

SEXUAL ASSAULT AND SEXUAL HARASSMENT (SASH) PROCEDURE

Approving authority	Executive Management Team
Purpose	This procedure outlines the processes 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 Procedures Anti-Discrimination Policy and Procedure Diversity and Equity Policy and Procedure Critical Incident Policy and Procedure 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 procedure 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 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 procedure 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 procedure 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

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.

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, 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 the local police where the offence occurred, the Institute can take internal action where there is a breach of its rules, code of conduct, policies and procedures for activities and circumstances related to the Institute.

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 to be 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 as 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. PROCEDURE

Prevention, Training and Awareness

- 4.1. The Institute will take all reasonable steps to prevent or minimise unlawful sexual harassment and sexual assault against staff or students in the workplace and learning environment. All staff are expected, when carrying out their duties, to show respect towards all persons.
- 4.2. All staff must take reasonably practicable steps to ensure that their workplace or learning environment both on campus and online, is free from sexual assault and sexual harassment.
- 4.3. Sexual assault and sexual harassment information is included in Institute policies, procedures, code of conduct, frameworks.
- 4.4. Sexual assault and sexual harassment information will be included in student orientation, staff induction, training, briefings and communications.
- 4.5. Information is also publicly available on the Institute website and Moodle.
- 4.6. Managers have responsibility to:
 - take reasonably practicable steps to ensure that the workplace or learning environment both on-campus and online, is free from SASH;
 - providing training or advice to staff to eliminate SASH and develop awareness among professional and academic staff and students;
 - encourage due recognition to the SASH history and experiences of the Aboriginal and Torres Strait Islander Peoples of Australia and other ethnic groups;
 - inform staff or students who experience SASH of their rights and provide them with the appropriate policy and procedures to resolve their concerns;
 - ensure that staff or students who make a complaint are not victimised for doing so and respect their privacy and confidentiality at all times;
 - maintain a confidential database of complaints.

Reporting Incidents

- 4.7. 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.
- 4.8. Student and staff are advised that if they or someone they know have experienced or witnessed sexual harassment, assault, threatening or other sexual misconduct (sexual assault or sexual harassment – SASH) incident on campus of any form, nature or scale, even if they might think it is a minor incident, they are to **report any sexual misconduct incident** to the Head of Marketing and Student Experience by email, phone or in person (Contact details available on Ozford website and Student Handbook). Any previously unreported incidents can still be reported.
- 4.9. Staff who have been, or are being, sexually harassed can report the matter to their immediate supervisor or manager in the first instance if they feel comfortable to do so and provided that person is not the harasser. Staff who do not want to report the matter to their immediate supervisor can report the matter to a supervisor or manager at the next level of seniority or to SASH Taskforce.
- 4.10. Where sexual harassment includes behaviour that may also be considered to be an offence under criminal law, such as physical assault, sexual assault, obscene communications, it is recommended that the victims promptly report the incident behaviour directly to Victoria Police.
- 4.11. A person may lodge a complaint with an external body at any point of time. Reports of Sexual Misconduct may be made to:
- Victoria Police: Melbourne North Police Station (open 24 hours), 36 Wreckyn Street, North Melbourne. Phone: (03) 8379 0800.
 - Victoria Police Sexual Offences and Child Abuse Investigation Team: Phone (03) 8690 4056.
 - Victorian Equal Opportunity and Human Rights Commission: (Website: www.humanrightscommission.vic.gov.au). Phone: 1300 292 153.
 - Australian Human Rights Commission: (Website: www.humanrights.gov.au) Phone: (02) 9284 9600.
 - Fair Work Commission: (Website: www.fwc.gov.au) Phone: 1300 799 675.
 - WorkSafe Victoria: (Website: www.worksafe.vic.gov.au) Phone: (03) 9641 1444 or 1800 136 089.
- 4.12. The Institute may take further action in response to the complaint following the external body's determination.

Responding to Incidents of Sexual Assault and Sexual Harassment

- 4.13. In all circumstances where an incident report has been received, the Institute has a responsibility to analyse, respond and take appropriate action to ensure the safety of the reported and any identified third party.
- 4.14. When an incident report is received, the Head of Marketing and Student Experience will listen to the reporter, record the details of the incident and provide the reporter with a range of options and

support available. The reporter will be assured that they will not be victimised for making a report. Their privacy and confidentiality will be maintained at all times.

