

# Unwanted sexual behaviour and sexual harassment fact sheet for students

## Unwanted sexual behaviour and sexual harassment

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Unwanted sexual behaviour or sexual harassment by another student is never ok. There are things you might want to do if another student has behaved this way towards you or someone else.

But first, let's look at:

- what sexual behaviour is
- what unwanted sexual behaviour is
- what sexual harassment is.

## Sexual behaviour

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Sexual behaviour includes:

- kissing
- hugging
- sexual talk
- sexting
- touching
- fondling
- oral sex
- penetration of the vagina or anus with a penis, finger or other object.

## Unwanted sexual behaviour

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Sometimes, unwanted sexual behaviour is called 'harmful sexual behaviour'.

Sexual behaviour is unwanted and can be harmful if you did **not** consent to it.

## Consent

Sexual consent is a voluntary agreement to take part in sexual behaviour.

It's clearly communicated through words, behaviour or both.

Sexual consent must be:

- given by everyone taking part in the sexual behaviour
- freely given – there should be no pressure, bribery, trickery, guilt or threats
- informed – everyone should understand what's about to happen
- certain and clear – it's a definite 'yes', not a 'maybe' or 'I think so'
- enthusiastic – everyone is excited and wants to continue
- reversible – anyone can stop and change their mind at any time
- specific – saying 'yes' to one thing doesn't mean saying 'yes' to everything



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- ongoing – given before and during sexual behaviour and every time sexual behaviour happens. Just because you said yes to doing something last week, doesn't mean you've consented to do it again.

You can **not** give consent to sexual behaviour if you are:

- affected by alcohol or drugs
- affected by a physical, mental or intellectual condition or impairment
- pressured, bribed, tricked, forced or threatened
- asleep or unconscious
- restrained against your will
- mistaken or can't understand the sexual behaviour that is about to happen
- mistaken or misled about the identity of the person you are participating in the sexual behaviour with.

Sexual behaviour without consent is **sexual abuse**. It is **against the law**.

## Sexual harassment

Sexual harassment is behaviour that:

- is unwanted
- is sexual in nature
- makes you feel upset, threatened or put down.

The following behaviours are sexual harassment if they are **unwanted**:

- touching, hugging or kissing
- staring or leering
- sexual comments or jokes
- questions about your sexual behaviour or body
- insults or taunts based on your sex
- repeated invitations to go on dates
- requests for sexual activity
- sexual talk
- sexting.

It is **against the law** for a student who is 16 years of age or older to sexually harass another student while at school or any other place connected to their education. For example, on a camp, excursion or work experience.

## Behaviour can happen anywhere and come from anyone

Unwanted sexual behaviour and sexual harassment can come from anyone, even friends or partners.

Unwanted sexual behaviour and sexual harassment can happen anywhere. This might be at school, outside of school, in person or online.

Your school will respond to unwanted sexual behaviour and sexual harassment wherever it happens if there is a link between the behaviour and the school. For example, the students involved in the behaviour attend the same school. Here are some examples:

- Emiko told her teacher, that last night, her boyfriend Abdul sent nudes of Emiko to all his mates. Abdul and Emiko go to the same school.
- Tom and Jonathon go to the same school. They have been dating for 3 months. Last week they agreed that they weren't ready to have sex yet. Tom told the wellbeing leader that Jonathan had sex with him at a party at the weekend while Tom was really drunk.
- Kent told their teacher that Yukta sent Kent over 10 text messages over the weekend asking them to go out on a date with Yukta. Kent said they had already told Yukta that they weren't interested in going on a date. Kent said they skipped school on Monday because they wanted to avoid seeing Yukta in class.

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## What you can do about unwanted sexual behaviour and sexual harassment

There are different things you can do if you feel that another student has done something sexual to you without your consent or has sexually harassed you.

You might want to:

- talk to and get support from a friend
- tell your parent or carer
- report it to someone at your school. This might be a teacher, school leader, wellbeing leader, pastoral care worker, year level co-ordinator or someone else
- tell another adult who you trust – for example a relative or family friend
- get support from a health professional or counsellor
- get information and advice from a legal professional
- report a crime to police.

