

# Sexual Assault and Sexual Harassment Prevention Policy and Procedure

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## Preamble

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*AIFE is committed to supporting the health, safety and welfare of its students, staff, governing bodies and individuals engaged in providing services to AIFE, wherever possible.*

*The characteristics of AIFE's operating model are that administrative, management and organisational governance activities are conducted from AIFE's Head Office in Melbourne. The teaching of AIFE students is conducted exclusively online, which is completed in international locations, either in the student's own home environment, or at the campus of the student's employing university.*

*Accordingly, AIFE will take all reasonable steps to ensure that all AIFE staff, governing bodies and its contractors are provided with the appropriate support and resources to maintain their health, safety and welfare, and that all students will be provided with similar support and resources, appropriate to an online environment in international locations.*

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## Purpose

This Policy outlines a framework for the prevention of sexual misconduct, the response to reported incidents and the mitigation of the negative consequences of sexual misconduct should it occur.

## Scope

This Policy applies to:

- Prospective and current students of Australia Institute of Future Education (**AIFE**)
- All visitors
- All staff of AIFE whether full-time, part-time, casual or contract
- Members of AIFE's Governing Bodies
- Individuals engaged in providing services to AIFE or receiving services from AIFE, such as contractors or consultants, and
- All behaviours defined as sexual misconduct in this Policy and Procedure, both on and off campus.

## Policy

### Principles

A culture of respect and safety will be developed and maintained, and supported by processes to prevent, prepare for, respond, and recover from sexual misconduct.

AIFE adopts a zero-tolerance approach to sexual harassment and sexual assault.

AIFE acknowledges and adopts processes that respects procedural fairness and the principles of natural justice.

The reporting of incidents will be encouraged. AIFE will support complainants, and will apply sanctions appropriately where relevant.

Where sexual misconduct takes place outside of the scope of the activities of AIFE, support where reasonable and practical, will also be provided to victims.

In its approach to the prevention and management of sexual misconduct, AIFE will:

- Seek to prevent the occurrence of sexual misconduct across all areas of AIFE's operations, including online
- Ensure management is aware of its responsibilities for establishing controls and procedures for the prevention and detection of, response to, and recovery from instances of sexual misconduct
- Ensure staff members are aware of AIFE's expectation to report promptly and respond effectively to cases of sexual misconduct
- Treat all reports with confidentiality and care
- Provide assurances to staff, students, and the wider community that any suspected case of sexual misconduct will be fully investigated, and sanctions imposed, and
- Provide integrated support to victims of sexual misconduct to enable recovery and resumption of studies or employment.

## Strategies

### Prevention

**Culture:** AIFE promotes a culture of mutual respect and safety through a process of awareness, training, and monitoring.

**Leadership:** Senior staff will demonstrate a high level of commitment to the prevention of sexual misconduct at AIFE.

**Staff awareness:** All staff members will have a general awareness of issues relating to sexual misconduct in the higher education sector and understand how such conduct should be managed if it is reported, witnessed or suspected.

**Student awareness:** Students are made aware of expected behaviours and receive information and guidance on on-campus and online safety. Student orientation will include a module on sexual assault and sexual harassment and regular educational campaigns on sexual misconduct are conducted, including about sexual harassment on social media and the link of the use of drugs and alcohol to sexual misconduct.

**Risk assessment:** AIFE will conduct risk assessments for the identification and assessment of precursors, early warning signs, and 'red flags' for early intervention. Risk assessments will be conducted regularly, in particular after changes in staffing or to AIFE's head office.

**Facilities:** As far as is reasonably practicable, AIFE's head office and onsite security are designed to prevent or minimise the risk of sexual misconduct, such as the use of an open plan office and transparent partitions.

## Preparedness

**Training:** Staff members will be trained to receive reports of sexual misconduct, including on privacy and confidentiality requirements, and to initiate an adequate response from AIFE. Staff members responsible for investigating reports of sexual misconduct will be, and be seen as, independent and will receive institutional support to conduct an effective, fair and prompt investigation.

**Information:** Information on immediate assistance in the case of sexual assault or sexual harassment will be made available in ways that students and staff can access it as and when needed, including key AIFE contacts and relevant external services, such as support helplines.

**External services:** AIFE will develop and maintain a network of services to respond to sexual misconduct, including online counselling services, local police, hospitals, sexual assault services, and legal centres.

## Response

**Support:** AIFE will provide integrated support to the victims of sexual misconduct, including professional support (e.g. personal counselling), reasonable adjustments, and other measures to enable recovery and return to study or employment.

**Investigation:** AIFE will investigate all reports of sexual misconduct and will provide a response to the person who made the report.

