SOUTHERN ACADEMY OF
HIGHER EDUCATION

Southern Academy of Higher Education (SAHE)

Sexual Assault and Sexual Harassment Policy

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1. Policy Statement

The Sexual Assault and Sexual Harassment Policy (the 'Policy') sets out the Southern Academy of Higher Education's ('SAHE' or the 'Academy') overarching principles and commitment to understanding, preventing, identifying and responding to incidents of sexual assault, sexual harassment and all other forms of sexual misconduct.

1.1 Definitions

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

2. Scope

This Policy applies to all staff, students and members of the SAHE community.

3. Policy Principles

This Policy aims to help:

a. create a safe, respectful study and work environment free from sexual assault sexual harassment and all other forms of sexual misconduct;
b. provide an effective procedure for complaints based on the principles of natural justice;
c. educate staff and students to model respectful behaviour by engaging in and taking responsibility for the wellbeing of the SAHE community;
d. treat all sexual harassment complaints in a sensitive, fair, timely and confidential manner;
e. provide timely access to counselling and other support services for staff and students;
f. encourage the reporting of behaviour that breaches this *Policy*;

4. Responsibilities

a. SAHE is committed to providing educational and preventative training regarding such behaviours and preventing incidents of sexual assault, sexual harassment and any other forms of sexual misconduct, where reasonably possible.
b. All staff and students are responsible to help create a working and studying environment where everyone is treated with equal respect and dignity.
c. SAHE also commits to providing available timely support for those who have been affected by such behaviours and to provide prompt and equitable methods of investigation and resolution to prevent sexual assault, sexual harassment and any other forms of sexual misconduct, remedy any harm, and prevent its recurrence.
d. Staff and students are expected to contribute to preventing unacceptable behaviours, including sexual assault, sexual harassment and any other forms of sexual misconduct through self-awareness and by modelling positive behaviour for others.
e. SAHE staff and committee/board/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 SAHE.
f. 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:
    i. refusing to join in with any sexually harassing behaviour;
    ii. offering to act as a witness if the person being sexually harassed decides to report the incident;
    iii. backing them up or supporting the person to say no to the harassment.

5. Complaints Procedure

5.1 Internal Complaints

Step 1

- SAHE staff and students can choose to resolve a complaint on an informal basis by speaking to the immediate manager or the Learning Support Manager.
- Informal complaints may be made verbally or in writing.

Step 2

- SAHE staff and students who experienced unacceptable behaviour or who witnessed such behaviour can report anonymously.
- Where staff or student chooses to remain anonymous, it may limit the actions available to the Academy in response to the report.

Step 3

- Staff and students can lodge a formal complaint by following the procedures outlined in *the Human Resources Management Policy* or the *Student Grievance Management Policy* respectively.

Step 4

- Upon receipt of the formal complaint, the Anti-Harassment Committee will be stepup to investigate the complaint.
- The Anti-Harassment Committee will comprise of the Dean, a member of the Governing Council and a member of the administration/academic staff.

Step 5

- All complaints of sexual harassment will be treated seriously, investigated promptly, impartially and confidentially.
- If the Anti-Harassment Committee finds that sexual harassment has occured appropriate disciplinary action will be taken against the offender(s) under the *Staff Code of Conduct* or *Student Code of Conduct* respectively.
- SAHE staff and students can report to external agencies. SAHE will only report sexual harassement to police with the consent of the complainant unless required under the SAHE's duty of care to the complainant or any other member of the Academy.

5.2 Handling Informal Complaints

a. All managers will be trained to assist staff and students to access support services and to initiate further action by the Academy.

b. The immediate manager receiving the informal complaint may contact the complainant, via phone or email, to check that they are safe, and to check if they require access to support services. If the report is about another person, the immediate manager/Learning Support Manager will contact them if the complainant agrees to such contact.

c. The immediate manager receiving the complaint may also outline the options available to the complainant to help them determine any next steps they may wish to take, including:

i. no immediate action;
ii. direct mediation between the two parties for low level or questionable behaviour;
iii. formal complaint to the Dean, who will work with the Anti-Harassment Committee to investigate the formal complaint;
iv. external report to the police or other external agencies.

