

# Sexual Assault and Harassment Policy

Version number	4
Approved by	Corporate Governance Board
Date of approval	22/08/2023

## Purpose

This Policy sets out the principles and procedures for preventing and proactively addressing incidents of Sexual Harassment and/or Sexual Assault occurring at or connected with Sydney Institute of Higher Education (SIHE). An incident will be 'connected with SIHE' when it occurs in circumstances described within the Scope below.

This Policy details the support SIHE offers for victim/survivors of sexual harassment and/or assault and details how to make a report, what to expect from SIHE, and potential disciplinary measures that may be applied. The Policy also notes the circumstances in which SIHE is obliged to involve outside authorities, and how records will be kept that maintain the privacy of those involved.

## Scope

This Policy applies to:

- all current SIHE staff.
- all former SIHE staff where the behaviour governed by this Policy occurred while they were employed.
- all currently enrolled students at SIHE.
- all former SIHE students where the behaviour governed by this Policy occurred while they were employed.
- all affiliates (visitors, contractors, representatives of SIHE), and anyone operating on the SIHE campus in some capacity.

## Principles

SIHE is committed to providing a safe learning, teaching and employment environment for all staff, students, and affiliates. This commitment is underpinned by SIHE's zero-tolerance approach to sexual assault and sexual harassment. The principles in this policy detail SIHE's commitment to:

- preventing sexual assault and sexual harassment.
- increasing awareness of the support services and other measures implemented by SIHE to respond to incidents of sexual assault or sexual harassment at or connected with SIHE.
- responding appropriately and effectively to report of sexual assault or sexual harassment.

## SIHE's Zero-Tolerance Approach to Sexual Assault and Sexual Harassment

SIHE has a zero-tolerance approach to sexual assault and sexual harassment by students and/or staff. Acts of sexual assault and sexual harassment is a direct violation of the *Student Code of Conduct*. All SIHE staff and students are required to behave by the standards set in the *Student Code of Conduct* as a condition of their employment or enrolment. Misconduct procedures, including disciplinary action, apply if the *Student Code of Conduct* is breached.

### Preventing Sexual Assault and Sexual Harassment

The high prevalence of sexual assault and sexual harassment in higher education sectors can be attributed to

many different factors, as explored in the recent reports released by the Australian Human Rights Commission and other relevant bodies. One key factor is cultural attitudes about sex and gender roles, and another is a lack of strong leadership on the issues.

In response to this, SIHE is committed to educating staff and students on respectful relationships, sex and consent, as well as making clear to all staff and students SIHE's no-tolerance stance on harassment and assault. Through these measures SIHE will build a culture that actively discourages sexual harassment and assault.

### Increasing Awareness of the Support Services and Other Measures Implemented by SIHE to Respond to Incidents of Sexual Assault or Sexual Harassment at or Connected with SIHE

SIHE views its role in the studies and work of students and staff as not only a source of education and employment, but also a safe space and a source of support in the face of hardship. Hence, SIHE sees its primary responsibility in this area as the support of victim/survivors of sexual harassment and assault.

SIHE will conduct a session on sexual assault and sexual harassment at staff and student orientation. The session will ensure that victims/survivors of sexual assault or sexual harassment have full access to support services and reporting procedures that are compassionate, timely, and fair, and designed to counter the negative affect of the incident on their studies and/or work.

Students of SIHE will have access to support services by contacting the [Academic Learning Support Coordinator](#) or by utilising the counselling services made available by the [Student Counselling and Wellbeing Officer](#). Staff of SIHE will have access to support services by contacting the [General Manager, Governance and Projects](#) or by utilising the counselling services made available by the [Student Counselling and Wellbeing Officer](#).

SIHE will adhere to the following principles when providing support to victims/survivors of sexual assault and/or sexual harassment.

