


<b>PROCEDURE</b>		
<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>	<b>Sexual Assault and Sexual Harassment</b>	
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. Updated access to counselling facilities. Updates on some definitions and responsibilities. References to the Australian Human Rights Commission has been included.	Chief Executive Officer	10/09/2024

## 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.

## 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"><li>● rape e.g. being forced to have vaginal, anal or oral sex including digital penetration.</li><li>● unwanted touching e.g. pinching, patting, embracing, rubbing, groping, flicking, kissing, fondling, being touched on the breasts, bottom, legs etc.</li><li>● obscene gestures e.g. simulating masturbation in front of a person</li><li>● voyeurism e.g. being watched doing intimate things without permission.</li><li>● pressuring for dates or demand for sex e.g. invitations that turn into threats or not taking 'no' for an answer</li><li>● indecent exposure e.g. someone showing private parts of their body or 'flashing' their genitals</li><li>● 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.</li></ul>
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"><li>● unwelcome touching, hugging or kissing</li><li>● staring or leering</li><li>● suggestive comments or jokes</li><li>● sexually explicit pictures, screen savers or posters</li><li>● unwanted invitations to go out on dates or requests for sex</li></ul>

	<ul style="list-style-type: none"> <li>● intrusive questions about a someone's private life or body</li> <li>● unnecessary familiarity, such as deliberately brushing up against someone</li> <li>● insults or taunts of a sexual nature</li> <li>● sexually explicit emails, SMS messages or social media</li> <li>● accessing sexually explicit internet sites</li> <li>● inappropriate advances on social networking sites</li> </ul>
Online sexual abuse	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 <a href="#">eSafety Commissioner website</a> .
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 <sup>1</sup> : <ul style="list-style-type: none"> <li>● 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;</li> <li>● the actual use of force, threatened use of force against the complainant or another person, which need not involve physical violence or physical harm;</li> <li>● unlawful detention;</li> <li>● mistaken identity and mistakes as to the nature of the act (including mistakes generated by the fraud or deceit of the accused); and</li> <li>● any position of authority or power, intimidation or coercive conduct.</li> </ul>
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

<sup>1</sup> 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/>

## 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**
- 1800RESPECT: **1800 737 732**

1.2. Access AAPoly's Counselling Services

- **For Melbourne, Sydney and Perth campuses:** The students can book a free and confidential session via <https://studentcounsellor.youcanbook.me/>

If students have general counselling questions that don't require full 30-minute appointment, they can email via [studentcounsellor@aapoly.edu.au](mailto:studentcounsellor@aapoly.edu.au)

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 Sexual Violence Helpline:** Help anyone in NSW who has been impacted by sexual violence, recently or in the past. Telephone: 1800 385 578 <https://fullstop.org.au/>
- **NSW Rape Crisis Centre:** NSW Rape Crisis Centre provides 24-hour telephone and online crisis counselling for anyone in NSW who has experienced or is at risk of sexual violence, family or domestic violence and their non-offending supporters. Telephone: 1800 424 017 <https://cbdvsd.com.au/nsw-rape-crisis-centre/>
- **Domestic Violence Line:** Get help and support, emergency housing, understanding domestic and sexual violence, sexual consent and the law, legal help, how to stay safe. Telephone: 1800 656 463 <https://dcj.nsw.gov.au/children-and-families/family-domestic-and-sexual-violence.html>
- **Royal Prince Alfred Hospital Community Health Sexual Assault Service:** The Sexual Assault Service responds to the needs of adults and young people aged 14 years and over who have been sexually assaulted. Telephone: 02 9515 9040 <https://www.healthdirect.gov.au/australian-health-services/healthcare-service/camperdown-2050-nsw/royal-prince-alfred-hospital-community-health-sexual-assault-service/sexual-assault-counselling/404872ce-0f0e-bf63-e5cc-6e77226c2c7f>
- **Women's Legal NSW:** Help women experiencing family violence, separation, and divorce to find safety and get legal advice. Telephone: 02 8745 6900 <https://www.wlsnsw.org.au/>
- **Redfern Legal Centre:** Provide free legal advice and casework, deliver

community legal education and engage in law reform. Telephone: 02 9698 7277 <https://rlc.org.au/>