5.3 External Complaints

SAHE staff and students can file a complaint about sexual assault, sexual harassment and any other forms of sexual misconduct to external agencies such as:

a. the NSW Police;
b. the NSW Anti-Discrimination Board;
c. the Australian Human Rights Commission; or
d. Fair Work Australia Ombudsman.

For further details on the available sexual assault services throughout NSW that provide free counselling to victims of sexual harassment or sexual misconduct, please refer to *Appendix 1: External Support Services*.

6. Confidentiality

The confidentiality of staff or student who files a complaint or a report will be respected. Complaints and reports will not be referred to the Police or other external agencies without the written consent of the staff or student making that disclosure or report, except when the Academy is compelled to disclose details, to protect any person from risk to life, health or safety, or where a student is under 18 years of age.

7. Victimisation

SAHE does not tolerate victimisation. Disciplinary action may be taken against any person who victimises another person because of their involvement in these resolution procedures as a complainant, respondent, or third parties such as witness or support person to a complainant or respondent.

8. Frivolous and vexatious complaints

SAHE may take action if a person makes a frivolous or vexatious complaint. Any staff or student found to have made such a complaint may be subject to disciplinary procedures in accordance with the *Staff Code of Conduct* or the *Student Code of Conduct*. A complaint made in good faith is not a vexatious complaint even if the complaint is not eventually substantiated.

9. Prevention

Communication, awareness-raising and increasing knowledge across the SAHE community are critical components in addressing sexual harassment and improving outcomes. SAHE will:

a. ensure the Academy's stance on respectful relationships and the shared responsibility for addressing sexual harassment and improving outcomes is covered during induction, orientation and all other onboarding of students, staff and third parties into the SAHE community;

b. ensure knowledge relating to sexual harassment remains contemporary and, where reasonable and practicable, continually improve related training, tools, information and responses;

c. take reasonable steps to ensure staff and students receive awareness and prevention training relevant to the prevention of sexual harassment. This may, where reasonable and practicable, include the implementation of mandatory training for staff and students.

Appendix 1: External Support Services for Victims of Sexual Assault/Sexual Harassement

If a staff/student has experienced sexual assault, there are several options available to protect their personal health and assist in restoring feelings of safety and security.

a. Police – Contact 000 in an emergency. Police are well trained to assist people who have been sexually harassed or assaulted.

b. Free 24/7 counselling for sexual harassment or sexual misconduct is available at 1800RESPECT (1800 737 732).

c. Lifeline on 13 11 14.

d. NSW Rape Crisis is a 24/7 telephone (1800 424 017) and online crisis counselling service for anyone in NSW—men and women—who has experienced or is at risk of sexual harassment or sexual misconduct.

e. ACON has a range of resources and support services for LGBTIQ people (9206 2000) and at 'Say it out Loud'.

f. NSW Health has a network of specialist Sexual Assault Services (SAS) delivered by local health districts.

Version Control

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Review	The Governing Council will review this Policy in accordance with the Southern Academy of Higher Education *Policy Documents Review Schedule*.
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Policy Custodian	Dean
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Higher Education Standards Frameworks (Threshold Standard) 2021 (Cth)	B1.1 "Higher Education Provider" Category Standard 2.3
Benchmarking Institutes	Queensland University of Technology Australian Institute of Higher Education Western Sydney University University of South Australia Macquarie University Victoria University Flinders University
Related Document	Dictionary of Terms Student Grievance Management Policy Human Resource Management Policy Work, Health and Safety Policy Records Management Policy Student Code of Conduct Staff Code of Conduct
Related Legislations	Higher Education Standards Framework (Threshold Standards) 2021 (Cth); Tertiary Education Quality and Standards Agency Act 2011 National Code 2018

	Australian Human Rights Commission Act 1986 (Cwth) Community Relations Commission and Principles of Multiculturalism Act 2000 (NSW) Defamation Act 2005 (NSW) Disability Discrimination Act 1992 (Cwth) Equal Opportunity for Women in the Workplace Act 1999 Fair Work Act 2009 (Cwth) Human Rights and Equal Opportunity Commission Act 1986 Privacy Act 1998 (Cwth) Racial Discrimination Act 1975 (Cwth) Sex Discrimination Act 1984 (Cwth) Workplace Relations Act 1996