

# Sexual Assault and Sexual Harassment Procedure



Institute of Health &  
Management Pty. Ltd.

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[www.ihm.edu.au](http://www.ihm.edu.au)



## SECTION 1

### Purpose

1. This document sets out the procedures and guidelines to provide a positive, safe, and supportive study and work environment for students, staff, and visitors to reduce and eliminate sexual harassment and sexual assault. This Procedure also sets out the operational guidelines for responding to and reporting on incidents of sexual assault or sexual harassment.

### Scope

2. The Procedure applies:
  - a) To all IHM Staff, student, 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. The Procedure is applicable to any sort 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 Procedure:
  - 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 technology-facilitated 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

5. This Policy is linked to the following:

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

## SECTION 2

### Procedure

IHM follows systematic operational procedures for the prevention, reporting and supporting in an unlikely event of sexual assault or sexual harassment.

#### 6. Education, Awareness and Orientation

- a) IHM is committed to *preventing* sexual misconduct in its physical and virtual environments through ongoing education and training.
- b) The IHM online education and awareness module is delivered through the CANVAS learning management system which must be successfully undertaken by all enrolled students prior to course commencement. The students are awarded a *Certificate of Completion* upon completion of the module.
- c) To ensure effective communication and re-enforcement of the SASH Policy and students' understanding of their responsibilities, IHM staff also focus on SASH during the student orientation presentations at each of its campuses.
- d) Institute provides education about the Policy and procedure through to the Staff during staff induction processes and through the Business code of conduct.

#### 7. Precautionary Measures

- a) When a formal report of sexual harassment or sexual assault is received, IHM should consider whether urgent precautionary measures should be put in place, pending an investigation or other process.
- b) In determining these measures, IHM will need to consider whether there is a risk to the safety of any person based on what has been reported.
- c) In addition to safety considerations, the Institute authority should talk with the reporting student about measures that may be taken to maximise their psychological safety by minimising their distress



or anxiety. These measures might include moving one of the parties to alternative accommodation or moving to another class.

- d) Such measures may not be practical or reasonable in every case, associated staff in that department may need to be consulted.
- e) IHM needs to advise both parties that any precautionary measure of this nature that are proposed or adopted do not presume any level of guilt and are intended to offer protections for both parties while procedural fairness is respected.
- f) If the person about whom the report is made declines to cooperate with a proposed precautionary measure of this nature, no adverse conclusions should be drawn.
- g) Both parties are allowed to seek legal advice before agreeing to any suggested precautionary measure.
- h) Wherever possible, IHM should seek to minimise disruptions to the reporting student to ensure they can remain in their course of study.

### 8. Disclosure

- a) If any student has experienced sexual assault or sexual harassment, they are encouraged to disclose the matter.
- b) Students can directly send email to [ihmstudentsupport@ihm.edu.au](mailto:ihmstudentsupport@ihm.edu.au) or by speaking directly to a Student Support Officer on their campus, Campus manager, registrar or any other staff or student they are comfortable with.
- c) When a student discloses sexual assault or sexual harassment, it is important to explain the full range of options available to them, including accessing support services and making a formal report.
- d) The role of the Support Officer is to:
  - a. Be always willing to listen to any disclosure of an incident involving sexual assault or sexual harassment.
  - b. Provide appropriate support for the person making the disclosure.
  - c. Ensure the person making the disclosure is treated with compassion, empathy, understanding and respect.
  - d. Act in accordance with the Institute's Policies and Procedures.
  - e. Inform the person wishing to make a disclosure that they understand the difference between a disclosure and a formal report. The Support Officer needs to explain that the student can still access support services without making a formal report; and
  - f. Inform the person making the disclosure or formal report that their privacy will always be maintained and their own information or any other person they may report, will be dealt with by the Institute.
  - g. Provide the person with a copy of the Sexual Assault or Sexual Harassment Policy and a copy of this Procedure document: Disclosing Sexual Assault or Sexual Harassment.
  - i. For international students, provide information regarding the Overseas Student Ombudsman;
  - j. Provide information about external support and reporting options (including Police, Health, and Emergency Services).
- e) A person who discloses has the option to make a formal report or instead only seek for information about resources and support.
- f) A formal reporting may be initiated followed by a disclosure but not necessarily if the victim does not wish to.

