

SEXUAL ASSAULT AND SEXUAL HARASSMENT (SASH) POLICY

Approving authority	Governing Board
Purpose	This policy outlines the principles for supporting, preventing, monitoring and responding to Sexual Misconduct occurring at or connected with Ozford.
Responsible Officer	President and CEO
Next scheduled review	September 2026
Document Location	http://www.ozford.edu.au/higher-education/policies-and-procedures/
Associated documents	Anti-Bullying and Harassment Policy and Procedure Anti-Discrimination Policy and Procedure Diversity and Equity Policy and Procedure Critical Incident Policy and Procedure Human Resources Policy and Procedure (Manual) Privacy Policy and Procedure Social Media (Students) Policy and Procedure Social Media (Staff) Policy and Procedure Staff Code of Conduct Policy and Procedure Student Code of Conduct Policy and Procedure Student Support and Services Policy and Procedure Younger Students Policy and Procedure Student Safety and Wellbeing Framework

1. PRINCIPLES

This policy aims to ensure that Ozford Institute of Higher Education (the “Institute”) complies with *the Higher Education Standards Framework (Threshold Standards) 2021* (HES Framework) which requires the Institute to promote and foster a safety in all Institute environments. Legally, the Institute has a positive duty to eliminate discrimination, sexual harassment and victimisation as far as possible. This means that, instead of simply reacting to complaints of discrimination or sexual harassment, the Institute is proactive about discrimination and take steps to prevent it from occurring.

The Institute believes that all staff and students should be able to work and study in an environment free from discrimination, victimisation, sexual harassment, vilification, and the seeking of unnecessary information on which discrimination might be based. The Institute considers such behaviours unacceptable, and they will not be tolerated.

In Victoria under the *Equal Opportunity Act 2010*, *the Racial and Religious Tolerance Act 2001* and *Charter of Human Rights and Responsibilities Act*, discrimination, victimisation, sexual harassment, vilification and seeking unnecessary information on which discrimination might be based are illegal.

The Institute will not tolerate any form of sexual harassment/sexual assault (SASH) and expects all stakeholders to treat each other with respect, politeness and consideration. The Institute is committed to providing a respectful, safe and inclusive environment that is free of sexual assault and sexual harassment.

This policy and the related procedure will ensure that the Institute has:

- Appropriate training and information resources provided to student and staff in preventing, reporting and responding to sexual misconduct.

- An effective approach in response to sexual misconduct incidents as they occur;
- Appropriate support and counselling services available to those affected;
- Appropriate disclosure and reporting of SASH incidents

2. SCOPE

This policy applies to all Institute staff, voluntary position holders, students, volunteers, visitors and members of advisory and governing bodies, across the Institute, and at all times whilst engaged in Institute business or otherwise representing the Institute. The scope encompasses affiliates, contractors and consultants, appointed or engaged by the Institute, to perform functions and/or recognised for their contribution to the Institute.

It applies to all Institute-related interactions. It applies while on or off campus, at Institute-related functions (including social functions and celebrations), while on trips and attending conferences.

This policy provides a framework for the management of disclosures of sexual assault or sexual harassment and the instruction for reports of sexual assault or sexual harassment.

All students and staff have a personal responsibility to comply with, and demonstrate active commitment to, this policy and related procedures.

3. DEFINITIONS

Consent

Consent is the voluntary agreement to the act or acts in question and to continue to engage in the act or acts. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct.

Consent underpins the way the law considers sexual offences (sexual harassment or sexual assault) The law states that consent means 'free agreement' and that both parties must agree to a sexual act in order for there to be consent.

Because the law says both parties must freely agree to the sexual act in order for there to be consent, it also outlines a number of circumstances in which someone is automatically considered as unable to give consent including if the person:

- is drunk
- is drug affected
- is asleep or unconscious
- is unable to understand the sexual nature of what is happening
- submit because of force or fear of force or harm (including to someone else)
- is held against your will
- is a child
- is mistaken about the identity of the other person
- is led to believe it is for a medical or hygienic purpose
- consent then later withdraw consent to the act

Sexual Misconduct

Sexual misconduct is a broad term encompassing any unwelcome behaviour of a sexual nature without consent. It includes behaviour that could amount to a Sexual Assault and/or Sexual Harassment.

Sexual assault

Sexual assault is defined as any unwanted sexual behaviour that causes you to feel humiliation, pain, fear or intimidation.

