

Sexual Assault Prevention and Response Policy

Document

Document Name	Sexual Assault Prevention and Response Policy
Brief Description	This document describes SIBT's zero tolerance approach to sexual assault in the study and/or workplace. It sets out the prevention, intervention and response controls and processes designed to facilitate a study environment and workplace, free of sexual assault or the threat of sexual assault.
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Version Control

Date/Approval	Version No.	Summary of Changes	Reviewer Name and Department/Office
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Related Documents

Name	Location
Student Complaints and Appeals Policy	SIBT Website
Critical Incident Policy	SIBT Website
Privacy Policy	SIBT Website
Student Code of Conduct	SIBT Website
Mental Health and Wellbeing Management and Response Policy	SIBT Website
Sexual Harassment Prevention and Response Policy	SIBT Website
Higher Education Support Act 2003	https://www.legislation.gov.au/
Higher Education Standards Framework (Threshold Standards) 2021	https://www.legislation.gov.au/
Education Services for Overseas Students Act 2000	https://www.legislation.gov.au/

Name	Location
National Code of Practice for Providers of Education and Training to Overseas Students 2018	https://www.legislation.gov.au/

Contents

Sexual Assault Prevention and Response Policy	1
1. Purpose and Scope	5
1.1. Introduction	5
1.2. Purpose.....	5
1.3. Scope	5
2. Definitions	6
3. Prevention and Response	9
3.1. Principles, Understandings and Goals.....	9
3.2. SIBT's Understanding of what Constitutes Sexual Assault	11
3.3. Consent to Sexual Activity	13
4. Policy Statement	13
4.1. General	13
4.2. Reporting	14
4.3. Reporting to the Police.....	15
5. Responsibilities	15
6. Compliance	16
6.1. First Responders.....	16
6.2. Breaches	17
6.3. Relevant Legislation.....	17
7. Review	17
8. Records Management.....	18
Appendix 1: RASCI Framework	19
Appendix 2: Sexual Assault Prevention and Response Procedure	20
1. Introduction	20
2. Disclosing, reporting and investigating sexual assault	21
2.1. Making a Disclosure.....	21
2.2. Making a Report.....	22
2.3. An Investigation	22
2.4. Reporting to the Police.....	23
2.5. Complaints that Relate to a Third-Party Provider	23
2.6. Complaint is Reported by Observer or Witness	24
2.7. Right to Withdraw a Complaint	24
2.8. Initial Assessment Phase.....	24



Sexual Assault of a Student Process Flow	27
Sexual Assault of a Staff Member Process Flow	29
Appendix 3: Nine Principles Summary Checklist	31

1. Purpose and Scope

- a) The Sydney Institute of Business and Technology (SIBT), as part of Navitas Pty Limited, aspires to provide an outstanding student and staff experience that is founded on a safe, inclusive and respectful study and work environment.
- b) SIBT recognises that:
 - i. Sexual assault describes a broad range of sexual crimes committed against a person;
 - ii. Sexual assault is a crime of violence;
 - iii. It can be a frightening experience that may have long term effects;
 - iv. These effects occur regardless of a person's age, gender, status, culture, ability or sexuality; and
 - v. Although women are primarily the victims of sexual assault, anyone, regardless of gender can be, and also are, victims can and are also victims.

1.1. Introduction

- a) This Sexual Assault Prevention and Response Policy ("Policy") sets out the approach of SIBT (the "College") relating to the prevention of and effective response to incidents of sexual assault.
- b) SIBT, as part of Navitas Pty Limited ("the Company") identifies with the Company's value system ([Values in Action](#)), which in turn identifies that our behaviour must afford dignity, courtesy, equality and mutual respect, which we share across cultures, religions and philosophies.
- c) The Policy is intended to ensure the Company demonstrates a 'trauma-informed response' to the management of sexual assault disclosures, reports and complaints.

1.2. Purpose

- a) The purpose of this Policy is to confirm SIBT's commitment to taking as far as is practicable, all reasonable steps to preventing sexual assault and to better managing reports of sexual assault.
- b) The Policy is designed to ensure that both students and staff experience a safe, inclusive and respectful work and study environment.
- c) The Policy provides a structure that enables the victims of sexual assault to report incidents in a secure and supportive way and the College to respond effectively to reports of sexual assault.

1.3. Scope

- a) This Policy applies to all staff and students of SIBT.
- b) The Policy has been prepared in the full understanding that SIBT has legislative requirements/protocols/principles related to equity, discrimination, sexual assault and sexual harassment.
- c) The Policy sets out how SIBT complies with relevant legal standards and regulations regarding sexual assault.

- d) The Policy does not apply to sexual harassment. Issues and concerns related to sexual harassment are dealt with under the Policy specific to sexual harassment prevention and response.
- e) Defining the process for receiving disclosures and reporting incidents of sexual assault.
- f) Establishing a decision-making process that:
 - i. Ensures the safety and rights of complainants;
 - ii. Assures alleged perpetrators of their rights as required by law;
 - iii. Meets the requirements of procedural fairness; and
 - iv. Holds accountable those who have committed sexual assault within the College's community against a member within the community.
- g) The policy applies to activities and situations related to SIBT's business that are not conducted on SIBT premises, including but not limited to work and study related activities such as:
 - i. Internships, placements and field trips;
 - ii. Conferences;
 - iii. Student camps;
 - iv. Intra-company events; and
 - v. Company parties and other social functions organised and approved by the Company.

2. Definitions

- a) Unless the contrary intention is expressed in this Policy, the following words (when used in this policy) have the meaning set out below:

Term	Meaning
Business Unit Manager	Means the College Director and Principal responsible for managing the activities in a given business unit/entity.
Company	Means Navitas Pty Limited ACN 109 613 309 having its registered office at Level 8, Brookfield Place, Perth, 6000.
Senior Management Team	Means the senior management team of the College
College Community	Means all staff and students who either work for, with or are studying in one of the Company's colleges or campuses
Assessment Team	Means the team formed by the Director of Student and Academic Services to oversee the management of complaints of sexual assault made by staff or against staff, contractors or third-party providers, and will include the College Director and Principal and the Academic Director.
Complaint	Means a verbal or written communication from a member of SIBT's community who believes they have experienced sexual assault or sexual harassment, either by a staff member or student of a SIBT business unit or a third-party provider. A complaint may take the form of either disclosure of an incident of sexual assault, or a report of an incident of sexual assault.
Complainant	Means a member of SIBT's community who has made a complaint. A complainant may choose to disclose or report an incident of sexual assault.
Confidentiality	Means the principle upheld to ensure that information provided under this policy is only disclosed to those legitimately involved in resolving the complaint, providing support to a complainant, or as required by law. Confidentiality must be maintained to: <ul style="list-style-type: none"> ✓ respect the privacy of individuals;

Term	Meaning
	<ul style="list-style-type: none"> ✓ prevent victimisation or defamation of the parties involved; and/or, ✓ Facilitate prompt resolution of the complaint.
Consent	<p>Means the free and voluntary agreement to engage in sexual activity of any kind. Consent is the act of willingly agreeing to engage in sexual activity and requires that a person is able to freely choose between two options: yes, and no.</p> <p><u>Some examples of where consent is <u>not</u> considered to have been given are:</u></p> <ul style="list-style-type: none"> ✓ Consent has been expressed or compelled by the words or conduct of a person other than the complainant; ✓ The complainant was incapable of consenting to the sexual activity due to age or incapacity, if they were asleep, unconscious or intoxicated by alcohol or any other substance or combination of substances to the point of being incapable of giving free and voluntary consent to sexual activity; ✓ Physical force, threats of harm, an express or implied threat to degrade, humiliate, disgrace or harass the person or some other person; or unlawful detention were used by the respondent to engage the complainant in sexual activity; ✓ The respondent induced the complainant to engage in the activity by abusing a position of trust, power or authority; ✓ The complainant expressed, by words or conduct, a lack of consent to engage in the sexual activity; ✓ The complainant, having previously consented to engage in sexual activity, expresses by words or conduct, a lack of consent to continue to engage in the sexual activity; ✓ The complainant agreed to engage in sexual activity with a person under a mistaken belief as to the identity of that person; ✓ The complainant is mistaken about the nature of the sexual activity (for example the person may be told that activity of a sexual nature is part of the provision of health care); ✓ The respondent was recklessly indifferent as to whether the complainant consented to sexual activity, or withdrew consent to sexual activity
First Responder	<p>Means a member of SIBT's community who, as part of their substantive duties, may provide appropriate support and information to anyone who has been subjected to sexual assault, whether recent or historic.</p> <p>SIBT recognises that students and/or staff may disclose or report to a member of the SIBT community who is not a designated first responder. In such instances any member of SIBT's community should support the complainant in accessing and talking with a trained first responder.</p> <p>Details of first responders are available on the website, in the student handbook and are placed on noticeboards around the campus.</p>
Investigator	Means an individual tasked with investigating a complaint. The person appointed as an investigator will be skilled in investigation and any conflict of interest will be avoided.
Managers	Means those persons whose role title includes the words Director and or Manager e.g. Director of Student and Academic Services or Academic Director or Quality and Compliance Manager.
Natural Justice (sometimes called 'procedural fairness')	<p>Means that a process has been developed that is subject to the following principles:</p> <ul style="list-style-type: none"> ✓ all parties must be given an opportunity to present their case; ✓ the respondent must be provided with notice and information about allegations made against them and information about their rights to advocacy;