### 9. Handling complaint and Grievances



- a) IHM procedures for handling complaints are based on confidentiality, impartiality, procedural fairness, protection from victimisation and prompt resolution.
- b) Institute will ensure that all complaints of sexual assault or sexual harassment are investigated quickly and fairly and treated with complete confidentiality.
- c) Any student or staff member found guilty of perpetrating or condoning sexual assault or harassment will be disciplined accordingly which may include having their enrolment or employment terminated.
- d) If a student feels that they have been sexually assaulted or sexually harassed, the aggrieved student may make a complaint via any of the following procedures:
  - a. Approach the persecutor, if they feel comfortable to do so, and tell them to stop the offending behaviour immediately
  - b. If the student is either not satisfied with the outcome of the discussions or feels uncomfortable about approaching the assailant or persecutor on their own, the student should seek the assistance of a Student support officer and request intervention on their behalf.
  - c. The Student Support Officer's and designated staff's contact details will be available in each Student Hub.
  - d. If the Student Support Officer or the designated staff considers it necessary, they may recommend a more thorough investigation
  - e. If the matter is not resolved, the student can make a formal written complaint of the assault or harassment to the Head/Campus Manager in writing via email or letter. The student may elect to file a complaint directly to Police at any stage of the above process.

### 10. Reporting and Monitoring

#### a) Internal Reporting

When an incident is reported by the student or staff, it is recorded using the Critical Incident Response Form and an entry is made in Critical Incident Register.

- a. The student or staff member will be provided with support information and support as required and be advised about the possibility of external reporting based on the severity of the report.
- b. A preliminary investigation is initiated by the Head of School/Academic Dean and/or Academic Registrar to collect the necessary information and the required action procedures are initiated.

#### b) External Reporting

- a. A person who is alleging sexual assault is given the option to report the matter directly to the police. The Institute must let the person making the Disclosure decide if they wish to report to the police and regardless of their decision, must continue to provide support and guidance.
- b. If the report is about a person under the age of 18 years, mandatory reporting applies, and the Support Officer must inform the Police. The Institute will let the person know immediately if this is the case. In this case the Institute may or may not participate in the police enquiry but will continue to provide support to the student. The Institute is required to report information externally and/or contact emergency services if there is a threat or physical harm or danger to any person.
- c. If a report is made to both the Institute and the police, the Institute may be required to suspend any internal investigation pending the outcome of the police investigation.

#### c) Recording Data

- a. Where an incident is recorded for any purpose other than responding to a formal report, all data related to the incident should be de-identified.



