

# Sexual Harassment Prevention and Response Policy (CC)

Colleges of Business and Technology (WA) Pty Ltd  
 Trading as Curtin College, a member of Navitas Pty Limited  
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## Document

<b>Document Name</b>	Sexual Harassment Prevention and Response Policy (CC)
<b>Brief Description</b>	This document describes Curtin College's zero tolerance approach to sexual harassment in the study and/or workplace. It sets out the prevention, intervention and response controls and processes designed to facilitate a study and workplace free of sexual harassment whilst, supporting those members of the Curtin College community who experience sexual harassment in either their study or work environment.
<b>Responsibility</b>	College Director & Principal CC & Principal CC
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## Version Control

Date	Version No.	Summary of Changes	Reviewer Name and Department/Office
01/10/2019	V1.0	Initial Release	Manager Quality, Risk and Compliance
31/01/2020	V1.1	First Review	Manager Quality, Risk and Compliance
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## Related Documents

Name	Location
Critical Incident Management Process	College website
Privacy Policy	Policy HUB
Navitas Crisis Management Policy	Policy HUB
Navitas Bullying Prevention and Response Policy	Policy HUB
Navitas Mental Health and Wellbeing Policy	Policy HUB
Critical Incident Management Process	College Website
Code of Conduct	College Website



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## 1 Purpose and Scope

- a) Curtin College (the “**College**”) as part of Navitas is committed to providing a safe and respectful study and workplace that is free from sexual harassment.
- b) Curtin College aims to ensure that all staff and students and third-party contractors, understand their responsibilities and are:
  - i. Aware of the behaviours that may constitute sexual harassment;
  - ii. Informed in the prevention of sexual harassment;
  - iii. Know where to get support for themselves or others;
  - iv. Know how to report sexual harassment.
- c) Curtin College encourages the reporting of behaviour that is harmful and disrespectful so it can be addressed as part of UPA’s zero tolerance approach to sexual harassment in the study and work place.

### 1.1 Introduction

- a) This Sexual Harassment Prevention and Response Policy (“**Policy**”) sets out the approach of Curtin College and its partner provider relating to the response to and management of sexual harassment.
- b) Sexual harassment in our work and study places is an unacceptable form of behaviour, which will not be tolerated under any circumstances.
- c) It is not the intention of this Policy to interfere in personal lives and relationships; however, Curtin College has an obligation to take all reasonable measures to eliminate sexual harassment in the work and study environment.
- d) The effect of sexual harassment on those people involved can range from annoyance to deep distress and can lead to an intimidating, hostile and offensive work and study environment.
- e) Sexual harassment can contribute to reduced quality in work and study; low morale and distraction from work and study; absenteeism from the workplace and classes; student attrition and staff turnover and, poor health. Ignoring the impact of sexual harassment on the College’s community is simply not an option.

### 1.2 Purpose

- a) The purpose of this Policy is to set out the legal responsibilities and obligations of employees and students at Curtin College in relation to sexual harassment and relevant laws.
- b) It is not the intention of this Policy to interfere in personal lives and relationships except where they breach codes of conduct and policies relevant to sexual assault and sexual harassment (SASH) in the work and study place.
- c) It is the intention of this Policy to ensure that Curtin College takes all reasonable measures to eliminate sexual harassment in its colleges and on its campuses.
- d) The purpose of this Policy is also to:
  - i. provide a safe working and study environment, which is free from sexual harassment;
  - ii. support diversity and inclusive work and study practices;
  - iii. promote respect amongst all staff and all students;
  - iv. encourage fair and equitable treatment of all staff and students; and,

- v. ensure that staff and students have redress against sexual harassment in the work and study environment.
- e) Curtin College is also committed to respecting, promoting, supporting and implementing human rights as set out in the *Universal Declaration of Human Rights* (General Assembly resolution 217A) and the values as set out in Navitas Pty Ltd (the Parent Company of Curtin College) Code of Practice (see: [Values in Action](#) and [Speak Up portal](#)).

