

PROCEDURE C9.2-P9.3

SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE (STUDENTS AND STAFF)

1.0 INTRODUCTION

1.1 Related Policy

Sexual Assault and Sexual Harassment Prevention and Response Policy

In addition, the following policies and procedures provide additional process requirements:

- Student Grievances and Complaints Policy and Procedure
- Staff Grievances Policy and procedure
- Health Safety and First Aid in the Workplace Policy and Procedure
- Critical Incident Policy and Procedure

1.2 Purpose

This procedure outlines Scentia's proactive approach and the support available for students and staff who have experienced sexual harassment or assault. It also refers the reader to the processes for reporting and responding to sexual harassment or assault.

This procedure is to be read in conjunction with the policies and procedures listed in clause 1.1. It is supported by the Scentia Privacy of Student/Staff Information and Records policies, the Staff Code of Conduct and the Student Code of Conduct.

1.3 Scope

This procedure applies to:

- all students.
- all non-academic and academic staff of Scentia whether full-time or fractional, continuing, fixed-term, or casual.
- members of Scentia, ABS and ACHW Boards.
- volunteers who contribute to Scentia's activities or who act on behalf of Scentia.

It applies to sexual harassment and assault incidents that occur:

- at any of Scentia's or third-party partner premises.
- on any of its online learning platforms and online environments (for staff and students).
- during Scentia business, when representing Scentia or during events affiliated with Scentia.

While this procedure allows for the reporting of sexual assault, a more immediate response will be triggered if the incident is reported as a critical incident. This process is outlined in the Critical Incident policy and procedure.

1.4 Scope Exceptions

Harassment (excluding sexual harassment) is managed through the Bullying, Harassment and Discrimination policy and procedure.

2.0 RESPONSIBILITIES

1. All staff involved in managing informal resolution and formal reporting processes must:
 - treat all disclosures seriously, confidentially, and impartially.
 - ensure no parties are victimised or discriminated against at any stage of this procedure.
 - Ensure the process and treatment of the alleged offender is guided by the principles of natural justice and procedural fairness.
2. All responsibilities outlined in the Sexual Assault and Sexual Harassment Prevention and Response policy extend to this procedure.

3.0 PROCEDURE

3.1 Prevention

1. All staff and students are required to complete evidence-based, trauma-informed education on consent, sexual harassment and assault as part of staff induction and student orientation. Existing staff will be notified of any changes to this policy and procedure and be required to read and acknowledge these changes in the human resources system.
2. The Executive Director and/or Head of People and Culture conduct awareness-raising events to ensure staff and students understand how to be a first responder, the support available and how to report sexual harassment and assault.

3. All student-facing employees, team leaders and area heads will be identified and contacted to complete targeted training to prepare them to respond in a compassionate and culturally respectful way to any disclosures of sexual harassment and assault.

3.2 Support

1. In the event of an emergency, students and staff should contact emergency services (police, ambulance) by calling 000.
2. Students affected by sexual harassment and assault, and alleged offenders of such behaviour, can:
 - contact Student Support to access support;
 - contact Head of School, ACHW/ Academic Dean, ABS/Head of Academic Delivery, VET, or Team Leader, Student Support for information about, and assistance with, navigating Scentia's formal report and investigation processes; and
 - seek support from their facilitator if they are unable to meet course requirements. They may also request special consideration to extend deadlines of assignments and reschedule exams - refer to the Assessment and Examination policy - and can enlist the support of the Head of School, ACHW or Academic Dean, ABS to ensure confidentiality.
3. Staff affected by sexual harassment and assault should contact the Head of People and Culture for information and support. They can also seek alternate work arrangements by discussing their needs with their direct manager.
4. Students or staff who are survivors of sexual harassment and/or assault may make a formal report to the police, and have the support of Scentia in doing so. Scentia will not make a report to the police in such cases without the consent of the student or staff member, unless there is a mandatory reporting requirement as outlined in the Sexual Assault and Sexual Harassment Prevention and Response policy.
5. Both staff and students can access confidential, professional counselling from the Scentia Employee Assistance Program (contact details: 1800 818 728, www.accesseap.com.au).
6. The most current information on the support available for staff and students is contained on the human resources and learning management systems.
7. Students at a campus run by third party partner can access support as advised by that third partner, as required under its agreement with Scentia.

