

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 Harassment and Sexual Assault Policy	
Version: 2.2	Approved by: Chief Executive Officer	Issued on: 01/08/2018 Review by: 01/08/2020

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

PURPOSE

Academies Australasia Polytechnic (AAPoly) takes a zero-tolerance approach to sexual harassment and sexual assault 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 respond to reports of sexual harassment or sexual assault in a just, compassionate and effective manner.

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

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	when a person is forced, coerced or tricked into sexual acts against their will or without his or her consent. Sexual assault can include but, is not limited to, the following: <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	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). Sexual harassment can take various forms and can involve conduct such as: <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

	<ul style="list-style-type: none"> • 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
Suspension	the cancellation of a student's enrolment at AAPoly for a specified period after which the student may recommence his/her 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. <p style="text-align: right;">(Australian Commonwealth Legislation)</p>
First Responder	the first person to respond to a disclosure or report of sexual assault or harassment

POLICY PRINCIPLES AND GUIDELINES

1. Care and consideration for a person's wellbeing is the primary focus in responding to any disclosure of sexual assault or sexual harassment and in addressing any report or complaint.
2. 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.
3. A person who experiences sexual assault or harassment may choose to formally report the incident(s) and seek a response action from AAPoly.
4. A person who experiences sexual assault or harassment is entitled to report their experience to the police and will be advised of this option.
5. Disclosures of sexual harassment or sexual assault will be managed in a compassionate manner and any case under formal resolution will be investigated promptly, fairly and confidentially, ensuring due process to all parties.
6. Formal reports of misconduct will proceed in accordance with AAPoly's Sexual Assault and Sexual Harassment Procedure and the Student Non-Academic Misconduct Policy and Procedure.
7. A person who makes a formal report has the right to have his/her chosen supporter or representative involved in the process and the option to stop the process at any time. The reporting student is entitled to regular and timely communication about the

progress of the investigation and its outcome.

8. An alleged perpetrator has the right to know the details of a report made against him/her and has a right to respond and have a supporter or representative chosen by him/her present when he/she responds to the allegations made.
9. No one will be treated unfairly as a result of a report under investigation 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 report under investigation is made.
10. Any student found to have sexually harassed or assaulted another person will be subject to disciplinary action that may include an apology, counseling, suspension or exclusion depending on the severity and persistence of the behaviour.
11. Any staff found to have sexually harassed or assaulted another person will be subject to disciplinary action described in the Staff Handbook.
12. Students who experience sexual assault or harassment are entitled to academic special consideration and to support with navigating the special consideration process.
13. Individual disclosures and reports of sexual assault or sexual harassment will be collected and stored confidentially, accessible only by key staff responsible for the student's safety.
14. 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.
15. 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 is responsible for the development and maintenance of this policy and for communicating this policy 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/Faculty Head, VET, are responsible for communicating any revisions or amendments to this policy to the relevant academic staff members.
- c) The Academic Dean/Faculty Head, VET are responsible for communicating this policy to students during the orientation program and on the student portal of the LMS.
- d) The Human Resource Manager is responsible for communicating this policy to new staff during induction, in addition to the Staff Handbook.
- e) All members of AAPoly are responsible for complying with this policy, 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 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 policy and procedure and must protect the rights of the target of assault or harassment to his/her full control over decisions concerning medical, legal 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 reporting 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.

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	Version/Date
Internal	Sexual Harassment and Sexual Assault Procedure	v2.2 01082018
External	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