

Sexual Assault and Sexual Harassment (SASH) Prevention and Response Policy

Fact box

- **Policy owner:** Vice President Operations
- **Policy category:** Management: WHS
- **Policy status:** Approved
- **Approval body:** Council
- **Endorsement body:** Executive
- **Related policies:**
 - [Child and Young Person Protection Policy](#)
 - [Code of Conduct Policy](#)
 - [Critical Incident Management Policy](#)
 - [Harassment, Bullying and Unlawful Discrimination Prevention and Response Policy](#)
 - [Staff Grievance Resolution Policy](#)
 - [Staff Termination Policy](#)
 - [Student Complaint, Grievance Resolution, and Appeals Policy](#)
 - [Support for Students Policy](#)
- **Last amended:** 9th June 2023
- **Relevant HESF:** Part A, 1.1, 1.3, 2.3, 2.4, 6.2. National Code (2018) Standard 6

Purpose

Alphacrucis University College (AC) is committed to providing students, staff and visitors a safe environment. Sexual Assault and Sexual Harassment (SASH) is unacceptable. Any reported SASH will be taken seriously, investigated and appropriate action taken. The purpose of this policy is to outline the steps taken to prevent sexual assault and sexual harassment, and respond to instances in a just, compassionate fair, and consistent manner.

Scope

This policy applies to all students and staff of AC, including visitors or guests to AC campuses, the online environment, and other locations where official AC business is undertaken.

Policy

DEFINITIONS

Sexual assault

Sexual assault includes a range of behaviours, all of which are unacceptable and constitute a crime. Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent.[\[1\]](#)

Examples of sexual assault may include (but are not limited) to:

- Two people in a relationship start engaging in sexual activity but Person A changes their mind and asks to stop. Person B refuses to stop and forces sexual activity.
- A student taking advantage of another intoxicated student at an event and engaging in sexual activity when the student is unable to give consent due to being affected by alcohol.
- A research supervisor manipulates a student to engage in sexual acts in exchange for better grades.
- A staff member who has been continually making advances towards another staff member proceeds to force themselves onto that person while they are alone.

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.[\[1\]](#)

Examples of sexual harassment may include (but are not limited to):

- Staring or leering at a person in a sexual manner
- Standing deliberately too close to someone or deliberately brushing against someone as you walk past
- Displaying pornographic or sexually explicit material (such as posters and screen savers)
- Sending sexually explicit emails, SMS messages
- Inappropriate advances on social networking sites
- Sexual insults or taunting
- Requests for sex or repeated unwanted requests to go out on dates
- Making promises or threats in return for sexual favours

- Intrusive questions or remarks about a person's sexual activities
- Verbal abasement of a person which focuses on gender
- Comments which are objectifying

SASH

This policy uses the acronym '**SASH**' to denote sexual assault and sexual harassment.

Consent

Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid there must be a clear expression in words or actions that the other individual agreed to that specific sexual conduct. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. A person can withdraw consent at any time during sexual activity. According to state law, a minor (someone below the age of consent) cannot consent to sexual activity.

AC Health and Safety Officer

The AC Health and Safety Officer - appointed by the Vice President Operations (VPO) - is responsible for monitoring AC's compliance with relevant legislation by helping to ensure that AC responds appropriately, effectively and equitably to SASH reports and incidents.

Sexual Assault and Sexual Harassment (SASH) Taskforce

AC's SASH Taskforce is made up of trained AC staff from various departments, such as Registry, State Directors, Executive and Wellbeing. The taskforce receives and investigates reports and complaints of sexual misconduct in accordance with this policy and works closely with the AC Health and Safety Officer to ensure that the Complainant has access to appropriate reporting and support mechanisms.

First Responders

An AC First Responder is defined as an AC staff member on the AC Register of First Responders who has been trained to provide an initial response to a report of sexual misconduct. The Register of First Responders can be found on the [AC Guidelines for Support Services and Reporting Sexual Harassment or Assault](#).

Procedural Fairness

Procedural Fairness is the procedural requirement to ensure that a standard of fairness is applied in the investigation and adjudication of a dispute. This involves:

- fully informing a person of any allegation/s made against them;
- giving them the opportunity to state their case, provide an explanation or put forward their viewpoint;
- conducting a proper investigation of the allegations, ensuring that all parties are heard and that all
- relevant submissions are considered, with reasons given for any decision;
- acting fairly, impartially and without bias; and
- declaring any real or potential conflict of interest.
- False or misleading allegations will be investigated and action may be taken.

