

ST MARK'S COLLEGE POLICY ON SEXUAL HARASSMENT

St Mark's College aims at doing everything possible to help its members achieve their full potential. Therefore, all students are entitled to equal opportunities and to respect of both person and property.

In accordance with the stated aim, St Mark's College upholds and promulgates the Equal Opportunity Act passed by the South Australian Parliament in 1984. Sexual harassment is contrary to the stated values of St Mark's College, and it is unlawful. The College encourages individuals to act against sexual harassment.

The Law: Equal Opportunity Act 1984 (S.A.)

Section 87(11) of the *Equal Opportunity Act 1984* (SA), says that a person subjects another to sexual harassment if they do any of the following things in such a manner or in such circumstances that the other person feels offended, humiliated, or intimidated:

1. they subject the other person to an unsolicited and intentional act of physical intimacy;
2. they demand or request (directly or by implication) sexual favours from the other person;
3. on more than one occasion, they make a remark pertaining to the other person, being a remark that has sexual connotations;

and it is reasonable in the circumstances that the other person should feel offended, humiliated or intimidated by that conduct.

Anyone who, in good faith, makes a complaint or enquiry, or a person who supports a complaint or enquiry, may not, under the Act, be subjected to further harassment or treated unfairly.

Definition of Sexual Harassment

Sexual harassment is not mutual attraction between people. Friendships, sexual or otherwise, are a private concern. Sexual harassment causes conflict and suffering.

Sexual harassment may consist of some or all of the following:

- Belittling comments based on sex-role stereotypes;
- Making suggestive comments about a person's physical appearance or sexuality;
- Unwelcome comments or questions about a person's sex life;
- Unnecessary familiarity, such as deliberately brushing against a person;
- Persistent sexual comments, innuendoes, or telling of sexual jokes;
- Offensive telephone calls;
- Showing of revealing or suggestive photographs, posters, reading matter or objects;
- Subtle or explicit sexual propositions or continual requests for dates;
- Physical contact such as patting, pinching, touching, fondling, or unwanted sexual advances;
- Offensive leering, staring, or gesturing;
- Coerced sexual activity;

If any of these things *Offend*, *Humiliate* or *Intimidate*, then it is unlawful.

Sexual assault, however, is not only unlawful, it is a criminal offence.

Complaints Procedure

St Mark's College encourages individuals, women and men, to act against sexual harassment. Each member of the College is valued, and at the same time has responsibility for self, and for others. It is important, therefore, that the situation is not ignored. Being under the influence of alcohol should not be seen as a contingency factor for the irresponsible behaviour of self or others. Studies show that most harassment continues and often worsens. The first step is recognising it for what it is (being male does not preclude the possibility of being sexually harassed). If the complainant is unsure, then they may talk to someone about the incident or series of incidents, and the way it made them feel. They may like to talk to a friend first. Alternatively, they may prefer to speak to a Contact Officer: International and Student Liaison Officers, Chaplain, Dean, Dean's partner, Assistant Deans, Master, Master's partner, or to any member of the College Club Committee.

Contact Officers should be seen as approachable, as each would like to be helpful towards someone who has a problem in College. Sexual harassment is a problem, and Contact Officers are aware of its seriousness. Their primary role is to be a friend in whom to confide. Confidentiality is stressed. Their responsibility is to help the complainant clarify the sexual harassment or suspected sexual harassment in terms of facts such as dates, times, places and so on. Feelings such as discomfort or intimidation are also facts, as are effects on study and effects on other aspects of life at College. Contact Officers should help the complainant select the kind of action they want to take, which may include neither, both, or one of the following:

- confronting the harasser directly with objections to the behaviour or remarks, and telling them to stop;
- asking the Contact Officer, either alone or in the presence of the complainant, to speak to the person against whom a complaint has been made, to explain what behaviour has caused offence, and to ask for an undertaking that the behaviour will not be repeated. Should the person complained against deny the allegation, argue or wish to debate the matter, the complainant and/or the Contact Officer will withdraw. The Contact Officer will write an account of the meeting. If the complainant has not been present, the Contact Officer will report to them the outcome of the interview and assist that person in deciding what further action to take.

If the Contact Officer feels unable to help with the particular problem, then, with the complainant's agreement, assistance should be sought from the Men's or Women's International and Student Liaison Officers, the Chaplain, the Dean, the Assistant Deans, or the Master. The Contact Officer should offer to accompany the complainant.

If at any stage the complainant wishes to make a formal complaint, then this may be done by informing:

the International and Student Liaison Officers, the Chaplain, the Dean, the Assistant Deans, or the Master.

each of whom has the power to call for the Board of Conduct to be convened.

As far as possible, all complaints should be handled in-College. However, other points of contact for formal complaints are:

- a University Equal Opportunity Officer;
- the Equal Opportunity Commission.

Offender Procedure

Someone may complain to an offender directly or about an offender who has not recognised that their behaviour is sexual harassment. This person should ask themselves: do I at all times, think of my colleagues as people, and equals, not as sexual objects, or the butt of my jokes? They should check with others about the appropriateness of their behavior. If they feel that they may be behaving offensively, they should stop and apologise. They should feel comfortable about discussing an incident or series of incidents with a Contact Officer or with someone else they believe may guide them to understand the issues.