


POLICY		
<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: 2.5	Approved by: Chief Executive Officer	Issued on: 10/09/2024 Review by: 10/09/2026

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
2.5	Updated the policy statement. Updates on some definitions and responsibilities. References to the Australian Human Rights Commission has been included.	Chief Executive Officer	10/09/2024

PURPOSE

Academies Australasia Polytechnic (AAPoly) takes a zero-tolerance approach to sexual assault and sexual harassment and other forms of harmful misconduct. As part of the commitment to providing a safe environment for students and staff, this policy provides a framework to prevent and respond to reports of sexual assault or sexual harassment in a just, compassionate and effective manner.

POLICY STATEMENT

AAPoly is committed to creating an environment that is safe and inclusive for all members of the community that includes but not limited to students, staff and other visitors. 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

The policy is applicable to staff, students and affiliates of AAPoly on campus or whilst carrying out functions in connection with AAPoly, including while on excursions or on work placements or internships.

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 • 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
Online sexual abuse	<p>Sexually abusive behaviours online can also be considered as criminal acts. These may include sharing intimate images without consent or threatening to share them without consent, online stalking and online sexual harassment. To More details on responding to such online behaviours are available within the eSafety Commissioner website.</p>
Suspension	<p>The cancellation of a student's enrolment at AAPoly for a specified period after which the student may recommence their enrolment</p>
Exclusion	<p>Denial of access to a student's enrolled course and to future enrolment in AAPoly courses</p>
Consent	<p>Free and voluntary agreement. Factors violating consent include¹:</p> <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.
First Responder	<p>The first person to respond to a disclosure or report of sexual assault or harassment</p>
Active Bystander	<p>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</p>

¹ Proposal 16-3, Australian Law Reform Commission, Available online at <https://www.alrc.gov.au/publication/family-violence-improving-legal-frameworks-alrc-cps-1/16-sexual-offences/consent/>

POLICY PRINCIPLES AND GUIDELINES

- a) Care and consideration for a person's wellbeing is the primary focus when responding to any disclosure, when seeking a resolution and when addressing any formal complaint of sexual assault or sexual harassment.
- b) Students have the responsibility to not sexually harass or abuse others and must discontinue behaviour demonstrated to have offended, humiliated or intimidated another person.
- c) Students and staff are encouraged to intervene safely when they encounter instances of unacceptable behaviour. As an active bystander students and staff can:
 - i. notice events and interpret the event as requiring intervention.
 - ii. intervene in the situation safely which may involve directly challenging or confronting offenders or potential offenders, distracting either party or getting help from others.
- d) A person who experiences sexual assault or harassment may choose to disclose the incident(s), which involves sharing information about the incident(s) to seek support and/or resources.
- e) A person who experiences sexual assault or harassment may choose to make a formal internal complaint of the incident(s) and seek a response action from AAPoly.
- f) A person who experiences sexual assault or harassment is entitled to report their experience to the police or make a formal complaint with relevant regulator such as The Australian Human Rights Commission or the Victorian Equal Opportunity and Human Rights Commission and will be advised of these options.
- g) Disclosures of sexual harassment or sexual assault will be managed in a compassionate manner and any case under formal resolution will be managed promptly, fairly and confidentially, ensuring due process to all parties.
- h) Formal complaints of misconduct will proceed in accordance with AAPoly's Sexual Assault and Sexual Harassment Procedure.
- i) Attention will be given to minimizing the number of times and number of people to whom one is required to recount their experience/s of assault or harassment.
- j) A person who makes a formal complaint has the right to have their chosen supporter or representative involved in the process and the option to stop the process at any time. All students involved are entitled to regular and timely communication about the progress of the investigation and its outcome.
- k) An alleged offender has the right to know the details of a report made against them and has a right to respond and have a supporter or representative chosen by them present when they respond to the allegations made.
- l) No one will be treated unfairly as a result of a complaint of sexual assault or sexual harassment. Immediate disciplinary action will be taken against anyone who victimises or retaliates against someone who has made a complaint or against whom a complaint is made.
- m) Any student found to have sexually assaulted or harassed another person will be

subject to disciplinary action as per the procedure

- n) Any staff found to have sexually assaulted or harassed another person will be subject to disciplinary action described in the Staff Handbook.
- o) Students who experience sexual assault or harassment are entitled to academic special consideration and to support with navigating the special consideration process.
- p) Individual disclosures and reports of sexual assault or sexual harassment will be collected and stored confidentially, accessible only by counsellors.
- q) De-identified data on disclosures and formal reports of sexual assault and sexual harassment will be collected to determine the effectiveness of AAPoly's response procedures for continuous improvement processes.
- r) Where students experience sexual assault or sexual harassment on placement, the local procedures at the site of the placement will apply, in addition to AAPoly's policy and procedure.

RESPONSIBILITIES

- The **Chief Executive Officer (CEO)** 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, for implementation through the pursuant procedure. The Chief Executive Officer is also responsible for communicating the Sexual Assault and Sexual Harassment Policy and Procedure to new staff during induction.
The Chief Executive Officer is also responsible for reporting data and critical incidents to the Board of Directors and Academic Board and is responsible for reporting to Tertiary Education Quality and Standards Agency should an incident indicate that a material breach in safety or preventative controls has occurred or in the event that there has been a recurrence of incidents.
- The **Sexual Assault and Sexual Harassment Advisory Body (SASH-AB)** is responsible for reviewing this policy suit and will benchmark AAPoly's policies and pathways against those of the sector to ensure procedures align with best practice.
- **Student counsellors** are responsible for providing the CEO with deidentified reports on sexual assault and sexual harassment disclosures and incidents including details of the disclosure or complaint, steps taken in responding to the disclosure or complaint, the support or assistance received, the time taken to respond to the disclosure or complaint and/or the time taken to refer the person to support services, and any feedback received by the complainant or respondent in relation to the process.
All AAPoly staff involved in disclosures are responsible for maintaining confidentiality concerning any report, complaint or investigation.
- 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.

- The **Academic Dean and Manager, VET Operations**, are responsible for communicating any revisions or amendments to the Sexual Assault and Sexual Harassment Policy and Procedure to the relevant academic staff members and to the students during the orientation program and to ensure the update on the student portal of the LMS.
- **AAPoly staff members** are 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.
- **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.
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.
- The **Work-Integrated Learning Coordinator or Program Coordinator** is responsible for ensuring that students on placement have access to the policies and practices at that site.

FEEDBACK

Please email the CEO through suggestionstotheceo@aapoly.edu.au if you have any questions or feedback about this policy. The CEO will respond to the question or feedback within two (2) weeks of receipt, unless extenuating circumstances require an urgent response. The query or feedback and its resolution will be recorded in the Continuous Improvement or Corrective Action register for quality assurance purposes.

REFERENCES

Source	Document Title
Internal	Sexual Assault and Sexual Harassment Procedure
	Student Complaints and Appeals Policy and Procedure
	Student Non-Academic Misconduct Policy and Procedure
External	Higher Education Standards Framework (Threshold Standards) 2021
	National Code of Practice for Providers of Education and Training to Overseas Students 2018
	Standards for Registered Training Organisations 2015
	eSafety Commisioner: Young People
	Australian Human Rights Commission: Complaints
	Australian Law Reform Commission: Proposal 16-3