

## 1. Purpose

Australian School of Accounting (ASA) recognises that every person has the right to work and study in an environment which is free of harassment, including sexual harassment. ASA maintains zero tolerance of any such behaviour, including sexual harassment and sexual assault. Any and every allegation of sexual harassment will be treated very seriously and will not be tolerated by Australian School of Accounting.

## 2. Principles

This Policy is informed by ASA’s commitment to providing a safe environment for every member of our educational community and our mission of providing the Highest Standards in Student Care and Equity. Sexual assault and sexual harassment are against the law in Australia. The following principles and guidelines further inform this policy.

- 2.1 The wellbeing and safety of students and staff is paramount at the Australian School of Accounting and ASA will investigate all allegations of sexual harassment with compassion and without judgement or blame.
- 2.2 All parties involved in any such cases will be treated fairly, with dignity and respect and privacy and confidentiality are assured.
- 2.3 All parties will be provided with information about the options for reporting such incidents both within and external to ASA.
- 2.4 All parties will be kept informed of any action ASA takes in relation to any disclosure, report or complaint and the expected timelines for resolution of any such matters that have been reported to ASA.

## 3. Scope

This Policy applies to all staff and students of ASA.

## 4. Definitions

Term	Definition
Sexual Harassment	Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature, which may cause a person to feel humiliated, intimidated or offended. Sexual harassment may occur between people of the opposite sex or of the same sex, may be physical, psychological, visual or verbal, and may be a one-off incident or repeated behaviour.

	It is not sexual interaction or flirtation that is consensual, mutual or reciprocated.
Sexual Assault	Sexual assault includes a range of behaviours, all of which are unacceptable and constitute a crime. Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent.
Consent	Consent is essentially an agreement between people to engage in a sexual activity. Other important elements of consent are that it is mutual, freely given, informed, certain and clear, enthusiastic, reversible, specific and required throughout the activity.

## 5. Policy

### 5.1 Behavioural examples

Sexual harassment can be physical, verbal or written and may include:

- sexually suggestive comments or jokes in person, on the phone, in emails, or on social media that make you feel offended.
- unwelcome or inappropriate touching, hugging, cornering or kissing
- inappropriate staring or leering that makes you feel intimidated.
- intrusive questions about your private life or physical appearance that make you feel offended.
- sexual gestures, indecent exposure or inappropriate display of the body
- being followed, watched or someone loitering nearby.
- requests or pressure for sex or other sexual acts
- repeated or inappropriate invitations to go out on dates.
- sexually explicit pictures, posters or gifts that make you feel offended.
- actual or attempted rape or sexual assault
- sharing or threatening to share intimate images or film of you without your consent.
- any other unwelcome conduct of a sexual nature that happened online or on some form of technology.

Source: NSW Government Communities & Justice website

<https://www.antidiscrimination.justice.nsw.gov.au/> (date accessed 16/2/2021)

Sexual harassment will not include behaviour that is consensual interactions, flirtation or friendship. It is not behaviour that has been mutually agreed upon or conduct that has been explicitly welcomed in a consensual manner.

## **5.2 Student and Staff Responsibilities**

As part of Australian School of Accountings commitment to prevent sexual harassment assault all students and staff must:

- 1) Follow the Student and Staff Code of Conduct
- 2) Follow the guidelines within this policy.
- 3) Not participate in any victimisation of a student or staff who makes a complaint under this policy; and
- 4) Cooperate with any enquiries or investigations surrounding such a complaint.

## **5.3 Incident reporting**

ASA is committed to an incident reporting process which is fair, timely and effective.

## **5.4 Incident reporting procedure**

As incidents of sexual harassment and sexual assault will be treated as critical incidents the detailed procedure as outlined in the Critical incident policy and procedure will be followed with the following additions:

## **5.5 Report of Sexual Violence**

When there is a report of a sexual assault or sexual harassment, or of students or staff who witnessed and have been affected by such an incident, the following specific actions are also required:

### **5.5.1 Support and resources**

All appropriate resources will be provided to the student or staff member, including referral to external resources.

Where the affected individual is uncomfortable reporting the incident themselves, they should be helped to contact the Student Support Manager who can report it on their behalf.

The Student Support manager will ensure that the student or staff member is also provided support through student or staff counselling. The affected staff or student will also be referred to external services. Useful contacts include the following:

ASA emergency number on 0411 802 416

Report to the police on 000

NSW Rape Crisis Centre 1800 424 017

1800RESPECT. Ph. 1800 737 732 National Sexual Assault, Domestic Family Violence, Counselling Service.

Eastern & Central Sydney Sexual Assault Service

<https://www.healthdirect.gov.au/australian-health-services/20079913/eastern-central-sexual-assault-service/services/camperdown-2050-missenden>

(02) 9515 9040

NSW Health Sexual Assault Services

<https://www.health.nsw.gov.au/parvan/sexualassault/Pages/info-sexual-assault-victims.aspx>

### **5.5.2 Staff guidance and support**

The staff responding to the report must be guided to exercise due sensitivity and be careful, empathetic and non-judgemental.

It may be appropriate to consult with external experts to help staff to determine which actions should be taken.

### **5.5.3 Principal's responses**

The Principal will, with due sensitivity, seek to inform themselves of the event and its circumstances, in order to gauge an appropriate and measured response. This may include seeking external professional advice.

The Principal's responses, and any decisions they make about the matter, will be communicated to all parties, keeping in mind the need for respect, discretion and confidentiality.

The Principal's responses may include the development of a safety plan for the affected student or staff member, and this may include the suspension of an alleged perpetrator.

The safety plan that is developed should take into account the wishes of the affected person.

### **5.5.4 Possible criminality**

When the alleged incident is potentially a criminal matter, the affected student or staff member should be assisted to report the matter to the Police.

## **6. Record Keeping**

**6.1** Clear accurate and comprehensive records will be kept of all matters in relation to every incident of sexual assault and/or sexual harassment. This will include but is not limited to copies of reports or disclosures, interviews with students and staff and (where appropriate) security camera footage.

**6.2** All documentation relating to the incident will be kept confidential and shall be disclosed only to those persons who have the right to the information by virtue of their role in the process or as required by law.

## **7. Ongoing innovation, evaluation and improvement.**

ASA will monitor and analyse any such incident data (whilst protecting the confidentiality of the individuals involved) and regularly report to the Board of Directors, including recommendations regarding risk management.

## **8. Related Documents**

*Privacy Policy*

*Risk Management Policy*

*Work, Health and Safety Policy*

*Records Management Policy*

*Critical Incidents Policy and Procedure*

## **9. Specific Related Documents**

TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector – July 2020.

## **10. Relevant Legislation**

*The Education Services for Overseas Act 2000 (ESOS Act)*

*Higher Education Standards Framework 2021*

*National Code of Practice for Providers of Education and Training to Overseas Students 2018*

*NSW Anti-Discrimination Act 1977*

## **11. Version control**

Document	Sexual Harassment and Sexual Assault Policy			
Approved by	Board of Directors	Date: 30 April 2021		
			Next review	2024
Version #	Replaces Version #		Minor updates	
	1.0	0.1	Board of Directors Approval	
	0.1		Draft	