**Sanction:** Perpetrators will be sanctioned, up to termination of enrolment or employment. If the sanction does not involve exclusion or termination, it will always include mandatory participation in educational programs on sexual misconduct.

**Referral to Police:** AIFE will refer cases to the Police only with the consent of the victim or where legally required to do so.

## Recovery

**Ongoing support:** Victims of, and persons who reported, sexual misconduct will receive ongoing support from AIFE, including academic support, reasonable adjustments, employment support and other measures to enable participation and progression. Staff members and supervisors will take into consideration the psychological impact of sexual misconduct and its negative consequences for staff and students. With the approval of the CEO, procedures may be adjusted to maintain confidentiality, e.g. with reasonable adjustments for students which normally require disclosure to staff members.

## Procedure

### Sexual Assault

In an emergency or in circumstances of immediate danger, victims or observers should call:

- Police or emergency services (24 hours): 000, and then
- AIFE Security (XX hours): < insert number >, or
- For staff or students not located in Australia contact local emergency services.

Where there is an alleged incident of sexual assault, AIFE will:

- Take immediate steps to provide appropriate support to the victim, including the engagement of external sexual assault counselling services where the victim provides consent or arrange for the victim to talk confidentially with a support staff
- Encourage but not require victims to make a report to the Police, and
- Ensure that the CEO is informed and implement the processes set out in the *Critical Incident and Emergency Management Policy and Procedure*.

Where a report has been made to the Police which subsequently decides to escalate the report into an investigation, AIFE will suspend any related internal investigation into sexual misconduct. Any action taken by AIFE to support victims or make adjustments to its own environment or procedures as a result of any serious incidents will occur independently of any Police criminal investigation.

## Seeking Assistance and Reporting – Sexual Misconduct

### *Informal Measures*

If a person feels that they have been the victim of sexual misconduct, they have the option of approaching the person who carried out the behaviour, if they feel comfortable to do so, and tell them to stop the offending behaviour immediately.

If the person is either not satisfied with the outcome of their discussions or feels uncomfortable about approaching the person on their own, the following option is also available:

- The student may make a disclosure to the Administration Manager or a member of Admin Support and request assistance and intervention on their behalf, including arrangement to talk to an appropriate staff member
- Staff may make a disclosure to their immediate supervisor, a senior member of staff, or the CEO.

Making a disclosure such as this can enable support without the requirement to proceed with a formal complaint or grievance, although this, and reporting to Police, is an option at any time.

### *Formal Grievances – Staff*

Where a matter is not resolved through initial actions, or a staff member chooses not to make a direct approach to the person, the staff member may lodge a grievance and have the matter investigated in line with the *Human Resources Management Policy and Procedure*.

### *Formal Grievances – Students*

If the matter is not resolved through initial actions or the student chooses not to make a direct approach to the person, the student has the option of lodging a complaint. Reports may be made by the student concerned or by another person on their behalf, subject to their consent.

The student may choose to submit this report through a number of avenues:

- Complete the report with the assistance of the Administration Manager or a member of Admin Support or a staff member of the same gender, who will then submit the report to the CEO, or

- Submit the report directly to the CEO.

Reports are kept strictly confidential and information on the incident is provided to staff only where required to respond effectively to the report.

AIFE will accept anonymous reports or reports for incidents which happened in the past, however, AIFE may be limited in its response due to lack of evidence or information.

## Investigations

Complaints of sexual misconduct will be investigated promptly, fairly and confidentially.

Most complaints will be investigated by the Administration Manager. In circumstances where a report is submitted directly to the CEO, or the CEO determines that escalation is required, an independent appropriately experienced third party may be appointed to conduct the investigation.

The investigator/CEO will review the initial report and will interview the complainant and the respondent(s) and any other person who may have been involved or witnessed the incident(s).

All parties to a complaint of sexual misconduct have the right to:

- Natural justice and fair treatment at all stages of the process, and
- Be accompanied, either in person or online, by a support person when being interviewed as part of an investigation

The investigation will normally be concluded within ten (10) working days of receipt of the initial report.

## Findings and Outcomes

The investigator/CEO will prepare a report with their findings and recommendations for action. The findings may be either:

- Sexual misconduct has been established, or
- Sexual misconduct has not been established.

Where sexual misconduct has been established the recommendations will include appropriate responses and any AIFE-level actions that may need to occur, such as more training or awareness programs.

The CEO will review, and if appropriate, approve the recommendations and prepare or authorise a letter of outcome for both the complainant and respondent(s). The letter must be sent within ten (10) working days of the conclusion of the investigation and will include:

- The findings and outcome of the investigation
- The responses and/or penalties to be applied where appropriate, and
- The right of either party to the complaint to appeal the decision.