- There is no time limit on making a report. Incidents may be reported at any time after they

- occur
- The response to a disclosure must be sensitive and appropriate
- SIHE must give assistance in seeking medical attention, counselling, and legal advice and advocacy.
- SIHE must inform the victim/survivor of their rights and the avenues of action that are available
- both within and external to provider
- The disclosure must remain confidential
- The victim/survivor must only be asked to disclose what happened once, not required to repeat it multiple times
- SIHE must protect the victim/survivor from reprisal that may occur as a result of their disclosure or report
- SIHE must never require the victim/survivor to confront the alleged perpetrator
- SIHE must keep the victim/survivor fully informed at all stages of the process
- SIHE must make arrangements to ensure that the victim/survivor are not required to be in the same spaces as each other for teaching and learning purposes

### ***Equitable access***

SIHE must ensure that appropriate measures are implemented to facilitate full access for all staff and students. All support services that SIHE provides or refers victim/survivors to must be fully accessible, with varying language and ability needs taken into consideration.

SIHE recognises that, due to a range of external factors, staff and students belonging to underrepresented and/or disadvantaged groups may require additional support to ensure their equivalent access to sexual harassment and assault procedures.

This may include the following:

- Aboriginal and Torres Strait Islander students
- Students who are part or full-time carers
- Students with disabilities
- Students experiencing mental or physical health concerns
- Mature-age students
- Students who are single parents
- International students
- Students for whom English is a second language

### **Responding Appropriately and Effectively to a Report of Sexual Assault or Sexual Harassment**

SIHE must give the victim/survivor a free choice about involving the police, with the exception of certain situations detailed in 'reporting to external authorities' below.

SIHE encourages all victim/survivors of sexual assault and/or sexual harassment to report incidents, including:

- whether the victim/survivor wants to file a police report

- where the incident happened
- whether the incident has a connection to SIHE (e.g., did it happen at an SIHE event).

Students and staff members identified in reports as perpetrators of sexual harassment or assault will be treated in line with the principles of procedural fairness. If the matter is referred to the police, SIHE will fully cooperate with a police investigation and decision.

## Procedures

### Preventing Sexual Assault and Sexual Harassment

To honour SIHE's commitment to creating a safe and equitable learning and employment environment all signs and/or decorations at SIHE will use respectful language and imagery. *The Student Code of Conduct*, policies and procedures will be gender neutral. The *Student Code of Conduct* will specifically require all staff and students to conduct themselves in a respectful manner. For further information refer to the *Diversity, Equity and Inclusion Policy*.

SIHE will ensure the physical comfort and safety of students and staff through a range of measures, including:

- using CCTV throughout the campus
- All spaces will be well-lit at all hours
- At SIHE social events where SIHE is responsible for catering, alcohol intake will be limited

### Increasing Awareness of the Support Services and Other Measures Implemented by SIHE to Respond to Incidents of Sexual Assault or Sexual Harassment at or Connected with SIHE

#### *Education Initiatives*

SIHE will increase awareness of sexual assault and sexual harassment for staff and student by implementing the following education initiatives:

- comprehensive information regarding prevention of sexual assault and sexual harassment will be supplied at every orientation week and staff induction
- all new students will be given information about consent and respectful relationships through the Orientation Week Program
- educational materials will be available on the SIHE website and student and staff portals.
- staff members will receive additional training through ongoing professional development activities, specifically regarding:
  - How to respond to disclosures of sexual harassment and/or assault
  - Where to refer someone who discloses an incident of sexual harassment and/or assault
- SIHE will implement campus-wide education initiatives such as the *Now. Always.* campaign
- All information will be made fully accessible to all, with varying language and ability needs taken into consideration

#### *External partnerships*

SIHE will increase awareness of sexual assault and sexual harassment for staff and student by building external partnerships with groups involved in the prevention of sexual assault and sexual harassment. SIHE will ensure that it has an open line of communication and cooperation with parties who may be able to contribute to SIHE's best practice approach to preserving the safety and wellbeing of students and staff.

