

Sexual Assault and Sexual Harassment Procedures

1. Governing policy

The *Sexual Assault and Sexual Harassment Procedures* relate to the *Sexual Assault and Sexual Harassment Policy* and outline the steps to undertake in the event of an incident of sexual assault or sexual harassment.

2. Scope

These procedures relate to all members of the Institution's community.

3. Procedures

3.1. Who to contact

Emergency assistance	
Emergency services (police and ambulance) (24 hours a day/seven days a week)	000
Specialist staff (trained on responding to sexual assault and sexual harassment)	
Student Success Centre Manager (students)* (Monday-Friday, 9am - 5pm)	02 9466 1024
Vice President (People and Training) (staff) (Monday-Friday, 9am - 5pm)	02 9466 1195
Campus security	
Manager on Duty (24 hours a day/seven days a week)	0429 994 590
Other immediate support (24 hours a day/seven days a week)	
NSW Sexual Violence Helpline	1800 424 017
Sexual Abuse and Redress Support Service	1800 211 028
Sexual, Domestic and Family Violence Helpline	1800 943 539

Rainbow Sexual, Domestic and Family Violence Helpline	1800 497 212
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**If the Student Success Centre Manager is unavailable students may contact the Vice President (Student Life) or another senior staff member she/he is comfortable with.*

3.2. Disclosing sexual assault or sexual harassment

3.2.1. Disclosure means telling another person about an incident of sexual assault or sexual harassment that happened either in the past or it may be ongoing. The person disclosing may not want to make a formal complaint. They may decide, or decide not to, reveal the person (or people) involved. The primary aim of disclosure is to offer information and support to the person sharing their experience.

3.2.2 A person is encouraged to disclose to the Student Success Centre Manager (students) or the Vice President (People and Training) (staff) who have both been specially trained to respond sensitively to reports of sexual assault and sexual harassment and will provide information and support to the person making the disclosure.

3.2.3 Upon disclosure of an incident, staff members assess and ensure the immediate safety of the person making the disclosure and the other members of the Institution's community. If there is an immediate danger to the health, safety or security of any person, the staff member will seek immediate assistance and/or seek advice from executive management. Examples include but are not limited to, sexual assault allegations, incidents that relate to residential students, incidents that are likely to put others at risk, etc.

3.2.4 The Institution may take immediate safety measures to minimise the risk of harm of the person making the disclosure and other members of the Institution's community, particularly if that risk relates to residential students. The Institution reserves the right to immediately remove any alleged offender(s) from the Institution's residential accommodation and/or classes for the safety of others in advance of, or in parallel with, any misconduct proceedings that may be taken

under the General Misconduct Policy.

3.2.5 If there is no immediate danger, the staff member will promptly:

- respond with compassion, understanding and discretion;
- provide clear and transparent information on and access to support services including counselling and external support services if they would like assistance;
- provide the Sexual Assault and Sexual Harassment Policy and the Sexual Assault and Sexual Harassment Procedures;
- provide information about all formal reporting options including within, and external to, the Institution;
- for students, help arrange academic support options;
- for staff, help arrange employment support options;
- any mandatory reporting obligations if the person is under the age of 18 or aware of information about a sexual assault that may lead to the apprehension, prosecution, or conviction of an individual; and
- information about, and support navigating the Institution's special consideration process if necessary.

3.3 Confidentiality

3.3.1 All disclosures of sexual assault and sexual harassment are treated confidentially. Staff members do not disclose personal information or any other identifying information about the disclosure unless:

- consent has been obtained from the person making the disclosure;
- the conduct disclosed is of a nature that the law imposes an obligation on the Institution to report the information.

3.3.2 There may be circumstances in which the Institution's ability to maintain a student's confidentiality and privacy are limited. For example, if the Institution assesses that there is a risk to the safety of the person making the disclosure or formal complaint, or a risk of harm to others, executive management may need to know information about the alleged incident to establish risk management or

critical incident response as required.

