Sexual Assault and Sexual Harassment Policy

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Date of effect:	6 March 2024
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Date of next review:	Two years after approval or as legislation is updated.
Approved by	Stanley College Board of Directors and Audit and Risk (ARC) Committee
Authorised Officer	Vice President Engagement and Wellbeing
Supporting documents, procedures and forms of this policy	• Code of Conduct (Staff) • Code of Conduct (Students) • Critical Incident Policy and Procedure • Diversity and Equity Policy and Procedure • Fitness to Study Policy and Procedure • Sexual Assault and Sexual Harassment (SASH) Procedure • Student Complaints and Appeals Policy and Procedure • Student Handbook • Student Services Plan • Student Support Policy and Procedure • Work Health and Safety Policy and Procedure • Workplace Behaviour Policy and Procedure

Related Legislation, Codes of Practice and Guidelines	• Education Services for Overseas Students (ESOS) Act 2000
	• Higher Education Provider Amendment (Support for Students Policy) Guidelines 2023
	• Higher Education Standards Framework 2021
	• ESOS Act and National Code of Practice for Providers
	• Privacy Act 1988 (Cth) and Australian Privacy Principles (APP)
	• Racial Discrimination Act 1975 (Cth);
	• Racial Hatred Act 1995 (Cth)
	• Sex Discrimination Act 1984 (Cth);
	• Tertiary Education Quality and Standards Agency (TEQSA) Act 2011
	  ○ TEQSA GN: Preventing and Responding to Sexual Assault and Sexual Harassment
	  ○ TEQSA GN: Staffing, Learning Resources & Educational Support
	  ○ TEQSA GN: Wellbeing and Safety
	• Universities Australia Guidelines for University Responses to SASH
	• WA Code of Practice for Violence, Aggression & Bullying at Work
	• Work Health & Safety (General) Regulations 2022 (WA)
	• Work Health & Safety Act 2020 (WA)

Audience	Public

Table of Contents

1. **PURPOSE** 3
2. **SCOPE** 3
3. **RESPONSIBILITY** 4
4. **DEFINITIONS** 5
5. **POLICY PROVISIONS** 5
   - **Prohibited Conduct** 5
   - **Acknowledgement** 6
   - **Principles** 6
   - **Complaints and Appeals** 8

6 **PUBLICATION AND REVIEW** 8
   - **Confidentiality and Privacy** 8
   - **Publication** 8
   - **Review and Evaluation** 9

1. PURPOSE

1.1 Stanley College is committed to providing a safe, inclusive and supportive environment for all students. This policy aims to prevent and address incidents of Sexual Assault and Sexual Harassment, (SASH), foster a culture of respect and support anyone who may be affected.

1.2 This Policy outlines principles and practices for preventing and responding to sexual assault and sexual harassment, in accordance with the Work, Health and Safety Act (2020), Privacy Act, ESOS Act and National Code of Practice for Providers and relevant TEQSA Guidance Notes.

1.3 In meeting its obligations, Stanley College must provide qualitative information to Regulatory authorities, in the format requested by the Regulator(s) from time to time. In doing so, the College will comply with the *Australian Privacy Principles* as set out in the *Privacy Act 1988* in respect of students' personal information obtained and collated as aggregate data, for the purpose of complying with legal requirements linked to this Policy.

2. SCOPE

2.1 This policy applies to all students, staff, contractors, workplace partners and visitors to Stanley College.

3. RESPONSIBILITY

3.1 The Vice President of Engagement and Wellbeing is accountable for creating an environment of equity, safety and wellbeing. The Vice President Engagement and Wellbeing is responsible for all Student Services Staff and the delivery of Student Support through Orientation, ongoing Student Support services and the management of critical incidents.

3.2 The Student Services Manager is responsible for leading and managing the Student Services team, providing exceptional customer service and Student Support via continuous improvement of Student communications and administrative procedures.

3.3 The Dean of Higher Education and Dean of VET are responsible for adjustment of student study load, flexible delivery, timetabling and support services in their respective areas. This may include developing individual study plans, augmented learning resources and monitoring of at-risk Students.