POLICY

AC has a zero tolerance approach to SASH, and is committed to ensuring a safe and healthy working and learning environment that is free from SASH as required under the Commonwealth [Sex Discrimination Act 1984 \(Cth\)](#), and the [Fair Work Act 2009](#).

AC will endeavour to ensure all students, staff and visitors to the campuses are aware of their rights and responsibilities.

Where an incident of SASH is Disclosed and/or Formally Reported, all parties will be treated with fairness and respect and the principles of natural justice will apply.

AC recognises that provision of dedicated support services for staff, students, and visitors who have experienced SASH is integral to ensuring their wellbeing.

Principles of the Policy

1. AC regard the safety and wellbeing of students, staff and visitors as a high priority.
2. AC will work to promote and encourage a culture and environment of respect and safety.
3. AC has zero tolerance for SASH.
4. AC will support staff, students and visitors who are parties to the reporting of SASH incidences.
5. AC will respect the rights of staff and students with regards to privacy and confidentiality

6. AC supports the rights of students and staff who have experiences SASH whether they determine to make a report to AC or to the police.
7. AC will treat all individuals fairly and impartially.

Prevention Methods

AC takes a zero-tolerance approach to sexual misconduct and recognises that zero tolerance is the first step towards elimination. The prevention and response mechanisms at AC work together to ensure continuous improvement of AC's reporting, prevention and support measures.

AC has put measures in place to prevent sexual misconduct, which include:

- clearly articulating AC's behavioural and integrity expectations as outlined in this policy through onboarding processes of both staff and students
- providing regular communication to educate the AC community to achieve a shared understanding of what constitutes sexual misconduct
- striving to develop a culture that empowers individuals to set their own boundaries and to accept and respect the boundaries of others
- building awareness and understanding and a positive practice of consent
- collaborating with, and learning from, evidence and best practice
- providing safe spaces for AC students to raise concerns, seek help and support, and report incidents of sexual misconduct
- providing regular training to First Responders and SASH Taskforce
- providing Professional Development for all AC administration and academic staff, including HETP staff, on responding to disclosures of SASH

RIGHTS AND RESPONSIBILITIES

AC is responsible to ensure that the wishes of the Complainant are respected in relation to reporting SASH. The Complainant always has the right to contact the police directly.

AC is also responsible for responding promptly and effectively to all reports of SASH by taking immediate action, prevent its recurrence and address its effects. A criminal investigation into allegations of SASH does not relieve AC of its duty to resolve complaints promptly and equitably.

The Complainant also has the right to anonymous or external reporting (for example the police).

- AC will retain an anonymous report on the AC Incident Register.
 - However, AC may not be able to take further action arising out of anonymous reports, including but not limited to where limited or no information is available to identify the parties involved or the subject of the report.
- Any SASH related records on the AC Incident Register are maintained by the SASH Taskforce. The Incident Register is inaccessible to general staff.

Complainants should be aware that AC administrators must report to the police any incidents relating to people under the age of 18 and/or that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community.

AC will make every effort to ensure that a Complainants name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the risk. Names and intimate details will be withheld.

AC expects:

- all members of its community to treat one another with respect and dignity and behave in accordance with AC's Codes of Conduct;
- all members of its community to comply with this Policy.

In addition to any person engaging in sexual harassment or assault subject to disciplinary action, any person acting in an ancillary capacity including actively encouraging, spectating or aware of harassment and taking no action may be subject to disciplinary action as well.

AC encourages those who observe incidents of sexual misconduct to disclose them to AC and to make use of AC's support services if they require assistance and support.

Confidentiality and Privacy

If a person makes a complaint, it will be taken very seriously and will be dealt with compassionately and in a confidential manner. Staff and student confidential and personal information will only be released with the consent of the person involved, next of kin or where it may be necessary to protect the health and wellbeing of others.

AC Student Support Staff role

Those who have been affected by sexual misconduct whilst on campus can approach any Student Support staff member to put them in touch with one of AC's First Responder (see [AC Guidelines for Support Services and Reporting Sexual Harassment or Assault](#)) to disclose or complain about a case of sexual assault or sexual harassment. First Responders are trained to provide an initial response to a report of

sexual misconduct and will put the complainant in touch with a member of the AC SASH Taskforce (if desired).

