

Sexual Harm Policy

1. Purpose

Sexual harm at the Institution is unacceptable and is not tolerated. The *Sexual Harm Policy* (“policy”) outlines the Institution’s commitment to eliminating sexual harm and taking a trauma-informed and victim-centred approach in the management of sexual harm. The Institution has a duty of care to ensure the safety and wellbeing of both students and staff, and it commits to promoting a safe environment free from harassment and prioritising a culture of respect and inclusion. This policy demonstrates the Institution’s commitment to properly resourcing its duty of care obligations and its role in educating students, the workforce and society.

This policy should be read in conjunction with the *Sexual Harm Procedures*, *Student Code of Conduct*, *Complaints and Appeals Policy* and the *General Misconduct Policy*, *Critical Incident Management Policy* and *Critical Incident Management Procedures*.

2. Scope

2.1 This policy applies to all staff and students, including students that are both a student and a staff member, and students residing in accommodation both on and off campus regardless of whether that accommodation is managed by the Institution.

2.2 This policy also applies to all activities where the Institution has a duty of care including, but not limited to, activities that are:

- a. on any of the physical and digital campuses;
- b. in any of its facilities;
- c. part of deployment of the Institution’s business;
- d. representative (such as student placements, secondments and exchanges); and
- e. affiliated with the Institution, such as student clubs or study-related camps;

f. functions that pertain to the external hire of the Institution's facilities which are attended by staff or students. However, this policy does not apply to members of the public who attend functions that pertain to external hire of the Institution's facilities. Sexual harm matters that might arise in this context should be referred to the NSW Police.

2.3 This policy may not apply where a formal report (also known as a complaint as per the *Complaints and Appeals Policy*) is made about someone that is external to the Institution. In such cases there are limits on any penalties that the Institution can impose on that person. However, full access to support services are available to any student or staff member who experiences sexual harm.

3. Definitions

See *Glossary of Terms*.

4. Policy statements

4.1 Introduction

4.1.1 The Institution recognises it has a range of responsibilities to students and staff, and in doing so, actively supports and promotes the wellbeing and safety of its students and staff. It aims to ensure a safe environment on campus, online and within accommodation buildings at all times.

4.1.2 The Institution takes a firm position on sexual harm . It is unacceptable and is not tolerated. These behaviours breach the Student Code of Conduct and Staff Code of Conduct and therefore constitute misconduct. Such matters are dealt with in accordance with the *General Misconduct Policy* (for students) and the relevant misconduct processes outlined in the Employee Handbook (for staff).

4.2 Promoting a culture of respect

4.2.1 Both students and staff can expect to study and work in a safe and supportive environment. To this end, the Institution encourages respectful relationships and a culture of respect and inclusion across its community at all times.

4.2.2 The safety and wellbeing of all students and staff is the Institution's primary priority. It cultivates an environment of affirmative consent meaning that sexual

consent must be freely and expressly given . Any student or staff member experiencing a situation where consent has not been given are encouraged to report it.

4.2.3 The Institution is committed to changing attitudes and behaviours towards sexual harm. This is achieved through education, prevention strategies, trauma-informed care and practice, perpetrator accountability and appropriate victim-centred support.

4.2.4 The Institution recognises the risk associated with technology-facilitated sexual harm. Staff are supported by the Institution when intervening to address inappropriate behaviour in the teaching and learning environment.

4.3 Prevention

4.3.1 The Institution identifies and assesses the risk of sexual harm occurring and takes proactive steps to eliminate those risk factors.

4.3.2 The Institution recognises that a culture of respect minimises the likelihood of incidents occurring. This is achieved by implementing a range of prevention strategies including but not limited to:

- a. conducting risk assessments and implementing controls on any identified risks;
- b. orientation programs to new students on expected behaviours and potential repercussions for inappropriate behaviour;
- c. consent matters awareness campaigns (including bystander and first responder training);
- d. regular staff awareness sessions regarding how to engage with at-risk cohorts and emphasise the importance of intersectionality to respond respectfully and meaningfully to a student making a disclosure or formal report;
- e. sexual violence education programs and campaigns;
- f. drug and alcohol abuse prevention education programs;
- g. programs for students residing in accommodation buildings;
- h. consulting with clubs and societies that are affiliated with the Institution;

- i. student and staff engagement during policy development to facilitate greater engagement with this policy;
- j. commitment to take prompt action when incidents occur;
- k. systems and processes for responding to incidents;
- l. systems and processes to prevent recurrences.

4.4 Disclosure and formal reports

4.4.1 The Institution aims to respond to all disclosures and formal reports of sexual harm in a trauma-informed manner. Individuals are treated with empathy and are encouraged to identify their needs and seek support. Regardless of which avenue an individual decides to take, they are provided with appropriate support and are advised about all reporting options available. Individuals are encouraged and supported to have agency and make their own decisions.