SIHE will build partnerships with:

- Local police
- Local providers of medical attention, legal advice, and financial, housing, and counselling
- External policy and procedure auditing groups and/or consultants with expertise in sexual harassment and assault
- Benchmarking partners for sexual harassment and assault processes

### ***Counselling services***

SIHE staff and students have access to the SIHE Student Counselling and Wellbeing Officer. The SIHE Student Counselling and Wellbeing Officer is an externally contracted professional counselling service, trained in trauma-informed, best practice approaches to handling disclosures of sexual assault and sexual harassment.

The Student Counselling and Wellbeing Officer is available to discuss any topic, including discussing uncertainty around whether an incident is sexual harassment and/assault, and what options are available to a victim/survivor. All information disclosed in counselling session will remain confidential unless the counsellor views the information as a risk to the person or someone else.

The SIHE Student Counselling and Wellbeing Officer will be available during business hours from Monday to Friday. Appointments with the Student Counselling and Wellbeing Officer may be made through the Academic Learning Support Officer or by directly contacting the Student Counselling and Wellbeing Officer.

### ***Support prior to disclosing an incident***

Students and staff are able to access support without disclosing an occurrence of an incident of sexual assault or sexual harassment. All students and staff always have access to information via the website and student and staff portals. This includes the *Sexual Assault and Sexual Harassment Policy* and various educational resources on the topic.

All students, as per the *Student Welfare Policy*, have access to a range of support services including the SIHE Student Counselling and Wellbeing Officer (as above), medical, financial, accommodation, and legal advice and advocacy. SIHE also has connections to external services and groups through which students and staff may seek support.

Victims/survivors can access various confidential phone support lines:

- National University Support Line 1800 572 224
- 1800 RESPECT (National Support Line) 1800 737 732
- Canberra Rape Crisis Centre (ACT) 6247 2525
- NSW Sexual Violence Helpline 1800 424 017

- Sexual Assault Crisis Line (VIC) 1800 806 292
- Sexual Assault Resource Centre (WA) 1800 199 888

## Responding Appropriately and Effectively to a Report of Sexual Assault or Sexual Harassment

### *Disclosing an incident*

SIHE strongly encourages any staff member or student who wishes to disclose an incident of sexual assault and/or sexual harassment to make an appointment with the Student Counselling and Wellbeing Officer.

SIHE acknowledges that disclosures are likely to be made to staff members other than the Student Counselling and Wellbeing Officer. Hence, all staff members at SIHE will be trained in responding to disclosures.

SIHE staff will be trained to refer the victim/survivor to the counsellor and provide support to ensure that they make and attend an appointment with the counsellor.

### *Support after disclosing an incident*

The Student Counselling and Wellbeing Officer will:

- refer the victim/survivor to the appropriate medical, financial, accommodation, and legal advice and advocacy services.
- provide ongoing support to ensure that the victim/survivor accesses the necessary services.
- record the details of the disclosure. This record will be confidential and will be used in the victim/survivor decides to pursue the matter in order to ensure that the victim/survivor is not asked to do multiple retellings of the incident of sexual harassment and/or assault.
- ensure that the victim/survivor is completely informed and aware of SIHE policies and procedures, their rights as a staff member or student at SIHE, and all the options that are available to them.
- discuss with the victim/survivor whether they want to submit an official report to SIHE and
- provide support in submitting the report as necessary.
- in the case that the victim or survivor is a student, assist the student in submitting a written request for academic support as outlined below.

SIHE will ensure that students affected by sexual assault and/or sexual harassment are supported academically, through academic support measures including:

- Granting a leave of absence
- Granting special consideration

To be granted academic support, students must submit a request including a written endorsement by a qualified counsellor (this may be the SIHE Student Counselling and Wellbeing Officer).

### *Investigation and disciplinary procedure*

The identity of the person who made the report will always be kept confidential. They will never be asked to attend a meeting with the alleged perpetrator.