- b. The Institute will be able to identify patterns of behaviour and the effectiveness of procedures while safeguarding privacy by this procedure.
  - c. The person making the disclosure should be given the opportunity to review information for factual accuracy before it is formally submitted to the data collection mechanism.
  - d. A person who receives a disclosure should explain to the student that they will provide de-identified information to the Institute to help it better understand what is happening in its community.
- d) Contact point for reporting**
- a. The Institute should consider appointing a single point of contact to whom all formal reports of sexual assault or sexual harassment are made.
  - b. The point of contact may be a person (for example, the Academic Dean, Academic Registrar or Human Resources Manager) or a unit within the Institute (for example, a Student Services).
  - c. A single point of contact can help to ensure that response processes are co-ordinated, consistent, robust, and effective; incident data is accurately captured; and enables formal reports to be handled with the strongest expertise. Reporting trends can also be monitored over time and help determine whether issues, such as case resolution times, are being effectively addressed.
  - d. Staff within this single point of contact, or who act as the single point of contact, should be trained to respond to trauma.
- e) Reporting from a third party**
- a. Institute should consider how they respond to reports from third parties, such as a witness or bystander, support person, parent, friend or health service provider, and what action may and may not be taken.
  - b. Institute should consider any anonymous reports of sexual assault or sexual harassment reported and the risk implications for all parties, even if an anonymous report is not sufficient to trigger a formal misconduct investigation.
- f) Reporting about a third party**
- a. Where a student makes a formal report about someone external to the Institute, - the Institute may be restricted in its ability to undertake an investigation depending on its arrangements with that third party. In this situation, the student should be advised that this is the case.
  - b. Regardless of whether the the Institute can undertake an investigation, support and assistance should be provided to the person making the report.
  - c. A student may want to report the incident directly to the third-party organisation. Institute can seek to empower the student to do so where possible.
- g) Criminal investigation**
- a. A student who either discloses or formally reports an experience of sexual assault needs to be advised of the option of reporting the incident to the police.
  - b. Institute must provide all the support to the decision of the student whether to report to police.
  - c. Where a student advises the the Institute that they have reported an incident to the police, the Institute should actively seek advice from the police about whether a parallel misconduct investigation would adversely affect any resulting criminal process.

- d. The Institute may decide it will not pursue a misconduct investigation until the criminal investigation is complete. However, the the Institute should consider which precautionary measures need to be put in place to ensure the reporting student’s safety until the criminal process has concluded.

**11. Support and Assistance**

- a) The first consideration when a student discloses or formally reports their experience of sexual assault or sexual harassment is their safety and wellbeing.
- b) IHM is committed to provide support and assistance to the student, which includes, but is not limited to:
  - a. Access to information about appropriate emergency health, counselling, security, and accommodation providers.
  - b. Assistance to ensure understanding of the available options, including reporting to police and making a formal report to the Institute.
  - c. Information about and assistance with navigating the the Institute’s formal report and misconduct investigation processes.
  - d. Information about, and support navigating, the Institute’s special consideration process if the student wishes to apply.
  - e. Referral to internal and external support services; and
  - f. Regular and timely communication about the process and its resolution.

**12. Privacy and confidentiality**

- a) The confidentiality and privacy of a student who discloses or formally reports sexual assault or sexual harassment needs to be protected and they have the right to decide if they want to make a report to the police.
- b) Members of IHM Senior Management need be informed about the incident to ensure the student’s safety, the safety of the broader community and provide appropriate support to the reporting student.
- c) The Institute may be obliged to report incidents to external agencies or police and the mandatory reporting obligation specific to the staff position need to be followed as per the state/Territory legislation.
- d) Reporting obligations need to be communicated clearly to the student and staff member when there is a disclosure or report.

**SECTION 3**  
**Associated information**

<b>Related Internal Documents</b>	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 Policy Student Code of Conduct
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	<p>Student Code of Conduct Implementation Guidelines</p> <p>Student Complaint and Appeals Policy</p> <p>Student Complaint and Appeals Procedure</p>
<b>Related Legislation, Standards, and Codes</b>	<p>Victorian Equal Opportunity &amp; Human Rights Commission-<a href="#">Guidance Note-2020</a></p> <p>Safe Work Australia- <a href="#">Guide for preventing workplace sexual harassment</a></p> <p>Australian Human Rights Commission- <a href="#">Ending workplace sexual harassment: A resource for small, medium and large employers</a></p> <p>Worksafe Victoria-<a href="#">Guides for Employers</a></p> <p>TEQSA -<a href="#">Guidance notes</a></p> <p>Universities Australia- <a href="#">Guidelines for The Institute Responses To Sexual Assault And Sexual Harassment</a></p>
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## Change history

Version Control		Version 1
Change Summary	Date	Short description of the change, incl version number, changes, who considered, approved etc
	17.05.2022	New Policy