENT (ACT only)



2. Email the completed **Supplementary Information Form, Matrix, and summary of interventions etc. to:**

swdassessments@cg.catholic.edu.au

(Please include in the subject line "request for assessment" and school name)



3. For a **cognitive assessment request** the CE psychologist will contact the school to advise if the cognitive assessment has been approved.

For a **language assessment request** (ACT schools only) the paperwork will be forwarded to Therapy ACT.

SUBMITTING AN EXTERNAL REPORT



2. Email the **specialist report/s** to

swdassessments@cg.catholic.edu.au

(Please include school, student's name and disability in the subject line e.g. St , Joe Smith, mental health report) also include the date of the reviewed and updated Personalised Plan in the email message.

Note: On receipt of External reports that diagnose a Pervasive Development Disorder or Intellectual Disability the CE Psychologist will send ABAS forms to be completed, by the school and parents, to finalise the validation process.



CATHOLIC EDUCATION
Archdiocese of Canberra & Goulburn

SUPPLEMENTARY INFORMATION FORM

Student's Name:			
Student's School:		Year Level:	
Student's DOB:			
Name of Class Teacher:			
Name of LST:		Date:	
Mother's name			
Father's name			
Carer's Name (if applicable)			

Purpose for Supplementary Form	Tick
Requesting a Cognitive Assessment	
Requesting a Speech and Language Assessment (ACT schools only)	

Please provide the date of when the Personalised Plan (IP) was reviewed and updated (this must be within 2 weeks of submitting this request).	DATE
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PLEASE ENSURE THE FOLLOWING INFORMATION IS PROVIDED

Information required	Tick
Students Updated Matrix is attached	
A summary of the interventions used (in and out of the classroom)	
A sample of the student's writing (for cognitive assessments only)	
Principal has signed the form	

	Scores	Observations during assessment
LITERACY		
YARC		
Chronological age		
Reading age		
Accuracy age		
Comprehension age		
Fluency age		
Primary		
Letter Sound Knowledge		
Early Word Recognition		
Sound Isolation		
Sound deletion		
Phoneme Awareness		
Composite		
Running Records		
Reading Level:		
Accuracy:		
NUMERACY (Either LAF, SENA 1 or SENA 2, or PAT-Maths)		
SENA 1		
Numerical Identification		
Forward Number Word Sequence		
Backward Number Word Sequence		
Subitising		
Early Arithmetic Strategies		
SENA 2		
Early Arithmetic Strategies		
Numerical Identification		
Counting by 10s and 100s		
Combining and partitioning		
Place value		
Multiplication and division		
Area multiplication		
LAF		
Zone 1: Primitive Modelling		
Zone 2: Intuitive Modelling		
Zone 3: Sensing		
Zone 4: Strategy Exploring		
Zone 5: Strategy Refining		
Zone 6: Strategy Extending		
Zone 7: Connecting		
Zone 8: Reflective Knowing		
PAT-Maths (Years 5 to 12 only)		
Test number:		
Raw Score:		
Percentile Rank:		
Stanine:		

Last updated May2015

OTHER

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ADDITIONAL COMMENTS (optional)

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SECTION 5: PRINCIPAL'S SIGNATURE

Principal's Name		Contact Number	
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I support this application and confirm that the information provided in this Supplementary Information Form is correct. I also confirm that the information provided in this document has been explicitly discussed with the parents.

Principal's Signature:..... Date:.....