Depending on the identity of the perpetrator, the response will be implemented in accordance with either the *Student Misconduct Policy and Procedure* or the *Human Resources Management Policy and Procedure* and may include the mandatory completion

of a sexual misconduct awareness program, through to suspension or exclusion from enrolment or termination of employment.

The CEO is responsible for ensuring that any recommendations for AIFE-level changes are implemented.

## Records

An individual, confidential file is opened for each incident and all positive findings of sexual misconduct are recorded.

A record of actions taken, students and staff involved, and any available outcomes/supporting documents will be included in the file.

It is the responsibility of the CEO to ensure that complete records are filed for reports of sexual misconduct.

## Monitoring

AIFE collects data on reports of sexual misconduct and any follow-up actions to monitor trends and emerging issues.

AIFE will improve its strategies for sexual misconduct prevention, response and recovery based on the collected data.

The CEO will submit an annual report to the Board of Directors on the adequacy and effectiveness of AIFE strategies.

AIFE is required to, and will, report material changes to TEQSA, including incidents of sexual assault or sexual harassment.

## Appeals

If a party to a complaint of sexual harassment is not satisfied with the way the complaint has been handled, they may lodge an appeal as follows:

- Students may appeal under the provisions of the *Student Appeals Policy and Procedure*.
- Staff may appeal under the provisions in the *Human Resource Management Policy and Procedure*.

## Responsibilities

All students are to:

- Ensure their behaviour and conduct always reflects the standards of AIFE's *Student Code of Conduct*.
- Report observed or alleged sexual misconduct promptly.

All staff:

- Are responsible for ensuring their behaviour and conduct always reflects the standards of AIFE
- Will report observed or alleged sexual misconduct promptly
- Must protect the confidentiality of information relating to reports of sexual misconduct.

The Administration Manager is responsible for:

- Providing all necessary support to students who make any disclosures in relation to sexual misconduct, including referring students to specialist external services where necessary, and
- Supporting students to lodge a formal complaint where they wish to do so.

The CEO is responsible for:

- Implementing the strategies involving students under this Policy and Procedure
- Managing any escalated cases of sexual misconduct affecting students where required, including the appointment of a third-party investigator
- Approval of findings, recommendations and penalties arising from investigations into sexual misconduct affecting students
- Escalating any substantial or systemic issues relating to sexual misconduct to the Board of Directors as they emerge
- Submitting an annual report to the Board of Directors on the adequacy and effectiveness of AIFE strategies, and
- Reporting material breaches to TEQSA where required.

The Board of Directors is responsible for:

- The overall governance of this Policy and Procedure, and
- Approving any strategies and resources to improve AIFE's ability to provide a safe environment for all.

## Definitions

For the purposes of this Policy and Procedure, the following terms are defined as follows:

Complainant	A person who is taking action in relation to a complaint of sexual misconduct under this Policy
Consent	To agree freely. A person cannot give free agreement where they are: <ul style="list-style-type: none"> <li>• bullied, threatened, manipulated or tricked</li> <li>• asleep, unconscious, or so affected by drugs or alcohol as to be unable to form a rational opinion</li> </ul>



	<ul style="list-style-type: none"> <li>• overborne by the nature or position of another</li> <li>• if they are silent (that is do not say or do anything to communicate consent).</li> </ul> <p>Consent can be revoked at any time.</p> <p>Consent cannot be given by any person under the age of 16 years.</p>
Perpetrator	A person against whom a positive finding of sexual misconduct has been made
Respondent(s)	A person or person against whom a complaint of sexual misconduct has been lodged
Sexual assault	Any unwanted and forced sexual act or behaviour without consent, including groping, inappropriate touching of a sexual nature
Sexual harassment	Unwelcome sexual advances, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, whether in person or online (e.g. social media platform) which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances. Examples include: unwelcome touching; staring or leering; suggestive comments or jokes; sexually explicit pictures or posters; unwanted invitations to go out on dates; requests for sex; intrusive questions about a person's private life or body; unnecessary familiarity, such as deliberately brushing up against a person; insults or taunts based on sex; sexually explicit physical contact; and sexually explicit emails or SMS text messages
Sexual misconduct	A generic term encompassing sexual assault and sexual harassment

## Version History

Version #	Changes	Approval Body	Approval Date
1.0	New policy	Board of Directors	14 December 2022

## Additional Information

Policy Status	Approved
Policy Owner	CEO
Next Review Date	3 years from Approval Date
Related Internal Documents	<p>Human Resource Management Policy and Procedure</p> <p>Student Appeals Policy and Procedure</p> <p>Student Misconduct Policy and Procedure</p>

Higher Education Standards Framework  
(Threshold Standards) 2021

Standards 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5,  
6.1.4, 6.2.1, 7.2.1, 7.1.2

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