

Responding to Sexual Assault Policy

1. Purpose and Scope

- 1.1 The Responding to Sexual Assault Policy sets out AIAT's zero tolerance for sexual assault and its commitment to:
 - 1.1.0 supporting students and staff to report the sexual assault to the Police;
 - 1.1.1 providing victims with respectful, confidential and informed support; and
 - 1.1.2 ensuring that reports of sexual assault are addressed in a professional and timely manner.
- 1.2 This policy applies to all students and to all staff:
 - 1.2.1 on an AIAT campus;
 - 1.2.2 on a digital platform used for AIAT study, learning or work purposes;
 - 1.2.3 while representing AIAT anywhere in Australia or overseas; or
 - 1.2.4 in relation to a class, function or event sanctioned or organised by AIAT.

2. Definitions

Refer to *Glossary of Terms* for commonly used terms. The definitions below are those specific to this policy.

Alleged offender means a student or staff member about whom a report of sexual assault has been made.

Disclosure means the telling to another person about the sexual assault.

Incident means the incident giving rise to the allegation of sexual assault.

Report means a disclosure about sexual assault lodged by any person.

Sexual assault means the conduct described at clause 4.2. AIAT is guided by South Australian and Commonwealth law as the relevant standard for this policy.

Victim means a person who has been or reported to have been subject to sexual assault. The incident may have occurred within or outside the scope of this policy.

3. Policy Statement

- 3.1 AIAT is committed to:
 - 3.1.1 providing a safe and inclusive environment where all students and staff are respected and able to participate in their study or work to the best of their ability.
 - 3.1.2 responding promptly to behaviour or conduct compromising other persons' safety or wellbeing.
 - 3.1.3 ensuring victims of sexual assault are supported in their study and work endeavours, including where the incident occurred outside of AIAT's scope.

- 3.2 AIAT has zero tolerance towards sexual assault in any form. This includes but is not limited to:
 - 3.2.1 incidents that are facilitated by technology;
 - 3.2.2 attempted sexual assault; or
 - 3.2.3 incidents that may be construed as intimidating, abusive, disrespectful or threatening.
- 3.3 All members of AIAT community have a duty to one another to take all reasonable steps to prevent sexual assault undertaken by or directed towards students, staff and other members of the AIAT community.

4. Policy Principles

- 4.1 Sexual assault may be experienced or perpetrated by individuals of all genders and sexualities.
- 4.2 Sexual assault refers to a range of unacceptable sexual and physical behaviours that are criminal offences.
 - 4.2.1 Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent.
 - 4.2.2 This includes conduct where a person has withdrawn their consent or is unable legally able to consent to.
- 4.3 For the purposes of this policy, consent means the free and voluntary agreement to engage in a sexual activity. It also means taking responsibility to ensure that the agreement is mutual, informed and certain – that is, that the other person is comfortable and agrees to, and is legally capable of agreeing to, engaging in the sexual activity. The AIAT is guided by South Australian and Commonwealth law as the relevant standard for this policy.
- 4.4 AIAT supports victims where they choose to report sexual assault to the Police or other external agencies.

Reporting of sexual assault

- 4.5 AIAT will ensure that up-to-date and relevant information about security contacts, reporting processes and support services is easily accessible to students and staff in different formats (such as making the information available on its website and in physical form around the campus).
- 4.6 A victim of sexual assault is strongly encouraged to report the incident to the Police immediately.
- 4.7 Following the report to the Police, the victim may also disclose the matter to AIAT (the CEO or nominated officer).
 - 4.7.1 A disclosure enables:
 - a. the victim to access support services and other information; and

- b. AIAT to take measures to protect the victim or other members of the AIAT community.

4.8 AIAT:

4.8.1 will accept anonymous disclosures;

4.8.2 will accept disclosures made by a person who has witnessed or has a reasonable belief that another person has been a victim of a sexual assault, for the purpose of taking steps to protect the victim, other members of the AIAT community and broader campus safety.

4.9 AIAT is guided by the victim's wishes during the process. While it will only report an incident to the South Australian Police or other external body when it is legally required to do so, or because of its duty of care to the victim or other persons, it strongly encourages victims to formally report sexual assault to the appropriate authority. In such cases, AIAT aims to keep the victim informed about this process.