### 1.3 Scope

- a) This policy applies to every staff member, student and third-party service provider, regardless of gender, sexual orientation, level, function, seniority, status or other protected characteristics.
- b) It also applies to contractors, service providers, clients, customers and visitors when they are engaged in Curtin College activities.
- c) It is applicable to all Curtin College locations in Perth and Singapore.
- d) This Policy has been prepared in accordance with relevant legislation as set out in 4.3 of this Policy.
- e) The Policy with associated Procedures sets out how Curtin College complies with relevant legal standards and regulations regarding sexual harassment.

## 2 Policy Statement

- a) Sexual harassment is unacceptable and has no place in the Curtin College community.
- b) No person, staff or student, must ever engage in behaviour which could be regarded as sexual harassment.
- c) Sexual harassment can impact anyone, regardless of their sex, gender identity or sexual orientation.
- d) Sexual harassment has no place in any aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport.

### 2.1 What is Sexual Harassment?

- a) Sexual harassment is unwelcome conduct of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, embarrassed, humiliated or intimidated.
- b) A single incident is enough to be considered sexual harassment - it does not have to be repeated behaviour, but it can be repeated behaviour.
- c) The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment.
- d) Sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

### 2.2 Types of Sexual Harassment

- a) Sexual harassment may include the following behaviours:
  - i. Comments about a person's sex life or physical build and appearance;

- ii. Comments of a sexual nature;
- iii. Leering and staring;
- iv. Unwanted touching such as brushing up against a person, kissing, fondling or hugging;
- v. 'Flashing';
- vi. Sexual gestures or imitating a sexual act;
- vii. Sexual propositions or repeated unwanted requests for dates;
- viii. Making promises or threats in return for sexual favours;
- ix. Sexual and/or Suggestive comments or jokes;
- x. Offensive telephone calls, text messages or sexually explicit communications on social media platforms;
- xi. Displays of offensive photographs, reading matter or objects;
- xii. Sending jokes or graphics of a sexual nature by email, internet, fax or mobile phone;
- xiii. Inappropriate advances on social networking sites and/or accessing sexually explicit internet sites;
- xiv. Unwelcome questioning about a person's private life;
- xv. Sexually explicit/offensive pictures, screen savers or posters;
- xvi. Unwanted requests for sex;
- xvii. Insults or taunts of a sexual nature;
- xviii. Pursue or flirt with another person persistently without the other person's willing participation.
- xix. Flirting with someone at an inappropriate time (e.g. in a team meeting) is considered sexual harassment, even when these advances would have been welcome in a different setting. Actions such as this can harm a person's professional reputation and expose them to further harassment from others;
- xx. Comment on a person's dress, sexuality or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- xxi. Stalking, sexual assault, indecent assault or rape (which are also criminal offences); and,
- xxii. The most extreme form of sexual harassment is sexual assault.

### 2.3 Inadvertent sexual harassment

- a) Sometimes, people who harass others do not realise that their behaviour is wrong. Curtin College understands that this is possible, but that does not make the respondent any less responsible for their actions.
- b) If there is even the slightest suspicion that a person does not realise their behaviour/s is sexual harassment as set out in this policy, they must be informed by their line manager, and requested to stop with immediate effect.
- c) Any request to cease sexually harassing behaviour should be in writing as well as conveyed verbally to ensure that there is a true and correct record of the request to modify behaviour.
- d) If your manager, a senior manager or member of the leadership team, teacher or customer is the respondent OR, if the sexual harassment goes beyond the boundaries of off-hand comments, flirting or jokes, the incidence should be reported to the College Director and the Human Resource Business Partner (if a staff member) immediately.

### 2.4 Disciplinary action and repeat offenders

- a) Employees and/or students will be terminated after the first complaint and investigation if they are found guilty of sexual assault.