## What schools do about unwanted sexual behaviour and sexual harassment

When you tell someone at your school about unwanted sexual behaviour or sexual harassment, certain things will happen.

This includes:

- you will be listened to, taken seriously and supported
- the Principal will be told – it's their job to make sure everyone in the school is safe
- sexual abuse will be reported to the Child Abuse Report Line (Department for Child Protection) – it's their job to help children and young people to be safe from abuse
- behaviour that might be against the law will be reported to police – it's their job to investigate crimes and help the community to be safe

- your parent or carer will be told – unless the police or the Department for Child Protection have told the school not to contact your parent or carer
- plans will be made to support all students involved and keep everyone safe.

## What may happen to the student who did the unwanted or harmful sexual behaviour

Sometimes the school might suspend or exclude the student who did the unwanted or harmful sexual behaviour. This is not to punish them. It gives the school time to put a plan in place to keep everyone safe. If police are investigating a crime, the school might **not** be able to suspend or exclude the student who did the behaviour. This is because when a student is suspended or excluded, they have the right to know why and respond to the concerns about their behaviour. This could get in the way of the police investigation. If this happens, your school will talk to you and your parent or carer about how they will support you to be and feel safe.

Sometimes the best way to support you to be safe is for the student who did the harm to be in a different class, have different breaktimes or for them to do their learning somewhere else. If the police are investigating a crime, the school might **not** be able to do these things as it could get in the way of the police investigation. If this happens, your school will talk to you and your parent or carer about how they will support you to be and feel safe.

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## Where you can get help outside of school

### Health professionals and counselling

You can get health services and counselling in person, online and over the phone from different places.

#### eHeadspace

[eHeadspace](#) provide free counselling and support for young people aged 12 and over, and their families and friends. You can contact them via webchat, email or on 1800 650 890, 7 days a week, 9am to 1am.

#### Kidshelpline

[Kidshelpline](#) is a free counselling service for children and young people aged 5 years and over. You can contact them via webchat, email or on 1800 551 800, 24 hours a day, 7 days a week.

#### Lifeline

[Lifeline](#) provides free counselling 24 hours a day, 7 days a week on 131 114. Online chat is available 7pm to 4am.

#### 1800RESPECT

[1800RESPECT](#) provides free counselling, information and support for people who have experienced sexual assault or domestic and family violence. You can call them on 1800 737 732, 24 hours a day, 7 days a week.

#### Relationships Australia

[Relationships Australia](#) provides counselling for children and young people who have experienced sexual abuse - phone 1800 408 408.

#### SHINE SA

[SHINE SA](#) provides sexual health services and counselling, phone 8300 5300. You can also talk confidentially to a SHINE SA nurse for free on their sexual health line Monday to Friday 9.00am to 12.30pm, phone 1300 883 793.

#### Uniting Communities

[Uniting Communities](#) provide counselling for children and young people who have experienced sexual abuse or sexual assault, phone 1800 615 677.

#### Yarrow Place

[Yarrow Place](#) rape and sexual assault service provides services for people aged 16 years and over. This includes a 24-hour crisis response for recent rape or sexual assault and counselling support. Phone 1800 817 421, 24 hours a day, 7 days a week.

#### Legal help

You can get free legal advice and help with legal questions.

#### Legal Services Commission South Australia

[Legal Services Commission SA](#) provide free legal advice on their legal help line, phone 1300 366 424 and through their webchat. Both are available 9am to 4.30pm weekdays (except public holidays). You can make an appointment to meet with a legal adviser at one of their offices.

#### Youth Law Australia

[Youth Law Australia](#) is a legal service that helps children and young people with legal problems. You can get free, confidential legal information and help on their website or by or emailing [advice@yla.org.au](mailto:advice@yla.org.au). You can also call them on 1800 950 570 9am to 5pm weekdays (except public holidays).

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## Police

### Why you might want to report a crime to police

Reporting a crime is the only way police can take action.

You can also report a crime to:

- make sure you are safe
- make sure the person who has harmed you doesn't harm someone else
- have the person who has harmed you made responsible for their behaviour.

