

## PROCEDURE C9.3-P9.4

# 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:

- Bullying, Harassment and Discrimination (Staff and Students) Policy and Procedure
- 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.
- Scentia's third party partners.

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) and Sex-Based Discrimination 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; and
  - 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. Ongoing training is scheduled as determined by the Head of People and Culture.
2. All staff and students receive the Student Code of Conduct and Staff Code of Conduct as part of staff induction and student orientation.
3. Members of the Executive Leadership team are expected to role model positive and respectful behaviour and encourage staff to engage with training and report relevant risks.
4. Existing staff will be notified of any changes to this policy and procedure and be required to read and acknowledge these changes in Employment Hero.
5. The Head of People and Culture conduct regular awareness-raising events to ensure staff understand how to be a first responder, the support available and how to report sexual harassment and assault.

6. Students are given access to information on how to report sexual harassment and assault and seek support.
7. All student-facing employees, team leaders and area heads are required to participate in 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:
  - a. contact Student Support to access support;
  - b. contact Student Support for information about, and assistance with, navigating Scentia's formal report and investigation processes; and
  - c. 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 can enlist the support of the Executive Director 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](http://www.accesseap.com.au)).
6. The most current information on the support, including information on external support options such as helplines, are available for staff and students on Employment HERO and on the learning management systems (LMS).
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.
8. Internal and External support options are reviewed by the Executive Leadership Team regularly for effectiveness and adequacy and where appropriate guidance is sought from specialist experts.

### **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. Refer Annexure 1: Reporting SASH Incidents Workflow attached in this procedure.

2. The survivor can:
  - a. 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
  - b. 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:
  - a. Students who are the survivor of sexual harassment or sexual assault should immediately notify the Executive Director via Student Support. The informal resolution process will be managed by the Executive Director 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.
  - b. 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 Head of People and Culture 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:
    - i. Students must complete a Grievance Form as outlined in the Student Grievance and Complaints policy and procedure.
    - ii. 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 Executive Director (for students) and the Head of People and Culture (for 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 may limit the response that can be made to the report.
4. Refer to Annexure 1: Reporting SASH Incidents Workflow attached in this procedure for a quick reference on making a report to Scentia.

### **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. A prompt response confirming receipt.
  - b. An investigation of the allegation of sexual harassment or sexual assault.
  - c. Recommendation of an appropriate resolution.
  - d. Appropriate sanctions or corrective action against the person responsible if sexual harassment or assault by that person is found to have occurred.
  - e. Advice to the survivor of external avenues for further review if sexual harassment or assault claim has not been substantiated by Scentia.
4. The Executive Director (for students) and the Head of People and Culture (for 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 Executive Director, 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 Executive Director 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.
  - a. For students - the Executive Director provides reports to the Student Welfare Committee.
  - b. 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) and the Work, Health and Safety (WHS) Committee the number of student disclosures and formal reports of sexual harassment and assault incidents, their status and outcomes. The TLC in turn informs the Academic Board.
3. The WHS Committee will include in their regular reporting to the Audit and Risk Committee the number of staff and student disclosures and formal reports of sexual harassment and assault incidents, their status and outcomes. The Audit and Risk Committee in turn informs the relevant Corporate 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 and whether additional training is required for staff and students or whether revisions to existing training and education material is required.
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.

### **3.8 Reporting, Evaluation and Risk Management**

1. Scentia utilises a risk management approach to SASH incidents and unlawful behaviour which is outlined in the Scentia Risk Management Policy. Risk is monitored by the Audit and Risk Committee and captured in the Corporate Risk Register.
2. Additional factors are used to inform the risk assessment including but not limited to:

- industry characteristics that may affect staff and students
  - industry data on rates of relevant unlawful conduct
  - industry-relevant WHS guidance, including approved Codes of Practice which set out what is reasonably practicable to manage hazards, such as sexual harassment, under WHS laws.
3. Regular reports on risk are made to the Corporate Board by the Audit and Risk Committee to confirm that sufficient and adequate risk mitigation controls are in place.
  4. Data analytics and recommendations are presented to the Corporate Board to determine compliance with positive duty and evaluate effectiveness of policies, processes and control measures in place. Data reports may include but are not limited to:
    - Student and staff feedback.
    - Demographic data including gender balance.
    - Formal and informal incidents and actions taken, including nature and frequency.
    - response to an informal or formal incident.
    - trend data from EAP counselling services.
    - frequency of access of support services.
  5. Data and reports are prepared in accordance with privacy and confidentiality requirements as outlined in clause 3.7 of this procedure.

## 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

- Scentia Risk Management Policy
- Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth)

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

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|----------------------|--|
| Policy Owner         | Head of People and Culture   |
| Status               | Reviewed on December 20213   |
| Approval Authority   | Scentia Corporate Board, with endorsement by ACHW and AIM Corporate Boards |
| Date of Approval     | 13/12/2023   |
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| Implementation Owner | Head of People and Culture   |
| Maintenance Owner    | Head of Compliance   |
| Review Due           | December 2026  |



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## 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"> <li>a. Renamed procedure.</li> <li>b. Removed Bullying and Harassment clauses (that do not relate to sexual harassment - these will be included in the Bullying and Harassment policy).</li> <li>c. Added a section and clauses on prevention and support.</li> <li>d. Added health and safety reporting requirements.</li> <li>e. Added Interim Measures.</li> <li>f. Updated definitions and references.</li> </ul> |
| C9.2-P9.3  | 19 October 2022           | Head of Compliance                      | Updated to include police reporting and reporting workflow.   |
| C9.3- P9.4 | 13 December 2023          | Corporate Board                         | Revision to meet requirements of the amendments to the Sex  |

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| Version | Amendment Approval (Date) | Amendment Made By (Position) | Amendment Details                           |
|---------|---------------------------|------------------------------|---|
|         |                           |                              | Discrimination Act 1984 on 'positive duty'. |

## Annexure 1: REPORTING SASH INCIDENTS WORKFLOW