When a report of sexual assault and/or sexual harassment is received, a member of senior staff who presents no conflict of interest in the case will be assigned to the role of 'investigating officer'. If no staff members

are deemed appropriate, SIHE will engage an external expert. The investigating officer will notify the alleged perpetrator of the report and will give them 14 days' notice to attend a hearing. At the hearing, the alleged perpetrator will be able to present their side of the story. The hearing will have in attendance the investigating officer, two other members of staff, and a support person, should the alleged perpetrator choose to bring one.

The investigating officer must review all evidence and come to a conclusion within 14 days of the hearing. If the investigating officer finds the alleged perpetrator to be in breach of any part of the *SIHE Code of Conduct*, disciplinary measures may be implemented. These include:

- requirement to participate in an education program about consent and respectful relationships
- permanent re-arrangement of perpetrator's timetable to prevent interaction between the people involved
- redaction of awards and/or degrees issued to the perpetrator by SIHE
- temporary suspension
- demotion
- expulsion from SIHE
- termination of employment contract with SIHE

All parties will receive a written notification of the outcome of the investigation and the rationale behind the decision. The written notification will have attached information about what other avenues of action are available to those involved, including internal appeals and external grievance resolution options.

#### ***Interim response to report of sexual assault and/or sexual harassment***

For the duration of the investigation into the report, SIHE will ensure that the safety and comfort of the victim/survivor is protected. On receiving a report, SIHE will implement reasonable measures to achieve this, including:

- re-arranging the alleged perpetrator's classes to prevent interaction between the people involved
- restricting the alleged perpetrator's access to SIHE facilities

#### ***Reports by alumni and reports of incidents from years ago***

All reports of sexual assault and/or sexual harassment will be taken seriously. No matter when the incident

occurred, SIHE will ensure that the victim/survivor has access to the appropriate support services.

If the alleged perpetrator named in the report remains at SIHE as a student or staff member, or can be contacted by SIHE, the investigation and disciplinary procedure outlined above will be applied.

If the alleged perpetrator cannot be reached, SIHE will nonetheless make a record of the report. This record will add to the data collected by SIHE to feed into review and improvement processes.

### ***Reporting to external authorities***

SIHE will give the victim/survivor a choice in whether to report the matter to the police to the greatest possible extent. The victim/survivor may decide that SIHE's internal procedures are enough to acknowledge and address the incident. However, there are cases in which SIHE is legally required to report an incident to the police and/or emergency services. These include:

- if the victim/survivor is a danger to themselves or others
- if the alleged perpetrator is a danger to themselves or others
- if the victim/survivor or alleged perpetrator commit, or threaten to commit, a crime
- if a report to external authorities must be made, SIHE will ensure that the victim/survivor is fully informed of what must be reported, why it must be reported, and what process may be implemented following the report.

SIHE must report critical incidents to the higher education regulatory body, and this includes incidents of sexual assault of someone under SIHE's care in any activity associated with SIHE. In a report to the regulatory body, the personal details of all people involved will be completely confidential.

### ***Incident database***

The General Manager, Governance and Projects will maintain an incident database for recording all reported incidents of sexual assault and/or sexual harassment, and the details of the investigation and disciplinary procedure that SIHE carried out in response. This database will allow SIHE to track the success of its anti-sexual harassment and assault initiatives. The database will not store any personal details of the people involved.

## **Policy Implementation and Monitoring**

The *Corporate Governance Board* delegates responsibility for the day-to-day implementation of this policy to the President.

The *Corporate Governance Board* will review all periodic reports from relevant committees and staff members.

Additionally, The *Corporate Governance Board* will review all relevant student complaints, concerns raised by staff members, and instances of student or staff misconduct on an ongoing basis.

The *Corporate Governance Board* must ensure that findings from these monitoring activities are taken into account in planning, quality assurance and improvement processes.

