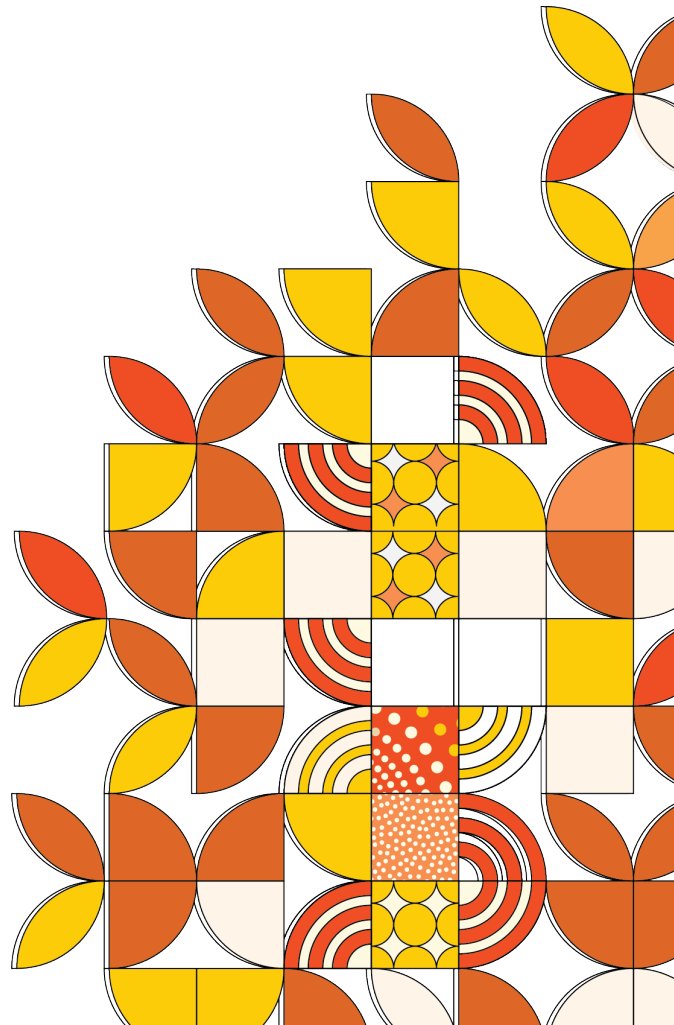




Sexual Assault and Sexual Harassment Policy



SECTION 1 Purpose

1. This Policy describes the Institute of Health & Management's (IHM's) principles, responses and actions in providing a positive, safe, and supportive study and work environment for students, staff, and visitors and reducing and eliminating sexual assault and sexual harassment (SASH). This Policy sets out the Institute's principles and commitment to preventing and responding to incidents of sexual assault or sexual harassment.

Scope

2. The Policy applies
 - a) To all IHM staff, students, contractors, business partners, interns, volunteers and visitors participating in online, on-campus and offshore activities regardless of the location or environment in which the incident occurs.
 - b) To current and historical reports of sexual assault and sexual harassment.
3. This policy is concerned with any form of inappropriate behaviour which includes (but is not limited to):
 - a) Sexual gestures, indecent exposure, or pictures
 - b) Unwelcome hugging, touching, or other inappropriate physical contact
 - c) Sexual assault, rape, or abuse
 - d) Intrusive questions about physical appearance or personal matters
 - e) Suggestive comments, emails, or text messages.

Definitions

4. The following definitions are relevant to this Policy:
 - a) **Active bystander intervention** - Seeing and recognising a potentially harmful situation and choosing to respond in a safe and lawful way that could prevent or stop harm from happening or continuing.
 - b) **Complaint** - A verbal or written communication from students or staff who believe they have encountered sexual assault or sexual harassment, either by another student or staff of the Institute, or a related Institute stakeholder or third party. A complaint may take the form of either disclosure or report of an incident of sexual assault or sexual harassment.
 - c) **Consent** - Freely and voluntarily agreeing to sexual activity that involves taking responsibility for ensuring the other person is comfortable and agrees to engage in sexual activity. Examples of circumstances in which someone is automatically considered as unable to give consent include when a person is drunk, drug-affected, asleep, or unconscious, unable to understand the sexual nature, submitted because of force, fear or harm or mistaken about the identity of another person.
 - d) **Criminal offence** - An action that is punishable under the law.
 - e) **Disclosure** - Involves the sharing of information about an incident with another person. Disclosures can be made to anyone, but usually to someone known and trusted. Disclosures do not necessarily involve formal reporting of the incident but usually seeks information and support.
 - f) **Interim measures** - Temporary restrictions or requirements regarding who a student or staff member can contact, how they can make contact, where they can go on-campus and at what time(s). These restrictions are Instituted to minimise the potential for harm to a student or staff member.

- g) **Intrusive** - A person who constantly tends to invade private/personal space, e.g., someone who comes to your desk uninvited, and offers unsolicited life advice and engages in overly personal conversations.
- h) **Intrusive question** - An unwelcome and/or overly personal question.
- i) **Sexual assault** - Any unacceptable physical behaviours where a person is forced or tricked into sexual acts against their will or without their consent, which are criminal offences. These can include behaviours that involve the use of force, threats, coercion, or control towards a person.
- j) **Sexual gestures** - Any obscene hand motions/gestures, movements of the tongue, lips, or mouth, that may also include suggestive facial expressions, leering, or staring.
- k) **Sexual harassment** - An unwelcome sexual advance or request for sexual favours or conduct of a sexual nature made in a physical and/or virtual environment by verbal, nonverbal or technologyfacilitated means, including images that make a person feel offended, humiliated, intimidated, or degraded.
- l) **Sexual misconduct** - Includes incidences of sexual harassment and sexual assault.
- m) **Vexatious complaint** – A disclosure or report made or pursued without reasonable grounds or made to harass or annoy, cause delay or detriment, or for any other wrongful purpose.