- b) Employees found guilty of sexual harassment (but not assault) for the first time, may:
  - i. Be reprimanded and fined;
  - ii. Get a 'did not meet expectations performance' review; and,
  - iii. Have salary expectations and/or promotions frozen for a year.
- c) Students found guilty of sexual harassment (but not assault) for the first time, may be:
  - i. Reprimanded and fined;
  - ii. Subject to a hearing at a student disciplinary hearing; and,
  - iii. Temporarily suspended from classes in order to undergo mandatory counselling.
- d) Every effort will be made to protect and support the victim/s of harassment.
- e) A staff member (offender), found guilty after a second claim of harassment has been investigated, will have their employment terminated.
- f) A student (offender) who is found guilty after a second claim of harassment has been investigated will have their study programme suspended in line with student disciplinary policies and procedures.

## 2.5 Disclosure and support

- a) Care and consideration for a person's wellbeing is the primary focus of Curtin College in responding to any disclosure of sexual harassment and in addressing any report or complaint of sexual harassment.
- b) In considering the wellbeing of a person involved in a disclosure of sexual harassment, Curtin College must consider all implications with regards to that person participating in potential complaints and/or misconduct processes and investigations. These implications will be balanced against the College's obligations to address the possible misconduct and to provide a safe workplace.
- c) A disclosure will not automatically require a person to participate in a complaint process.
- d) Support will be offered in response to any disclosure of sexual harassment, regardless of location of the incident, whether or not it occurred in connection with Curtin College and whether or not a concern or complaint has been lodged.
- e) Curtin College recognises that the person making a disclosure of sexual harassment has the choice to report a concern or make a complaint to College and/or the Police and is entitled to be fully informed of their available options and the possible outcomes.
- f) Curtin College will take all reasonable steps to make staff and students aware of how to make a disclosure of sexual harassment.
- g) Disclosures of sexual harassment by students should be referred to the Student Counsellor (1<sup>st</sup> responder) in the first instance. The Student Counsellor and 1<sup>st</sup> responder team will:
  - i. Listen;
  - ii. Try to understand what is important to the complainant;
  - iii. Explain and explore options – enable the complainant to decide which is more appropriate to them;
  - iv. Consider the complainant's well-being and safety; and,
  - v. Discuss with the complainant what if any steps the College needs to take to ensure the safety of the College Community in order to avoid similar incidents occurring.

- h) All staff will undertake training on Responding to Disclosures of Sexual Assault; training will take place via an ELearning module provided by the *Sexual Assault Resource Centre (SARC)* [HERE](#)
- i) Disclosures of sexual harassment by staff should be referred to the College Director and the Human Resource Business Partner in the first instance.
- j) Concerns and complaints of sexual harassment will be managed in accordance with the Navitas Complaints and Grievances Policy and, as per the process flow in Appendix three, with a complainant and respondent being made aware of all allegations and counter-allegations under consideration and being given the opportunity to rebut information relied upon by decision makers.
- k) Where students experience sexual harassment on placement activities, the local procedures at the site of the placement should be used. Curtin College will ensure that the relevant College/Campus personnel are informed, and that appropriate action is taken to ensure the safety of students.
- l) Curtin College will comply with all mandatory reporting obligations; e.g. possible offences regarding students under the age of 18.

## 2.6 Dealing with Complaints

- a) UPA takes complaints of sexual harassment seriously and deals with complaints in good faith as well as, a timely, fair and sensitive manner.
- b) The complaint resolution process includes a preliminary assessment/investigation of all facts contained within the complaint. In the event that a preliminary investigation determines that on the information provided, the complaint is found to be frivolous, vexatious, misconceived or lacking in substance it will be rejected. The complainant will be informed of this outcome in writing.
- c) If a person is found to be responsible for harassing behaviour he or she will, depending on the circumstances and context of the harassment, be subject to a warning and/or other disciplinary action, inclusive of dismissal if an employee or expulsion if a student.
- d) Individuals who find the outcome of a complaint to be unsatisfactory have the right to seek further advice from an external (to Curtin College) agency such as the *Human Rights and Equal Opportunity Commission*; the *Anti-Discrimination Agency* or other relevant government agency including the *Tertiary Education Quality Standards Agency (TEQSA)*. Each business unit will be able to provide both staff and students with contact information for external agencies.

