


PROCEDURE		
<p>Ref. to Legislative Frameworks:</p> <p>HESF2015: Standard 2.3 / 6.2.1 / 7.3.3</p> <p>SRTO2015: Standard 7</p> <p>National Code 2018: Standard 6.9</p>	Sexual Assault and Sexual Harassment	
Version: 2.4	Approved by: Chief Executive Officer	Issued on: 18/02/2020 Review by: 18/02/2022

Revision History

Current Version	Description of Change	Policy Developer	Effective Date
2.2	Incorporating the “Guidelines for universities responding to reports of sexual assault and sexual harassment” published by Universities Australia on 24/7/2018	Chief Executive Officer	01/08/2018
2.3	Incorporating the recommendation offered by TEQSA to use gender-neutral pronouns	Chief Executive Officer	21/05/2019
2.4	Incorporating recommendations for Improvement by external consultant (Claire Collins) as part of TEQSA SASH review	Chief Executive Officer	18/2/2020

PURPOSE

This procedure ensures the protocols followed by Academies Australasia Polytechnic (AAPoly), in instances of disclosures, resolutions and formal complaints of sexual assault and sexual harassment, prioritise the rights of the target of assault or harassment to full control over decisions concerning medical, legal, complaint and support options. This procedure supports the commitment of AAPoly to providing fair, effective, confidential and timely resolution to any complaint of sexual assault or sexual harassment, whilst providing comprehensive holistic support.

POLICY STATEMENT

AAPoly does not tolerate sexual assault or sexual harassment in any form. Sexual assault and sexual harassment are unlawful and every member of the AAPoly community has a responsibility to ensure that they do not occur.

SCOPE

This procedure applies to student disclosures, resolutions or formal complaints of sexual assault or sexual harassment concerning staff, students, guests or contractors of AAPoly.

DEFINITIONS

Sexual assault	<p>When a person is forced, coerced or tricked into sexual acts against their will or without their consent.</p> <p>Sexual assault can include but, is not limited to, the following:</p> <ul style="list-style-type: none">• rape e.g. being forced to have vaginal, anal or oral sex including digital penetration.• unwanted touching e.g. pinching, patting, embracing, rubbing, groping, flicking, kissing, fondling, being touched on the breasts, bottom, legs etc.• obscene gestures e.g. simulating masturbation in front of a person• voyeurism e.g. being watched doing intimate things without permission.• pressuring for dates or demand for sex e.g. invitations that turn into threats or not taking 'no' for an answer• indecent exposure e.g. someone showing private parts of their body or 'flashing' their genitals• being forced to watch or participate in pornography e.g. taking a photo without permission, forcing someone to be on video, making someone watch a pornographic movie.
Sexual harassment	<p>Any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated (Federal Sex Discrimination Act 1984).</p> <p>Sexual harassment can take various forms and can involve conduct such as:</p> <ul style="list-style-type: none">• unwelcome touching, hugging or kissing• staring or leering• suggestive comments or jokes• sexually explicit pictures, screen savers or posters• unwanted invitations to go out on dates or requests for sex• intrusive questions about a someone's private life or body

	<ul style="list-style-type: none"> • unnecessary familiarity, such as deliberately brushing up against someone • insults or taunts of a sexual nature • sexually explicit emails, SMS messages or social media • accessing sexually explicit internet sites • inappropriate advances on social networking sites
Suspension	The cancellation of a student's enrolment at AAPoly for a specified period after which the student may recommence their enrolment
Exclusion	Denial of access to a student's enrolled course and to future enrolment in AAPoly courses
Consent	Free and voluntary agreement. Factors violating consent include: <ul style="list-style-type: none"> • lack of capacity to consent, including because a person is asleep or unconscious, or so affected by alcohol or other drugs as to be unable to consent; • the actual use of force, threatened use of force against the complainant or another person, which need not involve physical violence or physical harm; • unlawful detention; • mistaken identity and mistakes as to the nature of the act (including mistakes generated by the fraud or deceit of the accused); and • any position of authority or power, intimidation or coercive conduct. (Australian Commonwealth Legislation)
First Responder	the first person to respond to an incident or disclosure of sexual assault or harassment
Active Bystander	someone who witnesses and intervenes in a situation involving harassment, bullying, abuse or other harmful/ inappropriate behaviour, with the intention to disrupt, or 'call out' the behaviour and prevent the behaviour from continuing

PROCEDURE

This procedure refers to incidents involving students. For incidents involving staff, refer to the Staff Handbook.