3.3 Disclosure to Scentia and Informal resolution

1. When confronted with sexual harassment or sexual assault, an individual (the survivor and/or someone who witnesses the incident) should consider their level of safety and act in an appropriate way to remain as safe as possible while assistance is sought.
2. The survivor can:
 - if appropriate and safe to do so, and only in the case of sexual harassment, not sexual assault, attempt to resolve the situation directly by approaching the alleged offender to discuss the offensive behaviour and request that it stop - it is recommended that this be done in a location where assistance is immediately available. (It should be noted this is not considered a disclosure - it will not lead to a record of the incident or a referral to support services); or
 - tell a trusted colleague, student, teacher, or staff member about the incident. This is considered a 'disclosure'. They will then refer you to the support available and your reporting options.
3. To request an informal resolution process in relation to sexual harassment or assault where the parties are a student or staff member:
 - Students who are the survivor of sexual harassment or sexual assault should immediately notify the Head of School, ACHW/Academic Dean, ABS/ Head of Academic Delivery VET. The informal resolution process will be managed by the Head of School ACHW/Academic Dean, ABS /Head of Academic Delivery VET and involve the parties concerned - the survivor and the alleged offender. The process will follow the principles of natural justice and procedural fairness, as outlined in the Student Grievance and Complaints Procedure.
 - Staff who are the survivor should immediately notify their direct manager. The informal resolution process will be managed by their direct manager in collaboration with the Executive Director and involve the parties concerned. The process will follow the principles of natural justice and procedural fairness, as outlined in the Staff Grievance procedure.

3.4 Formal Reporting to Scentia

1. To make a formal report where the survivor and alleged offender is a student or staff member:
 - a. Report the behaviour - the sexual harassment and/or assault - via the relevant grievance and complaints process
 - Students must complete a Grievance Form as outlined in the Student Grievance and Complaints policy and procedure.

- Staff must follow the process outlined in the Staff Grievance policy and procedure.
 - b. The person receiving the report must ensure a report of the incident is also made via the Health, Safety and First Aid in the Workplace policy and procedure, so that the incident is included in data and on incident registers, and so that any contributing safety and security issues can be investigated and addressed.
2. The Head of School/ ACHW/Academic Dean, ABS/ Head of Academic Delivery VET (for students and academic staff) and the Head of People and Culture (for non-academic staff) can provide survivors and alleged offenders with support or assistance to lodge or respond to a formal report.
 3. The survivor may wish to remain anonymous when making the report, but must recognise that this will limit the response that can be made to the report.

3.5 Scentia Response to a Formal Report

1. Once a formal report has been submitted, the incident will be recorded on the relevant Incident Register as detailed in the Health, Safety and First Aid in the Workplace procedure. If the incident details indicate a possible health and safety issue which needs separate investigation (for example, poor lighting in an area, security issues) then that will be investigated and addressed via the Health, Safety and First Aid in the Workplace Procedure.
2. The investigation of the complaint will follow the process outlined in the Staff Grievances policy and procedure, or the Student Grievance and Complaints policy and procedure.
3. To summarise, this involves the following stages:
 - A prompt response confirming receipt.
 - An investigation of the allegation of sexual harassment or sexual assault.
 - Recommendation of an appropriate resolution.
 - Appropriate sanctions or corrective action against the person responsible if sexual harassment or assault by that person is found to have occurred.
 - Advice to the survivor of external avenues for further review if sexual harassment or assault claim has not been substantiated by Scentia.
4. The Head of School ACHW/Academic Dean, ABS/Head of Academic Delivery VET (for students and academic staff) and the Head of People and Culture (for non-academic staff) will provide regular and timely communication to all parties about the process and its resolution throughout the process. This includes providing the alleged offender with details of reports made about them.
5. The process is free of charge and all parties have the right to be represented by a third person (such as a family member, friend, counsellor, or other professional support person, other than a lawyer) throughout the process.

6. If any individual is unsatisfied with the outcome of the grievance and complaints process, they can request an External Review by the appropriate state or federal government body as outlined in the relevant Grievance and Complaints policy and procedure.

3.6 Interim Measures

1. If the Head of School, ACHW/Academic Dean, ABS/ /Head of Academic Delivery VET, or Head of People and Culture believe that there is a case for interim measures to protect the safety of students and staff they will discuss this with the Chief Executive Officer to gain approval to implement the measures. Interim measures may include:
 - a. restricted access by the alleged offender, for example to courses, classes, or facilities;
 - b. prohibited communication by the alleged offender with the survivor, via any communication method; and/or
 - c. any other measure deemed necessary.
2. The parties involved, and any other person required to be aware of the interim measures (security, teaching staff, managers) are notified by the Head of School, ACHW/Academic Dean, ABS/Head of Academic Delivery VET, or Head of People and Culture, as appropriate.