Term	Meaning
	<ul style="list-style-type: none"> ✓ the respondent must be given a reasonable timeframe within which to respond; ✓ the decision maker must: <ul style="list-style-type: none"> ▪ act fairly and without bias; ▪ declare any conflict of interest; ▪ consider all relevant evidence; and ▪ base any decision on evidence that supports it; ✓ all parties must be informed of the decision relating to the complaint, and the reasons for that decision.
Report	Means a form of complaint and occurs when a member of the SIBT community expresses the desire to formally report an incident of sexual assault, for the purpose of initiating an investigation.
Respondent	Means a member of the SIBT community who has been accused of sexual assault.
Sexual Assault	<p>Means an inclusive term used to describe any type of unwanted sexual act inflicted upon a person that they have not freely and voluntarily consented to, have withdrawn consent to, or occurs in circumstances where they are incapable of giving free and voluntary consent. It is inclusive of a variety of unwanted sexual behaviours a person may be subjected to, ranging from activities such as unwanted sexualised touching through to sexual intercourse without consent.</p> <p>Sexual assault can include sexual behaviours that involve the use of force, threats, coercion or control towards a person.</p> <p>Sexual assault typically involves an exploitation of vulnerability, betrayal of trust and the misuse of positional power.</p>
Sexual Harassment	<p>Means an unwelcome sexual advance or request for sexual favours or conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where a reasonable person would anticipate that reaction in the circumstances.</p> <p>Sexual harassment includes, but is not limited to:</p> <ul style="list-style-type: none"> ✓ any deliberate and unsolicited sexual comment, the use of overt sexual language, suggestive or physical contact that creates an uncomfortable learning/working environment for the recipient and is made by a person who knows, or ought reasonably to know, that such action is unwelcome; ✓ a sexual advance or solicitation made by one person to another, where the person making the advance or solicitation knows, or ought reasonably to know, that such action is unwelcome; ✓ a reprisal, or threat of reprisal, for the rejection of a sexual solicitation or advance particularly where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person; ✓ practical jokes of a sexual nature which cause awkwardness or embarrassment; ✓ displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, including audio or visual images of an individual through technological devices, equipment and service; ✓ unwanted physical contact such as kissing, touching, patting or pinching; ✓ unwelcome sexual remarks, sexual jokes, intrusive sexual questions, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life; ✓ sexually explicit emails or text messages; ✓ requests for sexual favours.
Student Health, Safety and Wellbeing Initiative	Means a college/campus-wide initiative to ensure that students receive practical support to reduce the barriers that may impact on their success as a student. The initiative is focused on assisting students to connect with other students, the learning and teaching community and the college/campus support staff and structure in order

Term	Meaning
	to develop their levels of awareness, resilience and self-management skills and capabilities.
Staff member/s	Means an individual employed by SIBT in accord with relevant employment laws and can also include visiting academics and guest lecturers whether they are paid or unpaid.
Student	Means an individual enrolled in a program of study, which can be for an award or a non-award program, it includes students who have been granted leave of absence as well as those studying online.
Third party providers	Means a person or persons or organisations contracted to SIBT or the Company to provide learning and teaching services and/or support students of SIBT and/or the Company's colleges and campuses.
Trauma-informed response	<p>Means a response that demonstrates understanding and recognition of the impact of trauma, and emphasises physical, psychological and emotional safety, and the importance of empowerment and choice for those who have experienced sexual assault.</p> <p>Trauma-informed responses are inclusive of transparency of processes and policies to build a climate of trust to enable disclosures without fear/anxiety. Trauma-informed responses recognise the historical and cultural factors which contribute to the occurrence of sexual assault and identify opportunities for contributing to the prevention of further sexual assault by changing the cultural conditions and environment under which it occurred.</p>
SIBT Community	Means the staff, students and other stakeholders that are engaged in some way with SIBT.
Victimisation	Means when a person commits or threatens to commit, an act against a complainant or respondent, or another person acting in support of a complainant or a respondent as a result of a specific complaint or disclosure.

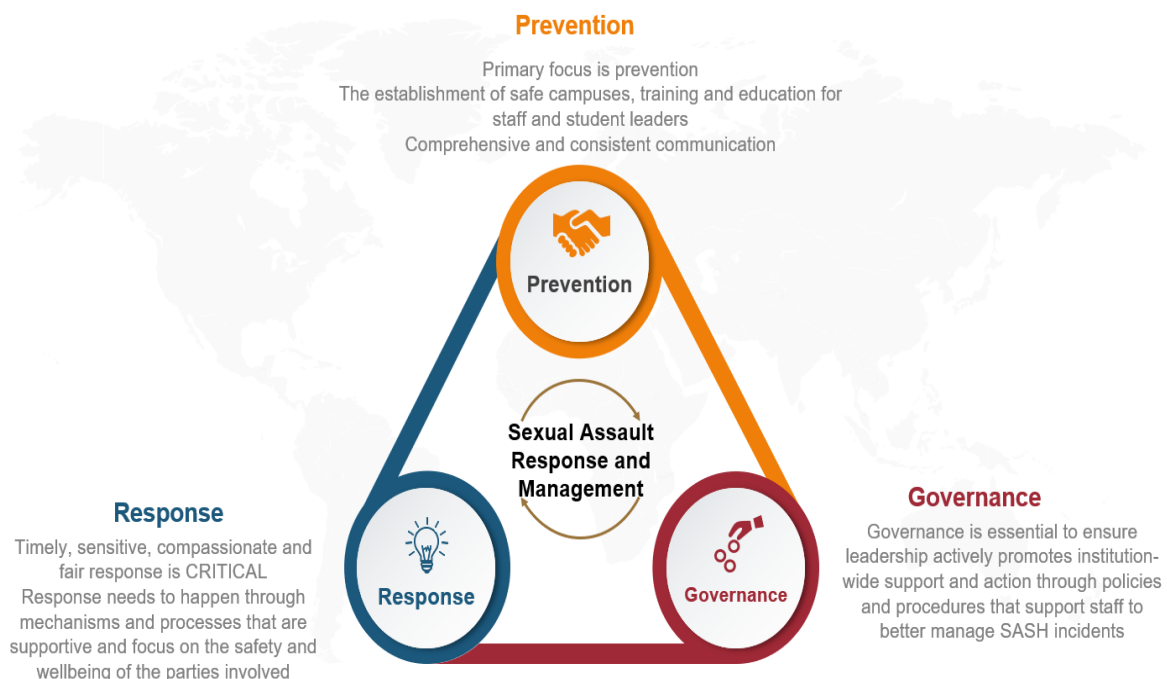
3. Prevention and Response

3.1. Principles, Understandings and Goals

- a) Sexual violence is a serious problem that can have lasting, harmful effects on victims and their family, friends, and communities.
- b) SIBT has a zero-tolerance approach to Sexual Assault and Harassment.
- c) An appropriate first response to a disclosure of sexual assault can assist in creating an environment where survivors feel safe to report the matter to the police or other authorities, to seek medial and counselling services and has long term implications for their recovery. Conversely, inappropriate response can be harmful, impact recovery and interfere with due process in any investigation.
- d) SIBT takes both an aspirational and practical approach in its sexual violence prevention and response policy.
- e) SIBT aspires to prevent Sexual Assault but understands the wider societal prevalence of sexual violence. As such SIBT's approach will be to:
 - i. Promote a campus culture of safety and respect that protects against violence;
 - ii. Support access to skills and information that helps to prevent sexual violence;
 - iii. Provide opportunities that empower and support vulnerable groups;
 - iv. Embed and maintain appropriate, trauma-informed support services and investigative and reporting processes and educate staff and student leaders in the effective application of these processes;

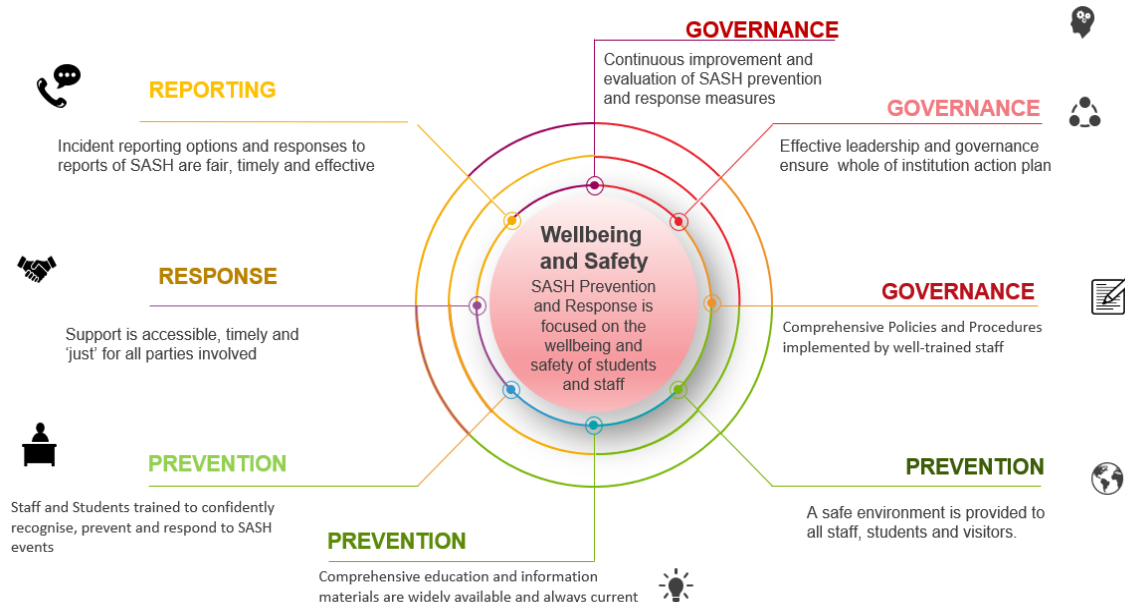
- v. Create protective environments (inclusive of buildings, access routes, policies and procedures), that focus on safety for students and staff; and
- vi. Ensure appropriate support structures and processes are in place for victims of sexual assault.
- f) SIBT acknowledges that the solutions are just as complex as the problem; and that sexual violence is an issue that needs to be addressed at all levels of the social ecology, (see [HERE](#)).
- g) The multifaceted nature of sexual violence means that SIBT's influence will fall within a restricted sphere, however, SIBT endeavours at all times to create an environment in which students and staff can work and study safely and productively.
- h) In line with the advice from TEQSA, the nine (9) principles, devised by TEQSA's *Working Group on Sexual Assault and Sexual Harassment* (see [HERE](#)), have been used to inform SIBT's approach to the prevention and response to incidents of sexual assault.
- i) SIBT's approach to protecting its staff and students from incidents of sexual assault is highlighted in Figure 1 below:

Figure 1: SIBT Managing Sexual Assault



- j) Appendix 3 contains a summary checklist of items that correspond to the nine (9) principles as shared in TEQSA's "Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector, July 2020", which is available [HERE](#).
- k) Figure 1 below illustrates the key principles that have been adopted by SIBT as the guiding principles for its response to and management of sexual assault events.

