

## **SEXUAL ASSAULT AND SEXUAL HARASSMENT (STUDENTS) PROCEDURE**

### **Section 1 - Purpose and Scope**

- (1) This Procedure gives effect to the Sexual Assault and Sexual Harassment Policy.
- (2) The Procedure does not override:
  - a. professional standards regarding confidentiality between clients and health/counselling and similar professionals;
  - b. mandatory reporting requirements;
  - c. legal obligations applicable to the College; and
  - d. the discretion of the CEO and Dean to respond to concerns about a student.

### **Section 2 - Definitions**

- (3) As set out in the Sexual Assault and Sexual Harassment Policy.

### **Section 3 - Procedures**

#### **Seeking assistance**

- (4) At all times, the priority is to support victims of sexual assault and sexual harassment:
  - a. to seek immediate assistance; and
  - b. to access on or off-campus support as required.
- (5) Information about reporting and support options are available on the College website. Support options may also be available to students or staff who have assisted another person to make a report in accordance with this Procedure.
- (6) Any person who is not a student or staff member who wants to report an incident of sexual assault or sexual harassment in relation to the conduct of a student may:
  - a. use the mechanisms set out in this Procedure; or
  - b. contact the Director of Student Services and Campus Wellbeing.
- (7) The Director of Student Services and Campus Wellbeing is responsible for managing the College's response to reports of incidents of sexual assault and sexual harassment. The responsibilities include:
  - a. notifying the CEO about serious incidents, including those that need reporting to the Police or other authorities;
  - b. supporting the student during the process, or nominating an appropriate staff member to do so. This includes helping the student access academic and non-academic supports in a timely manner; and
  - c. notifying other staff.

- (8) While the College will be guided by the complainant's wishes during the process, it may be legally obliged or may otherwise feel compelled to report the incident to the NSW Police or other authorities. In such cases, the College will keep the complainant informed about this process.

Note: This includes an obligation to report information about a "serious indictable offence" to the Police in accordance with sections 316 and 316A of the Crimes Act 1900 (NSW). A "serious indicatable offence" is an offence that is punishable by imprisonment for five years or more.

### **Seeking informal resolution**

- (9) For less serious incidents, a complainant may seek to resolve the matter informally by directly advising the alleged offender that the behaviour is unwelcome and requesting that it stop. This may be done:
- in writing or verbally; and
  - with or without the assistance of a staff member or appropriate student representative.
- (10) Staff members or student representatives should seek advice from the Director of Student Services and Campus Wellbeing or the ACPE Counsellor if they feel they are not equipped to adequately assist the complainant.

### **Disclosure of incidents**

- (11) A complainant may choose to disclose an incident to the College by:
- giving a written or verbal account to a staff member;
  - email to [sash@acpe.edu.au](mailto:sash@acpe.edu.au); or
  - making an anonymous disclosure such as asking another person to report the matter to the College on their behalf.
- (12) On receiving a disclosure, the College will:
- assess the information provided in relation to the incident; and
  - contact the complainant or other person within three working days.
- (13) On contacting the complainant, the College will provide advice about:
- the other reporting options that are available, such as:
    - proceeding to make a formal complaint for investigation; and / or
    - reporting to the Police or other authorities;
  - the academic and non-academic supports that are available;
  - alternative actions that may be available to resolve the incident where appropriate; and
  - the management of confidential information and mandatory reporting at each stage of the process.

### **Lodging and responding to formal complaints**

- (14) A complainant can lodge a formal complaint at any time by:
- submitting a Sexual Assault and Sexual Harassment (SASH) online report;
  - email to [sash@acpe.edu.au](mailto:sash@acpe.edu.au); or
  - hard copy report, marked to the attention of the Director of Student Services and Campus Wellbeing.
- (15) A complainant may seek assistance from College staff (such as the ACPE Counsellor) or another person when disclosing an incident or lodging a formal complaint. This option is encouraged in situations where the complainant is distressed or uncomfortable.
- (16) When lodging a formal complaint, the complainant should try to provide as much relevant information about the incident as possible, including:
- specific details (what, when, where, witnesses and any relevant background information);
  - any action taken to resolve the situation, including subsequent contact with the alleged offender and outcomes from that contact;
  - contact with College staff regarding the incident and outcomes of this;
  - confirmation that the individual wants the College to proceed to a formal investigation; and
  - any outcomes sought as a result of the incident.
- (17) On receipt of a formal complaint, the College will:
- ensure the appropriate staff members are notified of relevant details (de-identified where necessary);
  - nominate an appropriate staff member to contact the person who made the complaint and ensure they are supported in terms of their immediate safety and during the investigative process. The staff member normally appointed to this role is the Director of Student Services and Campus Wellbeing;
  - assess any requests for study adjustments and special consideration such as changes to the study timetable or submission dates; and
  - where necessary, alert an external agency if action from these services is required.

### **Anonymous reports**

- (18) When an anonymous report has been made, the College will:
- assess what, if any, immediate action is required to protect the safety of others; and
  - assess whether the incident needs to be reported to the Police.

(19) An anonymous report may form the basis of an identified formal complaint at a later stage.

### **Investigative and Disciplinary processes**

(20) When an investigation is initiated in accordance with the Student Misconduct (Non-Academic) Policy and Procedure, the alleged offender:

- a. will receive written notification about the allegation based on the information available at that time and the possible penalties;
- b. may, at any time during the process, agree that the events occurred as alleged; and
- c. may request support during a College investigation process. This support will be offered separately from that offered to the complainant.

(21) The College:

- a. will conduct its investigations in a timely manner, as set out in the Student Misconduct (Non-Academic) Procedure;
- b. will seek a response from the alleged offender and other relevant witnesses;
- c. will ensure the victim, the alleged offender and other relevant witnesses are kept informed about the investigative process;
- d. will assess the information available to it in making determinations of fact; and
- e. may find the allegations not substantiated, partly substantiated or fully substantiated.

(22) Following the investigation, the College may impose penalties that are proportionate to the nature and seriousness of the misconduct, in line with the Student Misconduct (Non-academic) Policy and Procedure.

For example, the penalties that may be imposed for serious misconduct include suspension, permanent exclusion and reporting the matter to the Police.

(23) The College will keep the complainant informed about progress of the investigation and the outcomes.

### **Interim measures**

(24) The CEO may impose one or more interim measures on an alleged offender involved in an investigation. These include:

- a. restrictions on access to or attending classes, the campus or College-sanctioned events;
- b. restricted access to the College IT and social media system; or
- c. restrictions on communicating or approaching other students or staff.

(25) Interim measures:

- a. must be set for a fixed period of time;
- b. be reasonable and proportionate, having regard to the seriousness and circumstances of the allegations;
- c. do not anticipate the outcome of an investigation; and
- d. are subject to review by the Director of Student Services and Campus Wellbeing.

### **Record keeping and reporting**

(26) All records will be kept securely and information managed in accordance with the Privacy Policy.

(27) The College will collect, store and use de-identified information about disclosures and complaints (including anonymous reports) to identify trends and to develop targeted responses to address sexual assault and sexual harassment.

### **Document Administration**

<b>Procedure Name</b>	Sexual Assault and Sexual Harassment (Students) Procedure
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# Unless otherwise indicated, this Procedure will apply beyond the Review date