4.10 Where AIAT becomes aware that the incident has been reported to the Police or other external body, it will:

4.10.1 subject to subclause 4.10.2, defer its internal actions until such time as it is advised that the external process is complete, is not continuing or that taking action to consider further outcomes will not otherwise compromise the external process.

4.10.2 take any necessary actions to provide a safe environment, such as interim measures against the alleged offender as defined in the Responding to Sexual Assault Procedure.

4.11 Any inquiry undertaken by AIAT is not a substitute for the criminal process. The Institute does not determine whether a criminal act has been committed.

Right to inform and seeking support

4.12 The AIAT supports the rights of victims to decide whether they want to report, at any time:

4.12.1 to AIAT;

4.12.2 to the South Australian Police or other authorities; and/or

4.12.3 the South Australian Equal Opportunity Commission or the Australian Human Rights Commission to make a complaint under anti-discrimination legislation.

4.13 Students who are victims of sexual assault, including matters that fall outside the scope of this policy (that is, the incident is unable to be investigated by AIAT), are entitled to access the academic and non-academic supported offered by AIAT.

4.14 Staff members may seek support by approaching the Human Resources Officer.

Vexatious allegations and victimisation

4.15 Students and staff must not make vexatious allegations, being allegations:

4.15.1 without merit;

- 4.15.2 where the substance of the complaint has already been considered by the AIAT;
- 4.15.3 based on dishonest or contains intentionally misleading information; or
- 4.15.4 that are pursued with undue persistence.

4.16 AIAT does not tolerate victimisation, or threatened victimisation of individuals involved in reported incidents, those supporting individuals involved in an external investigation, internal inquiry or witnesses providing information about a report or in any capacity

Privacy and confidentiality

- 4.17 The privacy and confidentiality of all parties to a report will be respected to the extent that it is appropriate. However, disclosure of some or all information may be required for the purposes of monitoring, investigation and/or to satisfy the AIAT's regulatory and legal obligations.
- 4.18 Students and staff involved in a matter under this policy in any capacity:
- 4.18.1 should only share information with a third party for the purposes of seeking specific support or advice (for example, counselling); and
 - 4.18.2 must not recklessly or maliciously share information to third parties including via social media.

Breaches of this policy

- 4.19 An allegation of breach of this policy or procedure should be reported to the CEO. Allegations will be investigated as per the Student General Misconduct Procedure (for students) or the Dealing with Unsatisfactory Performance and Misconduct (Staff) Procedure (for academics, non-academics or Board or committee members).

Continuous improvement

- 4.20 De-identified data on disclosures and formal complaints will be collected and reported to the Board of Directors and Academic Board and used for identifying risks and facilitating continuous improvement of the AIAT's response processes.

5. Roles and responsibilities

- 5.1 The Board of Directors, the CEO and the Executive Management Group are responsible for facilitating a safe learning environment and workplace by
- 5.1.1 modelling respectful behaviours among peers, colleagues and the student body.
 - 5.1.2 ensuring training or best practice examples are available for students and staff in terms of the obligations of their own behaviours.
- 5.2 The CEO is responsible for:
- 5.2.1 ensuring the accountability of the Executive Management Group in implementing this policy and adhering to applicable laws;
 - 5.2.2 overseeing mandatory and other reports made to external agencies such as the Police;
 - 5.2.3 designating one or more staff members as a nominated officer for the purpose of managing disclosures by students and staff;