3.4 The Student Counsellor is responsible for providing free, confidential support for Students experiencing personal, emotional issues, learning difficulties or having special requirements. The Counsellor listens to Students and assists with formulating goals, treatment plans and/or coping strategies. The Counsellor may also act as an advocate in situations where the Student has difficulties in representing themselves within the College.

3.5 The HR Manager is responsible for assisting staff who may experience SASH or be the alleged perpetrator and providing support via the Employee Assistance Program (EAP).

3.6 If agreeable to both parties, the Counsellor or a member of the Executive Management Team (EMT) may act as an advocate or liaison with external services such as medical practitioners, psychologists, forensic examiners, police or specialist emergency services.

3.7 All Staff are expected to foster a safe learning environment, and welcome 'help-seeking' behaviour, free of bias or favour. If a Student seeks assistance in areas that are not within the Staff member's area of expertise, the Staff member will direct the Student to appropriate personnel for assistance.

4. DEFINITIONS

4.1 Please refer to *Glossary of Terms* at:

4.1.1 Website: https://www.stanleycollege.edu.au/studying-with-us/policies-and-procedures/

4.1.2 Higher Education website: https://highereducation.stanleycollege.edu.au/essential-information/policies-procedures/

TERM	DEFINITION
Age of Consent	In Australia, the minimum age of consent is 16 years old (17 years old in South Australia and Tasmania). Where there is a relationship of authority (for example between staff/student or employer/employee) the minimum age of consent is 18 years old.
Consent	Consent to sexual activities is an agreement between people to engage in a sexual activity. The consent must be mutual, freely given, informed, certain and clear. Consent can be reversible – sexual activity must cease if consent is withdrawn.
Sexual Assault	Sexual Assault includes a range of behaviours, all of which are unacceptable and constitute a crime. Sexual Assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent.
Sexual Harassment	Sexual Harassment generally involves an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in which a reasonable person would foresee the possibility that someone would feel offended, humiliated, or intimidated. It includes unwanted advances, comments or requests for sexual favours.

5. POLICY PROVISIONS

Prohibited Conduct

5.1 Stanley College has zero tolerance for Sexual Assault or Sexual Harassment, including but not limited to:

5.1.1 Engaging in any form on non-consensual sexual activity

5.1.2 Making unwelcome sexual advances, comments or requests

5.1.3 Creating a hostile environment through sexually suggestive or inappropriate behaviour

5.1.4 Retaliation against individuals who reject sexual advances

5.1.5 Retaliation against individuals who report incidents of sexual assault or harassment

Acknowledgement

5.2 Stanley College acknowledges the use of TEQSA Good Practice Note: *Preventing and Responding to SASH in the Australian Higher Education Sector* as the basis of its policy principles in managing SASH incidents at the College:

Figure 1. Nine principles for managing sexual assault and sexual harassment (SASH)



Principles

5.3 **Wellbeing and Safety:** Stanley College has zero tolerance for SASH, but in the event of an incident, it will focus on the wellbeing and safety of the student and/or staff member who has experienced SASH. The College will endeavour to minimise the trauma of reporting, keep both parties informed of the progress of investigations and communicate outcomes in a timely manner.

5.4 **Leadership and Governance:** A Stanley College SASH Working Group is tasked with reviewing policies, procedures, surveys, reporting and training to mitigate against the incidence of SASH and (if it does occur), to improve response procedures. The SASH Working Group and Student Counsellor will keep the Board of Directors and Audit and Risk Committee appraised on its activities

5.5 **SASH Policies and Procedures:** Stanley College has a number of other interrelated processes to prevent SASH including but not limited to:

5.5.1 Critical Incident Policy and Procedures;
5.5.2 Privacy Policy and Procedure;
5.5.3 SASH presentation at Student Orientation
5.5.4 Student Complaints and Appeals Policy and Procedure;
5.5.5 Student Services Plan;
5.5.6 Student Support Policy and Procedure;
5.5.7 Work Health and Safety Policy and Procedure;
5.5.8 Workplace Behaviour Policy and Procedure.