### How to report a crime to police

You should report a crime as soon as possible after it has happened.

You can report a crime by:

- calling triple zero (000) if you or someone else is in immediate danger
- calling the police assistance line on 131 444
- speaking to a police officer at a police station
- telling an adult who you trust (for example, a teacher, parent, carer, relative or family friend) who can help you to contact the police.

### What you can expect when you report a crime to police

It doesn't matter what happened or when it happened, all crime is serious.

When you report a crime to police, you will be listened to.

Police can tell you about options that can help to make you safer.

You can choose to have a support person to help you contact police. They can be with you when you talk to police if it will make you feel more comfortable.

You do not have to make a statement or answer questions, but it will help police to investigate the crime if you do.

Sometimes the questions police ask might be difficult or embarrassing for you to answer. Try not to leave anything out, even if you don't think it's important. The police need a lot of information to investigate a crime, so it can take a lot of time to tell police about everything that happened.

Sometimes the information you tell police will be enough. Sometimes police need to talk to other people who saw the crime or who were involved in the crime.

When you report a crime, you may be in shock and might not remember everything that happened. If you remember things about the crime days or weeks later, write it down. Contact the police and tell them the extra information you remember, even if you think it's a small thing, it could be important to the investigation.

Not all reports to the police end up going to court. This does not mean that you were not believed, or the crime didn't happen. A court case only happens if the evidence is likely to result in the person being found guilty of the crime. This decision can be made sometime down the track from the time when you reported the crime to police.

Police will keep you informed about the progress of their investigation. You can ask the police officer any questions you have.

## If you have seen or heard about unwanted sexual behaviour or sexual harassment

If you have seen or heard about unwanted sexual behaviour or sexual harassment that has happened to another student at your school, here are some ways you can help:

- if you are friends with the student who did the harmful or harassing behaviour and you feel confident and safe, you can tell them that their behaviour was not ok

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- ask the student who was harmed or harassed if they are ok
- offer your support – ask them if they would like your support to tell someone at your school about what happened
- you can tell someone at your school about what happened. You can tell anyone you trust. This might be a teacher, school leader, wellbeing leader, pastoral care worker, year level coordinator or someone else. Telling someone is not about dobbing someone in. Unwanted sexual behaviour and sexual harassment are never ok. Sometimes they can really hurt someone. Sometimes these things are just too big for students to handle on their own and adults need to get involved so everyone can be safe.

You might be upset by what you have seen or heard about and want to get support for yourself. You might want to talk to a trusted adult or a counselling service. There is information about counselling services in this fact sheet.

## How you can support another student

If another student tells you that they have been sexually harmed or harassed, there are things you can do to help. You can:

- listen to them
- believe them and let them know that you take them seriously
- let them know that the behaviour was not ok and they are not to blame
- let them know about the things they can do about the unwanted sexual behaviour or harassment – for example, reporting to someone at school, telling a trusted adult, seeing a health professional, talking to a counsellor, getting legal advice and reporting to police
- offer to support them to tell an adult who they trust
- let them know they can talk to you about it again another time.

Sometimes supporting a friend who is having a hard time can be difficult for you too. You might need to get support for yourself from a trusted adult or a counselling service. There is information about counselling services in this fact sheet.

## Things you should remember

Remember:

- unwanted sexual behaviour and sexual harassment is never ok
- sexual behaviour without consent is sexual abuse – it's against the law
- if a student who is 16 years of age or older sexually harasses another student at school, they have broken the law
- there are things you can do if you or someone else has been hurt or upset by another student's sexual behaviour, including sexual harassment
- you have the right to be listened to, taken seriously and not blamed for someone else's behaviour
- you have the right to be safe at school and everywhere else.

## Related information

The Child Abuse Report Line takes reports of abuse (including sexual abuse) of children and young people aged 17 years and younger – phone 131 478. The Department for Child Protection help children, young people and their families to be safe from abuse.

You can find the information in this fact sheet on the Department for Education website at the following page [education.sa.gov.au/hsb-students](https://www.education.sa.gov.au/hsb-students).

### Contact

Engagement and Wellbeing Directorate  
Department for Education

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