## 3 Responsibilities

- a) The College Director has responsibility for, and is committed to, the effective implementation of this policy by all staff, students and leadership across the College.
- b) The College's Leadership Team will support managers to fulfil their responsibilities and accountabilities within their area of responsibility.
- c) All Curtin College employees, students and visitors have a responsibility to take reasonable care to comply with any reasonable policy, procedure, or instruction.
- d) The Navitas General Manager Quality, Risk and Compliance is responsible for strategic coordination and monitoring of the prevention of and response to sexual harassment for Curtin College and wider University Pathway Australasia division.
- e) Each of the positions involved in implementing and achieving policy objectives and, carrying out procedures to support a successful implementation and adoption of that policy and procedure, is supportive and inclusive, are clearly described in the RASCI chart in Appendix 2.

## 4 Compliance

### 4.1 General

- a) Staff become aware of this Policy as part of their employment induction processes and through regular reminders as part of general staff meetings and 'town-hall' gatherings.
- b) The incidence of Sexual Harassment is monitored, recorded and reported.
- c) Managers will know if their teams are compliant through the statistical analysis provided to the College Leadership Team by the Quality, Risk and Compliance Manager.
- d) Students are informed of this policy during orientation and through information awareness campaigns undertaken through posters and social media.

### 4.2 Breaches

- a) Curtin College takes the prevention of sexual harassment very seriously and therefore staff and students alike are required to meet the requirements of this policy as part of the prevention and response management process.
- b) Breaches of compliance with this policy may result in disciplinary action being taken against the offender.

### 4.3 Relevant Legislation

- a) Curtin College has a responsibility to maintain compliance with the laws within Australia and Singapore.
- b) In Australia, the relevant legislation that operates to protect persons from sexual harassment includes but is not limited to:
  - i. Sex Discrimination Act 1984 (Cth);
  - ii. Equal Opportunity Act 1984 (WA);
- c) Singapore does not have legislation specific to the workplace, but the:
  - i. *Protection from Harassment Act 2014* does provide support and opportunities for action against workplace sexual harassment.
  - ii. *Protection from Harassment Act* (POHA) which includes criminal sanctions relevant to sexual harassment in general; and,
  - iii. *The Penal Code* (amended May 2019).

## 5 Definitions

- a) Unless the contrary intention is expressed in this Policy, the following words (when used in this policy) have the meaning set out below:

Term	Meaning
<b>Business Unit Manager</b>	Means the College or Campus Director responsible for managing the activities in a given business unit/entity.
<b>Consent to Sexual Activity</b>	Whilst definitions for consent to sexual activities also vary between jurisdictions, 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. Consent definition from: <a href="https://kidshelpline.com.au/teens/issues/what-consent">https://kidshelpline.com.au/teens/issues/what-consent</a>

