

# Responding to Sexual Assault Procedure

## 1. Purpose and Scope

- 1.1 This procedure operationalises the Responding to Sexual Assault policy.
- 1.2 This procedure applies to all students and to all staff (including academics, non-academics, Board or committee members):
  - 1.2.0 on an AIAT campus;
  - 1.2.1 on a digital platform used for AIAT study, learning or work purposes;
  - 1.2.2 while representing AIAT anywhere in Australia or overseas; or
  - 1.2.3 in relation to a class, function or even sanctioned or organised by AIAT.

## 2. Definition

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 procedure.

## 3. Procedure

- 3.1 At all times, the priority is to support victims of sexual assault:
  - 3.1.1 to seek immediate assistance; and
  - 3.1.2 to access on or off-campus support as required.
- 3.2 The nominated officers are responsible for managing the AIAT's response to reports of sexual assault. These responsibilities include:
  - 3.2.1 notifying the CEO about serious incidents, including those that need reporting to the Police or other authorities, or where interim measures may be required.
  - 3.2.2 supporting the student or staff member, or by nominating an appropriate staff member to do so, with the agreement of the victim.

- 3.2.3 notifying other staff as appropriate (for example, for the purpose of providing a student with special consideration).

### **Disclosure of incidents**

- 3.3 A student or staff member may choose to disclose that they have been the victim of a sexual assault by:
  - 3.3.1 giving a written or verbal account to a nominated officer; or
  - 3.3.2 making an anonymous disclosure such as asking another person to report the matter to a nominated officer or the CEO on their behalf. AIAT will assess what, if any, immediate action is required to protect the safety of others on the basis of an anonymous disclosure (including reporting the matter to the Police) but it may be constrained in its capacity to take certain internal actions without a specific disclosure by a victim.
- 3.4 Where a student chooses to disclose a sexual assault to a staff member who is not a nominated officer (for example, a lecturer), that staff member should:
  - 3.4.1 seek advice from a nominated officer as to the most appropriate way to proceed (de-identifying the student's details as necessary); and
  - 3.4.2 ensure the student is kept informed.
- 3.5 On receiving a disclosure, AIAT will provide the victim with advice about:
  - 3.5.1 the reporting options that are available including reporting to the Police or other authorities.
  - 3.5.2 the academic and non-academic supports that are available for students (including special consideration).
  - 3.5.3 how confidential information is managed during the process.

### **Internal actions**

- 3.6 While AIAT may take actions in response to allegations of sexual assault, it strongly encourages victims to report the matter to the Police. Sexual assault is a criminal offence and AIAT is unable to determine whether a criminal offence has occurred.
  - 3.6.1 AIAT's capacity to undertake further action depends on the circumstances surrounding the incident and the extent to which action is required to protect the victim's ongoing safety and that of other students and staff.
- 3.7 Where the AIAT considers it necessary to proceed with further actions, the victim is encouraged to provide, in writing, all relevant information about the incident as possible, including:
  - 3.7.1 specific details (what when where, witnesses and any relevant background information).
  - 3.7.2 the outcomes sought from AIAT.
  - 3.7.3 the victim may seek the assistance of a nominated officer or other staff member in preparing this written report.
- 3.8 Where AIAT has decided to proceed with further actions:

- 3.8.1 it may seek relevant external expertise to assist it in this process.
- 3.8.2 its process is not a substitute for any criminal investigation that may be instituted.
- 3.9 AIAT, in undertaking a further action:
  - 3.9.1 will do so in a timely manner, ensuring that relevant participants are kept informed about the process and, as appropriate, the possible outcomes.
  - 3.9.2 will seek oral or written responses from the alleged offender and other relevant witnesses.
  - 3.9.3 will assess the information available to it in determining appropriate outcomes.
  - 3.9.4 may impose penalties that are proportionate to the nature and seriousness of the misconduct.
- 3.10 A victim may withdraw their report at any time of the process. However, AIAT may continue to act to ensure other people's safety.

#### **Interim measures**

- 3.11 The CEO may impose one or more interim measures on an alleged offender, pending the outcome of external investigations or internal actions, such as:
  - 3.11.1 restricting access to or attending classes, the workplace or the campus;
  - 3.11.2 restricting access to the AIAT IT and social media systems;
  - 3.11.3 restrictions on communicating or approaching other students or staff, including via social media, email, letter or through a third party;
  - 3.11.4 suspending a staff member with or without pay, or make other changes to their remuneration; and/or
  - 3.11.5 any other measures the CEO considers necessary to reduce the potential harm to AIAT students and staff.
- 3.12 Interim measures must be:
  - 3.12.1 set for a fixed period of time (up to the conclusion of any criminal proceedings that may be instituted); and
  - 3.12.2 reasonable and proportionate, having regard to the seriousness and circumstances of the allegations.

#### **Outcomes**

- 3.13 A student who is found to have sexually assaulted another person (through the criminal process or by way of an internal process) will be subject to disciplinary action that may include suspension or exclusion.
- 3.14 A staff member who is found to have sexually assaulted another person (through the criminal process or by way of an internal process) will be subject to a range of disciplinary action including dismissal.

## **4. Roles and responsibilities**

- 4.1 The Board of Directors, the CEO and the Executive Management Group are responsible for facilitating a safe learning environment and workplace by:

- 4.1.1 modelling respectful behaviours among peers, colleagues and the student body.
  - 4.1.2 ensuring training and/or best practice examples are available for students and staff in terms of the obligations of their own behaviours.
- 4.2 The CEO is responsible for:
- 4.2.1 ensuring the accountability of the Executive Management Group in implementing this policy and adhering to applicable laws;
  - 4.2.2 overseeing mandatory and other reports made to external agencies such as the Police;
  - 4.2.3 designating one or more staff members as a nominated officer for the purpose of managing disclosures by students and staff;
  - 4.2.4 ensuring nominated officers are appropriately skilled for undertaking this role;
  - 4.2.5 imposing interim measures to protect the safety of staff and students when required; and
  - 4.2.6 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.
- 4.3 Nominated officers are responsible for:
- 4.3.1 managing disclosures lodged by students, staff and/or other members of the AIAT community, including all record-keeping associated with the incident;
  - 4.3.2 referring matters to the CEO when interim measures are required or disciplinary action to be taken;
  - 4.3.3 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;
  - 4.3.4 ensuring the CEO and other relevant staff members (such as the Campus Manager) are kept informed about all incidents of sexual assault;
  - 4.3.5 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;
  - 4.3.6 ensuring their contact details and availability are kept up-to-date and readily accessible by students and staff; and
  - 4.3.7 keeping appropriate de-identified data for reporting purposes and retaining confidential information in line with the Privacy Policy.
- 4.4 Staff who receive confidential information and / or investigate reports are responsible for:
- 4.4.1 keeping appropriate and confidential records in accordance with the Privacy Policy; and
  - 4.4.2 keeping participants informed of developments in a timely manner.
- 4.5 All students and staff are responsible for:
- 4.5.1 ensuring their own behaviours comply with the policy and relevant Australian laws;

- 4.5.2 where possible, calling out inappropriate behaviour early or reporting such behaviour to a nominated officer;
- 4.5.3 participating in orientation or training sessions if required as part of a person’s enrolment or employment; and
- 4.5.4 participating in any associated processes, when directed, in a professional and honest manner, respecting the confidentiality of the proceedings.

## 5. Procedure Details

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

	<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
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Policy Category	Operational

## 6. Document Version Control

Document No	PROC - 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		