

Student Sexual Assault and Sexual Harassment Procedure

Purpose

1. This Procedure gives effect to the Student Sexual Assault and Sexual Harassment Policy and outlines how GHE manages reports of sexual assault and sexual harassment allegations that involve students.

Scope

2. This Procedure applies to:
 - a) all prospective and current students of GHE;
 - b) instances that may occur during any activity that is associated with GHE no matter where and when it takes place. In addition to direct course-related activity the Policy applies to all functions and places that are education-related, including (but not limited to) events on and off-campus, conferences, religious celebrations, student functions and any associated online presence and engagement.
3. This Procedure should be read in conjunction with:
 - a) **Student Non-Academic Conduct and Misconduct Policy;**
 - b) **Human Resources Framework** (conduct and discipline provisions for staff).

Definitions

4. Definitions for key terms are presented in the Glossary of Terms which may be accessed on the GHE website at <https://www.globalhe.edu.au/policy>
5. However, the following key terms are defined for clarification of this Procedure:
 - a) sexual assault – means an act in which a person intentionally sexually touches another person without that person's consent or coerces or physically forces a person to engage in a sexual act against their will;
 - b) sexual harassment - means unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be considered to be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile environment for other individuals can also be unlawful. Examples of sexual harassment include:
 - i. physical contact such as pinching, touching, grabbing, kissing or hugging;
 - ii. staring or leering at a person or at parts of their body;
 - iii. sexual jokes or comments;
 - iv. requests for sexual favours;
 - v. persistent requests to go out, where they are refused;
 - vi. sexually explicit conversations;
 - vii. displays of offensive material such as posters, screen savers, internet material etc;
 - viii. accessing or downloading sexually explicit material from the internet;

- ix. suggestive comments about a person's body or appearance;
- x. sending rude or offensive emails, attachments or text messages.

Suite documents

6. This Procedure is linked to the Student Sexual Assault and Sexual Harassment Policy.

Procedure

Sexual assault and severe sexual harassment

7. Sexual assault is considered a very serious matter by GHE. This means that:
 - a) any incident of sexual assault should be reported to the Police and the Operations Manager immediately;
 - b) where necessary the Operations Director will inform the Chief Executive Officer and implement the processes set out in the GHE's **Critical Incident Policy**;
 - c) external sexual assault services will be engaged where appropriate;
 - d) the Operations Director will ensure that all SASH complaints are investigated quickly and fairly and are treated with complete confidentiality.
8. Where any incident of sexual harassment is deemed to be very severe by the Operations Director the **Critical Incident Policy** will also apply.

Sexual harassment

Initial actions

9. If a student feels that they have been sexually harassed they should:
 - a) approach the harasser, if they feel comfortable to do so, and tell them to stop the offending behaviour immediately;
 - b) if the aggrieved person is either not satisfied with the outcome of their discussions with the harasser or feels uncomfortable about approaching the harasser on their own, they should seek the assistance of the Student Support Officer, and request intervention on their behalf.

Making a formal complaint

10. If the matter is not resolved through initial actions, the student (the complainant) should submit a formal written complaint of harassment to the Student Support Officer, or in the absence of the Student Support Officer, the Operations Director, via email or letter. The student may also elect to make such a complaint as an initial step without approaching the harasser.
11. Students can request additional support in making a formal complaint. Such additional support can include the services of an interpreter where necessary.
12. To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as possible:
 - a) the name, and where relevant, department and position of the person or persons allegedly committing the harassment (the respondent);
 - b) a description of the incident(s), including the date(s), location(s) and the presence of any witnesses;
 - c) the effect of the incident(s) on the student's ability to learn;
 - d) the names of other individuals who might have witnessed the harassment or been subject to the same or similar harassment;
 - e) any other information the complainant believes to be relevant.

Investigations

13. Complaints will be investigated promptly, fairly and confidentially.
14. Most complaints will be investigated by the Student Support Officer. In some circumstances the Student Support Officer may determine, in consultation with the Operations Director, that a third party should be appointed to conduct the investigation.
15. The investigation will involve interviewing the respondent.
16. Respondents must be provided with an opportunity to respond to the allegations.
17. Any other person(s) who may have been involved or who may have witnessed the incident(s) will be interviewed as part of the investigation.
18. Investigations may last between three days to a maximum of three weeks.

