



Sexual Assault and Sexual Harassment Policy

Table of Contents

| | |
|---|---|
| A. Overview | 3 |
| B. Scope | 3 |
| C. Policy Principles | 3 |
| D. Education and Training..... | 3 |
| E. Roles and Responsibilities | 4 |
| F. Formal Complaint..... | 5 |
| G. Informal Resolution | 6 |
| H. Report to External Organisations | 6 |
| I. Interim Measures..... | 6 |
| J. Protection from Reprisals, Retaliation or Threats..... | 7 |
| K. Privacy and Confidentiality | 7 |
| L. Record Keeping and Reporting..... | 7 |
| Appendix I: Support Services in the Community | 8 |
| Version Control..... | 9 |

A. Overview

- i. Lead Institute of Higher Education ('the Institute' or 'LIHE') Sexual Assault and Sexual Harassment Policy outlines the measures to provide a positive work and study experience for all its students, staff and stakeholders in a safe and inclusive environment that is free of sexual assault and sexual harassment. This Policy documents the Institute's overarching principles and commitment to preventing and responding to incidents of sexual assault or sexual harassment.
- ii. LIHE will promote and foster a safe environment for its students and staff and fulfil all responsibilities and obligations in compliance with the Tertiary Education Quality and Standards Agency Act 2011 (Cth) and the Higher Education Standards Framework (Threshold Standards) 2021 (Cth).
- iii. Definitions

For definitions, please refer to the 'Dictionary of Terms'.

B. Scope

This Plan applies to all students, staff, visitors and other stakeholders of LIHE.

C. Policy Principles

LIHE aims to:

- i. Provide a learning and teaching and work environment that is free from sexual assault and sexual harassment and where all members of the Institute's community are treated with dignity, courtesy and respect;
- ii. Always promote appropriate standards of conduct;
- iii. Implement training and awareness raising strategies to ensure that all students and staff know their rights and responsibilities;
- iv. Prevent incidents of sexual assault and sexual harassment where reasonably possible;
- v. Provide effective procedures for complaints based on the principles of natural justice;
- vi. Treat all complaints in a sensitive, fair, timely and confidential manner;
- vii. Protect the health and wellbeing of complainants by prohibiting acts of victimisation or retaliation and, if they occur, investigate and manage as per breaches in the *Student Code of Conduct* and *Staff Code of Conduct* in line with the *Student Grievance Management Policy* or *Human Resource Management Policy*;
- viii. Encourage the reporting of behaviour which breaches this Policy and the *Student Code of Conduct* and *Staff Code of Conduct*.

D. Education and Training

- i. Students will be informed of this Policy and have access to the information needed to both prevent and respond to incidents of sexual assault and sexual harassment through the student orientation program and Student Handbook (including links on LIHE's website).

- ii. Students will be offered training opportunities relating to respect, informed consent, sexual assault and sexual harassment at commencement and other intervals throughout their enrolment.
- iii. Training will be provided to staff at induction and at regular intervals.
- iv. Staff will be required to complete any mandated training at commencement and/or induction within the prescribed timelines.

E. Roles and Responsibilities

- i. LIHE students and staff have a responsibility to ensure a teaching and learning environment where everyone is treated with equal respect and dignity.
- ii. Students and staff are expected to contribute to preventing unacceptable behaviours, including sexual assault and sexual harassment (when it is safe to do so in the event of witnessing an incident occurring) through self-awareness and by modelling positive behaviour for others and raising any concerns.
- iii. LIHE staff and committee/Academic Board/Governing Council members are in a position of trust. Exemplary behaviour must be demonstrated by them at all times while conducting academic and non-academic activities at LIHE as per the *Staff Code of Conduct*.
- iv. LIHE commits to provide timely support for anyone affected by sexual assault and sexual harassment.
- v. LIHE will investigate and resolve any accusation or report of sexual assault and sexual harassment to stop such incidents, remedy any harm experienced, and prevent recurrence in line with the *Student Grievance Management Policy* or the *Human Resource Management Policy*.
- vi. If a staff member or student witnesses a person being sexually harassed, they can help by offering support to the person being harassed. This can be done by:
 - a. seeking assistance of LIHE staff to terminate the behaviour;
 - b. refusing to join in with any sexually harassing behaviour;
 - c. supporting the person to object to the harassment;
 - d. offering to act as a witness if the person being sexually harassed decides to report the incident;
 - e. directing a person being sexually harassed to support services that are available both within and external to the Institute;
 - f. being a good listener and letting person being sexually harassed know that they are believed;
 - g. letting a person being sexually harassed express how they feel and respecting the words they use in reference to the incident;
 - h. letting a person being sexually harassed know that the incident was not their fault;
 - i. respecting their decisions;
 - j. ensuring that, at all times, a person affected by sexual assault or sexual harassment, or alleged to have committed sexual assault or sexual harassment, can have a support person in attendance during meetings or investigations.

