

## **Policy Title**

### **Sexual Assault and Sexual Harassment Prevention and Response Policy**

#### **Preamble**

The Sexual Assault and Sexual Harassment Prevention and Response Policy articulates clearly Deakin College's steadfast commitment to addressing Sexual Assault and Sexual Harassment (SASH) through a zero-tolerance policy.

#### **Purpose**

The aim of this Policy is to foster an inclusive and respectful community, ensuring an environment completely free from sexual assault and sexual harassment. The college acknowledges the right of all its staff and students to engage in work and study in a setting that is devoid of any instances of sexual assault or sexual harassment.

#### **Scope**

This Policy applies to all members of the Deakin College Community and all Deakin College related conduct or activities, for example: study, work, living, and socialising regardless of whether the activities take place on or off campus or in an online environment.

#### **Policy**

##### **1. Principles**

- 1.1.** Deakin College is committed to creating a working and learning environment that is safe and free from all forms of sexual offences and unwanted sexual behaviours and where all members are treated with dignity, courtesy and respect.
- 1.2.** The College acknowledges that sexual assault and sexual harassment are not unique to Australia's Institutions of Higher Education or public universities. However, given the insidious nature of these activities, Deakin College wishes to inform its community of staff and students, that it will respond quickly and sensitively to reports of sexual assault and sexual harassment perpetrated by or against students and staff.
- 1.3.** This policy aims to:
  - support a work and study environment free from sexual assault and sexual harassment where staff and students are treated with dignity, courtesy and respect;
  - take a 'support first' approach to allegations of sexual assault and sexual harassment so that staff and students can access the advice and support services they need;
  - encourage the reporting of behaviour which breaches this policy.
- 1.4.** This policy does not supersede, and is intended to be complementary to:
  - Professional standards regarding confidentiality between clients and medical practitioners, nurses, psychologists, counsellors and social workers;
  - Mandatory reporting requirements prescribed by child safety legislation; and

- Mandatory reporting requirements prescribed by the relevant Occupational Health and Safety legislation.

## **2. Roles and Responsibilities**

**2.1.** The College Director and Principal (CDP) has responsibility for the effective implementation of this policy.

**2.2.** The Safer College Community Group is responsible for:

- ensuring leaders drive a culture of action, engagement and organisational support for sexual assault and sexual harassment issues;
- ensuring Deakin College has a clear plan around changing attitudes and behaviours towards sexual assault and sexual harassment, informed by practice and learnings at Deakin University, Navitas and in the higher education sector more broadly;
- ensuring the College continually monitors, evaluates and improves its approaches to student wellbeing and safety;
- reviewing policies and procedures related to sexual assault and sexual harassment and recommending changes or additions for Deakin College;
- reviewing and improving information related to sexual assault and sexual harassment that is distributed to students;
- developing measures to ensure information, training and support services related to sexual assault and sexual harassment are understood and effective;
- ensuring sexual assault and sexual harassment incident reporting improves transparency and Deakin College's ability to continually monitor and evaluate its approaches to student and staff wellbeing and safety; and
- providing updates to the Academic Board of Studies, Board of Directors through regular reporting.

**2.3.** Managers and supervisors have a duty to prevent sexual assault and sexual harassment in the work and learning environment and may be held responsible unless all responsible steps have been taken to prevent or eliminate the issue. Therefore, any manager or supervisor who observes inappropriate behaviours of a sexual nature has a duty to raise it with the person exhibiting the inappropriate behaviour and to take further action if the behaviour does not cease. This duty exists even in the absence of a complaint.

Managers and supervisors also have a responsibility to:

- I. monitor the teaching, learning and working environment (including face-to-face on-campus and on-line) to ensure that acceptable standards of conduct are observed at all times;

- II. treat all complaints seriously and confidentially and take immediate action to resolve the matter;
- III. ensure that no victimisation occurs against the person who makes a complaint; and
- IV. refer complaints to the College Director and Principal (unless the complaint relates to the College Director and Principal) where:
  - they are unable to resolve the situation;
  - there is a conflict of interest;
  - the complaint is particularly serious or complex and requires independent investigation.

In cases where the case relates to the College Director and Principal, managers and supervisors should refer complaints to Navitas Human Resources if the individual making the complaint agrees to do so.

**2.4.** All Staff and Students have a responsibility to:

- I. comply with the Deakin College Sexual Assault and Sexual Harassment Prevention and Response Policy;
- II. report incidences of Sexual Assault or Sexual Harassment that they witness;
- III. offer support to anyone who is being harassed and advise them on where to seek assistance and support;
- IV. maintain confidentiality of information provided during an investigation of a complaint. Students and staff need to be aware that spreading gossip or rumours may expose them to misconduct proceedings and/or defamation action;
- V. In the event of a disclosure or incidence of sexual assault, all staff have a responsibility to respond to a complainant's call for assistance, guidance and advice; and
- VI. ensure that the complainant is immediately referred to the Student Counsellor or Deakin University Safer Communities, or a member of the Safer College Community Group for support.

**2.5.** The Director Quality and Student Services is responsible for supporting the College Director and Principal with the strategic coordination and monitoring of the prevention of and response to sexual assault and sexual harassment across Deakin College, including secretarial duties associated with the Safer College Community Group.

**3. Policy Source**

**3.1.** This policy has been developed and informed by the following sources:

- Navitas – Sexual Harassment Prevention and Response Policy
- Navitas – Sexual Assault Prevention and Response Policy

- Deakin University - Sexual Harm Prevention and Response Policy
- Deakin University - Sexual Harm Prevention and Response Procedure

**Related Policies**

Complaints Policy  
 Equity and Diversity Policy  
 Navitas Staff Code of Conduct  
 Privacy Policy  
 Student Code of Conduct Policy  
 Wellbeing, Health and Safety Policy

**Procedure**

Sexual Assault and Sexual Harassment Prevention and Response Procedure

**Definitions**

Key Term or Acronym	Definition
Sexual Assault	Occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, or if a child or young person under 18 years of age is exposed to sexual activities. Sexual assault is a crime of violence.
Sexual Harassment	Any unwanted, unwelcome or uninvited behaviour of a sexual nature which a person should expect will make the recipient feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working or study environment
First Responder	Means a designated member of Deakin College who, as part of their substantive duties, may provide appropriate support and information to anyone who has been subjected to sexual assault and sexual harassment whether recent or historic. Or who will assist with referral to Safer Community.
Safer Community	A free, confidential support service provided by Deakin University for those of the university community who experience concerning, threatening, inappropriate or uncomfortable behaviour.

**Status and Details**

<b>Identification</b>	Sexual Assault and Sexual Harassment Prevention and Response Policy
<b>Initial Issue Date</b>	18/09/2023

<b>Status</b>	Current
<b>Domain</b>	Wellness, Health and Safety
<b>Effective date</b>	1/12/2023
<b>Review date</b>	25/09/2025
<b>Approval Authority</b>	Senior Management Group
<b>Implementation Officer</b>	College Director and Principal
<b>Enquiries Contact</b>	Robert Close