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SEXUAL ASSAULT AND SEXUAL HARASSMENT PROCEDURE – VERSION 1.0

Authorised by: CEO

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Document: **Sexual Assault and Sexual Harassment Procedure**
Document No.: **SXP-STL-PRO004**
Process Area: **Student Experience and People and Culture**

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1 Document Control

Version	Date	Amended by	Changes Made
0.1	09/02/2021	Executive Manager, Student Life	Initial document
1.0	20/1/2021	Executive Manager, Student Life	Incorporated feedback from stakeholders and finalised procedure

2 Purpose

The purpose of this procedure is to demonstrate the commitment Box Hill Institute (BHI) has to fostering a safe, inclusive and respectful environment. This procedure provides a structure when responding to reports of sexual assault and sexual harassment committed by or against a member of the BHI Community and outlines BHI's prevention strategies.

This procedure does not require staff to ascertain any details about the alleged incident but ensure everybody's safety and wellbeing.

3 Scope

This procedure applies to all staff and students of the BHI Community participating in on-line, on-site and off-site activities. All members of the BHI community have the right to work, study and participate in a learning environment that is based in inclusivity and respect.

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- The Child Safe Policy and Procedure addresses sexual assault and sexual harassment against members of the BHI Community under 18 years of age
- The Prevention of Workplace, Discrimination, Harassment and Bullying Policy and Procedure addresses sexual harassment committed by or against staff, clients, volunteers and contractors
- The Conduct Management Policy and Procedure addresses sexual harassment committed by or against students
- This procedure does not supersede and is intended to be complementary to:
 1. professional standards regarding confidentiality between clients and professionals
 2. mandatory reporting requirements

4 Responsibilities

Receiving a Disclosure from a Student

A student who wishes to make a disclosure alleging current or historical sexual assault and sexual harassment should contact the Mandatory Reporting Officer, the Executive Manager, Student Life (9286 9897) or a trusted staff member. These nominated staff members must act in accordance with this procedure.

When supporting a student who is making a disclosure of sexual assault and sexual harassment, it is paramount to ensure the student's safety and wellbeing and maintain their privacy and confidentiality. It is recommended that additional support is provided by Student Life.

As people from lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning (LGBTIQ+), Aboriginal and Torres Strait Islander, culturally and linguistically diverse (CALD) communities, and people with disabilities are more likely to experience sexual assault and sexual harassment than other groups it is recommended that Student Life be contacted for support in this instance.

LGBTIQ+ Support

When supporting LGBTIQ+ students it is important that gender equality, the equality of rights, opportunities, responsibilities and outcomes between persons of different genders is maintained. It is recommended that student Counsellors be contacted for support in this instance.

Providing Culturally Appropriate Support for Aboriginal and Torres Strait Islander Students

When supporting an Indigenous student who has been impacted by sexual assault and sexual harassment it is important that culturally appropriate support is offered through the Koorie Liaison Officer and/or other appropriate community members.

Students from Culturally and Linguistically Diverse (CALD) Backgrounds

When supporting a student from a CALD background who has been impacted by sexual assault and sexual harassment it is essential that culturally appropriate support is offered. An interpreter may be engaged when communicating with the student's family if needed. It is recommended that the International Student Wellbeing Officer be contacted for support in this instance.

Students with disabilities

When supporting a student with a disability who has been impacted by sexual assault and sexual harassment it is important to consider the student's chronological age and their cognitive functioning in order to tailor developmentally appropriate support structures. It is recommended that the Disability Liaison Service be contacted for support in this instance.

International Students

Additional support should be provided by the International Office and relevant community support as appropriate. It is recommended that the International Student Wellbeing Officer be contacted for support in

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this instance. International students should be informed that their visa will not be affected if they report an incident of sexual assault or sexual harassment and that they will receive the same advice and support as domestic students.

Sexual Assault and Sexual Harassment Register

BHI is committed to providing an environment that is free from sexual assault and sexual harassment. The Sexual Assault and Sexual Harassment Register contains information that assesses risks to students associated with the organisation and provides a framework for addressing and minimising these risks. The register is held by the Mandatory Reporting Officer, the Executive Manager, Student Life and the General Manager, Human Resources, reviewed regularly, following any incident, report or disclosure.

Managers' Responsibilities

Managers and supervisors who fail to report and take appropriate corrective action when aware of sexual assault and sexual harassment will be subject to disciplinary action.

Staff, Clients', Volunteers' and Contractors' Responsibilities

Staff, clients, volunteers or contractors who have experienced sexual assault and sexual harassment on campus or off campus at a place or event connected with BHI should report the issue to Human Resources or a trusted staff member as soon as practicable.