- **Inner City Legal Centre:** The centre has been providing FREE legal services to residents in the inner city, surrounding areas, and LGBTIQ Communities since 1980. Telephone: 02 9332 1966 <https://www.iclc.org.au/>
- **Victims Services NSW:** Victims Services provides information, referrals and programs to victims of crime in NSW. We are a part of the Department of Communities and Justice. Telephone: 1800 633 063 <https://victimsservices.justice.nsw.gov.au/>

### Victoria (VIC) Specialist Support Services

- **Sexual Assault Crisis Line:** SAACL is a proactive leader in supporting, advocating and providing a crisis response for people who have experienced sexual violence. Telephone: 1800 806 292 <https://www.sacl.com.au/>
- **Casa House:** Counselling, support and advocacy for adult female and male victim/survivors of both childhood and adult sexual assault. Telephone: 03 9635 3610 <https://www.casahouse.com.au/>  
<https://www.thewomens.org.au/health-professionals/violence-and-sexual-assault/casa-house>
- **Women's Legal Victoria:** Help women experiencing family violence, separation, and divorce to find safety and get legal advice. Telephone: 1800 133 302 <https://www.womenslegal.org.au/>
- **The Study Melbourne:** Study Melbourne is a Victorian Government initiative providing support and information to this community of international students, helping them have the best possible time while studying and living in Victoria. Telephone: 1800 056 449 <https://www.studymelbourne.vic.gov.au/>
- **Fitzroy Legal:** Provides free legal advice covering Family Violence, Drug Outreach, and a Migrant Employment Law. Telephone: 03 9419 3744 <https://fls.org.au/>
- **Victoria Legal Advice:** Help people with their legal problems. We focus on protecting the rights of Victorians and representing those who need it the most. Telephone: 1300 792 387 <https://www.legalaid.vic.gov.au/>
- **Victims of Crime:** The official Victorian Government service offering free information and support for people affected by crime. Phone: 1800 819 817 <https://www.victimsofcrime.vic.gov.au/>

### Western Australia (WA) Specialist Support Services

**Sexual Assault Resource Centre (SARC):** The Sexual Assault Resource Centre (SARC) is a free service located in Perth providing crisis services to people who have experienced a recent sexual assault (rape) in the last two weeks; and counselling for sexual assault or sexual abuse experienced recently or in the past. Telephone: 08 6458 1828 or 1800 199 888 [https://www.healthywa.wa.gov.au/Articles/S\\_T/Sexual-Assault-Resource-](https://www.healthywa.wa.gov.au/Articles/S_T/Sexual-Assault-Resource-)

### [Centre-SARC](#)

- **Women’s Domestic Violence Helpline:** The Women’s Domestic Violence Helpline is a state-wide 24-hour service. This service provides support for women, with or without children, who are experiencing family and domestic violence. Telephone: 1800 007 339  
<https://www.wa.gov.au/service/community-services/community-support/womens-domestic-violence-helpline>
- **Legal Aid Western Australia:** Legal Aid WA is the public face of the Legal Aid Commission of Western Australia. Telephone: 1300 650 579  
<https://www.legalaid.wa.gov.au/>
- **Women’s Legal Service WA:** Non-profit community legal centre that provides legal services to women across WA. Telephone: 08 9272 8800  
<https://www.wlswa.org.au/>
- **Men’s Domestic Violence Helpline:** The Men’s Domestic Violence Helpline provides telephone information and referrals for men who are concerned about their violent and abusive behaviours and for male victims of family and domestic violence in Western Australia. Telephone: 1800 000 599  
<https://www.wa.gov.au/service/community-services/community-support/mens-domestic-violence-helpline>
- **Men’s Line Australia:** Support for men and boys dealing with family and relationship difficulties. Support for men who are concerned that their behaviour is hurting the people they care about. Telephone: 1300 78 99 78  
<https://mensline.org.au/>

### **Translating Services and Services for People with Disabilities**

- **Translating and Interpreting Service:** The Translating and Interpreting Service (TIS National) is an interpreting service provided by the Department of Home Affairs for people with limited English proficiency and for agencies and businesses that need to communicate with their non-English speaking clients. Telephone: 131 450 (within Australia) or +613 9268 8332 (outside Australia) <https://www.tisnational.gov.au/>
- **National Relay Service:** The National Relay Service (NRS) can help you if you’re d/Deaf or find it hard to hear or speak to hearing people on the phone. Telephone: 13 36 77 <https://www.accesshub.gov.au/about-the-nrs>

## **2. Disclosing an incident**

- 2.1. A student who has been sexually assaulted or harassed may wish to disclose the incident/s to a member of the AAPoly community in order to 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 6. Formal Complaint**). The First Responder is expected to respond compassionately to the disclosure (refer to **Section 11. 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 Incident Report Form.