Figure 2: Nine Principles for Managing Sexual Assault and Sexual Harassment (SASH)¹



3.2. SIBT's Understanding of what Constitutes Sexual Assault

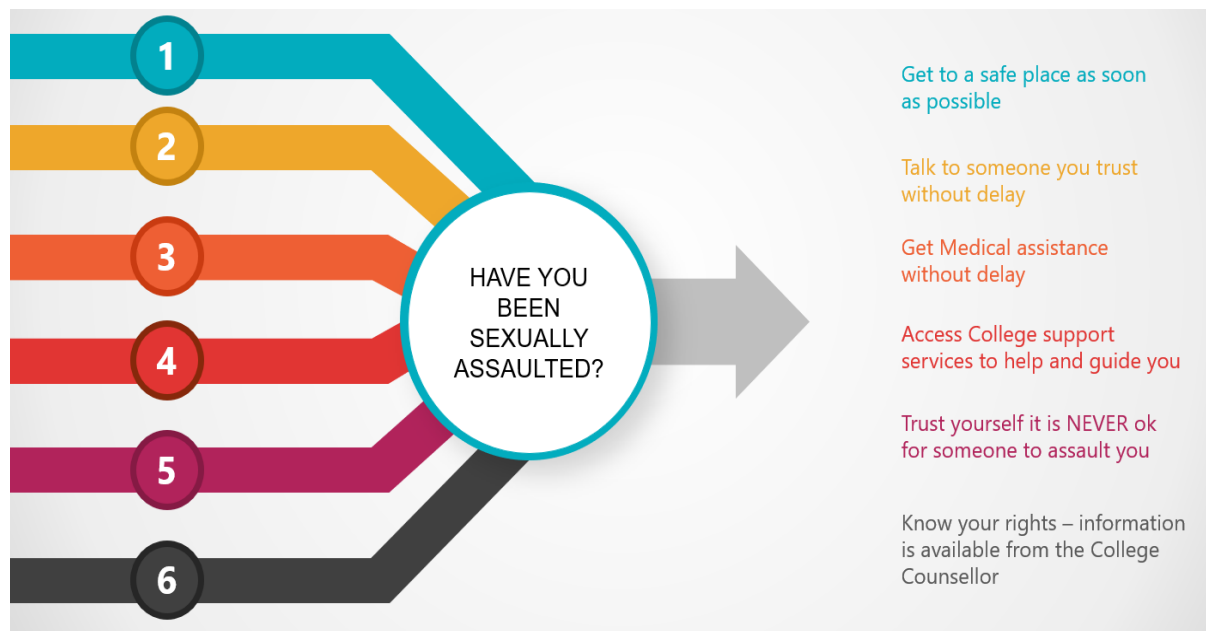
- Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, or if a child or young person under 18 is exposed to sexual activities.
- Sexual assault is a crime in NSW and is never the victim's fault.
- Sexual assault can happen to anyone in our community regardless of age, sexuality, gender, socio-economic status, cultural background or relationship status.
- SIBT's primary concern is the health, safety and wellbeing of staff and students at all times, particularly so when it comes to responding to incidents of sexual assault.
- SIBT recognises the relevant NSW law on sexual assault, including the various definitions it provides.
(<https://www.legislation.nsw.gov.au/#/view/act/1900/40/part3/div10>)
- SIBT also recognises that some people, inclusive of students, staff, contractors and other stakeholders, may lack awareness of what constitutes sexual assault and as a result fail to recognise it when it occurs (for example, in the context of a relationship or where alcohol is involved), however this does not diminish the impact of sexual assault on the victim.²
- To ensure students, staff and other stakeholders understand what SIBT recognises as sexual assault the following information is designed to assist in understanding the risks of as well as the behaviours that represent sexual assault.

¹ TEQSA Good Practice Note: Preventing and Responding to Sexual Assault and Sexual Harassment in the Australian Higher Education Sector July 2020 page 5. <https://www.teqsa.gov.au/guides-resources/resources/good-practice-notes/good-practice-note-preventing-and-responding-sexual-assault-and-sexual-harassment-australian-higher-education-sector>

² Ibid page 15

- h) SIBT recognises that sexual assault is the legal term that describes a number of offences, inclusive of:
- i. Sexual abuse;
 - ii. Rape;
 - iii. Indecent behaviour;
 - iv. Indecent assault;
 - v. Sexual molestation;
 - vi. Incest;
 - vii. Child sexual abuse;
 - viii. Child sexual assault;
 - ix. Touching; 'feeling up'; and, therefore, if someone does something to a student and/or staff member that makes them feel that they have been 'assaulted', it is important that the student and/or staff member does the following:

Figure 3: What to do following a sexual assault.



- i) SIBT has selected the following examples of behaviours that are classified as sexual assault; **but** reminds staff and students that **this list is not exhaustive** and all similar types of behaviours, may be classified as sexual assault under the law:
- i. 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 person A to continue sexual activity.
 - ii. A student taking advantage of another intoxicated student at a party by encouraging them back to their room and engaging in sexual activity when the student is unable to give consent due to being affected by alcohol.
 - iii. A research supervisor manipulates a student to engage in sexual acts in exchange for better marks.
 - iv. A staff member who has been continually making advances towards another staff member proceeds to force themselves onto that staff person while they

are alone in a meeting room, attempting to kiss and touch them either through or under their clothing.

3.3. Consent to Sexual Activity

- a) **Consent is a critical factor in determining if sexual assault has occurred** i.e. did person A give permission for person B to engage in sexual activity with them? If the answer is **NO** then an assault has occurred; **NO means NO!**
- b) Several websites and help lines provide information and support for understanding consent.
- c) Consent must be:
 - i. Mutual i.e. both parties agree, **every single time**;
 - ii. Freely given, but consent that is **forced by threats**, guilt or violence is **not consent**;
 - iii. Informed i.e. both parties understand what is about to happen;
 - iv. Certain and clear i.e. **it is a YES, not a 'may be' or 'I guess so'**;
 - v. Enthusiastic i.e. no force or pressure involved, both parties want to engage in sexual activity;
 - vi. Reversible i.e. **either party can say NO at any time**, even after the activity has commenced and **activity must stop immediately**;
 - vii. Specific i.e. to a particular type of activity and time; and
 - viii. Ongoing i.e. **you need to say YES before and during sexual activity and, consent on one occasion does not mean YES to a next time!**
- d) Consent cannot occur where:
 - i. A person does not have the capacity to consent due to cognitive incapacity or age;
 - ii. A person does not have the opportunity to consent due to being asleep or unconscious, or affected by drugs or alcohol;
 - iii. If a person consents under duress, because of threats of force or terror.
- e) It is a crime to engage in sexual activity with a person who is under the age of 16 under section 66 C of the *Crimes Act 1900* (NSW) (the Crimes Act). Anyone under the age of 16 is considered incapable of providing informed consent for sexual activity.
- f) SIBT recognises its responsibility to make each student and staff member aware of the above definition of consent and when it cannot occur. All staff must make themselves familiar with the Policy specific to relationships between staff and students, which is also available in the Policy HUB.

4. Policy Statement

4.1. General

- a) The Policy has been revised in response to the *Australian Human Rights Commission (AHRC) Report "Change the Course: national Report on Sexual Assault and Sexual Harassment at Australian Universities"*.
- b) The Policy is a response to the need to demonstrate to students and staff alike that SIBT is not dependent on policy and procedure of external parties to ensure effective management of these issues.

- c) SIBT acknowledges that sexual assault and sexual harassment are not unique to private colleges or universities in general however, given the insidious nature of these activities, SIBT wishes to inform its community, that it will respond quickly and sensitively to reports of sexual assault perpetrated by or against students and/or staff.
- d) The Sexual Assault Prevention and Response Policy (SAPRP) should be read in conjunction with SIBT's Code of Conduct and Navitas' [Values in Action](#), all of which set out student and staff rights, responsibilities and behaviours.
- e) This Policy does not supersede but is intended to complement:
 - i. Professional standards regarding confidentiality between clients and medical practitioners, nurses, psychologists, counsellors and social workers;
 - ii. Mandatory reporting requirements prescribed by child safety legislation; and
 - iii. Mandatory reporting requirements prescribed by the relevant Occupational Health and Safety legislation.
- f) The Policy and associated policies specific to: Sexual Harassment; Bullying; and, Mental Health and Wellbeing, is intended to provide guidance in the areas of:
 - i. Preventative education;
 - ii. Training and information;
 - iii. Investigation and reporting procedures;
 - iv. Consequences of misconduct;
 - v. Provision of a safe environment; and
 - vi. Support for students and/or staff who have been assaulted (and/or harassed) on campus, in student accommodation (on and off campus); travelling to and from campus; online or at home.

4.2. Reporting

- a) The policy provides a framework for the management of disclosures or sexual assault and the pathway for reporting sexual assault. For clarity, **reporting** means:

"A report is a form of complaint and occurs when a member of SIBT's community expresses the desire to **formally report an incident of sexual assault for the purposes of initiating an investigation.**"

Whereas **disclosure** means:

"A form of complaint occurring when a complainant or another person tells someone about an incident, or a suspected incident, of sexual assault or sexual harassment directed towards them, or a member of the SIBT community. **Disclosing is not the same as reporting** but will enable referral of the complainant to appropriate support and information about their choices and options with regard to medical, legal and counselling support."