- 5.2.4 ensuring nominated officers are appropriately skilled for undertaking this role;
 - 5.2.5 imposing interim measures to protect the safety of staff and students when required; and
 - 5.2.6 monitoring and reporting de-identified data on disclosures to the Board of Directors and Academic Board for the purpose of identifying risks and facilitating continuous improvement of AIAT’s response processes.
- 5.3 Nominated officers are responsible for:
- 5.3.1 managing disclosures lodged by students, staff and/or staff other members of the AIAT community including all record-keeping associated with an incident;
 - 5.3.2 referring matters to the CEO when interim measures are required or disciplinary action to be taken;
 - 5.3.3 facilitating a safe learning and workplace by providing training and or best practice examples for staff about their obligations of their own behaviours and in respect of modelling respectful behaviours among the AIAT student body;
 - 5.3.4 ensuring the CEO and other relevant staff members (such as the Campus Manager) are kept informed about all incidents of sexual assault;
 - 5.3.5 ensuring orientation information incorporates information about this policy and related procedure, AIAT’s expected standards of behaviour and an overview of Australian laws regarding sexual assault;
 - 5.3.6 ensuring their contact details and availability are kept up-to-date and readily accessible by students and staff; and
 - 5.3.7 keeping appropriate de-identified data for reporting purposes and retaining confidential information in line with the Privacy Policy.
- 5.4 Staff who receive confidential information about a disclosure are responsible for:
- 5.4.1 keeping appropriate and confidential records in accordance with the Privacy Policy; and
 - 5.4.2 keeping participants informed of developments in a timely manner.
- 5.5 All students and staff are responsible for:
- 5.5.1 ensuring their own behaviours comply with the policy and relevant Australian laws;
 - 5.5.2 where possible, calling out inappropriate behaviour early or reporting such behaviour to a nominated officer;
 - 5.5.3 participating in orientation or training sessions if required as part of a person’s enrolment or employment; and
 - 5.5.4 participating in any associated processes, when directed, in a professional and honest manner, respecting the confidentiality of the proceedings.

6. Policy Details

| | |
|-------------|--|
| Institution | Australian Institute of Advanced Technologies (AIAT) |
| Policy name | Responding to Sexual Assault Policy |

| | |
|--|---|
| Policy Reference No. | POL – 48 |
| Policy Approval | Board of Directors |
| Policy Authority | Executive Management Group |
| Responsible Officer | CEO |
| Governance Reference Threshold Standards | HESF 2021: 2.3 and 2.4 |
| Related Documents | <p>Responding to Sexual Assault Procedure</p> <p>Discrimination, Bullying and Harassment Prevention Policy</p> <p>Student Complaints and Appeals Policy</p> <p>Student General Misconduct Procedure</p> <p>Dealing with Unsatisfactory Performance and Misconduct (Staff) Procedure</p> <p>Staff Complaints and Appeals Policy and related procedure</p> <p>Privacy Policy</p> |
| Related Legislation | <p>Sex Discrimination Act 1984 (Cth)</p> <p>Equal Opportunity Act 1984 (SA)</p> <p>Fair Work Act 2009 (Cth)</p> <p>Children and Young People Safety Act 2017 (SA)</p> <p>Higher Education Support Act 2003 (Cth) (HESA)</p> <p>Education Services for Overseas Students Act 2000 (Cth) (ESOS)</p> <p>Higher Education Standards Framework (Threshold Standards) 2021 (HESF)</p> <p>National Code of Practice for Providers of Education and Training to Overseas Students 2018</p> |
| References | <p>AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy:</p> <p>TEQSA (July 2020) Good Practice Note: <i>Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector</i></p> <p>Legal Services Commission of South Australia, Law Handbook – Discrimination Law (accessed November 2021)</p> <p>University of South Australia (November 2021), Sexual Assault and Sexual Harassment Policy C-12.5 and related Procedure C-12_P1 (November 2021)</p> <p>Australian College of Physical Education (2021), Sexual Assault and Sexual Harassment Policy</p> <p>University of the Sunshine Coast (February 2021), Sexual Assault, Sexual Harassment and Respectful Relationships (Students) – Governing Policy</p> <p>Southern Cross University (April 2020), Harassment, Bullying and Discrimination Prevention Policy</p> |

| | |
|------------------|-----------------|
| Date of approval | 3 February 2022 |
| Review date | December 2024 |
| Policy Category | Operational |

6. Document Version Control

| Document No | POL - 48 | Last Modify Date | Summary of Changes |
|--------------|----------|------------------|--|
| Version No | 1.0 | NA | Initial version approved by Board of Directors |
| | 1.01 | 8/4/2022 | Modified policy number |
| Created Date | Feb 2022 | | |