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## 1. INTENT

1.1 The purpose of this Policy is to:

- a) confirm Edith Cowan College's ('ECC' or the 'College') commitment to taking as far as is practicable, all reasonable steps to preventing Sexual Assault and Sexual Harassment (SASH) and to better managing reports of such behaviours;
- b) promote a safe working and study environment, which is free from Sexual Harassment and Sexual Assault;
- c) provide the framework and process for dealing with SASH in a fair, equitable and consistent manner;
- d) ensure that Staff and Students have redress against SASH in the work and study environment.

1.2 It is not the intention of this Policy to interfere in personal lives and relationships except where they breach policies relevant to conduct and to SASH in the work and study place.

1.3 This Policy does not supersede but is intended to complement:

- a) professional standards regarding confidentiality between clients and medical practitioners, nurses, psychologists, counsellors and social workers;
- b) mandatory reporting requirements prescribed by child safety legislation; and
- c) mandatory reporting requirements prescribed by the relevant Occupational Health and Safety legislation.

1.4 This Policy is supported by the *Sexual Assault and Sexual Harassment Response Procedures*.

## 2. ORGANISATIONAL SCOPE

2.1 These Procedures apply to all Staff and Students at ECC and its Partner Providers.

### 3. DEFINITIONS:

3.1 The *Glossary of Policy Terms* applies to this Policy.

### 4. POLICY CONTENT:

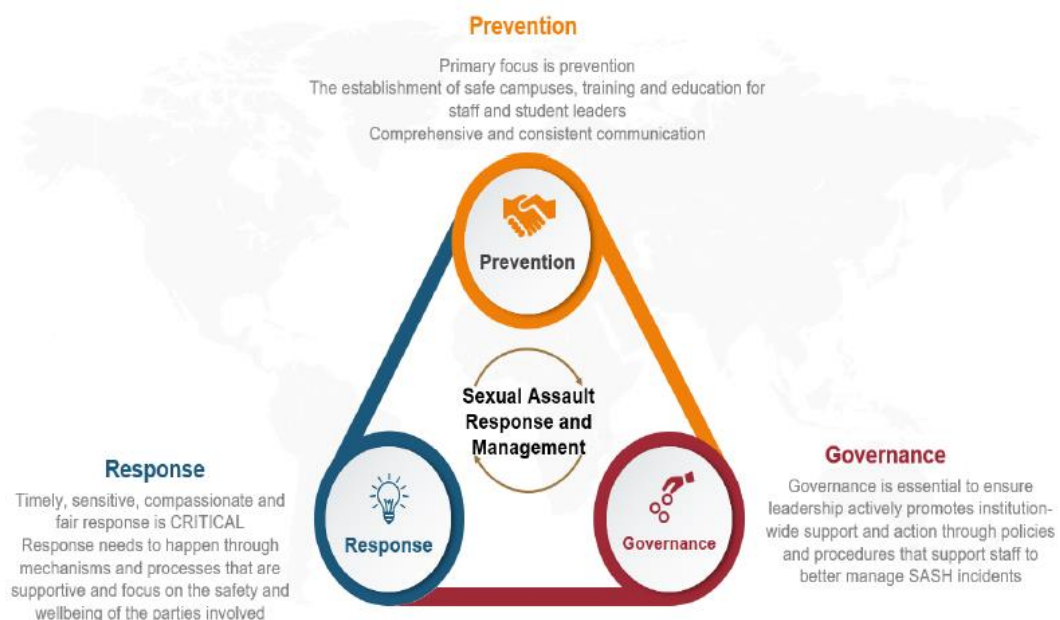
#### General Principles

- 4.1 ECC is committed to promoting Respectful Relationships and striving for an environment of physical, psychological and emotional security.
- 4.2 All Staff and Students have the right to a safe and productive learning/working environment free from SASH, where they are treated with dignity and respect.
- 4.3 ECC will take all reasonable steps necessary to prevent SASH occurring within ECC.
- 4.4 It is the responsibility of the College to communicate this policy and guidelines to Staff and Students, and train key Staff to manage suspected or reported breaches promptly and confidentially.