### 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 and may seek assistance from the student counsellor or another trusted staff member.

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

### 5. Direct and Informal Resolution

5.1. Students may inform the assailant or harasser that their behaviour is offensive, unwelcome, against the law and AAPoly's policy, and should stop;

5.2. Similarly, a staff member or student who is a witness to an incident may intervene (refer to **Section 10. Active Bystander Intervention**, below).

5.3. Students 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 behaviour or witness can note the date, time and location of the incident/s for possible future reference.

5.5. Where a student who has experienced sexual assault or sexual harassment has chosen Direct and Informal 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.

## 6. Formal Resolution / Complaint

6.1. An individual who has been sexually assaulted or harassed may wish to make a formal complaint:

- **External Complaint:** Call the NSW or Victorian Police: 131 444  
Complete the Australian Human Rights Commission's [Complaint Form](#)
- **Internal Incident Report Form:** AAPoly's Sexual Assault and Sexual Harassment Incident Report Form (Refer to **Section 8. Formal Resolution - Internal Incident Report Form** for details on this process) [Incident and Hazard Reporting Form](#)

## 7. Internal Complaints Process – Role of Student Counsellor

7.1. 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 offender 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 disclosure and 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.

## **8. Formal Resolution - Internal Incident Report Form**

8.1. If formal resolution is sought by a student, they may lodge an Incident Report Form to [studentcounsellor@aapoly.edu.au](mailto:studentcounsellor@aapoly.edu.au)

8.2 A Student Counsellor will confirm that the form has been received and will provide information on the process and timeline involved.

8.3 A review committee comprising the Student Counselling Team will investigate the case.

8.4 Within 10 working days of receipt of the complaint, in a manner that minimises disclosure and respects all parties' rights to confidentiality, the Student Counselling Team 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 CCTV camera evidence or similar digital 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.

8.5. In accordance with the above methodology, the Student Counselling Team will communicate in writing the actions or plans, the details of the reasons for the outcome, and the right that the student has to access the appeal the decision within 10 working days of receiving the outcome of the investigation.

## **9. Appealing a Decision**

9.1. A student who is unhappy with a decision made by the Student Counselling Team can appeal the decision by lodging an Appeal Form with [studentadmin@aapoly.edu.au](mailto:studentadmin@aapoly.edu.au) within 10 working days of receiving the notification.

9.2. The CEO will be engaged to investigate the appeal and will inform the student of the outcome in writing within 10 working days of receiving the appeal. To resolve the complaint, the CEO will take steps that may include identifying the need to:

- Refund or re-crediting fees,
- Change to AAPoly's policy and procedures

9.3 The CEO will inform the student of the outcome in writing within 10 working days of receiving the appeal.

9.4 If the student is satisfied with the outcome of the appeal the college will immediately implement any decision or corrective/preventative actions required and any continuous improvement process identified.

9.5 If the student is not satisfied with the outcome, the student will be informed about the means by which they can lodge an external appeal with TEQSA or the Overseas Student Ombudsman (OSO) for International Student.

9.6 The OSO will investigate the appeal and inform the student and College of the outcome which may require the implementation of corrective or preventative action and continuous improvement measures.

## **10. Active Bystander Intervention**

10.1. 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.

## **11. Supporting People who have Experienced Sexual Assault or Harassment**

11.1. 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, for implementation through the pursuant procedure.
- b) 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.
- c) 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.
- d) 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.
- e) The Academic Dean and Manager, VET Operations, 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.
- f) The Chief Executive Officer is responsible for communicating the Sexual Assault and Sexual Harassment Policy and Procedure to new staff during induction.
- g) 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.
- h) 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.

- i) 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.
- j) All AAPoly staff involved in disclosures are responsible for maintaining confidentiality concerning any report, complaint or investigation.
- k) 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.
- l) 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.
- m) The Chief Executive Officer is 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.

## FEEDBACK

Please email the CEO through **[suggestionstotheceo@aapoly.edu.au](mailto: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.

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## 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 Commissioner: Young People
	Australian Human Rights Commission: Complaints