4.4.2 Various reporting options are available to individuals who have experienced sexual harm as follows:

- Confidential disclosure to a trusted staff member at the Institution (this is not a formal report).
- Formal report to the Institution.
- Confidential disclosure to the NSW Police (online [Sexual Assault Reporting Option](#) (SARO)).
- Formal report to the NSW Police.
- External options to the Australian Human Rights Commission, Fair Work Ombudsman or local/state territory bodies.
- Anonymous reporting.

4.4.3 The Institution prioritises the safety and wellbeing of a student or staff member who discloses or makes a formal report .

4.4.3 Those that opt to disclose or make a formal report about sexual harm are treated with compassion and empathy by staff who have appropriate training. These staff members respond respectfully and are able to provide accurate information and can take appropriate actions.

4.4.4 Students may make a formal report via the *Complaints and Appeals*

Policy (and see the Sexual Harm Procedures for alternative methods for formal reporting) and staff can raise a grievance through the procedures outlined in the Employee Handbook. The Institution provides a single point of contact to ensure processes are compassionate, consistent and robust.

4.4.5 Information on how to disclose or make a formal report of sexual harm is widely disseminated and includes:

- a. the definition of a disclosure and making a formal report;
- b. how to make a disclosure or formal report with contact details;
- c. misconduct procedures including timeframes;
- d. notification that the Institution's formal report investigation process is not a substitute for a criminal process; and
- e. bystander intervention.

4.4.6 Upon disclosure of sexual harm, the individual retains full control of how the incident is reported (e.g disclosed, formally reported internally and/or externally reported and each may happen by itself and in any order).

4.4.7 Upon disclosure an individual is supported when making a decision to make a formal report either internally or to the police, or both. This decision remains with the individual making the disclosure unless mandatory reporting is required by legislation. Some individuals may prefer to report the incident directly to the police, in which case the individual receives the Institution's full support and assistance, as the police are the appropriate body to deal with allegations of criminal conduct. Making a formal report to an external organisation such as the police will not preclude the Institution from taking internal action as required.

4.4.8 Students and staff members are encouraged to disclose or make a formal report even on occasions where the incident occurred beyond the Institution's official business or beyond its grounds.

4.4.9 Students and staff members are entitled to have a support person of their choosing, or people, with them when they disclose, make a formal report or access the Institution's services.

4.4.10 Upon receipt of a formal report, the Institution acts in accordance with the

Complaints and Appeals Policy and General Misconduct Policy. In determining next steps the Institution has regard to:

a. the health, safety and wellbeing of the student or staff member making the formal report;

1. the health, safety and wellbeing of the Institution's broader community;
2. outcomes sought by the student or staff member making the formal report;
3. whether there is a legal duty to report the incident (e.g. underage sexual harm or others at risk of harm);
4. principles of procedural fairness as outlined in the *General Misconduct Policy* for those accused of sexual harm ;
5. where a report is made to the police any action under the Institution's policies and procedures may be suspended, as the police are the appropriate body to deal with allegations of criminal conduct.

4.4.11 Any student or staff member making a formal report are given the opportunity to state how they would like to see their complaint resolved. While the Institution makes every effort to facilitate reasonable requests, in some instances it may not be possible to achieve that outcome, in which case it is explained why it is not possible.

4.5 Support and assistance

4.5.1 The institution is committed to ensuring the immediate safety, protection and wellbeing of a student or staff member who has suffered sexual harm .

4.5.2 Information about support and assistance services is widely disseminated and, upon disclosure, is offered promptly and throughout the reporting process. Support and assistance includes (but is not limited to):

a. emergency health information;

1. security;
2. accommodation options;
3. assistance to ensure understanding of all available options, including reporting to police and making a formal report to the Institution;
4. information about and assistance with navigating the Institution's formal

report and misconduct processes;

5. for students, information about, and support navigating, the Institution's deferred examination process should they wish to apply, noting that such applications are considered confidentially (to ensure privacy of the student by limiting the circulation of information about the nature of the request) and irrespective of a student making a formal report;
6. referral to internal and external support services; and
7. regular and timely communication about the process and its resolution.

4.5.3 In order to avoid causing further harm, the Institution minimises the number of times a student or staff member is asked to recount the experience.

4.5.4 Incidents of sexual harm that occur beyond the Institution's official business and beyond its grounds are relevant to the Institution and students and staff members are encouraged to seek support.

4.6 Confidentiality and privacy

4.6.1 The confidentiality and privacy of a student or staff member is protected in accordance with the *Privacy Policy*. For formal reports, the respondent is provided with sufficient information to respond to any allegation for procedural fairness purposes.