4.3. Reporting to the Police

- a) If a report specific to sexual assault is referred to the police, SIBT will not take any action that will compromise the police investigation complaint resolution process.
- b) While responsibility for prosecuting criminal acts of sexual assault rests with local police i.e. where the offence occurred, SIBT can and will act where there is a breach of its code of conduct, practice, policies and procedures by members of the SIBT community for activities and situations related to Divisional business.

5. Responsibilities

- a) SIBT's College Director and Principal has responsibility for, and is committed to, the effective implementation of this policy.
- b) The Safer Campus Communities group was created by the College Director and Principal in response to the insights and recommendations provided by the Australian Human Rights Commission report on sexual assault and sexual harassment (SASH) on campus: "Change the Course". The key areas of responsibility and focus of the Safer Campus Communities group are to:
 - i. Ensure the leadership drives action, engagement and organisational support for SASH issues;
 - ii. Ensure the campus has a clear plan around changing attitudes and behaviours, informed by practice and learnings at WSU, Navitas and in the sector more broadly;
 - iii. Ensure the campus continually monitor, evaluates and improves its approaches to student wellbeing and safety
 - iv. Review policies and procedures and recommend changes or additions for SIBT; feed into reviews at WSU;
 - v. Review and improve information to students;
 - vi. Review staff and student capabilities and determine appropriate training for staff and students;
 - vii. Develop measures to ensure information, training and support services are understood and effective;
 - viii. Ensure SASH incident reporting improves the transparency of reporting and the campus's ability to continually monitor and evaluate its approaches to student and staff wellbeing and safety;
- c) The Safer Campus Communities group reports into the Campus Senior Management Team, and provides updates to the following bodies through standard reporting by the College Director and Principal and the Student Learning and Welfare Support Manager:
 - i. SIBT Academic Board;
 - ii. SIBT/UPA Board;
 - iii. WSU Sydney City Campus Academic Council;
 - iv. WSU Sydney City Campus Joint Management Committee.
- d) The SIBT Senior Management Team will support managers to fulfil their responsibilities and accountabilities within their area of responsibility.
- e) All SIBT employees, students, contractors and visitors have a responsibility to take reasonable care to comply with any reasonable policy, procedure or instruction.

- f) The Quality and Compliance Manager is responsible for strategic coordination and monitoring of the prevention of and response to sexual assault across the College in collaboration with the Safe Campus Community Group.
- g) Each of the positions involved in implementing and achieving policy objectives and, carrying out procedures to support a successful implementation and adoption of that is supportive and inclusive, are clearly described in the RASCI chart in Appendix 1.
- h) The assessment team has a responsibility to ensure that the alleged perpetrator is:
 - i. Duly informed of the complaint;
 - ii. Informed of their rights to respond; and
 - iii. The process for making that response, inclusive of support if they wish.

6. Compliance

6.1. First Responders

- a) 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.
- b) It is the responsibility of a staff member approached by a complainant to ensure that the complainant is immediately referred to the Student Counsellor or other appropriately trained sexual assault first responder for support.
- c) The person in receipt of the first disclosure or call for assistance should remain with the claimant until support arrives, and remain part of the support team until such time as the claimant is comfortable for them to exit the support team.
- d) First responders have a responsibility to limit the number of times and the number of people to who the complainant has to recount the details of the incident.
- e) If a report is made at the time disclosure, or later, the first responder will assist with making the report via the portal,
- f) The following staff roles have a responsibility as a first responder to provide support for the management of the disclosure and reporting of sexual assault.
 - i. **Student Counsellors** may respond in the first instance to complaints from students about incidents of sexual assault. Such response may involve making immediate contact with specifically trained counselling staff (either as provided by the University Partner or through an out-source agency) in order to secure psychological and emotional support and assistance with safety planning and referrals to other speciality services including medical services;
 - ii. **Senior staff in Student Support Services** provide support and assistance to the Student Counsellor/s;
 - iii. **Senior Management inclusive of the College Director and Principal** are equipped to ensure that an investigation is warranted based on a referral from a first responder and that due process is followed when investigating complaints under the Policy. They will also communicate outcomes of investigations, and outline review or grievance mechanisms; and
 - iv. **Divisional CEO** to be kept informed by the College Director and Principal.

6.2. Breaches

- a) Breaches of this policy, particularly with respect to the confidentiality and security requirements integral to this policy, may result in disciplinary action being taken against the offender.

6.3. Relevant Legislation

- a) All SIBT staff are responsible for aiding SIBT in identifying relevant legislation and for complying with all relevant legislation.
- b) In Australia, the following is a sample (only) of relevant legislation and support links that apply as amended from time to time:
 - i. Racial Discrimination Act 1975:
<https://www.legislation.gov.au/Details/C2016C00089>
 - ii. Sex Discrimination Act 1984:
<https://www.legislation.gov.au/Details/C2018C00499>
 - iii. Australian Human Rights Commission Act 1986:
<https://www.legislation.gov.au/Details/C2019C00030>
 - iv. Disability Discrimination Act 1992:
<https://www.legislation.gov.au/Details/C2018C00125>
 - v. Workplace Gender Equality Act 2012:
<https://www.legislation.gov.au/Details/C2016C00895>
 - vi. Age Discrimination Act 2004:
[Age Discrimination Act 2004 \(legislation.gov.au\)](https://www.legislation.gov.au/Details/C2019A00010)
 - vii. Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019:
<https://www.legislation.gov.au/Details/C2019A00010>
 - viii. Australian States Child Protection Laws:
<https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>
 - ix. The National Code of Practice for Providers of Education and Training to Overseas Students 2018: <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>
 - x. Fair Work Act 2009:
[Fair Work Act 2009 \(legislation.gov.au\)](https://www.legislation.gov.au/Details/C2016C00895)
 - xi. Sexual Assault Support:
[Sexual assault support | Abuse and violence | ReachOut Australia](https://www.reachout.org.au/sexual-assault-support)
 - xii. Australian Government Institute of Family Studies:
[Appendix A: Legislation table: Elements of the laws surrounding sexual assault, by jurisdiction | Australian Institute of Family Studies \(aifs.gov.au\)](https://www.aifs.gov.au/family-studies/legislation)
 - xiii. Australian Institute of Health and Welfare:
[Sexual assault in Australia \(aihw.gov.au\)](https://www.aihw.gov.au/sexual-assault-in-australia)
- c) Navitas' Code of Behaviour and Values are integral reference points for this Policy.

7. Review

- a) This Policy is tested and reviewed annually in line with the IT Security readiness schedule and, any changes to the regulatory compliance requirements, legislation, regulation and guidelines.

- b) This review process aims to ensure alignment to appropriate strategic direction and continued relevance to Navitas' current and planned operations.

8. Records Management

- a) All records in relation to this document will be managed as follows:

Record type	Owner	Location	Retention	Disposal
Policy	Sexual Assault Prevention and Response Policy	SIBT Website	Indefinitely	Archived as review process results in changes.

Appendix 1: RASCI Framework

Responsibility	CEO	Divisional CEOs	CDP	GM QRC	Mgr QC	Counselling staff	HR	ALL
Fostering a culture that is intolerant of sexual assault and will encourage respect, safety and inclusion.	I	A	R	S	S	S	C	R
Ensuring provision of education and training for staff and students to address sexual assault	I	A	R	S	S	S	C	
Ensuring swift and decisive action when such behaviour is reported to have occurred.	I	A	C	S	S	S	C	
Provision of first responder support and action	I	A	A	S	S	R	C	
Ensuring that all members of the Company community have a right to expect professional behaviour from others and a responsibility to behave professionally to others.	A	A	R	S	S	S	C	
Ensuring that all members of the Company community comply with and demonstrate active commitment to this policy and related procedures.	I	A	R	S	S	S	C	
Overseeing the implementation and monitoring of compliance with this policy and its procedures.	I	A	S	A	R	C	C	
Responsible for monitoring and reporting all complaints of sexual assault.	I	I	S	A	R	S	C	
Taking all reasonable steps to eliminate sexual assault undertaken by or directed towards staff, students or other members of the Company's community	I	A	A	S	S	S	S	R
Ensuring processes to support disclosure and reporting of sexual assault are simple, accessible and available through multiple avenues	I	I	A	R	S	S	C	
Ensuring ALL information concerning sexual assault will be treated in confidence as far as possible and unnecessary disclosure may give rise to disciplinary action.	I	A	R	R	S	S	C	
Ensuring confidentiality and information privacy will be upheld in accordance with legislative requirements and Company policies and procedures.	A	A	A	A	A	A	A	A
Ensuring that where legislation exists relating to Children and Young People, any mandatory reporting to Child Abuse agencies is undertaken within the appropriate timeframes and in accord with guidelines.	I	A	R	R	S	S	C	
Ensuring that both complainant and respondent are accorded the rights of justice as prescribed by law and Company policy and procedures.	I	A	R	R	S	S	C	
Understanding relevant legislative requirements and making every effort to ensure that the workplace and study environment is respectful, safe and free from sexual assault.	I	A	R	S	A	S	C	
Ensuring the effective functioning of the workplace by taking all reasonable steps to eliminate instances of sexual assault.	I	A	R	S	S	S	C	
Ensuring staff and students are aware of this policy; reinforce that sexual assault will not be tolerated; provide a model of behaviour and conduct in line with the principles of this policy; participate in investigations when required; take prompt and responsible action in response to any complaint of victimisation.	I	A	A	S	R	S	C	
R = Responsible, A = Accountable, S = Supporting, C = Consulting, I = Informed								