## **Related documents**

Change the Program: national report on sexual assault and sexual harassment at Australian universities,



2017 [https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC\\_2017\\_ChangeTheCourse\\_UniversityReport.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf)

Australian Human Rights Commission - Sexual Harassment: <https://www.humanrights.gov.au/our-work/sex-discrimination/guides/sexual-harassment#sh>

Fact sheet on sexual assault laws in Australia: <https://aifs.gov.au/publications/sexual-assault-laws-australia>

Respect. Now. Always. campaign: <https://www.universitiesaustralia.edu.au/uni-participation-quality/students/Student-safety/Respect--Now--Always-#.WaOhkZMjFE4>

Connecting the dots: Understanding sexual assault in university communities  
<https://static1.squarespace.com/static/5762fc04f5e231826f09afae/t/58b3d08ddb29d6e7a2b8271d/1488179368580/Connecting+the+dots.pdf>

## Definitions

### Consent

SIHE observes the definition of ‘positive consent’ to sexual activity, defined by the *Australian Institute of Family Studies* as:

*“Positive consent means that*

- there is a free agreement between all parties involved, with no coercion, force or intimidation of any kind; and*
- an individual will actively display his/her willingness to participate and consent to sexual activity.*
- Consequently: submitting to sexual activity, or not actively saying “no”, is not enough to demonstrate consent; and*
- the consent of the other party in a sexual encounter should never be assumed and should be actively sought after and affirmed.”*

### Sexual assault

SIHE observes the definition of sexual assault in NSW law:

- “Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, or if a child or young person under 18 is exposed to sexual activities.*
- Sexual assault is a crime. “*

### Sexual harassment

SIHE observes the Australian Human Rights Commission’s definition of sexual harassment:

- “Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated.*

- *Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.*
- *Sexual harassment is a type of sex discrimination.*

The Sex Discrimination Act makes it unlawful for a person to sexually harass another person in a number of areas including employment, education, the provision of goods and services and accommodation.

Sexual harassment may include:

- *staring or leering*
- *unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching*
- *suggestive comments or jokes*
- *insults or taunts of a sexual nature*
- *intrusive questions or statements about your private life*
- *displaying posters, magazines or screen savers of a sexual nature*
- *sending sexually explicit emails or text messages*
- *inappropriate advances on social networking sites*
- *accessing sexually explicit internet sites*
- *requests for sex or repeated unwanted requests to go out on dates*
- *behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.”*

**Alleged perpetrator:** someone who has been accused of misconduct, but has not yet been through an investigation process that follows the principles of procedural fairness.

**Victim/survivor:** In line with best practice, SIHE uses victim/survivor to refer to those who have been subjected to sexual harassment or assault.

## Review schedule

This policy will be reviewed by the *Corporate Governance Board* every three years.

Version History				
Version number:	Approved by:	Approval date:	Revision notes:	Next review date:
1	Corporate Governance Board	13/11/2017		13/11/2020
2	Corporate Governance Board	31/12/2021	No change. Periodic Review.	31/12/2024
3	Corporate Governance Board	4/5/22	Minor wording changes, links updated and new role of Academic Learning Support coordinator introduced.	31/12/24
4	Corporate Governance Board	22/08/23	Policy review conducted to include information from staff and benchmarking against other institutions policies.	22/08/2026



courtney.nelson@sydneyinstitute.edu.au, Next Review by : Nigel, Review Scheduled For : November 13, 2020

Produced & Printed : Wednesday 6th of September 2023 02:56:00 AM "Sydney Institute of Higher Education ABN 49 618 742 813 TEQSA PRV14323 CRICOS 03866C"

## Related Documents

		<a href="#"><u>Conflict of Interest Policy</u></a>
		<a href="#"><u>Critical Incident Response Policy</u></a>
		<a href="#"><u>Information For Students Policy</u></a>
		<a href="#"><u>Student Complaints and Appeals Policy</u></a>
		<a href="#"><u>Student Counselling Policy</u></a>
		<a href="#"><u>Student Welfare Policy</u></a>
		<a href="#"><u>Work Health and Safety Policy</u></a>
		<a href="#"><u>Staff Wellbeing Policy</u></a>
		<a href="#"><u>Equity and Diversity Policy</u></a>
		<a href="#"><u>Student Code of Conduct</u></a>