#### SASH Prevention and Response Framework

- 4.5 ECC's primary concern is the health, safety and wellbeing of Staff and Students.
- 4.6 A clear prevention strategy that is understood by Students and Staff and monitored by governance, strengthens ECC's ability to appropriately respond to a SASH Incident:

**Figure 1. SASH Prevention and Response Framework**



- 4.7 TEQS's *Working Group on Sexual Assault and Sexual Harassment* has identified [Nine Principles](#) for SASH management:

Figure 2. TEQSA’s Nine Principles for Managing SASH



4.8 ECC’s SASH prevention and response is designed around TEQSA’s Nine Principles:

TEQSA Principle	ECC SASH Prevention and Response
SASH Action Plan	<i>ECC SASH Action Plan.</i>
SASH Policy and Procedure	This Policy and the <i>Sexual Assault and Sexual Harassment Prevention and Response Procedures.</i>
Continuous Improvement	ECC reports deidentified SASH data and the College’s progress on the <i>SASH Action Plan</i> to the Board of Directors.
Safe Environment	Policy and Procedures on website: <ul style="list-style-type: none"> <li>• <i>Wellness, Health and Safety Policy</i></li> <li>• <i>Wellness, Health and Safety Procedures</i></li> <li>• <i>Staff Conduct Policy</i></li> <li>• <i>Student Conduct Policy and Student Misconduct Procedures</i></li> <li>• <i>Student Wellbeing, Counselling and Support Policy</i></li> <li>• <i>Underage Students (Minors) Policy</i></li> </ul> ECC has First Aiders, Mental Health First Aiders, Fire and Building Wardens and a Student Counsellor ECC Facilities: <ul style="list-style-type: none"> <li>• The Welcome Centre</li> <li>• Shuttle Bus service to campus</li> <li>• NowForce App and 24/7 ECU Security</li> </ul>
Education and Information	SASH / Respectful Relationship signage on ECC campuses and online Education on SASH prevention and response, Health and Safety at ECC delivered at Orientation for Students and during induction for Staff. Training and refresher training of Staff is conducted regularly.
Training	
Support is accessible, timely and just	ECU Security is available 24/7. The <i>Sexual Assault and Sexual Harassment Prevention and Response Procedures</i> outline ECC’s support process.
Reporting fair, timely and effective	ECC reports Health and Safety Incidents within required timeframes to ECU’s Riskware and Navitas’ Ticket-on-Demand.

## Prevention

- 4.9 ECC promotes a safe work and study environment. See the *Wellness, Health and Safety Policy* and *Wellness, Health and Safety Procedures*.
- 4.10 Promoting and demonstrating Respectful Relationships as well as striving for an environment free from SASH is a responsibility shared by all members of the College Community.
- 4.11 Communication, awareness raising and increasing knowledge across the College Community are critical components in addressing SASH and improving outcomes. ECC will:
- a) ensure the College's stance on Respectful Relationships and the shared responsibility for addressing SASH and improving outcomes is covered during induction, orientation and all other on-boarding of Students, Staff and third parties into the College Community;
  - b) regularly reinforce the expectation of Respectful Relationships within the College community;
  - c) ensure knowledge relating to SASH remains contemporary and, where reasonable and practicable, continually improve related training, tools, information and responses; and
  - d) take reasonable steps to ensure staff and students receive awareness and prevention training relevant to the prevention of SASH. This may, where reasonable and practicable, include implementation of mandatory training for Staff and Students.
- 4.12 ECC aims to ensure that all Staff and Students:
- a) are aware of the behaviours that may constitute Sexual Assault or Sexual Harassment;
  - b) are informed in the prevention of Sexual Assault and Sexual Harassment;
  - c) know where to get support for themselves or others; and
  - d) know how to report Sexual Assault or Sexual Harassment.

## Identification

- 4.13 When safe to do so, Students and Staff not directly involved in a SASH Incident (bystanders) are both encouraged and empowered by the College to intervene and to respectfully identify behaviours that do not reflect the College's stance on Respectful Relationships.
- 4.14 Individuals requiring assistance to better understand SASH and identify if an incident of this nature has occurred are encouraged to seek advice from the Student Counsellor (for Students) or the Senior HR Manager (for Staff).