Appendix 2: Sexual Assault Prevention and Response Procedure

1. Introduction

- a) SIBT's response to complaints about sexual assault is based on the following principles:
- i. Students and staff will be able to easily access information relevant to the making of a report, internally or externally;
 - ii. Students and staff will be able to access immediate support, wherever possible, 24 x 7; where it is not possible for a college to provide 24 x 7 support, alternative arrangements will be put into place to ensure the student and/or staff member has recourse to external support structures;
 - iii. A person disclosing or reporting an incident will be treated fairly and with dignity and respect, inclusive of ensuring all conversations are conducted in private and without interruption;
 - iv. No one will be discouraged from making a formal complaint; and, each person will be enabled to:
 - Make the decision that they believe is in their best interests; and
 - Freely decide if they wish to make a report or a disclosure.
 - v. SIBT takes seriously its duty of care to students, staff, contractors and third-party providers who may be engaged in studying and/or working in SIBT's campus;
 - vi. The report or disclosure will be listened to **with compassion** and **without judgment or blame**; and the student and/or staff member making the report will be assured that their report/disclosure will be treated with the utmost confidentiality are entitled to make a complaint; and all first responders will assume the report is genuine;
 - vii. All members of SIBT's Community are entitled to feel safe and secure at all times;
 - viii. Complaints can be made to 'first responders' e.g. the Student Counsellor, or any member of staff that the complainant feels comfortable disclosing or reporting to.
 - ix. Details of first responders are available on the website; and on noticeboards placed around the campus;
 - x. A complaint may take the form of a **disclosure** of sexual assault, which may lead to a **report** of sexual assault. SIBT will support a complainant by ensuring that they understand the options available to them when pursuing their complaint;
 - xi. Safety is the top priority and will be the focus of any immediate actions undertaken by first-responders;
 - xii. Actions will vary depending on the circumstances of the complaint, and whether the complainant wishes to **disclose or to report** the incident.
 - xiii. SIBT will accept anonymous complaints but anonymity may limit how proactive and effective SIBT's response could be;
 - xiv. Natural justice/procedural fairness underpins SIBT's approach to managing concerns relating to sexual assault, and therefore it may not be possible to launch an investigation in the case of anonymous complaints for reasons of procedural fairness and natural justice;
 - xv. Individuals who make, or those who are the subject of a complaint, will be treated fairly and in a supportive manner;

- xvi. All parties will be kept informed of actions taken by the college/campus administration and timeframes for resolution of reports made to the college/campus first-responders;
- xvii. Complaints submitted through the web portal will be acknowledged within 24 hours or as soon as practicable;
- xviii. When a complainant reports an incident of sexual assault, an investigation will be initiated within a reasonable and timely timeframe;
- xix. Different staff members will deal with the alleged victim and the alleged perpetrator;
- xx. Investigation procedures will adhere to the principles of natural justice and will be undertaken by a person with relevant expertise.

2. Disclosing, Reporting and Investigating Sexual Assault

2.1. Making a Disclosure

- a) Disclosure is one type of complaint that can be made about an incident of sexual assault.
- b) **It is important to note that making a disclosure will not start an investigation.**
- c) A complainant must choose to report an incident of sexual assault before an investigation can begin.
- d) A complainant can disclose an incident of sexual assault without the details being shared with any other person, including the member of SIBT's community who has inflicted the alleged sexual assault. However, in all instances, SIBT has a responsibility to do the following:
 - i. Take any action to ensure the immediate safety of the complainant, the college (and where necessary the partner university's) community and; any identified third party;
 - ii. Make a mandatory report of suspicion of sexual assault occurring to any member of the SIBT's community who is under the age of 18;
 - iii. Do all possible to preserve evidence and, with full agreement of the complainant, report the event to the Police.
- e) Those who have been subjected to sexual assault are encouraged to seek support as soon as they are able to do so. The support will be focused on dealing with the effects of the assault and ensuring immediate safety for the disclosing member of SIBT's community.
- f) The victims of sexual assault are encouraged to ultimately report the incident in order to allow it to be investigated, however, disclosure as a first (or only) step, will enable immediate and ongoing support to be provided.
- g) The complainant may choose to confide in any other member of SIBT's community in relation to an incident of sexual assault.
- h) If the person receiving the disclosure is not a nominated first responder, as specified in this policy, the person should, as well as listen to the complainant, support the complainant in accessing and talking with a trained first responder.
- i) Once the complainant has disclosed to a first responder, the first responder will provide:
 - i. Referral to the appropriate support services including contact information for police and sexual assault referral centres;

- ii. Assistance with making a report to relevant authorities if the complainant chooses to do so;
 - iii. A timeframe for resolution that is reasonable and avoids prolonging the trauma of the experience for all parties concerned; and,
 - iv. Suggestions for modification of study schedules and or workloads.
- j) Managing, disclosing or reporting Under 18 sexual assault and/or child abuse imposes an obligation on the business unit to provide training for and grow awareness of staff regarding the prevailing legal requirements.

2.2. Making a Report

- a) A complainant may, after disclosing or prior to disclosing, decide to report an incident of sexual assault.
- b) A complainant may disclose an incident of sexual assault to a member of SIBT's community (i.e. a person the complainant trusts on the campus), then decide to make a report.
- c) Alternatively, a complainant may choose to report an incident, without separately making a disclosure.
- d) Reporting an incident of sexual assault will initiate an investigation within SIBT. Where a member of the SIBT community receives a disclosure of sexual assault, they must relay this information to a first responder as soon as possible.
- e) The member of the SIBT community must respect and maintain confidentiality of all of the parties involved; this in the securing of natural justice/fair process for all parties involved.
- f) In the event a complainant makes a report to a first responder, the first responder will:
 - i. Provide referral to the appropriate support services including contact information for sexual assault support services external to SIBT;
 - ii. Refer the matter to the College Director and Principal, to receive the report and enable an investigation to be initiated; and
 - iii. Support the complainant in reporting the incident to the police if the complainant chooses to do so.

2.3. An Investigation

- a) An investigation will be undertaken, following the principles of natural justice, in a manner that is respectful to both the complainant and the respondent and supportive of the complainant.
- b) The importance of confidentiality will be reinforced to the complainant, the respondent and any support people for both parties.
- c) If the respondent is a student, the report will be referred to the College Director and Principal (or nominee) to initiate an investigation.
- d) The investigation into a complaint by a student will be coordinated and managed by the Assessment Team or other person or persons as appointed by the College Director and Principal.
- e) If the respondent is a staff member or is engaged by SIBT under any other contractual arrangement, the report will be referred to the HR Business Partner in the first instance and the College Director and Principal to jointly initiate an investigation or appropriate response.

- f) The investigation into a complaint lodged by a staff member will be coordinated and managed by the HR Business Partner or other person or persons as appointed by the College Director and Principal.
- g) Respondents will be provided with details of the complaint made against them, and will be given **10 working days**, or such other time specified by the College Director and Principal, to consider and provide a response to the complaint.
- h) Where facts differ between the details provided by the complainant and the response provided by the respondent, witnesses may also be interviewed as a part of the investigation. Information will not be unnecessarily disclosed to witnesses, and the importance of confidentiality will be reinforced.
- i) Information gathered during the investigation will be documented by the investigator and a report will be prepared.
- j) The decision about any action required arising from the outcome of the investigation will be made by:
 - i. The College Director and Principal if the respondent is a student; or,
 - ii. The Divisional CEO and Head of HR if the respondent is a staff member; or
 - iii. College Director and Principal and responsible Managers, for any other contractual arrangements.
- k) Where it is determined that a complaint is substantiated, SIBT will decide upon the appropriate disciplinary actions aligned with:
 - i. Appropriate policies and procedures as well as external legal obligations if the respondent is a student;
 - ii. The relevant employment contract's Terms and Conditions if the respondent is a staff member; or
 - iii. The relevant contract if the respondent has been engaged by SIBT under any other contractual arrangement;
 - iv. Ensuring the safety of the complainant and others on the campus.

2.4. Reporting to the Police

- a) If the matter has been reported to police, SIBT will not take any action that may compromise the police investigation or subsequent proceedings.
- b) SIBT will continue to make support resources available during this period.
- c) SIBT may take other interim measures to safeguard the complainant, respondent and other members of SIBT's community following consultation with police.
- d) On completion of the police investigation SIBT may undertake appropriate actions in alignment with its policies and code of conduct.

2.5. Complaints that Relate to a Third-Party Provider

- a) If the respondent is affiliated with a third-party provider, SIBT will continue to support the complainant by providing access to appropriate resources and support.
- b) SIBT will not be responsible for providing support to the respondent in this instance.
- c) SIBT will also ensure that the complainant is familiar with the reporting options and avenues available to them both within and outside SIBT.
- d) SIBT will monitor the progress of the complaint to ensure that all proceedings are held in accord with natural justice.

- e) If the respondent is a student or a staff member of SIBT's community, SIBT will support the process as managed by the third-party provider and, if the claim is upheld, the respondent will be dealt with in accord with SIBT's relevant policies, procedures and Code of Conduct.

2.6. Complaint is Reported by Observer or Witness

- a) It is important to ensure as much as possible that the person who has experienced the assault feels in control of the complaints process, as they may be requested to actively participate in the process.
- b) If a member of SIBT's community or any other person becomes aware or has observed an incident of sexual assault and is intending to make a complaint to SIBT or the police, or both, it is critical that they obtain the consent of the person who has experienced the incident prior to making a report, unless that person is a minor, or is unable to report the incident due to injury or impairment.
- c) If the observer/witness is unsure as to what to do, they should seek counsel from a first responder.
- d) SIBT has a duty of care to ensure the safety of the broader community and may therefore need to act in order to achieve this, including situations where a complainant may not wish to actively participate in a formal complaints process.
- e) In the event that SIBT needs to take action to ensure the safety of the broader community, the rights and needs of the person who experienced the sexual assault will be respected and treated with great care and confidentiality.