AC First Responders' role

First Responders will provide initial assistance to anyone affected by sexual misconduct. They will:

- Support by listening to what a complainant chooses to share – their first priority is the person's wellbeing
- Show what support services are available
- Show how to report an incident to AC and/or to the police (where relevant)
- Maintain confidentiality of the complainant and the accused except for reporting to the AC SASH Taskforce and police (where legally required)
- If desired, connect a complainant to a counsellor trained in assisting those who have experienced SASH

AC SASH Taskforce's role

The AC SASH Taskforce will:

- Receive and investigate reports and complaints of sexual misconduct in accordance with this policy
- Work closely with the AC Health and Safety Officer to ensure that the Complainant has access to appropriate reporting and support mechanisms.

AC Health & Safety Officer's role

The AC Health & Safety Officer will:

- Provide regular education and training about discrimination, harassment, sexual discrimination, and sexual misconduct to the AC community;
- Identify and address any patterns or systematic problems that arise during the review of such complaints;
- Identify and implement measures to prevent and respond to sexual assault and sexual harassment in collaboration with AC's First Responders and the AC SASH Taskforce;
- Ensure AC fulfils all legal and statistical reporting obligations;
- Provide regular reports on AC's compliance with this policy to the Work Health & Safety Committee; and

- In collaboration with the First Responders and AC SASH Taskforce, annually assess the overall effectiveness of this policy and provide recommendations to the Executive and Council as needed.

Managers' and supervisors' role

Managers and supervisors must ensure they and their staff understand and adhere to this policy. If a person approaches them with a complaint, they should take appropriate steps to resolve it. If this is not possible or is inappropriate, then the Human Resources Department should be informed.

The reporting person may bring a support person with them to any meetings.

Employees' role

Each employee must adhere to this policy and should be aware that they can be held legally responsible for their unlawful acts. Employees who aid, abet or encourage other persons to sexual misconduct can also be held legally liable.

Retaliation

AC strictly prohibits retaliation against a member of the AC community who opposes the practices prohibited by this policy against sexual assault and/or sexual harassment, who brings forth a complaint, against whom a complaint is brought, or who otherwise is a participant in a complaint resolution process. Such prohibited retaliatory conduct includes, but is not limited to:

- reducing a student's grade;
- decreasing an employee's pay; or
- downgrading a person's performance evaluation.

[1] Reference: https://www.teqsa.gov.au/sites/default/files/good-practice-note-preventing-responding-sexual-assault-sexual_harassment-v2-0-web.pdf?v=1626668840

Supporting guidelines

AC Guidelines for Support Services and Reporting Sexual Harassment or Assault.

Responsible for implementation

Vice President Operations

Key stakeholders

Whole of AC

Related legislation

- Australian Human Rights Commission Act 1986
(Federal): <https://www.legislation.gov.au/Details/C2017C00143>
 - Fair Work Act 2009: Fair Work Act 2009
 - WHS Act 2011: <https://www.legislation.gov.au/Details/C2018C00293>
 - Sex Discrimination Act 1984: <https://www.legislation.gov.au/Details/C2014C00002>
 - Violence Against Women Act (VAWA) 1994: <https://www.congress.gov/bill/103rd-congress/house-bill/3355>
 - Campus Sexual Violence Elimination Act: <https://www.congress.gov/bill/112th-congress/house-bill/2016>
 - Crimes Act 1900
(NSW): http://www5.austlii.edu.au/au/legis/nsw/consol_act/ca190082/
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Procedures

SEXUAL MISCONDUCT PROCEDURES

If a staff member, student or visitor is the Complainant subject of sexual assault or sexual harassment, the first priority is the wellbeing of the individual. As such, the individual is encouraged to seek support from a trusted source such as a family member, counsellor, campus pastor, student support, First Responder or external provider before taking any formal action. The reporting person is advised to limit the number of people they inform about the incident/s so as not to jeopardise the impartiality of any future investigation.

AC also recognises that Complainants all respond in different ways and may not approach this procedure in a linear or sequential way (for example, they may contact a First Responder before completing the confidential online form). First Responders will exercise maximum flexibility and care while guiding a Complainant through this procedure.

If the Complainant chooses to take formal action, the following procedures are in place:

1. Step 1 – Record and Contact

1. The Complainant makes contact with AC to disclose a sexual misconduct incident in one of the following ways:
 1. A Student Support staff member may be approached on campus, to put the Complainant in touch with a First Responder.