3.3.3 In the event of a disclosure or formal complaint, there may also be occasional circumstances where the Institution is obliged to notify concerns or information to the NSW Police, to protect the interests of the Institution's community and broader public safety. For example, in New South Wales, if a person is aware of information about a sexual assault that may lead to the apprehension, prosecution, or conviction of an individual, then they are obligated to report it to the New South Wales Police.

3.3.4 The Student Success Centre Manager (students) and the Vice President (People and Training) (staff) maintain a confidential central register and provide regular, informal updates to the President and Managing Director when incidents occur. In addition, the Student Success Centre Manager (students) and the Vice President (People and Training) (staff) report to the Executive Management Group (EMG) on the nature and number of sexual assault and sexual harassment disclosures received during the periods between each Executive Management Group (EMG). No personal or identifying information regarding the person making the disclosure, or the alleged offender, is included.

3.4. Formal complaint and internal investigation

3.4.1. Lodging a formal complaint is the process for providing a formal account of the alleged incident. All complaints must be made in accordance with the process outlined in the *Complaints and Appeals Policy* and *Complaints and Appeals Procedures* (students) or via the grievance procedures outlined in the Employee Handbook (staff).

3.4.2 A person may wish to formally report (i.e. lodge a complaint) an incident of sexual assault or sexual harassment if the allegation is against a member of the Institution's community. A formal complaint will lead to an internal investigation and may require the student to provide further information about the incident.

3.4.3 Student complaints relating to sexual assault and sexual harassment are referred to the Student Success Centre Manager and the Vice President (Student

Life) for investigation in accordance with the *Complaints and Appeals Policy* and *Complaints and Appeals Procedures*.

3.4.4 Allegations of misconduct against another student are fully investigated and afforded principles of procedural fairness outlined in the General Misconduct Policy and General Misconduct Procedures.

3.4.5 An internal investigation is unable to determine whether a crime has occurred, but instead focusses on whether there has been a breach of the Institution's policies, procedures and Student Code of Conduct. The internal investigation process is not a substitute for a criminal investigation conducted by the police.

3.4.6 Where a student makes a formal complaint about a person at a work integrated learning placement the Institution may be limited in its ability to undertake an investigation. However, the Institution offers appropriate support in such circumstances, including supporting the student should they decide to formally report through the third-party's workplace formal reporting process and/or to the NSW Police.

3.5. Reporting to the police

3.5.1. A person who is the victim of sexual assault is encouraged to report it to the police. The Institution's recognises that a person who is the victim of sexual assault may not wish to report it to the police. The Institution respects a person's decision in this regard and will continue to provide information and support as required.

3.5.2 Reporting an incident to the police does not preclude the Institution from dealing with the matter under its own General Misconduct Policy. The Institution ensures that it carefully considers the impact of any internal process on a possible criminal investigation, and obtains appropriate advice (including legal advice and advice from the police) about whether its own process may prejudice a criminal investigation.

3.5.3 The Student Success Centre Manager (students) or the Vice President (People and Training) (staff) can provide support and assistance to any person who chooses to report an incident to the police.

3.5.4 Reports to the police can be made in person at a local police station.

3.5.5 If a person decides not to formally report an incident to the police or have the matter investigated, she/he may choose to complete a Sexual Assault Reporting Option (SARO). A SARO questionnaire is not the same as making a formal report to police and will not initiate a criminal investigation. The primary purposes of a SARO is to make a record of what occurred, in addition to allowing the NSW Police Force to gather information on sexual offences and offending. SARO can also be used as a therapeutic tool during counselling programs.

<https://portal.police.nsw.gov.au/adultsexualassault/s/sexualassaultreportingoption>

3.5.6 If a report is made to both the Institution and the police, the Institution may suspend any internal investigation pending the outcome of the police investigation. Temporary measures may be put in place against a student, in accordance with the provisions outlined in the *General Misconduct Procedures*, to protect the wellbeing of any member of the Institution's community, until the outcome of police investigation has been determined.

3.5.7 The Institution may rely on the outcome of the police investigation in order to determine the outcome of any internal misconduct investigation against a student.

[Sexual-Assault-and-Sexual-Harassment-Flowchart](#)

Approved by EMG on 9 June 2023