<b>Term</b>	<b>Meaning</b>
<b>Curtin College Leadership Team</b>	Means College Director, Academic Director, Director Marketing and Admissions, Admissions Manager, Student and Academic Services Manager, Quality, Risk and Compliance Manager, HR Business Partner Manager, and the Commercial Finance Manager
<b>Company Community</b>	Means all staff and students who either work for, or are studying in one of the Company's colleges or campuses
<b>Complaints Assessment Team</b>	Means the team formed by the College Director to oversee the management of complaints of sexual assault and/or harassment made by: students or against students; staff or against staff; contractors or third-party providers.
<b>Complaint</b>	Means a verbal or written communication from a member of the College community who believes they have experienced sexual assault or sexual harassment, either by a staff member or student of a Company business unit or a third-party provider. A complaint may take the form of either disclosure of an incident of sexual assault and or harassment, or a report of an incident of sexual assault and/or harassment.
<b>Complainant</b>	Means a member of the College's community who has made a complaint. A complainant may choose to disclose or report an incident of sexual assault and/or sexual harassment.
<b>Confidentiality</b>	Means the principle upheld to ensure that information provided under this policy is only disclosed to those legitimately involved in resolving the complaint, providing support to a complainant, or as required by law. Confidentiality must be maintained to: <ul style="list-style-type: none"> <li>✓ respect the privacy of individuals;</li> <li>✓ prevent victimisation or defamation of the parties involved; and/or,</li> <li>✓ Facilitate prompt resolution of the complaint.</li> </ul>
<b>Consent</b>	Means the free and voluntary agreement to engage in sexual activity of any kind. Consent is the act of willingly agreeing to engage in sexual activity of any kind (including for instance flirtation, ribald humour and joking) and requires that a person be able to freely choose between two options: <b>yes</b> , and <b>no</b> . <p><b>Some examples of where consent IS NOT CONSIDERED to have been given are:</b></p> <ul style="list-style-type: none"> <li>✓ Consent has been expressed or compelled by the words or conduct of a person other than the complainant;</li> <li>✓ The complainant was incapable of consenting to the sexual activity if they were asleep, unconscious or intoxicated by alcohol or any other substance or combination of substances to the point of being incapable of giving free and voluntary consent to sexual activity;</li> <li>✓ Physical force, threats of harm, an express or implied threat to degrade, humiliate, disgrace or harass the person or some other person; or unlawful detention where used by the respondent to engage the complainant in sexual activity;</li> <li>✓ The respondent induced the complainant to engage in the activity by abusing a position of trust, power or authority;</li> <li>✓ The complainant expressed, by words or conduct, a lack of consent to engage in the sexual activity;</li> <li>✓ The complainant, having previously consented to engage in sexual activity, expresses by words or conduct, a lack of consent to continue to engage in the sexual activity;</li> <li>✓ The complainant agreed to engage in sexual activity with a person under a mistaken belief as to the identity of that person;</li> <li>✓ The complainant is mistaken about the nature of the sexual activity (for example the person may be told that activity of a sexual nature is part of the provision of health care); and/or,</li> <li>✓ The respondent was recklessly indifferent as to whether the complainant consented to sexual activity or withdrew consent to sexual activity.</li> </ul>
<b>Disclosure</b>	Means a form of complaint occurring when a <b>complainant</b> or another person tells someone about an incident, or a suspected incident, of sexual assault and/or harassment, directed towards them, or a member of the Company's community. <b>Disclosing is not the same as reporting</b> but will enable referral of the complainant to appropriate support and information about their choices and options with regard to medical, legal and counselling support.