- 4.15. With the permission of the reporter, cases of sexual misconduct will be **investigated** within a reasonable timeframe. Investigation procedures will adhere to the principles of natural justice and will be undertaken by the SASH Taskforce.
- 4.16. The reporter will be required to engage with the complaints process, and to provide sufficient details of their complaint to permit the SASH Taskforce to conduct an assessment and investigation of the case.
- 4.17. The investigation and response taken will be determined by a range of factors, including but not limited to:
 - if the report is anonymous;
 - the nature, location, time and other circumstances surrounding the incident
 - the reporter's request
 - any serious or ongoing risk to the health, safety or wellbeing of any person;
 - procedural fairness to the respondent;
 - possibility for the Institute to conduct an investigation based on the information available (e.g. whether the parties will participate in the investigation); and
 - information about the risks posed by the alleged perpetrator
- 4.18. Where appropriate and with the reporter's consent, the matter will be referred to an appropriate external independent body. Students and staff will be provided with information on the most appropriate body to lodge their complaint with. Reports of Sexual Misconduct may be made to:
 - Victoria Police: Melbourne North Police Station (open 24 hours), 36 Wreckyn Street, North Melbourne. Phone: (03) 8379 0800.
 - Victoria Police Sexual Offences and Child Abuse Investigation Team: Phone (03) 8690 4056.
 - Victorian Equal Opportunity and Human Rights Commission: (Website: www.humanrightscommission.vic.gov.au). Phone: 1300 292 153.
 - Australian Human Rights Commission: (Website: www.humanrights.gov.au) Phone: (02) 9284 9600.
- 4.19. If a student or staff member pursues a complaint with an external body, it may be appropriate for the Institute to suspend or terminate this assessment/investigation process. However, the Institute may still take steps to address and prevent any Sexual Misconduct.
- 4.20. The SASH Taskforce will determine the most appropriate outcome to respond to the incident. The outcome of the case will be determined by the wishes of the reporter and findings of any investigation and the seriousness of the case. Possible outcomes include:
 - A formal apology by the respondent and/or bystanders;
 - Seeking an agreement from the respondent and/or bystanders that the unacceptable conduct will cease
 - Conciliation/mediation conducted by an impartial third party
 - Official warning to the respondent
 - Disciplinary action against the respondent

- Imposing restrictions on the respondent's contact with the reporter;
- Counselling for the reporter, respondent and/or other affected parties;
- Mandatory training for the respondent and/or bystanders and other affected parties;
- Terminating the respondent's enrolment/employment
- Supporting the reporter to apply for a Personal Safety Intervention Order to protect the reporter and to prevent the respondent's access to the Institute premises and the reporter's home.

Support available for students and staff affected by SASH

- 4.21. The Institute has a zero tolerance towards sexual harassment, sexual assault and any violence and treats all reports or concerns seriously and sensitively. Individuals who make, or who are the subject of a complaint, will be treated fairly and in a supportive manner.
- 4.22. The Institute recognizes that students and staff might experience a range of emotions and it is important for them to know there are support services available at the Institute and outside that can help them.
- 4.23. The Institute provides a range of support to students affected by SASH. Student and staff input is valued. Private and confidential personal counselling service to get help and support will be offered to affected students and staff. They will be provided with advice and discuss appropriate support options, suggestions on strategies with coping with the incident and steps to further enhance their safety.
- 4.24. The Institute will also support student to make contact and liaise with any internal unit or external agencies for further support if necessary. In their dealings with external parties the reporters will be supported by the Head of Marketing and Student Experience or any nominated Institute staff during the process.

1800 RESPECT (24 Hour Counselling Helpline)

1800 737 732

Interpreter 131 450

www.1800respect.org.au

Sexual Assaults Crisis Line

03 9635 3610

1800 806 292

www.casahouse.com.au

casa@thewomens.org.au

Melbourne Sexual Health Centre

03 9341 6200

www.mshc.org.au

- 4.25. If the incident happened on campus, the Institute will take further actions to further enhance safety of the campus.
- 4.26. The SASH Taskforce will ensure that ongoing support is provided to the reporter and any other affected parties, and that they are regularly informed about the Institute's response.

- 4.27. Action may be taken against anyone who victimises or retaliates against a complainant or a respondent, or a support person of either a complainant or a respondent.
- 4.28. Potential disciplinary action may be taken for the respondent such as suspension or program exclusion for the student or directed apology, counselling and disciplinary action for the staff.
- 4.29. In cases where the incidents of sexual harassment/assault result in further investigation as determined by the external parties, the reporters will be supported by the Head of Marketing and Student Experience or any nominated Institute staff in their dealings with both the internal and external parties during the process.

Report of incidents

- 4.30. The SASH Taskforce will keep all SASH records.
- 4.31. The Institute keeps all records of all incidents involving students in the student management system and any incidents involving staff in staff files.
- 4.32. All incidents will be reported to the Audit and Risk Committee and the Governing Board. The Audit and Risk Committee and the Governing Board will have a standing agenda item for each meeting to confirm whether or not there have been any incidents.
- 4.33. The data about any potential or actual incidents or concerns will be collated and an anonymous report will be prepared and presented to the Governing board as a minimum, every 6 months to monitor the prevalence of Sexual Misconduct in connection with the Institute. Confidentiality and information privacy will be upheld, in accordance to the legislative requirements and the Institute ***Privacy Policy and Procedure***.
- 4.34. Any improvements required to enhance the campus safety will be discussed and implemented as appropriate.

5. QUALITY ASSURANCE

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

- 5.1 internally approved by the Executive Management Team on development or review
- 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 procedure is welcomed by the listed Responsible officers of the Institute.

7. ACKNOWLEDGEMENT

This procedure 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://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://unisa.edu.au))
- University of Wollongong, Sexual Harassment Prevention Policy, 2023 ([<NAME> POLICY \(uow.edu.au\)](https://uow.edu.au)).
- Australian Human Rights Commission, Information and resources ([Employers \(humanrights.gov.au\)](https://humanrights.gov.au))
- Fair Work Commission, Information and Resources ([Issues we help with | Fair Work Commission \(fwc.gov.au\)](https://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 \(teqsa.gov.au\)](https://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	EMT
2.0	June 2023	Internal Review	EMT
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		

Note: EMT = Executive Management Team