3.7. Privacy, Confidentiality and Record Keeping

1. A quarterly report showing the number of formal reports by staff and students of bullying, harassment and discrimination incidents, including sexual assault and harassment, with the status and outcomes, is provided to the relevant committee.
 - For students - the Head of School ACHW/Academic Dean, ABS/Head of Academic Delivery VET provides reports to the Student Welfare Committee.
 - For staff - the Head of People and Culture provides reports to the Work Health and Safety Committee.
2. The Student Welfare Committee will include in their regular reporting to the Teaching and Learning Committee (TLC) the number of student disclosures and formal reports of sexual harassment and assault incidents, their status and outcomes. The TLC in turn informs the relevant board.
3. The Work, Health and Safety Committee will include in their regular reporting to the Audit and Risk Committee the number of staff disclosures and formal reports of sexual harassment and assault incidents, their status and outcomes. The Audit and Risk Committee in turn informs the relevant board.

4. These reports are de-identified and include any recommendations for changes to policies and procedures for preventing and responding to sexual harassment and assault.
5. All other procedures must maintain privacy, confidentiality and ensure appropriate record keeping, as outlined in the Staff or Student Grievances and Complaints policies and the Privacy of Staff or Student Information and Records policies.

REPORTING WORKFLOW



4.0 DEFINITIONS

All definitions in the Sexual Assault and Sexual Harassment Prevention and Response Policy apply to this procedure.

5.0 REFERENCES AND ASSOCIATED INFORMATION

- Critical Incident Policy
- Incident Registers
- Health, Safety and First Aid in the Workplace Policy and Procedure
- Privacy of Student Information and Records Policy and Procedure
- Privacy of Staff Information and Records Policy and Procedure
- Sexual Assault and Sexual Harassment Prevention and Response Policy
- Student Grievances and Complaints Policy
- Staff Grievances Policy

Related Resources:

- Video on consent - <https://www.youtube.com/watch?v=oQbei5JGiT8>
- **Australian Human Rights Commission** - [“Change the Course” - National Report on Sexual Assault and Sexual Harassment at Australian Universities 2017](#)
- **University of NSW** - [On Safe Ground - Strengthening Australian university responses to sexual assault and harassment](#)
- **Universities Australia** - [Respect.Now.Always.](#)
- **Universities Australia** - [Guidelines for University responses to SASH](#)
- **Universities Australia** - [Principles for Respectful Supervisory Relationships](#)
- **Full-stop Foundation** - [Factsheets](#)
- **Council of Australian Postgraduate Associations Incorporated (CAPA)** - [Wide Support for CAPA’s Sexual Assault and Sexual Harassment Recommendations](#)
- **CAPA** - [Sexual Assault and Sexual Harassment Survey - Universities Australia/Australian Human Rights Commission](#)
- **CAPA** - [Media Release: CAPA calls on universities to take action on sexual assault](#)
- **CAPA** - [Sexual Assault at Universities: What has been achieved 3 months on](#)
- **Australian Law Reform Commission** - [Sexual Offences - Consent](#)

6.0 POLICY/PROCEDURE OWNERSHIP

Policy Owner	Head of People and Culture
Status	Reviewed on August 2021
Approval Authority	Scentia Corporate Board, with endorsement by ACHW and AIM Corporate Boards
Date of Approval	15/12/2022
Effective Date	11/01/2023
Implementation Owner	Head of People and Culture
Maintenance Owner	Head of Compliance
Review Due	January 2025
Content Enquiries	<p>Janene Barrett - Executive Director Email: jbarrett@scentia.com.au</p> <p>Liz Douglas - Head of People and Culture Email: ldouglas@scentia.com.au</p>

7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
C9.0-P9.0	24 April 2018	Chair of Academic Board / Director ACHW	Initial document review
C9.1-P9.1	10 March 2020	Academic Board	
C9.2-P9.2	21 October 2021	Director of Education	<p>Separated policy and procedure.</p> <ul style="list-style-type: none"> Renamed procedure. Removed Bullying and Harassment clauses (that do not relate to sexual harassment - these will be included in the Bullying and Harassment policy). Added a section and clauses on prevention and support. Added health and safety reporting requirements.

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
			<ul style="list-style-type: none">• Added Interim Measures.• Updated definitions and references.
C9.2-P9.3	19 October 2022	Head of Compliance	Updated to include police reporting and reporting workflow.