Students' Responsibilities

Students who have experienced sexual assault and sexual harassment on campus or off campus at a place or event connected with BHI should report the issue to the Mandatory Reporting Officer, the Executive Manager, Student Life (9286 9897) or a trusted staff member. Students who have experienced historical sexual assault and sexual harassment and are not in immediate danger are encouraged to seek information and support from, and to report the matter to a member of BHI's Student Life team.

5 Definitions

Term	Definition
BHI Community	Includes Staff, Students, Clients, Volunteers and Contractors Staff includes all people employed by BHI <ul style="list-style-type: none"> • A Student includes current, prospective and former students of BHI • A Client is the receiving end of a BHI service or the requestor of a service • A Volunteer is a person who freely offers to take part in an enterprise or undertake a task A Contractor is a sole trader or organisation engaged by BHI to provide teaching or other professional services
Commission for Children and Young People (CCYP)	The Victorian Reportable Conduct Scheme requires some organisations to respond to allegations of child abuse (and other child-related misconduct) made against their workers and volunteers, and to notify CCYP of any allegations tel: 1300 78 29 78 email: contact@ccyp.vic.gov.au

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Consent	A person consents if they agree by choice and have the freedom and capacity to make that choice. Consent must be freely agreed and positively communicated either by words or by conduct or a combination of the two
Discloser	A person disclosing sexual assault and sexual harassment and who raises a concern
First Responder	First responders are members of the BHI community who, as part of their role, are a first point of contact for anyone who has been subjected to sexual assault or sexual harassment. First responders are a point of contact regarding reporting options and support. For staff this includes HR and for students this is Student Life.
Information Report	A report to police including who was involved, when and where the incident took place and any other relevant information. An Information Report is not an official police statement
Precautionary actions	An action put in place to minimise the risk of any further harm or distress Precautionary actions are not a penalty or sanction and do not indicate that BHI has concluded that a breach of Code of Conduct has occurred or a law has been broken. Examples include but are not limited to changing classes or being asked not to attend class until the matter is resolved
Respondent	A person alleged to have committed a sexual assault and/or sexual harassment
Sexual Assault	Sexual assault is defined by a range of behaviours, all of which are unacceptable and constitute a crime. Sexual assault can be, but is not limited to, when a person is forced, coerced or tricked into sexual acts without their consent, or against their will, including when they have withdrawn their consent.
Sexual Harassment	While the definition of sexual harassment varies across Australian (and other) jurisdictions, it generally involves an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which, in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated, or intimidated. Here are some examples: <ul style="list-style-type: none"> • Sexually explicit comments, gestures, jokes, staring or leering that make you feel intimidated or offended. • Unwelcome contact such as touching, hugging, kissing, cornering or any inappropriate physical contact. • Requests for sex, repeated or unwelcome invitations to go out on dates or requests for other sexual acts that make you feel offended. • Inappropriate display of the body or indecent exposure & showing sexually explicit pictures, posters or gifts that make you feel offended • Sexually explicit emails, SMS messages, or other forms of messaging on a social media or cyber platform. • Inappropriate or repeated advancements via email, social networking websites, or any other online forum.

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| | <ul style="list-style-type: none"> • Inappropriate commentary on social media, or any other online forums relating to images or film • Other unwelcome conduct of a sexual nature that occurred online |
|--|--|

6 Procedure

The information provided aims to assist BHI staff to respond effectively to disclosures of sexual assault and sexual harassment. This procedure does not require staff to ascertain any details about the alleged incident but ensure everybody's safety and wellbeing.

Responding to an Immediate/Emergency Situation

Step 1: Establish Immediate Safety

- I. Primary concern should be for the immediate safety and welfare of the discloser. Separate the discloser and others involved, ensuring all parties are supervised by a recognised first responder
- II. If you or another person are at immediate risk, call 000 now and request emergency services. Identify a contact person for future liaison with police
- III. Arrange and provide urgent medical assistance where necessary by:
 - a. Calling 000 for an ambulance and following any instructions from emergency service officers/paramedics
 - b. First aid should be administered by a designated first aider
- IV. Additionally, call BHI security on Box Hill 9286 9286, CAE 8892 1700 and Lilydale 8892 2555
- V. Take reasonable steps to preserve the environment, clothing, other items, and potential witnesses until the police/relevant authorities arrive

Step 2: Establish if the discloser is under 18

Under the *Children, Youth and Families Act 2005* BHI has a legal requirement to report all cases of sexual abuse of minors (a child or young person under the age of 18) to the police.

