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SEXUAL ASSAULT AND SEXUAL HARASSMENT POLICY – VERSION 1.0

Authorised by: CEO

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Document:	Sexual Assault and Sexual Harassment Policy
Document No.:	SXP-STL-POL004
Process Area:	Student Experience and People and Culture

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	Execuitve Manager Student Life	Incorporated feedback from stakeholders and finalised policy
	13/08/2021	Academic Quality Assurance Officer	Minor administrative change to update Higher Education Standards Framework (Threshold Standards) 2021

2 Purpose

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

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

3 Scope

This Policy applies to:

- All members of the BHI Community including students and staff participating in on-line, on-site and off-site activities
- Current and historical reports of sexual assault and sexual harassment
- For students, this Policy should be read in conjunction with the Student Code of Conduct and the Conduct Management Policy and Procedure. The Conduct Management Policy and Procedure addresses sexual harassment committed by or against students.
- For staff, this policy should be read in conjunction with the Staff Code of Conduct and the Prevention of Workplace Discrimination, Bullying and Harassment Policy. The Prevention of Workplace, Discrimination, Harassment and Bullying Policy and Procedure addresses sexual harassment committed by or against staff, clients, volunteers and contractors.

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4 Policy Statement

BHI has a zero tolerance approach towards sexual assault and sexual harassment and is committed to prevention, education, action once a report is made and reporting. BHI has targeted policies, procedures and training to support members of the BHI Community achieve the following commitments:

- Provide an environment that is free from inappropriate and unacceptable behaviour as deemed by BHI and the law
- Take reasonable steps to ensure everyone is treated in accordance with BHI values and our related policies and procedures

EDUCATIONAL TRAINING, AWARENESS AND PREVENTION PROGRAMS

BHI leadership comprising the Chief Executive Officer and Executive Directors are responsible for raising awareness and implementing safeguards and educative strategies and programs which aim to prevent sexual assault and sexual harassment amongst members of the BHI Community. Staff members will have access to appropriate resources to address issues surrounding sexual assault and sexual harassment. Such information will be included in staff induction materials and on the BHI Staff intranet. All staff are required to complete the staff induction on commencement. In addition all staff are required to complete Workplace Behaviour & Equal Opportunity Training on commencement and every 2 years thereafter. This Training includes designated modules on Sexual Harassment in the Workplace. Student awareness campaigns will include respectful behaviour and reporting channels and will be included in student inductions and on the BHI Student Web.

Safeguard:

BHI aims to safeguard individuals from sexual assault and sexual harassment by:

- Promoting our respectful culture and environment
- Educating, informing and empowering our community to:
 - a) Assess risk of harm and implement preventative measures
 - b) Articulate and demonstrate clear and uncompromising standards of respectful behaviour
 - c) Address underlying disrespectful attitudes and behaviours
 - d) Be able to define and recognise sexual assault and sexual harassment
 - e) Respond appropriately to incidents of sexual assault and sexual harassment
 - f) Collaborate and consult with skilled external agencies
- The online environment including affiliated social media sites are monitored and moderated by the Communications Manager, Marketing in accordance with the Electronic Communication and Appropriate Use Policy, Social Media Guidelines and the Marketing Policy.

REPORTING AND MONITORING:

Our Sexual Assault and Sexual Harassment Procedure provides an organisational framework for responding to and reporting suspected sexual assault and sexual harassment.

BHI has a legal obligation to contact the police on behalf of all minors (under 18 years of age) who report experiencing a sexual assault and sexual harassment. Contact with police in these circumstances will be managed in accordance with the Child Safe Procedure.

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Individuals of 18 years of age may make their own choice in regard to police involvement, except when evidence brought forward indicates that the broader safety of the BHI Community could be in jeopardy. Such instances could invoke BHI's Duty of Care and BHI reserves the right to identify risks and implement appropriate actions to eliminate that risk to provide a safe work and study environment. BHI will comply with any mandatory legal reporting obligations.

The SASH register is held by the Mandatory Reporting Officer, the Executive Manager, Student Life and the General Manager, Human Resources. Access to the database is restricted to these roles and the relevant Executive Director.

5 Code of Conduct

We have clear expectations for appropriate behaviour towards everyone at BHI, as outlined in our Codes of Conduct:

- Employees adhere to the BHI Code of Conduct and the Code of Conduct for Victorian Public Sector Employees. The standards in these documents state BHI staff must engage with others with respect and avoid behaviour that might be reasonably perceived as harassment. Furthermore, it states that staff must adhere to all State and Commonwealth laws.
- Students are required to adhere to the Student Code of Conduct which states sexual abuse and sexual harassment is not accepted and will not be tolerated. If the discloser is under 18 years (minor), BHI is required to report the matter to police in accordance with the Child Safe Standards.

6 Definitions

Term	Definition
BHI	Means Box Hill Institute, Centre for Adult Education and wholly owned subsidiaries
BHI Community	Includes Staff, Students, Clients, Volunteers and Contractors <ul style="list-style-type: none"> • Staff includes all people employed by BHI • 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
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
Protective measures	An action put in place to minimise the risk of any further harm or distress Protective measures are not a penalty or sanction and do not indicate that BHI has concluded that a breach of Code of Conduct has

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	occurred or a law has been broken. Examples may 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
SASH register	The SASH register is a central register, including BHI's response and the outcome of the response.
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	<p>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:</p> <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. • 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

7 Related Procedures

The following procedures are linked below:

- Child Safe Policy and Procedure
- Code of Conduct for Victorian Public Sector Employees

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- Conducting VET Assessment Policy and Procedure
- Complaint: Student, Customer, Client and Stakeholder 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
- Sexual Assault and Sexual Harassment Procedure
- Staff Code of Conduct
- Staff Discipline Policy
- Student Code of Conduct
- Student Conduct Management Policy & Procedure
- Student Welfare and Support Policy
- Workplace Behaviour Policy

8 Related Operating Guidelines

- Guidelines of Family Violence Leave
- Social Media Guidelines

9 Related Forms

Nil

10 Related Legislation and Regulations

10.1 Box Hill Institute

- Nil

10.2 External

- Australian Human Rights Commission Act 1986 (Cth)
- Child Safe Standards
- Child Safe Standards and Reportable Conduct Scheme
- Children, Youth and Families Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Equal Opportunity Act 2010 (Vic)
- Gender Equality Act 2020 (Vic)

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- Higher Education Standards Framework (Threshold Standards) 2021
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)
- Occupational Health and Safety Act 2004 (Vic)
- Worker Screening Act 2020 (Vic)
- Worker Screening Regulations 2021 (Vic)

11 Records

Records will be maintained in accordance with the requirements of Box Hill Institute's Records Management Policy and Procedures.

Where the privacy of individuals may otherwise be compromised, records will be kept secure and confidential.

12 Review


This policy must be reviewed no later than three years from the date of CEO endorsement. The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

13 Responsibilities

Executive Manager Student Life and the General Manager Human Resources are responsible for the implementation of this policy.

14 Policy 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 2023	Jennifer Newport Executive Director Student Experience

Executive Director Signature	Date Endorsed	Name/Title
	25 March 2021	Aggie Kost Executive Director, People & Culture


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

15 Approval Body

The CEO is the approval body.

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