Term	Meaning
<b>First Responder</b>	<ol style="list-style-type: none"> <li>1. Means a member of the College's community who, as part of their substantive duties, may provide appropriate support and information to anyone who has been subjected to sexual assault and or sexual harassment.</li> <li>2. The College recognises that students and/or staff may disclose or report to a member of the College's community who is not a designated first responder. In such instances any member of the College's community should support the complainant in accessing and talking with a trained first responder.</li> <li>3. Details of first responders are available on the website, in the student handbook and are placed on noticeboards around the campus.</li> </ol>
<b>An investigator</b>	Means an individual tasked with investigating a complaint. The person appointed as an investigator will be skilled in investigation and any conflict of interest will be avoided.
<b>Managers</b>	Means those persons whose role title includes the words Director and or Manager e.g. College Director, Academic Director, Student and Academic Services Manager, Director Marketing and Admissions, Admissions Manager or Manager Quality, Risk and Compliance.
<b>Natural Justice (sometimes called 'procedural fairness')</b>	<p>Means that a process has been developed that is subject to the following principles:</p> <ul style="list-style-type: none"> <li>✓ all parties must be given an opportunity to present their case;</li> <li>✓ the respondent must be provided with notice and information about allegations made against them and information about their rights to advocacy;</li> <li>✓ the respondent must be given a reasonable timeframe within which to respond;</li> <li>✓ the decision maker must: <ul style="list-style-type: none"> <li>▪ act fairly and without bias;</li> <li>▪ declare any conflict of interest;</li> <li>▪ consider all relevant evidence; and,</li> <li>▪ base any decision on evidence that supports it;</li> </ul> </li> <li>✓ all parties must be informed of the decision relating to the complaint, and the reasons for that decision</li> </ul>
<b>Navitas</b>	Means Navitas Pty Limited ACN 109 613 309 having its registered office at Level 8, Brookfield Place, Perth, 6000.
<b>Protected characteristics</b>	Means characteristics such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, defined in law to protect impacted students and staff from discrimination, bullying and harassment.
<b>Report</b>	Means a form of complaint and occurs when a member of the Company's community expresses the desire to formally report an incident of sexual assault and/or harassment, for the purpose of initiating an investigation.
<b>Respondent</b>	Means a member of the College's community who has been accused of sexual assault and/or harassment.
<b>Students at Risk Programme (SaRP)</b>	Means the programme designed to support the identification and case management of students presenting with risk of harm to self or others. The SaRP includes oversight by the Academic Director (or equivalent) with support from the Student Counsellor, Student and Academic Services Manager and members of the Academic Leadership Team. The College/Campus Director can and may co-opt other members to the team as required.
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Means an inclusive term used to describe any type of unwanted sexual act inflicted upon a person that they have <b>not freely and voluntarily consented to, have withdrawn consent to, or occurs in circumstances where they are incapable of giving free and voluntary consent.</b> It is inclusive of a variety of unwanted sexual behaviours a person may be subjected to, ranging from activities such as unwanted sexualised touching through to sexual intercourse without consent.</li> <li>2. Sexual assault can include sexual behaviours that involve the use of force, threats, coercion or control towards a person.</li> <li>3. Sexual assault typically involves an exploitation of vulnerability, betrayal of trust and the misuse of positional power.</li> </ol>
<b>Sexual Harassment</b>	<p>Means an unwelcome sexual advance or request for sexual favours or conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where a reasonable person would anticipate that reaction in the circumstances. Sexual harassment includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>✓ any deliberate and unsolicited sexual comment, the use of overt sexual language, suggestive or physical contact that creates an uncomfortable learning/working environment for the recipient and is made by a person who knows, or ought reasonably to know, that such action is unwelcome;</li> </ul>

	<ul style="list-style-type: none"> <li>✓ a sexual advance or solicitation made by one person to another, where the person making the advance or solicitation knows, or ought reasonably to know, that such action is unwelcome;</li> <li>✓ a reprisal, or threat of reprisal, for the rejection of a sexual solicitation or advance particularly where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;</li> <li>✓ practical jokes of a sexual nature which cause awkwardness or embarrassment;</li> <li>✓ displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, including audio or visual images of an individual through technological devices, equipment and service;</li> <li>✓ unwanted physical contact such as kissing, touching, patting or pinching;</li> <li>✓ unwelcome sexual remarks, sexual jokes, intrusive sexual questions, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;</li> <li>✓ sexually explicit emails or text messages;</li> <li>✓ requests for sexual favours</li> </ul>
<b>Staff member/s</b>	Means an individual employed by the College in accord with relevant employment laws and can also include visiting academics and guest lecturers whether they are paid or unpaid.
<b>Student</b>	Means an individual enrolled in a programme of study, which can be for an award or a non-award programme, it includes students who have been granted leave of absence as well as those studying online.
<b>Third party providers</b>	Means a person or persons or organisations contracted to the College to provide learning and teaching services and/or support students of the College.
<b>Trauma-informed response</b>	<ol style="list-style-type: none"> <li>1. Means a response that demonstrates understanding and recognition of the impact of trauma, and emphasises physical, psychological and emotional safety, and the importance of empowerment and choice for those who have experienced sexual assault and/or harassment.</li> <li>2. Trauma-informed responses are inclusive of transparency of processes and policies to build a climate of trust to enable disclosures.</li> <li>3. Trauma-informed responses give recognition to the historical and cultural factors which contribute to the occurrence of sexual assault and/or harassment and identify opportunities for contributing to the prevention of further sexual assault and/or harassment, by changing the cultural conditions and environment under which it occurred.</li> </ol>
<b>Unproven Complaint</b>	Means a complaint where findings are unsubstantiated
<b>Victimisation</b>	Means when a person commits or threatens to commit, an act against a <b>complainant or respondent, or another person acting in support of a complainant or a respondent</b> as a result of a specific complaint or disclosure.