4.6.2 The Institution recognises its mandatory reporting obligations imposed on individuals in certain professions in cases of suspected abuse of students under the age of 18.

4.6.3 In limited circumstances, the Institution may be obliged to report an incident of sexual harm to the police. These circumstances are explained to the student or staff member at time of disclosure.

4.7 Diversity and cultural competence

4.7.1. The Institution ensures that its campus culture consistently reinforces messages of inclusivity and respect for students and staff from all backgrounds.

4.7.2 The Institution recognises that many of its students who are from culturally, linguistically and religiously diverse backgrounds may experience barriers to seeking help. The experiences, needs and perspectives of distinct population groups may differ. It ensures its staff has, or has access to others who have, the

knowledge and skills necessary to respond to disclosures of sexual harm in a culturally competent and responsive way. These distinct population groups include but are not limited to:\

a. those with a disability;

1. Aboriginal and Torres Strait Islander people;
2. LGBTQIA+ community;
3. culturally and linguistically diverse students
4. international students
5. transgender or gender diverse people.

4.7.3 Student or staff members who would prefer to disclose their experience in their native language should contact the Institution as information on interpreting services may be available.

4.8 Misconduct proceedings and natural justice

4.8.1 A respondent to a formal report/allegation of sexual harm is given the opportunity to respond, and ultimately have the matter determined, in accordance with the *General Misconduct Policy* for students and the Employee Handbook for staff.

4.8.2 All allegations are handled in accordance with the principles of procedural fairness outlined in the *General Misconduct Policy*. Allegations that are found to be proven are deemed as a major breach of expected standards and appropriate penalties are applied to ensure the ongoing safety of the individual who has made the formal report and the Institution's broader community.

4.9 Data and records

4.9.1 Information about individual disclosures and formal reports are collected and stored securely and confidentially in a register. They are documented in a factual manner and include:

a. details of the incident;

1. steps taken to respond to the disclosure/formal report;
2. support or assistance received;
3. time taken to respond to the disclosure/formal report and/or refer the

person to support services;

4. any feedback provided by the complainant/respondent in relation to the process.

4.9.2 The Institution captures data on de-identified disclosures and formal reports on a central, confidential register in order to target effective prevention and invention programs, monitor incidents, patterns of behaviour, review risk management protocols, mitigate risks against institutional liability, monitor effectiveness of this policy, continuous improvement and to prevent reoccurrences of sexual harm.

4.9.3 A student or staff member who discloses sexual harm is advised that de-identified information is made available internally for data analysis purposes.

4.9.4 Staff reports of sexual harm are recorded anonymously and confidentially on the sexual harm register and brought to the attention of management early and investigated thoroughly.

5. Roles and responsibilities

5.1 The PVC (Employability) and Registrar is the Responsible Officer of this policy.

5.2 The Student Success Centre Manager (students) and the Vice President (People and Training) (staff) are the preferred points of contact for disclosing an incident of sexual harm.

5.3 The Vice President (Student Life) maintains a confidential sexual harm student register and provides regular, informal updates to the President when incidents occur.

5.4 The Vice President (Student Life) prepares a deidentified annual report for submission to the Academic Board that includes data and analysis on:

- effective prevention and invention programs;
- incidents;
- patterns of behaviour;
- risk management protocols,;
- risk mitigation against institutional liability;
- continuous improvements to prevent reoccurrences of sexual harm.

5.5 The Vice President (People and Training) maintains a confidential sexual harm staff register and provides regular, informal updates to the President when incidents occur. Deidentified data on the nature and number of sexual harm disclosures/formal reports is reported to the Board of Directors, via the CEO report, at each meeting. In addition, the Vice President (People and Training) prepares an annual report that includes data and analysis on:

- effective prevention and invention programs;
- incidents;
- patterns of behaviour;
- risk management protocols,;
- risk mitigation against institutional liability;
- continuous improvements to prevent reoccurrences of sexual harm.

5.6 No personal or identifying information regarding the person making the disclosure, or the alleged offender, is included in any of the reports outlined in paragraphs 5.3-5.5.

5.7 The Executive Management Group is responsible for ensuring the continued cooperation of all students and staff to promote and embed the principles outlined in this policy into their daily behaviour, decision-making and language. It ensures policies, practices and operations are free from bias and consistent with the intent of this policy.

5.8 Students and staff are responsible for treating fellow community members with respect regardless of background, engaging in a positive, respectful and constructive manner at all times and reporting any incidents of discrimination, harassment or bullying to the Institution.

6. Related documents

Complaints and Appeals Policy

Complaints and Appeals Procedures

Critical Incident Policy

Critical Incident Management Procedures

Employee Handbook

General Misconduct Policy

General Misconduct Procedures

Student Code of Conduct

Approved by Board of Directors on 25 June 2024