F. Formal Complaint

- i. LIHE students and staff are encouraged to report incidents of sexual assault and sexual harassment.
- ii. Students may make an initial report to the Counsellor or another staff member with whom that they feel comfortable speaking about the incident.
- iii. Staff may make an initial report to their managers or to another manager with whom they feel comfortable speaking about the incident.
- iv. LIHE students or staff will then be referred to lodge a formal complaint by following the procedures outlined in the *Student Grievance Management Policy* or the *Human Resource Management Policy* respectively.
- v. The staff member receiving the report will take reasonable steps to:
 - a. ensure the complainant is informed about the support available to them and of the reasonable measures that may be implemented to enable them to continue with their study or work if there are concerns for their safety;
 - b. outline the options available to the complainant to help them determine any next steps they may wish to take; and
 - c. provide information and support in any other way as appropriate in the circumstances.
- vi. Where sexual assault has been reported, the complainant will be encouraged to report the incident to the Police.
- vii. The report will be managed by the Student Support Manager for the Dean.
- viii. If a report of sexual assault or sexual harassment is made, the Institute will investigate and act in accordance with its policies and procedures and any applicable legislation.
- ix. When a complainant reports an incident/s of sexual assault or sexual harassment, an investigation will be initiated within the timeframe outlined in the *Student Grievance Management Policy* or the *Human Resource Management Policy*.
- x. The report will be investigated, following the principles of natural justice, in a manner that is respectful to both the complainant and the accused.
- xi. When a complainant makes a report of an incident/s of sexual assault or sexual harassment the details of the incident/s as described in the complaints form will be provided to the accused as part of the investigation process.
- xii. An investigation by the Institute will assess whether, on the basis of fact or the balance of probabilities, the reported sexual assault or sexual harassment has been substantiated and if it has, whether it constitutes a breach of Institute policies, procedures and/or relevant legislations.
- xiii. Where the Institute investigates a report of sexual assault or sexual harassment, any findings made will be documented and saved. LIHE's investigation process is not a substitute for a criminal investigation conducted by the Police.
- xiv. Where LIHE investigates a report of sexual assault or sexual harassment the outcome of the investigation will be provided in writing to both the complainant and the accused.
- xv. Throughout the process of the report of an incident of sexual assault or sexual harassment through to its resolution, the Institute will carefully monitor the process to ensure appropriate management and handling of the incident via the Dean or the Executive Management Committee.

- xvi. All reports of sexual assault and/or sexual harassment are reported to the Executive Management Committee, and then to Governing Council by the Executive Management Committee. An annual report outlining the deidentified incidents' frequency, types, place and other particulars and trends will be presented to Governing Council for consideration of mitigation, resource allocation, and policy review.

G. Informal Resolution

- i. A student or staff member affected by sexual assault or sexual harassment under this Policy may wish to resolve the behaviour informally.
- ii. LIHE recognises it is the right of the person affected to determine the preferred pathway for resolution, and that engaging in informal resolution is not a barrier to bringing a formal complaint at a later stage.
- iii. If a student or staff member is approached and told that their behaviour could be construed as sexual assault or sexual harassment, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the person to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working/learning relationship to be resumed.
- iv. LIHE students and staff who experience unacceptable behaviour or who witness such behaviour may report the incident anonymously.
- v. Where a complainant chooses to remain anonymous, it may limit the actions available to the Institute in response to the report.
- vi. If the nature of the complaint is serious, the student or staff member should speak with the Student Support Officer or their line manager/supervisor respectively.

H. Report to External Organisations

- i. LIHE students and staff are encouraged to report sexual assault or sexual harassment to external organisations. Any student or staff member who reports sexual assault or sexual harassment internally has the right to report or not to report to an external organisation.
- ii. If a report is made to an external organisation, such as NSW Police, LIHE will temporarily cease their internal resolution process. However, the Institute may still implement interim measures.
- iii. LIHE will only report sexual assault or sexual harassment incidents to the police with the consent of the complainant, except in circumstances where the Institute has a duty of care or is otherwise required by law (e.g. where the conduct is related to a child or young person and falls within the scope of mandatory reporting requirements of State legislation).

I. Interim Measures

- i. LIHE reserves the right to implement interim measures to reduce the potential for harm to any member of the Institute. Interim measures do not in any way signal or anticipate the outcome of any formal complaints process.
- ii. Interim measures are temporary restrictions or requirements in response to a disclosure or formal complaint of sexual assault or sexual harassment, pending resolution of the disclosure or formal complaint.