Findings and outcomes

19. If an investigation finds that sexual harassment has occurred, the Operations Director will be consulted, and an appropriate response approved. Depending on the identity of the perpetrator the response will be implemented in accordance with either the **Student Non-Academic Conduct and Misconduct Policy** or the **Human Resources Framework** and may include the perpetrator's enrolment or employment being terminated.
20. Following the investigation, the complainant and respondent will be informed separately by the Operations Director in writing about what action (if any) is proposed to be taken.

Special consideration

21. Students who have experienced any form of sexual assault or harassment who feel their ability to learn has been compromised will be supported to make a claim for special consideration in relation to any affected assessments.

Appeals and referrals

22. If a party to a complaint of sexual assault or harassment is not satisfied with the way the complaint has been handled, they have the right to refer the matter to:
 - a) the Equal Opportunity Commission (SA);
 - b) the Australian Human Rights Commission;
 - c) the Resolution Institute, Student Mediation Scheme;
 - d) the Overseas Students Ombudsman (international students only);
 - e) the South Australian Police.
23. Where the respondent is a staff member and is dissatisfied with a decision under this Procedure, they may seek a review under the provisions of the relevant employment agreement and the **Human Resources Framework**.

Recording and reporting

24. All documentation in relation to a student SASH complaint, investigation and outcomes must be filed securely in the SASH Register by the Student Support Officer and a copy must be forwarded via the Operations Director to the Chief Executive Officer upon completion of the investigation.
25. Following an incident of sexual assault or sexual harassment the Operations Director will provide a confidential report detailing findings and outcomes to the next meeting of the Board of Directors.
26. The Operations Director is also responsible for providing an annual summary report to the Board of Directors of all sexual assaults and sexual harassment events. The report will include:
 - a) a summary of complaints received during the previous year and an analysis of trends from previous years;

- b) identification of serious events and any systemic issues;
- c) information concerning procedural or other changes that may have been made in response to findings and any recommendations for the future. This may include additional educative campaigns or security measures to be taken in appropriate areas.

Roles and responsibilities

27. The Student Support Officer is responsible for:

- a) ensuring that both the complainant and the respondent are aware of the seriousness of a sexual harassment complaint;
- b) explaining GHE's SASH Policy and Procedures to all parties involved;
- c) exploring informal means of resolving sexual harassment complaints if appropriate;
- d) notifying the Police if criminal activities are alleged;
- e) determining with the Operations Director whether an in-house investigation will be conducted or if a third party will be contracted to complete the investigation;
- f) arranging for an investigation of the alleged harassment and the preparation of a written report;
- g) submitting a written report summarising the results of the investigation and making recommendations to the Operations Director;
- h) notifying the complainant and the respondent of the corrective actions to be taken.

28. The Operations Director is responsible for:

- a) informing the Chief Executive Officer when sexual assaults or instances of sexual harassment are reported and activating the processes under the **Critical Incident Policy** where necessary;
- b) appointing a third-party investigator when deemed necessary;
- c) confirming responses to outcomes of investigations;
- d) providing reports to the Board of Directors;
- e) the maintenance of all records arising from this Procedure.

29. The Manager, Quality and Compliance is responsible for:

- a) ensuring compliance with this Policy and related procedures;
- b) benchmarking AHE policy and standards with those adopted elsewhere in the tertiary sector;
- c) the monitoring of information available from the review of records relating to the implementation of this Procedure.

30. All staff and students are responsible for becoming familiar with and complying with this Policy and Procedure.

Associated information

Related Internal Documents	Student Sexual Assault and Student Harassment Policy Critical Incident Policy Quality Assurance Policy Student Complaints, Grievances and Appeals Policy Student Diversity and Equity Policy Student Non-Academic Conduct and Misconduct Policy Student Wellbeing, Orientation and Support Policy Work-Integrated Learning Placement Policy Glossary of Terms
Related Legislation, Standards and Codes	<i>Tertiary Education and Quality Standards Agency Act 2011</i> <i>Higher Education Standards Framework (Threshold Standards) 2021</i> TEQSA Guidance Note: <i>Wellbeing and Safety</i> , Version 1.2 <i>Universities Australia, Guidelines for University Responses to Sexual Assault and Sexual Harassment</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> , <i>Sex Discrimination Act 1984, Australia (Cth)</i> <i>Equal Opportunity Act 1984 (SA)</i>
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	24-July-20	V1.1 Administrative updates
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