5.6 **Safe Environment for all Staff and Students:** Stanley College periodically issues communications to remind staff/students of need to take responsibility for personal safety and behave in a manner that complies with appropriate Code of Conduct – on campus; whilst travelling on public transport; off-campus, particularly in certain areas or at night; and online.

5.7 **Comprehensive Education and Information Materials:** are widely available and regularly updated. The College issues RESPECT paraphernalia in various mediums both physically and online.

5.8 **Staff and Students are Trained to Confidently Recognise, Prevent and Respond to SASH:**

5.8.1 All new staff are issued with the Code of Conduct and undertake relevant training. Selected staff complete training in Mental Health First Aid and/or responding to disclosure of SASH.
5.8.2 Students receive information about personal safety and cultural awareness at Orientation, in the Student Handbook, within the LMS and via regular emails.

5.9 **Support is Accessible and Timely for All Parties Involved:**

5.9.1 Anyone experiencing SASH can seek support from the Student Counsellor, Vice President Engagement and Wellbeing or other trusted staff member who can offer counselling, translation services; assist with police reports or WHS investigations; assist with finding alternative accommodation and/or accompany them to external support services;
5.9.2 Academic Deans can authorise flexible delivery arrangements; the line manager may authorise flexible work arrangements;
5.9.3 Both the person experiencing SASH and the alleged perpetrator will be supported during the investigation process until the outcome is determined.
5.9.4 Where a Student's behaviour is socially unacceptable, poses a risk of self-harm or is a threat the health, safety and wellbeing of other Students or Staff, the College will apply the provisions of its *Fitness to Study Policy*.

5.10 **Incident Reporting:**

5.10.1 Documentation and notices clearly outline reporting options (how to report, who to see, contact details) and response procedures in relation to SASH;
5.10.2 Reports can be made anonymously via whistleblower@stanleycollege.edu.au and steps will be taken to protect the privacy of those involved or reporting an incident.
5.10.3 SASH incidents are recorded in a confidential *SASH Register* and separate *SASH File*.

5.11 **Innovation, Evaluation and Improvement:**

5.11.1 Stanley College engages individuals to undertake independent, expert reviews – the College will periodically include a review of the College's SASH-related policies, provision of counselling services and activities for maintaining student wellbeing.

5.11.2 Stanley College will engage in both internal and external staff training on dealing with SASH, share experiences and resources with other stakeholders to benchmark and improve responses.

Complaints and Appeals

5.11 The Stanley College *Complaints and Appeals Policy* ensures all parties are treated consistently, fairly and without reprisal and that natural justice principles are accorded to those being accused of SASH-related allegations.

5.12 Stanley College *Privacy Policy* ensures the privacy and protection of anyone who reports an allegation, whether they are the person who experienced SASH, a bystander, work colleague or friend.

6 PUBLICATION AND REVIEW

Confidentiality and Privacy

6.1 All individuals involved in the reporting, investigation, support and resolution processes will be treated with respect for their privacy to the extent permitted by law. Confidentiality will be maintained to the extent possible, and information will only be disclosed on a need-to-know basis.

6.2 Retaliation against any individual who reports a SASH incident in good faith or participates in its investigation is strictly prohibited. Any acts of retaliation will be addressed promptly and appropriately, including the possibility of expulsion (for students) or termination of employment (for staff).

Publication

6.3 Stanley College will publish the *Sexual Assault and Sexual Harassment Policy* and information regarding support for Students on its website and draw attention to it during the Orientation sessions.

6.4 Students will have access to the Policy and more specific information via the:

6.4.1 Orientation Pack;

6.4.2 Student Portal (Learning Management System);

6.4.3 Student Handbook; and

6.4.4 Any other day-to-day activities deemed relevant to this Policy.

6.5 Staff will have access to the Policy and more specific information via the:
- 6.5.1 Induction Process and online training;
- 6.5.2 Employment Hero HR System.

Review and Evaluation

6.6 This Policy will be periodically reviewed to ensure its effectiveness and compliance with regulatory guidelines.

6.7 The Executive Management Team (EMT) and/or the various governance committees may recommend changes based on Regulator notices linked to legislative changes or incidents arising from operational matters.