1. Support Options

1.1. In case of an emergency call:

- Police or Emergency Services (24 hours): **000**
- AAPoly 24 hours Emergency Line: **0425 253 019**

1.2. Access AAPoly's Counselling Services

- **Sydney Campus** - Room 704, or call **+61 2 9224 5500**
- **Melbourne Campus** - Room 7.06, or call **+61 3 8610 4100**

1.3. An individual who has been sexually assaulted or harassed may choose to seek support from the following external services:

New South Wales (NSW) Specialist Support Services

- NSW Rape Crisis Service on **1800 424 017**, 24 hours a day;
- 1800RESPECT on **1800 737 732**, 24 hours a day;
- Royal Prince Alfred (RPA) Hospital Sexual Assault Service on **9515 9040** (Monday to Friday) or **9515 6111** (after hours). Counselling and medical

services are available for anyone who has been sexually assaulted. King George V Building, 75 Missenden Road, Camperdown, NSW 2050

- Women's Legal Service NSW on **1800 801 501**
- Redfern Legal Centre on **9698 7277**, for International Student Legal Service
- Inner City Legal Service on **1800 244 481**. Specialist Lesbian, Gay, Bisexual, Transgender, Intersex and Queer service at Basement, Kings Cross Library, Neighbourhood Centre, 50-52 Darlinghurst Rd, Kings Cross, NSW 2011
- Victims Access Line on **1800 633 063**, 24 hours a day.

Victoria (VIC) Specialist Support Services

- Sexual Assault Crisis Line Victoria on **1800 806 292**, 24 hours a day;
- Centre Against Sexual Assault on **03 9635 3600**, 24 hours a day;
- 1800RESPECT on **1800 737 732**, 24 hours a day;
- The Royal Women's Hospital Sexual Assault Service on **9635 3610**, 24 hours a day. Counselling and medical services are available for women who have been sexually assaulted;
- Women's Legal Service Victoria on **8622 0600**;
- Study Melbourne Student Centre on **1800 056 449**, free advice and support for international students & International Student Legal Service;
- Fitzroy Legal Service on **03 9419 3744**, now also offering free specialist Lesbian, Gay, Bisexual, Transgender, Intersex and Queer service, 126 Moor Street, Fitzroy, Victoria 3065;
- Victims of Crime Helpline on **1800 819 817**, free call from 8am-11pm, 7 days a week

Translating Services and Services for People with Disabilities

- Translating and Interpreting Service (TIS National) on **13 14 50**. Ask them to contact the phone number of the service to which you want to connect.
- National Relay Service on **13 36 77**. Relay officers convert voice to text or text to voice for callers who are deaf, hard of hearing, or have a speech impairment via teletypewriter (TTY)/ Voice Calls. Ask them to contact the number of the service to which you want to connect.
- Speak and Listen on **1300 555 727**. Create a call profile identifying any special communications needs you have to ensure your calls go more smoothly.

2. Disclosing an incident

- 2.1. An individual who has been sexually assaulted or harassed may wish to disclose the incident/s to a member of the AAPoly community in order receive support.
- 2.2. The First Responder in this instance should inform the student of the option to speak with the student counsellor who will be able to provide information on the support and reporting options available to the student (refer to **Section 1. Support Options**, **Section 4. Resolution Options** and **Section 7. Formal Complaint**). The First Responder is expected to respond compassionately to the disclosure (refer to

Section 12. Supporting People who have Experienced Sexual Assault or Harassment).

2.3. In cases where the student chooses to disclose to AAPoly's student counsellor, the aim of the consultation will be to:

- attend to the physical, health, emotional and social needs of the student;
- provide a safe space to explore and express thoughts and feelings;
- provide information on the support services available; and
- provide information about rights, and reporting options and to help a student exercise their rights upon request.

3. Reporting an Incident Anonymously

3.1. A student may report an incident of Sexual Assault or Sexual Harassment via the contact text box provide on the Sexual Assault and Sexual Harassment page of AAPoly's website. Use the following link: <http://www.aapoly.edu.au/sexual-assault-or-harassment>

4. Resolution Options

4.1. Even though disclosures and/or complaints of alleged criminal conduct are best managed by counselling staff with trauma specialist training, such as specialists from the services mentioned above (refer to **Section 1. Support Options**), AAPoly acknowledges the rights of individuals to a resolution of their choosing.

4.2. Resolution options are as follows:

Direct and Informal Resolution - individuals have the right to manage conflict and resolve concerns directly and informally.

Local Resolution - individuals have the right to resolve concerns with the assistance of the student counsellor or other trusted staff members.

Formal Resolution - individuals have the right to lodge a complaint alleging unacceptable behaviour and seek formal resolution.

5. Direct and Informal Resolution

5.1. A student who believes they have been sexually assaulted or harassed may inform the assailant or harasser that the behaviour is offensive, unwelcome, against the law and AAPoly's policy, and should stop;

5.2. Similarly, a staff member or student who is witness to an incident may intervene (refer to **Section 9. Active Bystander Intervention**, below);

- 5.3. The target of the behavior or witness can refer to this procedure to understand the support options available and avenues for seeking a resolution and making a formal complaint; and,
- 5.4. The target of the behavior or witness can note of the date, time and location of the incident/s for possible future reference.