## SASH Disclosure

- 4.15 ECC acknowledges the courage often required to make a SASH Disclosure and is committed to:
- a) ensuring information about SASH, including available supports and reporting options is provided through multiple channels, is accessible to and easily

- understood by staff and students, and can be accessed at any time;
- b) informing staff and students that, unless they are officially required by the College to do so, they are not expected to investigate or provide counselling, yet are expected to know how to access College-provided tools and information that will assist in taking appropriate action should they receive a Disclosure;
  - c) taking Disclosures seriously and responding in the shortest reasonable timeframe;
  - d) handling SASH matters with a Trauma Informed Approach meaning the approach prioritises safety, choice, trustworthiness and empowerment, and accepts that people respond differently and have different needs; and
  - e) minimising the number of times a person must tell their story and the number of people they must engage with is minimised. There is a 'No Wrong Door' approach to Disclosures with the person receiving the initial Disclosure being responsible for listening and assisting in identifying and accessing services.

### Response

- 4.16 ECC will take all reasonable steps to ensure responses to SASH Disclosures are handled respectfully, supportively and confidentially.
- 4.17 Precautionary actions of a disciplinary or non-disciplinary nature may be taken to ensure the Safety and Wellbeing of involved individuals.
- 4.18 When responding to a SASH Disclosure, no pressure or expectation will be placed on an individual to either make, or not make, a formal complaint to the College or to a person or entity external to the College.
- 4.19 Support and information will be provided to all individuals involved with a SASH matter including, where appropriate, assistance with impacts arising from the Disclosure on capacity to work and study, and referrals to other organisations with specialised resourcing, skills and legal powers to respond.
- 4.20 ECC acknowledges a person wanting to talk to someone about a SASH Incident (Disclose) may not also want the matter to be progressed beyond the initial Disclosure, such as to a formal Report and investigation. As far as reasonable and practicable the right of the individual to choose the path best for them will be respected.
- 4.21 Notwithstanding the above, situations may arise where ECC must make an informed decision to act on the information they have received. ECC will act when:
- a) It is reasonably believed there is an immediate and ongoing risk to the Safety and Wellbeing of the College community;
  - b) an appropriate response is identified which is reasonably expected to mitigate future risk, and it is reasonably believed action can be taken without identifying the person making the Disclosure;
  - c) the person to whom the Disclosure is made, and the nature of the information disclosed is such that it falls within that person's legally mandated requirement to report.
- 4.22 When further action must be taken without the explicit agreement of the person making the Disclosure, every reasonable and practicable effort will be made to:

- a) inform the person making the Disclosure why the action is necessary; and
  - b) ensure supports and protections reasonably believed to be necessary are in place for the person making the Disclosure.
- 4.23 As far as reasonable, involved parties will be advised of expected timelines for actions within the control of ECC to be addressed and finalised.
- 4.24 All SASH Disclosures will be responded to regardless of whether the matter has also been reported to Police. The College is only able to take actions falling within its Policies and Procedures. The college cannot conduct criminal investigations or make decisions which result in the awarding of compensation.
- 4.25 Where there is a substantive reason to believe a Disclosure is lacking in substance or vexatious the investigation will not progress.
- 4.26 Prompt action will be taken where the College becomes aware a person may be Victimising or retaliating against a person involved in a Sexual Assault or Sexual Harassment

### **SASH Report and Investigation**

- 4.27 Persons handling Reports must be impartial. Where this is questionable, an impartial and appropriate party must be identified to manage and/or consider the Report.
- 4.28 Persons against whom a Report is made will be given the opportunity to hear about and respond to the allegations against them.
- 4.29 All parties have a right to a support person during a SASH investigation. Neither party, except with the agreement of all parties, may be represented at by a legal practitioner.

### **Breaches**

- 4.30 If, following an investigation, it is reasonably believed a Student has Sexually Harassed or Sexually Assaulted a person, action will be taken in accordance with the *Student Misconduct Procedures*.
- 4.31 If, following an investigation, it is reasonably believed a Staff member has Sexually Harassed or Sexually Assaulted a person, action will be taken in accordance with the provisions within the relevant Industrial Instrument and Navitas Human Resources Policies.
- 4.32 In the event that misbehaviour is deemed to be a crime, the matter will be reported to the Police or relevant regulatory authorities. ECC will continue to deal with the matter in part or in whole according to its Policies and Procedures.
- 4.33 Making a Claim in bad faith or with malicious intent is considered a form of Misconduct and will be dealt with according to the *Staff Conduct Policy* or *Student Conduct Policy*.

### **Privacy**

- 4.34 Once formal procedures are invoked, details of allegations and investigatory notes are to be kept in confidential files separate to the individual's personal files.
- 4.35 Under the *Privacy Act 1988*, individuals are entitled to the protection of their personal and private information. ECC shall take all necessary steps to ensure the confidentiality of any Disclosure or Report.