2.7. Right to Withdraw a Complaint

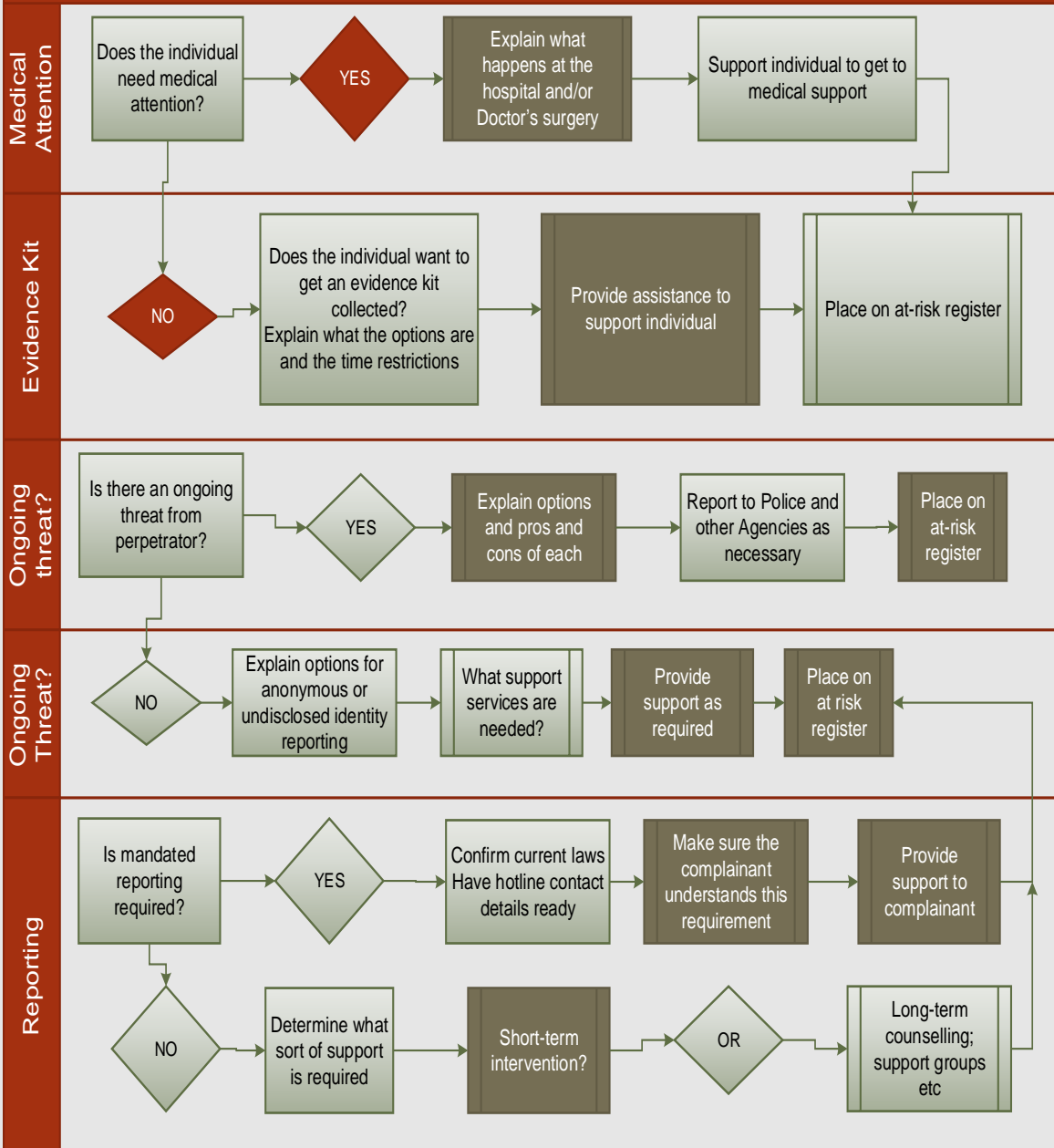
- a) A complainant has the right to withdraw a complaint at any stage of the process.
- b) SIBT will inform the respondent should a complaint be withdrawn at any stage of the process.
- c) SIBT may, however, continue to act on the complaint to ensure the ongoing safety of the complainant and members of the broader community.
- d) The complainant should confirm the withdrawal of the complaint in writing to the College Director and Principal.
- e) In the event SIBT does continue to act on the complaint as part of its duty of care, it will ensure that the original complainant is kept informed of any actions taken or the outcome of any investigation undertaken.

2.8. Initial Assessment Phase

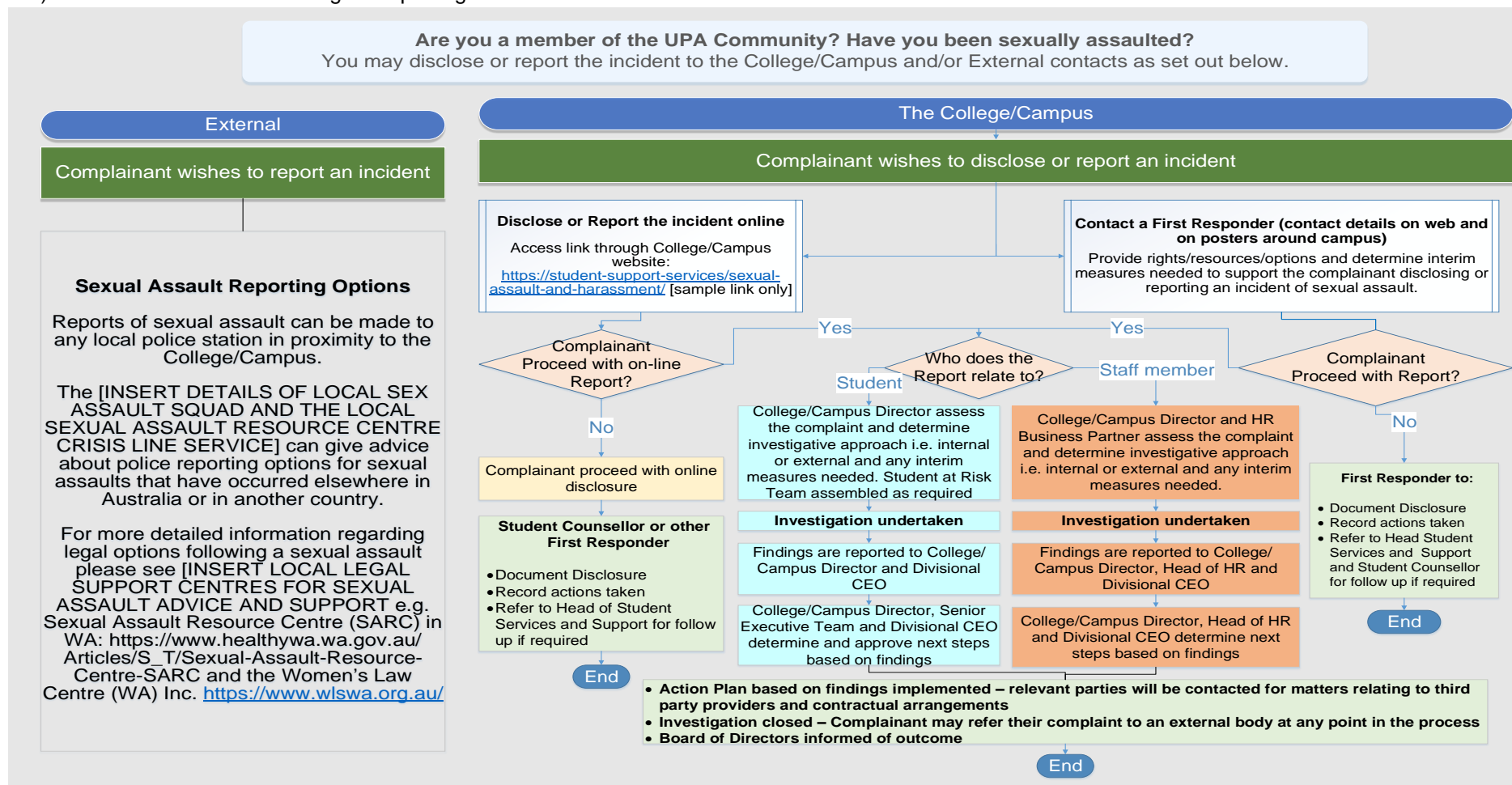
- a) See below for guidance on initial contact following an assault.