6. Local Resolution

6.1. Where a student who has experienced sexual assault or sexual harassment has chosen Local Resolution, involving the Student Counsellor as a mediator, the Student Counsellor will:

- prioritise the immediate physical, emotional and support needs of the student;
- where appropriate and in accordance with the student's wishes, assist with contacting external support and/or complaint reporting services;
- confirm the desired outcome of the student and provide assistance;
- inform the alleged subject of the complaint and provide them an opportunity to respond;
- ensure both parties understand their rights and responsibilities under AAPoly's policy and procedure;
- if appropriate, and in accordance with the student's wishes, mediate an outcome that is satisfactory for the complainant;
- where necessary educate the alleged subject of the complaint in relation to Australian law and AAPoly's Policy;
- refer the alleged subject of the complaint to relevant support resources and services;
- ensure that confidentiality is maintained;
- follow up to ensure the behaviour does not re-occur;
- check to ensure the action meets the needs of the complainant; and,
- communicate to the college any necessary adjustments required with AAPoly's education and training provisions and response procedures. This may include making recommendations to adjust AAPoly's policy framework and practices to reduce the risk of recurrence and enhance safety and security.

7. Formal Complaint

7.1. An individual who has been sexually assaulted or harassed may wish to make a

formal complaint:

- **External Complaint:** Victorian Equal Opportunity and Human Rights Commission Phone: 1300 292 153
- **Internal Complaint:** AAPoly's Sexual Assault and Sexual Harassment Internal Complaints process (Refer to **Section 9. Internal Complaints Process - Formal Resolution** for details on this process)

8. Internal Complaints Process – Role of Student Counsellor

8.1. If a student wishes to make a formal complaint of sexual assault or sexual harassment internally, the student may choose to engage with the Student Counsellor. The Student Counsellor will follow the procedure set out below. At any time the complainant has the right to discontinue this process. When a complaint is received, with agreement from the complainant, the student counsellor will:

- prioritise the immediate physical, health, emotional and social needs of the student;
- provide support and counselling to the student and help with accessing specialist services;
- ensure AAPoly's policy and procedure for handling the complaint is understood;
- provide accurate written information and options to enable the student to make informed decisions about all medical, legal and complaint lodging processes;
- obtain and record a full, step-by-step account of the incident/s;
- ascertain the student's preferred outcome, e.g. an apology, the behaviour to cease, Australian law and social conduct education, a change in study/working arrangements;
- refer alleged perpetrators to relevant support resources and services;
- keep a confidential record of all details of this discussion and subsequent steps in the process;
- ensure the continuing safety of the student, which in some case may involve preventing future situations where the student might come into contact with the subject of the report;
- assist with accessing academic support, if required, in the form of extensions or special considerations for assignments, time off from lectures or class, and changes to timetabling arrangements;
- collect and store confidentially incident records including:
 - a) Details of the complaint/incident
 - b) Steps taken in responding to the complaint/incident
 - c) The support or assistance received
 - d) The time taken to respond to the disclosure/report and/or the time taken

to refer the person to support services

- e) Any feedback received by the complainant or respondent
- report de-identified data, highlighting patterns of recurring incidents or any concerns that have arisen to the CEO in the first instance and then to the SASH Advisory Body in order or to establish an action plan to mitigate future risk.

9. Internal Complaints Process - Formal Resolution

9.1. A student wishing to make a formal complaint should refer to the [Student Non-Academic Misconduct Policy](#) and [Procedure](#) for further guidance on this process.

9.2. If formal resolution is sought by a student, or if informal or local resolutions fail, with agreement from the complainant, the Student Counsellor will escalate the matter to the Senior Lecturer, Academic Quality and Student Discipline. In a manner that minimises disclosure and respects all parties' rights to confidentiality, the Senior Lecturer, Academic Quality and Student Discipline will apply the following methodology:

- afford natural justice to all involved; any person who is involved in the complaint will be given the opportunity to reply to the allegations made against them;
- ensure confidentiality and minimise disclosure;
- separately interview the parties directly concerned, including, where appropriate and in agreement with the complainant, witnesses, and if necessary check any surveillance camera evidence;
- keep confidential records of the interviews and progress with the resolution;
- secure the safety of the complainant with measures such as making a change to the schedule or duties of the subject of the complaint or a change to working arrangements;
- determine the severity of the action and determine an appropriate penalty which may include reprimands, suspension or exclusion;
- take action to ensure the safety and wellbeing of the complainant with actions that do not prejudice any party;
- arrange measures to closely monitor the situation and provide education and training and referrals to support resources and services where required;
- in a timely manner, formally communicated the outcome as it affects the students involved and invite discussion on the outcome to ensure that the needs of both parties are met;
- make any necessary adjustments to AAPoly's education and training provisions and response procedures. This may include making recommendations to adjust AAPoly's policy framework and practices to reduce the risk of recurrence and enhance safety and security.