2. The Complainant may contact a First Responder directly via email (see [AC Guidelines for Support Services and Reporting Sexual Harassment or Assault](#) for contact details).
 3. The Complainant may provide a written report by completing the confidential online [Sexual Assault/Sexual Harassment \(SASH\) Incident Form](#) instead of contacting a First Responder first.
 4. The Complainant may contact the AC SASH Taskforce directly via email (studentsafety@ac.edu.au) instead of contacting a First Responder first.
2. Where a report is made to a First Responder, the First Responder will listen to the Complainant, provide assistance with lodging a formal report for investigation by the AC SASH Taskforce and provide advice on available support services.
 3. Where a report is made in writing via the confidential online [Sexual Assault/Sexual Harassment \(SASH\) Incident Form](#) instead of contacting a First Responder first, the Complainant will be contacted by a member of the AC SASH Taskforce.
 4. Where a report is made by emailing studentsafety@ac.edu.au, the report will be received by a member of the AC SASH Taskforce and the Complainant will be contacted by a member of the AC SASH Taskforce.
 5. Upon receipt of a report of sexual misconduct, the SASH Taskforce will meet to review and investigate the report.
 1. If the Complainant provides contact information, a member of the AC SASH Taskforce will contact them.
 2. The report will be added to the AC Incident Register regardless of whether or not contact details have been provided.
 3. This report is not linked with other AC systems and does not impact on the Complainant's academic standing or immigration status (for international students).
 4. If the affected person is a minor (under 18) AC has an obligation to report the incident to the police. In this instance, the AC Health & Safety Officer will be informed immediately.

Step 2 – Discuss Options

2. A member of the AC SASH Taskforce will discuss further support and reporting options available to the Complainant, including ongoing support or making a report to the police.
 1. Support is also available via publicly accessible services such as National Sexual, Domestic and Family Violence Counselling Service (1800 RESPECT) on 1800 737 732 (24 hours a day/7 days a week).

Step 3 – Action Plan

3. A member of the AC SASH Taskforce works with the Complainant to develop an action plan to ensure safety and reduce any potential ongoing risks where possible.
 1. If the Complainant decides to report to police or an external agency and a criminal investigation or similar process is commenced, AC will exercise its discretion as to whether to proceed with their internal investigation or may suspend the investigation, seeking advice from police or the external agency as appropriate.
 2. Where an internal investigation is suspended, appropriate support and guidance will continue to be provided.

Step 4 – Review and Close

4. AC will review the report and any agreed courses of action with the Complainant before the matter is closed.
 1. The Complainant may contact the AC SASH Taskforce regarding the report at any time.

Interim Protection Measures

In the case of sexual discrimination or sexual misconduct, AC reserves the right, at the direction of the VPO, or approved delegate, to suspend or place on immediate administrative leave any member of the campus community accused of violating this policy, or to take any other interim measures AC deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings.

- Such interim measures can include, but are not limited to,
 - placing an employee on paid or unpaid administrative leave,
 - removing a student from current classes,
 - modifying course schedules, and
 - issuing a “no contact” order, among many other remedies.

Reporting Criminal Offences

- In accordance with section 316 of the Crimes Act 1900 (NSW) (or relevant State law), AC may report information about a 'serious indictable offence' to the police if it involves a person under the age of 18 and/or if there is a substantial threat of bodily harm or danger to members of the campus community.
- In these cases, if a student or staff member decides not to report an incident of sexual assault to the police, AC will use its best efforts to protect the confidentiality of information relating to the student or staff member's disclosure or complaint, while meeting its legal obligations.
- If a matter is reported to police and it will interfere with the police investigation/action to continue to deal with the matter under AC procedures, AC will suspend action. If there is no risk of interference with a police investigation the matter may be dealt with under AC's grievance procedures.
- In some limited circumstances, AC may need to report an incident of sexual assault to the police against a student or staff member's wishes, to ensure the safety of the student, staff member or other members of the AC community, or to meet its legal obligations.
 - AC will inform the student or staff member before reporting an incident of sexual assault to the police.

Incidents outside AC

- Where staff or students disclose incidents that occurred outside the domain of AC, such as in their home or an external workplace, Complainant.
 - AC will not be in a position to investigate allegations of SASH made against people who are not staff, faculty or students.
 - the First Responders are encouraged to support the Complainant and show them the available support services and support them if they wish to report the incident to the police.
-