Sexual assault is an inclusive term used to describe any type of undesirable sexual act inflicted upon a person that they have not freely and voluntarily consented to, have withdrawn consent to, or occurs in circumstances where they are incapable of giving free and voluntary consent. It is inclusive of a variety of undesirable sexual behaviours a person may be subjected to, ranging from activities such as undesirable sexualised touching through to sexual intercourse without consent. Sexual assault can include sexual behaviours that involve the use of force, threats, coercion or control towards a person.

If someone is sexually harassing you in a way that causes you to feel humiliation, pain, fear or intimidation, then this can be considered sexual assault.

Examples of sexual assault include:

- Rape: forced, unwanted sex or sexual acts.
- Child sexual abuse: using power over a child to involve that child in sexual activity.
- Indecent assault: indecent behaviour before, during or after an assault.

Sexual harassment

Sexual harassment arises when a person makes an undesirable sexual advance or an undesirable request for sexual favours, directed at another person, or in the presence of another person, or engages in any other undesirable conduct of a sexual nature in relation to another person.

Sexual harassment has nothing to do with mutual attraction or private consenting friendships, whether sexual or otherwise.

Both men and women can be the victims of sexual harassment. If someone is sexually harassing you in a way that causes you to feel humiliation, pain, fear or intimidation, then this can be considered sexual harassment.

Sexual harassment does not need to be repetitive – one incident is enough to constitute sexual harassment and should be reported.

Examples of sexual harassment include:

- persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- leering, patting, pinching, touching or unnecessary familiarity;
- offensive comments on physical appearance, dress or private life;
- the public display of pornography;
- unwanted comments about a person's sexual activities;
- sexually explicit emails or SMS text messages.

The Institute recognises that comments and behaviour that do not offend one person may offend another. The Institute accepts that individuals may react differently and expects this right to be generally accepted.

Complaints (SASH)

A verbal or written communication from students or staff who believe they have encountered sexual assault or sexual harassment, either by another student or staff of the Institute, or a third party provider. A complaint may take the form of either disclosure of an incident of sexual assault or sexual harassment, or a report of an incident of sexual assault or sexual harassment.

4. POLICY

- 4.1. The Institute is committed to ensuring all students and staff work and study in a safe environment that is free from harassment of any type. All students and staff have a right to expect professional standard behaviour from others, and a corresponding responsibility to behave professionally towards others at all times.
- 4.2. The Institute has a **zero tolerance** toward sexual misconduct and prohibits all forms of sexual misconduct.
- 4.3. Any staff member who has concerns about, or becomes aware of, conduct that may constitute sexual harassment has an obligation and a duty of care to actively and promptly intervene to prevent such conduct continuing.
- 4.4. The Institute's has established a SASH taskforce which consists of all members of the Executive Management Team under the leadership of the President and CEO. This is consistent with OIHE's approach in dealing with Critical Incidents. The President and CEO has a direct responsibility for overseeing the implementation and monitoring of compliance with this policy and its procedures.

Prevention, Training and Awareness

- 4.5. The Institute acknowledges that education and awareness are important aspects of prevention and commits to actively informing and training students and staff in preventing, reporting and responding to Sexual Misconduct.
- 4.6. The Institute has a ***Student Code of Conduct Policy and Procedure and Staff Code of Conduct Policy and Procedure*** which requires all students and staff act in a manner that promotes a safe, positive, productive and harmonious learning environment, act ethically and responsibly, and be accountable for their actions and decisions.
- 4.7. All staff are expected to contribute to the creation of an inclusive workplace and a healthy workplace culture.
- 4.8. Managers have a particular obligation to model appropriate behaviour; promote this policy; treat all complaints seriously and attend to them promptly; monitor the Institute's environments and seek expert help for complex or serious matters. Managers must ensure:
 - professional standards of behaviour apply at all times;
 - staff/students who wish to make enquiries or complaints are supported and assisted in a professional and fully informed manner;
 - all complaints are treated impartially, confidentially, seriously and sympathetically;
 - all parties are protected and given fair treatment throughout the process;

- appropriate action is taken whenever bullying or harassment has been substantiated;
- disciplinary action is taken when there is found to be misconduct.

4.9. All staff have the responsibility to comply with this policy; report incidents to their Managers and not tolerate inappropriate behaviour.

Incident Report

4.10. The Institute encourages its stakeholders to report any alleged incident of sexual misconduct promptly to assist the Institute in making informed changes to keep the campus safe for members of the Institute's community. All reports of sexual assault and sexual harassment incidents are provided to SASH Taskforce and President and CEO respectively.