10. Appealing a Decision

- 10.1. A complainant who is unhappy with a decision made by the Senior Lecturer, Academic Quality and Student Discipline following the complaint/grievance procedures should refer to the appeal process outlined in the [Student Non-Academic Misconduct Procedure](#).
- 10.2. A respondent who is unhappy with a decision regarding an allegation of sexual misconduct should refer to the appeal process outlined in the [Student Non-Academic Misconduct Procedure](#).

11. Active Bystander Intervention

11.1. AAPoly encourages staff and students to engage in safe active bystander intervention involving the following steps:

- **noticing the situation** – paying attention to what is going on nearby;
- **deciding if it is a problem** – investigating whether someone might need help, and checking with people around if unsure;
- **accepting responsibility to take action** – not assuming someone else will do something;
- **making a plan to intervene** – indirectly or directly confronting the issue, without being aggressive or putting oneself or others in danger.

12. Supporting People who have Experienced Sexual Assault or Harassment

12.1. Staff and students are encouraged to support a person who has disclosed an experience of sexual assault or sexual harassment by following these steps:

- listen without interrupting;
- let the person who is disclosing express how they feel and respect the words they use in reference to the incident;
- let the person who is disclosing know they are believed and acknowledge their distress;
- let the person who is disclosing know that the incident was not their fault;
- let the person who is disclosing know about their rights and options and that they have full control over what action to take and how;
- respect their decisions; and,

- direct them to the available support service options for Sydney or Melbourne (Refer to Section 1. Support and Complaint Avenues above).

RESPONSIBILITIES

- a) The Chief Executive Officer is responsible for the development and maintenance of the Sexual Assault and Sexual Harassment Policy and Procedure and for communicating this to all staff including the Student Counsellors and Senior Lecturer, Academic Quality and Student Discipline, for implementation through the pursuant procedure.
- b) The Academic Dean and Faculty Head, VET, are responsible for communicating any revisions or amendments to the Sexual Assault and Sexual Harassment Policy and Procedure to the relevant academic staff members.
- c) The Academic Dean and Faculty Head, VET, are responsible for communicating the Sexual Assault and Sexual Harassment Policy and Procedure to students during the orientation program and on the student portal of the LMS.
- d) The Human Resource Manager is responsible for communicating the Sexual Assault and Sexual Harassment Policy and Procedure to new staff during induction, in addition to the Staff Handbook.
- e) All members of AAPoly are responsible for complying with the Sexual Assault and Sexual Harassment Policy and Procedure, behaving appropriately and promoting a climate of respect.
- f) AAPoly staff is responsible for treating all complaints seriously and ensuring the matter is managed in accordance with AAPoly's Sexual Assault and Sexual Harassment Policy and Procedure.
- g) All members of AAPoly must take action where inappropriate behaviour is witnessed or known to have occurred, in accordance with AAPoly's Sexual Assault and Sexual Harassment Policy and Procedure and must protect the rights of the target of assault or harassment to their full control over decisions concerning medical, legal, reporting and support options.
- h) All AAPoly staff involved in disclosures are responsible for maintaining confidentiality concerning any report, complaint or investigation.
- i) Student counsellors and staff members who are first responders are responsible for communicating the support and reporting options available to students, including the option to report to the police, and where appropriate, are responsible for helping students navigate AAPoly's processes for reporting and seeking academic special consideration.
- j) The Work-Integrated Learning Coordinator is responsible for ensuring that students on placement have access to the policies and practices at that site.

- k) The Chief Executive Officer is responsible for the implementation of the procedure and reporting any incidents to the Board of Directors, the Academic Board and Tertiary Education Quality and Standards Agency (TEQSA).

FEEDBACK

Please email the CEO through suggestionstotheceo@aapoly.edu.au if you have any questions or feedback about this procedure. The CEO will respond to your written question or feedback within two weeks of receipt, unless extenuating circumstances require an urgent response. The query or feedback will be recorded in the Continuous Improvement or Corrective Action register for quality assurance purposes.

REFERENCES

Source	Document Title	Version/Date
Internal	Sexual Assault and Sexual Harassment Policy	v2.4 22012020
External	AHRC's "Change the Course" National Report	2017
	ASQA Standards for Registered Training Organisations	2015
	Higher Education Standards Framework	2015
	National Code of Practice for Providers of Education and Training to Overseas Students	2018