- 4.36 ECC is committed to maintaining this right to privacy in line with legal requirements; however, ECC may exercise its discretion and disclose information as necessary to prevent or lessen a serious and imminent threat to the life or health of a Student, Staff member or other person.
- 4.37 Internal disclosure should be limited strictly to those employees who need to have access for official purposes
- 4.38 Where a SASH Report is found to be accurate or where the outcome impacts on Enrolment Status (Students) or employment status /arrangements (Staff member) of the Claimant or Respondent, the outcome may be recorded on the Staff member's personnel record or the Student's file.

### Reporting and Monitoring

- 4.39 De-identified data on disclosures and formal reports will be collected and reported on to assist in determining the effectiveness of prevention actions and identify any trends or patterns that may assist in continually improving responses.

## 5. ACCOUNTABILITIES AND RESPONSIBILITIES

- 5.1 The **College Director and Principal**, will be responsible for:
- fostering a culture that is intolerant of Sexual Harassment and Sexual Assault and encourages respect, safety and inclusion to ensure that all members of the Company community have a right to expect professional behaviour from others and a responsibility to behave professionally to others;
  - ensuring provision of education and training for Staff and Students to address SASH;
  - ensuring SASH Disclosures and Reports are handled at ECC in a timely, confidential and fair manner ensuring due process for all parties;
  - ensuring processes to support Disclosure and Reporting of Sexual Assault are simple, accessible and available through multiple avenues;
  - ensuring confidentiality and information privacy will be upheld in accordance with legislative requirements and ECC Policies and Procedures;
  - 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; and
  - ensuring that discipline is prompt and proportionate;
- 5.2 The **Student Counsellor** will be responsible for:
- providing first responder support and action for Students;
  - maintaining detailed records and evidentiary trail for reference;
  - supporting the Student respondent;
  - implementing mediation sessions if requested by the Claimant;
  - contributing to decision-making regarding actions and sanctions to be applied for Students.

- 5.3 The **Quality and Compliance Manager** will be responsible for:
- overseeing the implementation and monitoring of compliance with this Policy and its Procedures;
  - contributing to a SASH resolution process that remains accessible and simple to follow and implement; and
  - monitoring and reporting all incidents of reported SASH to the College Director and Principal.
- 5.4 **All members of the ECC community** are responsible for:
- building a culture of trust and respect;
  - complying with this Policy and related Procedures;
  - acting when witness to inappropriate behaviour;
  - act to make Students and Staff aware of ECC's commitment to assist them should they experience Sexual Assault or Sexual Harassment.
- 5.5 The **Senior HR Manager** will be responsible for determining actions and sanctions to be applied for Staff members.

### 6. RELATED DOCUMENTS:

- 6.1 This Policy is supported by the *Sexual Assault and Sexual Harassment Response Procedures*.
- 6.2 Related Policies at ECC include the:
- Critical Incident and Business Continuity Policy*
  - Privacy Policy*
  - Staff Code of Conduct*
  - Student Conduct Policy*
  - Student Wellbeing, Counselling and Support Policy*
  - Wellness, Health and Safety Policy*
- 6.3 Documents used in the development of this Policy include:
- [Australian Human Rights Commission \(AHRC\) Report "Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities"](#)
  - [Australian Human Rights Commission Act 1986:](#)
  - [The National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
  - [Australian Government Institute of Family Studies: \*Appendix A: Legislation table: Elements of the laws surrounding sexual assault, by jurisdiction | Australian Institute of Family Studies\*](#)
  - [Australian Institute of Health and Welfare: \*Sexual assault in Australia\*](#)
  - [TEQSA Good Practice Note: Preventing and Responding to Sexual Assault and Sexual Harassment in the Australian Higher Education Sector, July 2020.](#)



**7. CONTACT INFORMATION:**

For queries relating to this document please contact:

<b>POLICY OWNER</b>	College Director and Principal
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**8. APPROVAL HISTORY:**

<b>POLICY APPROVED BY:</b>	Senior Management Group
<b>DATE POLICY FIRST APPROVED:</b>	January 2022
<b>DATE LAST MODIFIED:</b>	
<b>REVISION HISTORY:</b>	
<b>NEXT REVISION DUE:</b>	January 2024