First Assessment

Phase



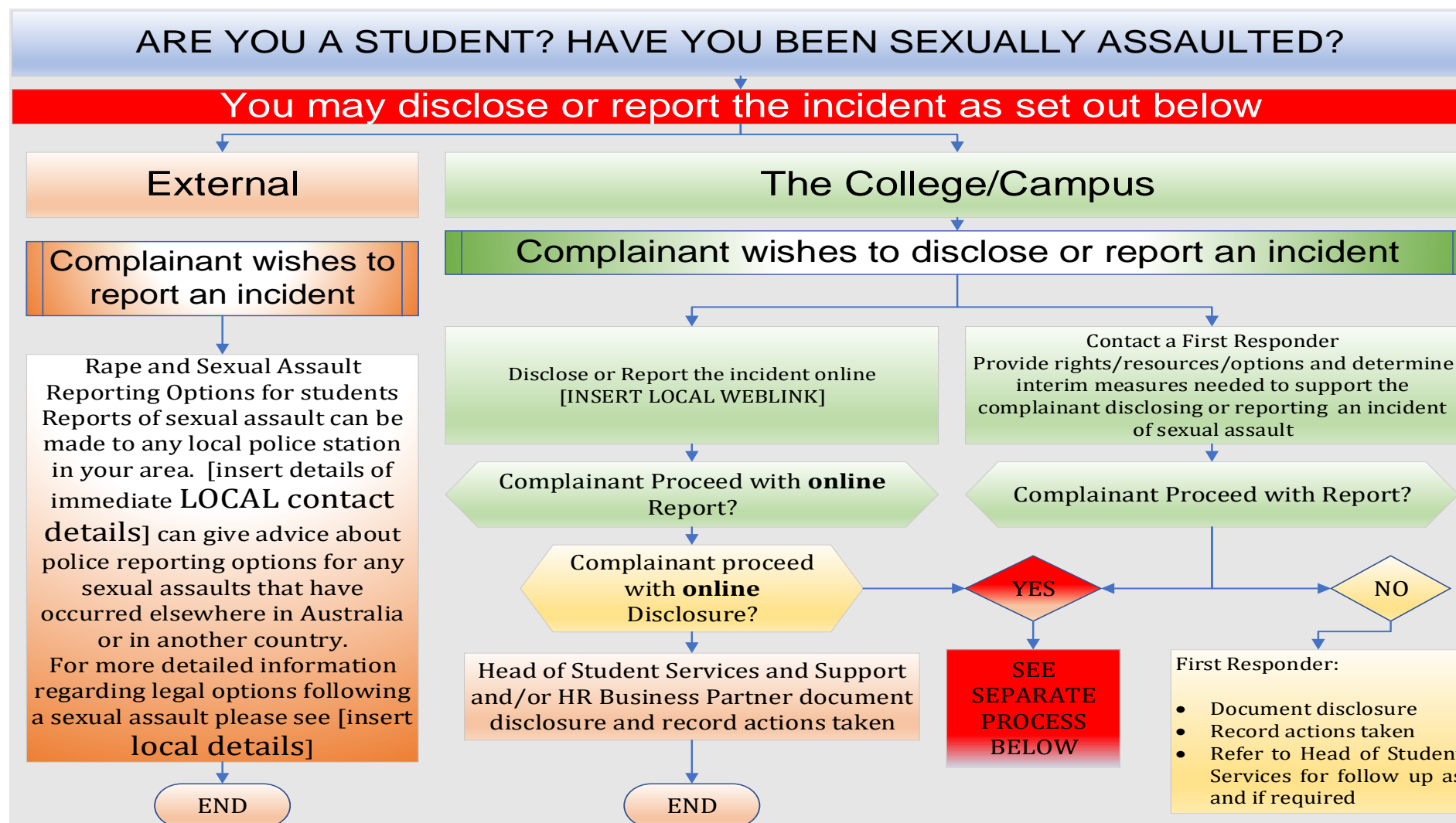
b) Process Flow – Disclosing or Reporting an incident of sexual assault

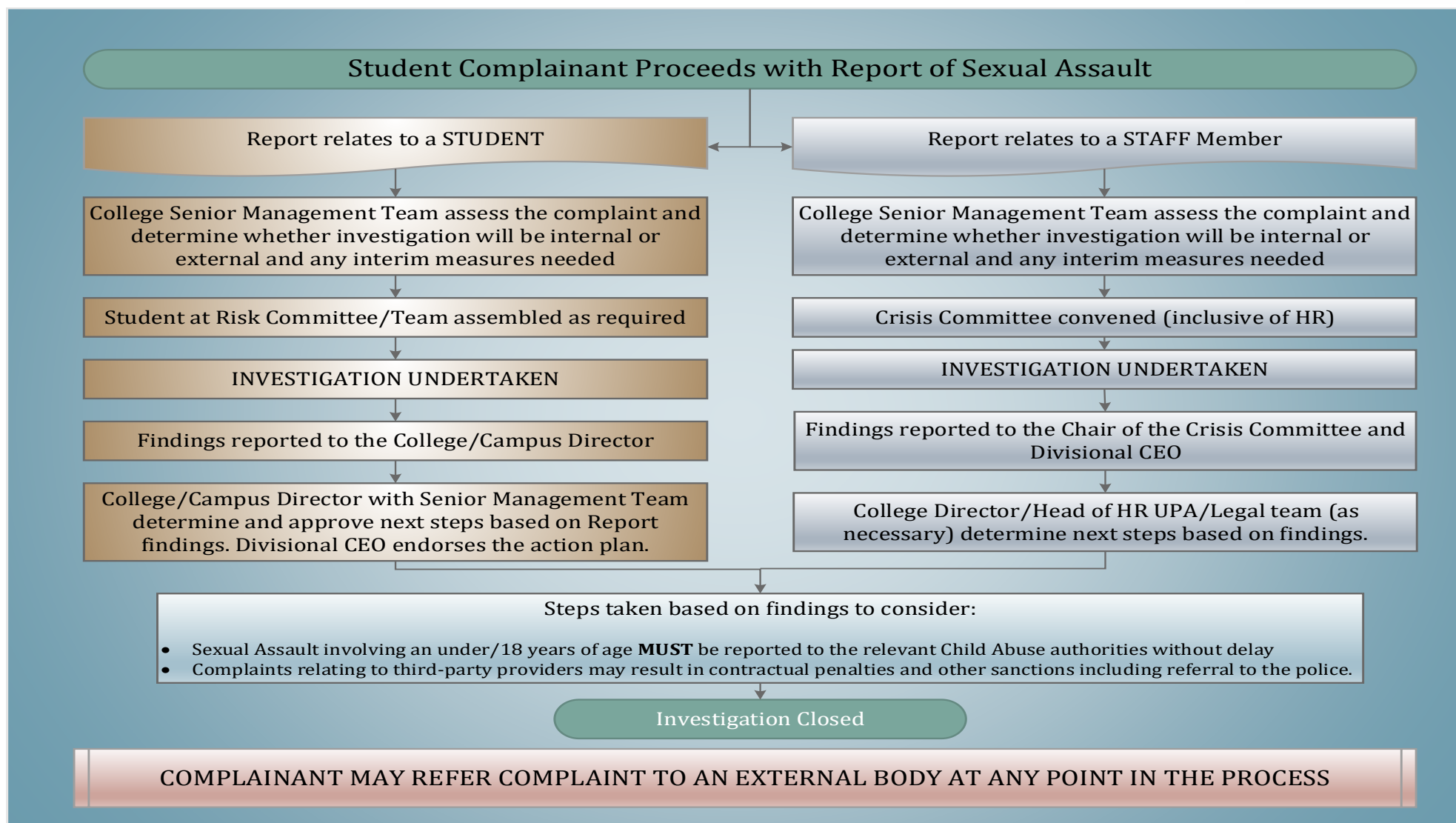


NOTE: records of this should be made in the student and/or staff member's file. The record should be housed in an envelope or folder marked confidential and placed under restricted access in a secure location if in hard copy or in a secure, restricted access folder if in electronic/digital form.

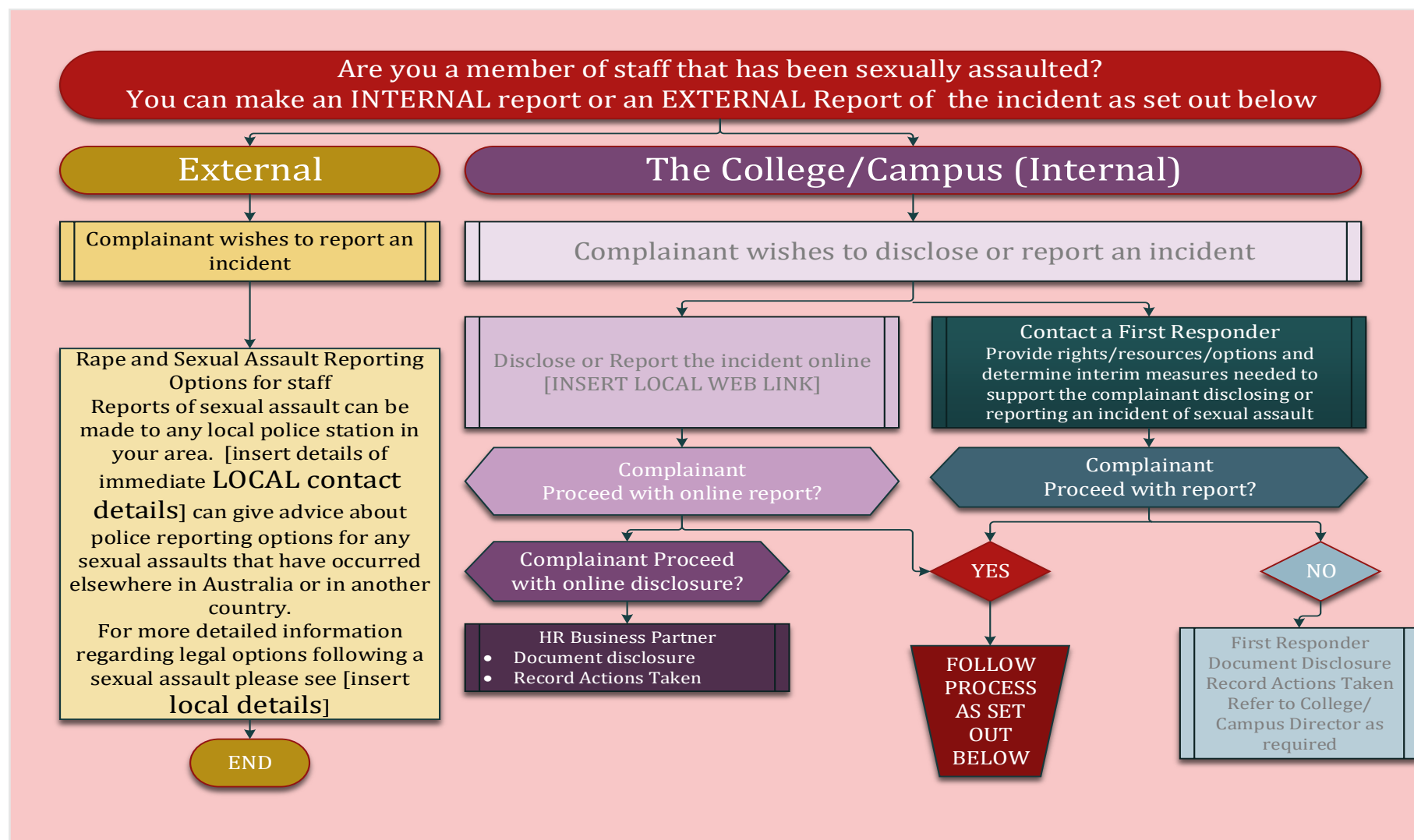
The reporting of the event itself in TICKIT should be made as part of an anonymised update on crisis events and/or incidents at the College/Campus.