- I. After establishing immediate safety and the discloser is in a safe and private space:
- II. Ensure the discloser has someone with them for support at all times and are not left unattended
- III. Ascertain the discloser's age
- IV. If the discloser is under 18, BHI has a legal requirement to report all cases of sexual abuse of minors to the police.
- V. If the discloser is under 18, the employee must inform the student that their confidentiality cannot be maintained
- VI. Contact a support person/emergency contact with the discloser's consent.
- VII. Ascertain the discloser's wellbeing. If the discloser is showing signs of distress contact Student Life for immediate support

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Reporting (recent or historic)

Step 1: Instances of sexual assault and/or sexual harassment should be reported to Student Life or Human Resources as soon as possible and the report to be acknowledged in writing within 24 hours of notification. A report can be received in person, via telephone or email.

Student Life:

Phone (03) 9286 9891
Email studentlife@boxhill.edu.au
SMS 0429 680 448

Human Resources:

Phone (03) 9286 9441
Email HRassist@boxhill.edu.au

The referring member of the BHI Community may withhold the identity of the discloser if the discloser does not wish their identity to be shared, provided they are over the age of 18. All reports and notifications will be recorded in the Sexual Assault and Sexual Harassment Register.

A discloser may also seek advice from or make a complaint of SASH to the Victorian Human Rights and Equal Opportunity Commission.

Step 2: Outcome of SASH Investigation

Following the conclusion of the SASH investigation the alleged perpetrator and the discloser will be notified of the outcome of the investigation in accordance with the relevant BHI conduct management and complaints policies and procedures.

If the alleged perpetrator or discloser are not satisfied with BHI's response the complaints policy and procedure should be followed.

If the discloser is under 18 years

All cases of sexual assault and sexual harassment involving minors *must* be reported to Police as a legal requirement under the *Children, Youth and Families Act*.

- I. Call 000 or for assistance contact the Mandatory Reporting Officer who will contact the police and nominate a Student Life staff member to provide ongoing support
- II. Notify the Manager, Student Life or the Manager Human Resources who is responsible for registering details of any report, incident or notification involving a sexual assault and sexual harassment
- III. Notify your line manager who will brief the relevant Executive Director and CEO
- IV. If under 18 years the CEO must notify the reportable allegation to the Victorian Commission for Children and Young People (CCYP).

If the discloser is over 18, it is their decision if they wish to:

- I. Make a formal report to the police
 - a. Assist the discloser to call 000
 - b. Notify the Manager Student Life or the Manager Human Resources who is responsible for registering details of any report, incident or notification involving a sexual assault and sexual harassment

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- II. Make a formal report to BHI
 - a. For students contact the Mandatory Reporting Officer who will nominate a Student Life staff member to record a formal report and provide ongoing support
 - b. For staff contact HR who will assist with the formal report and provide ongoing support

- III. Make an informal or anonymous notification

Members of the BHI Community who have experienced sexual assault and sexual harassment may choose to remain anonymous, withdraw a report and not to identify the respondent when making the notification, provided they are over the age of 18.

Student Life and HR can provide information and guidance, counselling support, safety and security precaution.

Providing Continued Support

All BHI employees have a critical role in supporting members of the BHI Community who are impacted by sexual assault and sexual harassment, and a duty of care to ensure everyone feels safe and supported at the Institute.

Direct support for students can include:

Student Life (03) 9286 9891 or StudentLife@boxhill.edu.au

Human Resources: (03) 9286 9441 or HRassist@boxhill.edu.au

Direct support for staff can include:

Employee Assistance Program (EAP) - D'Accord 1300 130 130

All members of the BHI Community can be referred to external services such as:

- Sexual Assault Crisis Line (SACL) (24 hours): 1800 806 292
<https://www.sacl.com.au/>
A free, statewide, after-hours service for people in Victoria who have experienced sexual violence. The crisis line operates from 5 pm on weeknights to 9 am the next day, and during the same hours on weekends and public holidays.
- National Sexual Assault, Domestic Family Violence, Counselling Service (24 hours): 1800 RESPECT (1800 737 732)
<https://www.1800respect.org.au/>
24/7 support for individuals experiencing, or at risk of experiencing, sexual assault, domestic or family violence
- Centres for Sexual Assault (CASA) Ph: 1800 806 292
<https://www.casa.org.au/>
The peak body for the 15 Centres Against Sexual Assault in Victoria and the Victorian Sexual Assault Crisis Line. Call the above number to be connected with your nearest centre or for after-hours support.
- Gatehouse Centre for Child Sexual Assault (0-17 years) Ph: 9345 6391 (9am-5pm)
<https://www.rch.org.au/gatehouse/>
- Victims of Crime Help Line Ph: 1800 819 817 text: 0427 767 891 (8am – 11pm)
<https://www.victimsofcrime.vic.gov.au/>
- Safe Steps Family Violence Response Ph: 1800 015 188 (24 hours)
<https://www.safesteps.org.au/>

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- Victorian Human Rights and Equal Opportunity Commission Ph: 1300 292 153
<https://www.humanrights.vic.gov.au/>

Precautionary actions

Precautionary actions are non-disciplinary actions that may be imposed in response to a disclosure or complaint. The purposes of precautionary actions are to ensure the safety of the affected individuals, to discourage or prevent victimisation and retaliation, prevent further incidents of these behaviours and/or preserve BHI's ability to conduct the investigation. They are not considered sanctions/penalties under any complaint/disciplinary process and are without prejudice to the person against whom the complaint is made.