Response

4.11. The Institute is committed to treat all reports or concerns seriously and sensitively. Any reported incident of sexual misconduct will be taken seriously, investigated by the SASH Taskforce in a timely manner and if required, reported to the relevant external authority to meet legal requirements and to protect the health and safety of staff and students.

4.12. The Institute acknowledges that alleged Sexual Misconduct incident may constitute unlawful conduct. The Institute has no jurisdiction over criminal acts but will take action in respect of breaches of its code of conduct, policies and procedures.

4.13. If a case is referred to police for sexual assault matters or the Equal Opportunity Commission (EOC) or to the Australian Human Rights Commission (AHRC) for sexual harassment matters, then the Institute will not take any action that will compromise the police investigation or EOC/AHRC complaint resolution process. While accountability for prosecuting criminal acts of sexual assault rests with local police where the offence occurred, the Institute can take internal action where there is a breach of its rules, by-laws, policies and procedures for activities and circumstances related to the Institute matters.

4.14. Disciplinary action may be taken against anyone found to have harassed another student or staff member.

Support

4.15. The Institute recognises that Sexual Misconduct may be experienced by all people and is likely to have an adverse impact on those affected and is committed to appropriately supporting students and staff experienced or affected by sexual misconduct.

4.16. Individuals who make, or who are the subject of a complaint, will be treated fairly and in a supportive manner. Students and staff who wish to make enquiries or complaints will be supported and assisted in a professional and fully informed manner.

4.17. The Institute recognises that students and staff of the Institute may, while carrying out their duties as a staff member or a student, be subjected to sexual assault or sexual harassment by an individual

outside of the Institution. In such situations, the Institute will provide appropriate support including reporting options.

Reporting and Monitoring

- 4.18. The Institute will ensure all incident data is kept confidentially and incident data is reported to the EMT, Academic and Governing Board every 6 months to monitor the prevalence of Sexual Misconduct in connection with the Institute.
- 4.19. Confidentiality and information privacy will be upheld, in accordance to the legislative requirements and the Institute *Privacy Policy and Procedure*.
- 4.20. Any suggested improvement required to enhance the campus safety will be discussed and implemented as appropriate.

5. QUALITY ASSURANCE

To ensure that this policy is fit for purpose and meet the requirements of the HES Threshold Standards the policy will be;

- 5.1 internally endorsed by the Executive Management Team on development or review, prior to approval by Governing Board, or the Academic Board or other delegated authority;
- 5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier);
- 5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulation.

6. FEEDBACK

Feedback or comments on this policy is welcomed by the listed Responsible officers of the Institute.

7. ACKNOWLEDGEMENT

This policy was developed with reference to the following:

- Melbourne University, Sexual Misconduct Prevention and Response Policy, 2023 ([Sexual Misconduct Prevention and Response Policy \(unimelb.edu.au\)](https://www.unimelb.edu.au))
- University of South Australia, Sexual Assault and Sexual Harassment Policy and Procedures, 2021 ([Sexual assault and sexual harassment policy - Student Support Services - Intranet - University of South Australia \(unisa.edu.au\)](https://www.unisa.edu.au))
- University of Wollongong, Sexual Harassment Prevention Policy, 2023 ([\(<NAME> POLICY \(uow.edu.au\)](https://www.uow.edu.au)).
- Australian Human Rights Commission, Information and resources ([Employers \(humanrights.gov.au\)](https://www.humanrights.gov.au))

- Fair Work Commission, Information and Resources ([Issues we help with | Fair Work Commission \(fwc.gov.au\)](#))
- Victorian Equal Opportunity and Human Rights Commission, Information and resources (<https://www.humanrights.vic.gov.au/for-organisations/>)
- TEQSA, Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector, 2020 ([Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector | Tertiary Education Quality and Standards Agency \(teqsa.gov.au\)](#))
- the Ozford College policy of the same name and purpose.

8. VERSION CONTROL

Version	Date approved	Description	Approved by
1.0	January 2020	Initial	GB
2.0	July 2023	Internal Review	GB
2.1	September 2023	Internal Review – minor formatting changes and add external referencing	EMT
Related legislation/ regulation/standard	Tertiary Education Quality and Standards Act 2011 Higher Education Standards Framework (Threshold Standards) 2021 Sex Discrimination Act 1984 (Cth) Australian Human Rights Commission Act 1986 (Cth) Workplace Gender Equality Act 2012 (Cth) Victorian Legislation Equal Opportunity Act 2010		

Notes:

GB = Governing Board

EMT = Executive Management Team