Suite documents

4. This Policy is linked to the following:

- a) Sexual Assault and Sexual Harassment Procedure
- b) See also the associated information listed in the 'Related Internal Documents' in Section 3 below.

SECTION 2 Policy

5. Principles

- a) IHM has zero-tolerance for sexual assault and sexual harassment and prohibits all forms of sexual misconduct.
- b) The Institute is committed to ensuring all students and staff work and study in an environment that is free from sexual assault and harassment.
- c) All students and staff have a right to expect professional standard behaviour from others, and a corresponding responsibility to always to behave professionally towards others.
- d) IHM is committed to the provision of guidance in navigating accessible comprehensive and clear information for the prevention of and responding to sexual assault and sexual harassment including:
 - a. Formal reporting and misconduct investigation processes
 - b. Contact details for internal and external support persons and services such as counselling and interpreter services
 - c. Special consideration processes including workload adjustment, flexible work arrangements and study arrangements, and extension to academic and/or assessment deadlines.
- e) The Institute is responsible for protecting the well-being and safety of victims/survivors of sexual assault and sexual harassment and the well-being and safety of persons who disclose or report sexual assault and sexual harassment incidents, including victims or those who disclose on behalf of a victim.
- f) Any staff member who has concerns about, or becomes aware of, conduct that may constitute sexual harassment has an obligation and a duty of care to intervene actively and to promptly prevent such conduct from continuing.
- g) Appropriate security provisions will be implemented during Institute events, on-campus activities, and the online environment.

- h) Any person who experience sexual assault can report their experience directly to the police.

6. Education and Training

- a) IHM safeguards individuals from sexual assault and sexual harassment by educating, informing, and training all the stakeholder to:
 - a. Assess the risk of harm and implement preventative measures
 - b. Articulate and demonstrate clear and uncompromising standards of respectful behaviour
 - c. Address underlying disrespectful attitudes and behaviours
 - d. Be able to define and recognise sexual assault and sexual harassment
 - e. Respond appropriately to incidents of sexual assault and sexual harassment
 - f. Collaborate and consult with relevant skilled external agencies
- b) IHM also promotes a respectful culture and environment
- c) IHM provides education and training on this Policy through its Student Orientation and Staff Induction procedures and other professional development opportunities.

7. Response to incidents

Prompt and appropriate response to sexual assault and sexual harassment incidents, include:

- a) Accessible and timely support for all parties involved with sexual assault and sexual harassment incidents, such as appropriate emergency health accommodation, legal and counselling services.
- b) Minimising the number of times, a person needs to recount a traumatic experience.
- c) Respect for a victim's choice on whether to report an incident to police unless the Institute has concerns for the wellbeing and safety of the victim and/or other persons.
- d) The protection and privacy of a person who discloses or formally reports sexual assault or sexual harassment.
- e) Legal obligations to report incidents to internal key personnel or external authorities such as the police where such reporting is critical for the protection of a person or persons.

8. Disclosure, reporting and monitoring

- a) Individuals who have directly experienced sexual misconduct involving IHM staff or students have the right to decide what information they disclose.
- b) A process of providing information and support will be commenced once a student or staff member makes a disclosure.
- c) IHM encourages the reporting of any such incidents to: 1800 RESPECT, the police and student support service or human resource department, as applicable.
- d) An internal investigation may be initiated as required if the incident was not reported by the victim or witness to the police.
- e) Reports can also be filed by individuals who have heard about, or witnessed, such incidents occurring. The reports must not identify the people involved without their consent.
- f) Student Services staff members or other IHM staff, can fill in the form on behalf of a student, allowing the student to choose to be named or remain anonymous.
- g) The assessment of an anonymous disclosure may lead to information being shared with the police or other relevant authority.
- h) IHM will not take further action on any disclosure which is under the police investigation.
- i) A critical incident form (*Critical Incident Response Form*) is used to report any SASH incident and a detailed report is completed as soon as possible thereafter.

SECTION 3 Associated information

Related Internal Documents	<p>Bullying and Harassment Policy Bullying and Harassment Procedure Business Code of Conduct for Staff Critical Incident Response Policy Critical Incident Response Procedure Critical Incident Report Form Sexual Assault and Sexual Harassment Procedure Student Code of Conduct Student Code of Conduct Implementation Guidelines Student Complaint and Appeals Policy Student Complaint and Appeals Procedure</p>
Related Legislation, Standards, and Codes	<p>Victorian Equal Opportunity & Human Rights Commission-Guidance Note-2020 Safe Work Australia- Guide for preventing workplace sexual harassment Australian Human Rights Commission- Ending workplace sexual harassment: A resource for small, medium and large employers Worksafe Victoria-Guides for Employers TEQSA -Guidance notes Universities Australia- Guidelines for The Institute Responses To Sexual Assault And Sexual Harassment</p>
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