Maintenance of the Sexual Assault and Sexual Harassment Register

The Executive Director, Student Experience (or delegate) is responsible for conducting an annual review of the Sexual Assault and Sexual Harassment Register and ensuring that risks identified on the Register are mitigated through identified actions.

The Manager, Student Life is responsible for forwarding the appropriate details of any incident or hazard report involving a sexual assault and sexual harassment to the Executive Director, Student Experience. The Executive Director, Student Experience will report on SASH incidents to the Educational Quality Subcommittee of the Board to ensure compliance with the Standards for Registered Training Organisations 2015, the Higher Education Standards Framework (Threshold Standards) 2015 and improve the Student Experience.

The Executive Manager, Facilities and Campus Services is responsible for providing the relevant details of any security audit conducted that may inform risks to children to the Executive Director, Student Experience.

The Executive Director, Student Experience is responsible for reviewing the Risk Register following any OHS incident or hazard report involving a sexual assault and sexual harassment, or Victoria Police; or any security audit to ensure that the risks associated with the report are identified and mitigated.

The Executive Director, Student Experience will publicly report incident data and trends in the BHI annual report.

7 Related Documents

Documents, Standards and reference material associated with this procedure include:

- Children Youth and Families Act 2005 (Vic)
- Child Safe Policy and Procedure
- Code of Conduct for Victorian Public Sector Employees
- Conducting VET Assessment Policy and Procedure
- Complaint: Student, Customer, Client and Stakeholder Policy and Procedure
- Critical Incident Management Policy
- Electronic Communication and Appropriate Use Policy
- Higher Education Assessment Policy and Procedure
- Marketing Policy
- Prevention of Workplace, Discrimination, Harassment and Bullying Policy

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- Sexual Assault and Sexual Harassment Policy
- Sexual Assault and Sexual Harassment Register
- Social Media Guidelines
- Staff Code of Conduct
- Staff Discipline Policy
- Student Code of Conduct
- Student Conduct Management Policy & Procedure
- Student Welfare and Support Policy
- Workplace Behaviour Policy

7.1 Documents

Document Identifier	Title
Nil	Related Form

7.2 Risk/Opportunity Assessment

Risk/Opportunity	Likelihood	Severity	Assessment Method (if applicable)	Mitigation
A member of the BHI Community is sexually assaulted	LOW/MED	HIGH	Security on-site at BHI campuses. BHI Community training and awareness campaigns	

8 Related External Agencies

- Sexual Assault Crisis Line (SACL) (24 hours): 1800 806 292
<https://www.sacl.com.au/>
- National Sexual Assault, Domestic Family Violence, Counselling Service (24 hours): 1800 RESPECT (1800 737 732)
<https://www.1800respect.org.au/>
- Centres for Sexual Assault (CASA) Ph: 1800 806 292
<https://www.casa.org.au/>

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- Gatehouse Centre for Child Sexual Assault (0-17 years) Ph: 9345 6391 (9am-5pm)
<https://www.rch.org.au/gatehouse/>
- Victims of Crime Help Line Ph: 1800 819 817 text: 0427 767 891 (8am – 11pm)
<https://www.victimsofcrime.vic.gov.au/>
- Safe Steps Family Violence Response Ph: 1800 015 188 (24 hours)
<https://www.safesteps.org.au/>
- Victorian Human Rights and Equal Opportunity Commission Ph: 1300 292 153
<https://www.humanrights.vic.gov.au/>
- Tertiary Education Quality and Standards Agency Complaints Portal
<https://www.teqsa.gov.au/complaints>

9 Procedure Owner

The Executive Director Student Experience is the owner of this procedure. The procedure is co-endorsed by Executive Director, People & Culture.

Executive Director Signature	Date Endorsed	Name/Title
	22 March 2021	Jennifer Newport Executive Director, Student Experience

Executive Director Signature	Date Endorsed	Name/Title
		Aggie Kost Executive Director, People & Culture

Author's Name	Title
Simone Spicer	Executive Manager Student Life
Bronwyn Glover	Manager Health Safety & Wellbeing

10 Approval Body

The CEO is the approval body.

CEO's Signature	Date Endorsed	Name/Title
	29 March 2021	Vivienne King CEO