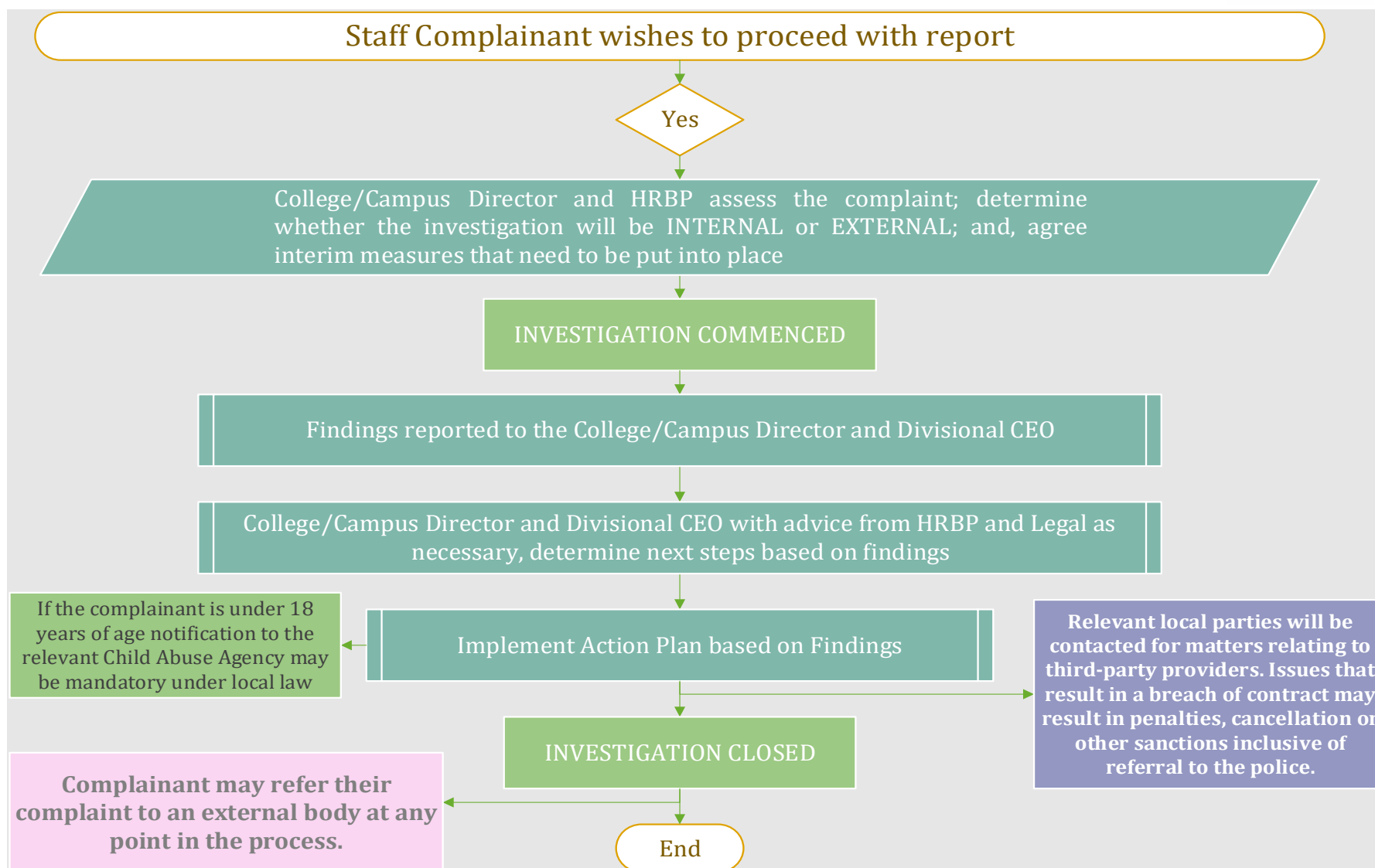
Sexual Assault of a Student Process Flow





Sexual Assault of a Staff Member Process Flow





Appendix 3: Nine Principles Summary Checklist³

This summary checklist is intended as a tool for higher education provider staff responsible for implementing the requirements of the HES Framework and the National Code to ensure their organisation is able to understand, prevent, identify and respond to sexual assault and sexual harassment, which includes learning and developing better ways to manage and respond to the risk.

For a deeper knowledge of the options for managing provider response to sexual assault and sexual harassment, providers are encouraged to share knowledge and learning with each other, and review the resources available at the end of this document.

Action

1. Wellbeing and safety of the students and staff members who have experienced sexual assault or sexual harassment are the focus of SASH prevention and response

Aim to minimise the trauma that reporting can cause.

Both students and staff members who have experienced sexual assault or sexual harassment and alleged perpetrators are supported and kept informed of progress and outcome of the process in a timely manner.

Provide an environment in which students and staff feel safe and community members are trained to receive disclosures and respond appropriately.

2. Leadership and governance ensure institution wide action

A sexual assault and sexual harassment taskforce/working group or responsible role has been established, and reports regularly to the governing body.

Students are members of the working group.

Providers collaborate with student accommodation services.

The governing body ensures sexual assault and sexual harassment policies, processes and activities have been established.

3. SASH policies are in place and inclusive

Policies and procedures to prevent and respond to sexual assault and sexual harassment include definitions, descriptions, consequences, how and where to report and where to seek internal and external support. Also covered is the implementation of monitoring and moderating of the online environment, including provider affiliated social media sites, for technologically facilitated sexual harassment. All policies are written in inclusive language and align with each other.

Policies and procedures around alcohol consumption and hazing are in place at student accommodations and training of club and team members (bystander, first responder) to raise awareness of risk of sexual assault and sexual harassment in social gatherings combined with alcohol or during fieldtrip and sporting events is conducted regularly.

³ Appendix B: TEQSA Good Practice Note: Preventing and Responding to Sexual Assault and Sexual Harassment in the Australian Higher Education Sector, July 2020. <https://www.teqsa.gov.au/guides-resources/resources/good-practice-notes/good-practice-note-preventing-and-responding-sexual-assault-and-sexual-harassment-australian-higher-education-sector>

4. A safe environment is provided for all staff and students

To the best of the education provider's ability, a safe environment in the student accommodations is promoted and fostered, ensuring liaison between accommodation and education providers in supporting students who have experienced sexual assault or sexual harassment, minimising impact and resolving issue effectively and efficiently.

Security guards or trained staff are provided whenever students are on campus, security escort if necessary. Consideration of provision of security app free of charge and minimisation of environmental factors that pose a risk to student safety. A safe environment is provided.

5. Comprehensive education and information materials are widely available and regularly updated

Ensure information and material aiming to raise awareness is provided in a variety of conspicuous online and off line locations, available and updated with interesting and relevant initiatives throughout the year. Ensure contractors and others unable to log into provider online environment have access to this information as well.

Provide and update internal and external contact details for relevant support services, ensuring differing access options and diversity of groups reached.

6. Staff and students are trained to confidently recognise, prevent and respond to SASH

Provision of training (online and face-to-face) on positive relationships/consent, active bystanding and first responder training as a minimum, by trained facilitators, delivered in inclusive language and translated into languages most pertinent for the current student cohort throughout the year.

All training courses should be evaluated for impact and adapted according to the findings.

Resident students and staff are trained in active bystanding, first responding, consent and the implementation of the policies and procedures relevant to sexual assault and sexual harassment prevention and response.

7. Support is accessible and timely for all parties involved

Ensure access to adequately trained counselling staff (can be external services), including after hours, ensuring the needs of all groups in the student cohort are catered for.

Special considerations are available to assist survivors of sexual assault and sexual harassment with their academic workload.

Students and staff members who have experienced sexual assault or sexual harassment and alleged perpetrators are supported throughout and following the reporting process regardless of the type of report (disclosure, internal or external formal report) free of charge.

Establish collaborative relationships with police and local sexual assault and sexual harassment support services.

Do you have access to a restorative justice or conciliation option?

8. Incident reporting and the provider's response are well thought out and fit for purpose

Policies and procedures clearly outline the reporting options and response procedures. Policies and procedures regulating the provider's response to reports of sexual assault and sexual harassment are accessible, fair, easy to understand and cover misconduct of members of the provider's community against each other.

Options exist to report anonymously or about a third party. Students and staff members who have experienced sexual assault or sexual harassment can choose the type of reporting, if any, and their level of involvement in the process.

Liaise with the police in the case of criminal investigations to ensure both criminal investigation and provider's administrative process can proceed without jeopardising either.

Incidents of sexual assault and sexual harassment are recorded as such in a central register, including the provider's response and the outcome of the response procedure. Summarised incident data are reported regularly to the provider's governing body and current measures of prevention and response are assessed and, if required, adjusted.

9. Ongoing innovation, evaluation and improvement of SASH prevention and response measures

Independent, expert led reviews of the efficiency of sexual assault and sexual harassment-related policies, provision of counselling services and, if applicable, provisions of student wellbeing in student accommodation services, are conducted regularly, action plans established and implemented to ensure ongoing improvement of the measures in place.

Training course (online and face-to-face) are regularly evaluated for impact and efficacy and modified according to the outcomes of the evaluation analysis.

Providers exchange and share experiences and resources with each other to ensure ongoing improvement of their ability to prevent and respond to sexual assault and sexual harassment.