- iii. Interim measures may include one or more of the following:
 - a. restricted access to particular classes;
 - b. restricted access to specified campus areas or facilities;
 - c. prohibiting a student or staff member from speaking to, approaching or otherwise contacting another person or persons (including via social media, email, letter or through a third party);
 - d. any other temporary restrictions or requirements the Institute deems necessary to reduce the potential for harm to any student or staff member of the Institute.

J. Protection from Reprisals, Retaliation or Threats

- i. Students and staff must not victimise another person, commit or threaten to commit an act of reprisal, because that person has:
 - a. asked for support regarding sexual assault or sexual harassment;
 - b. reported sexual assault or sexual harassment;
 - c. provided information about a report of sexual assault or sexual harassment;
 - d. referred someone else to support in relation to an experience of sexual assault or sexual harassment;
 - e. helped someone else to make a report of sexual assault or sexual harassment; or
 - f. been the subject of a report of sexual assault or sexual harassment.
- ii. Victimisation or reprisal may lead to disciplinary action under the *Student Code of Conduct* and *Staff Code of Conduct*.

K. Privacy and Confidentiality

- i. LIHE understands that disclosures of personal information and matters relating to sexual assault or sexual harassment must be treated with the utmost respect and sensitivity.
- ii. Where a formal complaint is made, access to information relating to a disclosure or complaint of sexual assault or sexual harassment will be restricted to Institute staff who have a need to access and use the information to carry out their responsibilities under this Policy or the associated procedures.

L. Record Keeping and Reporting

- i. LIHE will keep appropriate records of all disclosures and complaints of sexual assault and sexual harassment in a secure location or transfer to the Institute's Record Management system.
- ii. The Institute will collect and store identified information about disclosures and complaints by students and staff to identify trends and develop targeted responses to sexual assault and sexual harassment in the Institute community.

Appendix I: Support Services in the Community – this list is also available in the Library and the Student Support Office and the Student and Staff Common Rooms.

- [NSW Health Sexual Assault Services](#) offers free information, counselling, court support, medical treatment and forensic examinations at various locations in NSW. Key services are listed below and for a full list, please visit [NSW Health](#).
 - Eastern and Central Sydney Sexual Assault Service: Call **(02) 9515 9040** (After hours: Royal Prince Alfred Hospital, call **(02) 9515 6111**)
 - Northern Sydney Sexual Assault Service: Call **(02) 8797 7174** (After hours: Royal North Shore Hospital, call **(02) 9926 7111**)
 - Southern Sydney Sexual Assault Service: Call **(02) 9113 2494** (After hours: St George Hospital, call **(02) 9113 1111**)
 - Westmead Sexual Assault Service: Call **(02) 8890 7940** (After hours: Westmead Hospital, call **(02) 9881 8000**)
- [Full Stop Australia](#) offers a variety of 24/7 telephone and online crisis counselling service for anyone in Australia who has experienced or is at risk of sexual assault. **Call 1800 FULL STOP (1800 385 578)**.
- NSW Sexual Violence Helpline (Formerly NSW Rape Crisis): Call **1800 424 017**. For anyone in NSW impacted by sexual assault (including friends, families and supporters). Available 24/7.
- [Help for Victims of Sexual Assault](#) is an NSW government initiative.
- [Sexual assault your rights and the law](#).
- [Australian Centre for the Study of Sexual Assault](#) is a knowledge and information centre for reducing sexual violence.
- [Reachout.com](#) answers the question: what is sexual assault?
- [Twenty10](#) is a Sydney-based service that provides a broad range of specialised services for young people including housing, mental health, counselling and social support.
- [The Gender Centre](#) provides a high-quality professional psychological service to the transgender and gender questioning community.
- [Another Closet](#) provides information and support for people in LGBTIQ relationships who are, or maybe, experiencing domestic and family violence.
- [Mensline](#) is a dedicated service for men with relationship and family concerns. **Call 1300 78 99 78**.
- [Survivors and Mates Support Network](#) helps men coping with the effects of childhood sexual abuse with psychologist-led, facilitated peer-support groups based in Sydney.
- [Service Assisting Male Survivors of Sexual Assault](#) is a dedicated service for men who have experienced sexual assault in Australia.

| Version | Approved by | Approval Date |
|--|---|------------------|
| 3 | Governing Council | 20 February 2024 |
| Next Review | Custodian | Effective Date |
| Refer to the <i>Policy Documents Review Schedule</i> | Dean | 20 February 2024 |
| Related Documents | Dictionary of Terms Student Grievance Management Policy and Procedure Human Resource Management Policy Student Consultation Policy Student Code of Conduct Staff Code of Conduct Student Handbook | |
| References and Legislations | National Code of Practice for Providers of Education and Training to Overseas Students 2018 Higher Education Standards Framework (Threshold Standards) 2021 | |