



**EXCELSIA**  
**COLLEGE**  
Sydney - Australia

**THIS POLICY IS CURRENTLY UNDER REVIEW BY  
MANAGEMENT COMMITTEE**

**Document Name**

**SEXUAL ASSAULT AND SEXUAL HARASSMENT POLICY**

**Document Number**

**PO-WHS-07**

**Document Status**

Author	Director People and Culture	April 2019
Approving Authority	Management Committee	April 2019
Publication	Issue 1	April 2019
Review	Review of Issue 1	April 2021

*This document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. Anyone printing this document should refer to the website/QMS for the latest version.*

## Purpose

The purpose of this Sexual Assault and Sexual Harassment Policy (Policy) is to clearly set out Excelsia College's (College) position in relation to Sexual Assault and Sexual Harassment.

## Responsibility

### The College will:

- implement and maintain a procedure to ensure the provision of immediate and effective support to any member of the College community who discloses Sexual Assault and Sexual Harassment: Disclosing Sexual Assault and Sexual Harassment Procedure ("the Procedure");
- use educative approaches for the prevention of Sexual Assault and Sexual Harassment, to support awareness of rights and responsibilities, and to encourage Disclosure and Formal Reporting of behaviour that breaches this Policy;
- provide dedicated support services for staff and students who have experienced Sexual Assault or Sexual Harassment to support their wellbeing and continued participation in education/employment;
- if a Formal Report of Sexual Assault or Sexual Harassment is made, the College will investigate and act in accordance with its policies and procedures and any applicable Commonwealth and State legislation; and take action against any perpetrator of Sexual Assault or Sexual Harassment in accordance with the College's misconduct and disciplinary processes.

### The College expects:

- all members of its community to treat one another with respect and dignity and behave in accordance with the College's Codes of Conduct;
- all members of its community to comply with this Policy.

## Definitions

For the purposes of this policy:

- *Consent* – occurs when a person freely and voluntarily agrees to engage in a sexual act. Consent cannot be given by people who are:
  - incapacitated due to intoxication or the influence of drugs;
  - incapacitated due to their age or intellectual capacity;
  - unconscious or asleep;
  - under threat of or actual force;
  - intimidated, coerced or threatened;
  - unlawfully detained or held against their will; or
  - tricked or manipulated due to the person being in a position of trust into providing consent.
- *Sexual Assault* - occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent.

- *Sexual Harassment* - is any unwelcome sexual behaviour that causes a person to feel offended, humiliated or intimidated. Sexual Harassment may include:
  - Staring or leering;
  - Unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching;
  - Suggestive comments or jokes;
  - Insults or taunts of a sexual nature;
  - Intrusive questions or statements about someone's private life;
  - Displaying posters, magazines or screen savers of a sexual nature;
  - Sending sexually explicit emails or text messages;
  - Inappropriate advances on social networking sites;
  - Requests for sex or repeated unwanted requests to go out on dates; and
  - Behaviour that may also be considered to be an offense under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
  
- *Disclosure* - the disclosure by a student or staff member of sexual assault or sexual harassment.
  
- *Formal Report* - a formal allegation of Sexual Assault or Sexual Harassment under the College's incident report, misconduct or disciplinary processes.
  
- *Support Officer* - is the College staff member responsible for managing Disclosures of Sexual Assault or Sexual Harassment.

## Policy

### DISCLOSURE OF SEXUAL ASSAULT OR SEXUAL HARASSMENT

- a. Any member of the College community who has experienced Sexual Assault or Sexual Harassment is encouraged to disclose the incident in accordance with the Procedure.
- b. If a person does not wish to disclose the matter in accordance with the Procedure, they are nevertheless encouraged to access the internal and external resources and support services that are available to them.

### SUPPORTING DOCUMENTS

- a. Sexual Assault and Sexual Harassment Procedure: Disclosing Sexual Assault and Sexual Harassment (for all members of the College Community)
- b. Procedure: Responding to Disclosure of Sexual Assault or Sexual Harassment (for Staff only)
- c. Sexual Assault and Sexual Harassment: Incident Report Form
- d. When a Formal Report of Sexual Assault is made against a student in accordance with this policy and process, the allegation shall be dealt within the parameters of the Misconduct and Serious Misconduct Police and procedure.

## References

[TEQSA's Higher Education Standard Framework 2015 Domain 2](#)

[University of Notre Dame Sexual Assault and Sexual Harassment Policy](#)

[Standard 6 of National Code 2018](#)

[Work Health and Safety Act 2011 No 10 \(NSW\)](#)

Sexual Assault and Sexual Harassment Procedures

Student Code of Conduct

[Staff Code of Conduct](#)

Student Grievance Procedure

Staff Grievance Procedure

[Emergency Evacuation Procedure](#)

Permanent, Casual and Contractor Contract

Misconduct Procedure and Procedure