## 6 Review

- a) The Curtin College Sexual Assault and Sexual Harassment Taskforce will provide feedback to the General Manager, Quality, Risk and Compliance on this policy.
- b) This Policy is tested and reviewed annually by Manager, Quality, Risk and Compliance, in line with the IT Security readiness schedule and, any changes to the regulatory compliance requirements, legislation, regulation and guidelines.
- c) This review process aims to ensure alignment to appropriate strategic direction and continued relevance to UPA's current and planned operations.

## 7 Records Management

All records in relation to this document will be managed as follows:

Record type	Owner	Location	Retention	Disposal
Policy	GM Quality, Risk and Compliance	Policy HUB	Permanent	This document will be archived following the planned review and renewal process. The new version will replace it.

## Appendix 1: College rules on sexual harassment

1. **No one has the right to sexually harass our employees and/or students.** Any person in Curtin College who is found guilty of serious harassment will be terminated, regardless of role. Also, if representatives of our contractors or vendors sexually harass our employees or students, we will demand that the company they work for takes disciplinary action and/or refuse to work with this person/company in the future.
2. **Sexual harassment is never too minor to be dealt with.** Any kind of harassment can wear people down and create a hostile work and study place. Curtin College will hear every claim and punish offenders appropriately.
3. **Sexual harassment is about how we make others feel.** Many do not consider behaviours like flirting or sexual comments to be sexual harassment, thinking they are too innocent to be labelled that way. But, if something you do makes your colleagues or students uncomfortable, or makes them feel unsafe, you must stop.
4. **We assume every sexual harassment claim is legitimate unless proven otherwise.** We listen to victims of sexual harassment and always conduct our investigations properly in line with the principle of justice and fairness. Occasional false reports do not undermine this principle.
5. **We will not allow further victimisation of harassed employees.** We will fully support employees and/or students who were sexually harassed and will not take any adverse action against them. For example, in the case of staff, we will not move them to positions with worse pay or benefits or allow others to retaliate against them; in the case of students their study programme will be adjusted to accommodate the impact of sexual harassment.
6. **Those who support or overlook sexual harassment are as much at fault as offenders.** Managers and Curtin College's HR Business Partner especially, are obliged to prevent sexual harassment and act when they have suspicions or receive reports. Letting this behaviour go on or, encouraging it, will bring about disciplinary action. Anyone who witnesses an incident of sexual harassment or has other kinds of proof should report to the College Director and HR Business Partner.
7. **Apply disciplinary actions uniformly.** Employees and students of any sexual orientation or other protected characteristics (i.e., age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race and religion or belief), will be penalised in the same way for offences committed by persons without protected characteristics.
8. **Speak up, we listen.** Sexual harassment can exhaust those who endure it. Speaking up about this issue is often tough for fear of not being heard, not being believed, upsetting managers, teachers, colleagues and fellow students and challenging existing corporate culture. Curtin College will do everything possible to stop sexual harassment whilst supporting those being harassed. If we don't know what is going on, we cannot do anything about it, so Curtin College encourages staff and students to raise their voice on this issue to help Curtin College maintain and nurture a safe and happy work and study environment.
9. **Behavioural examples.** Sexual Harassment may include (but is not limited to) the following forms of behaviour:

Staring or leering at a person in a provocative manner	Deliberately standing too close to or brushing against a person as you walk past them
Displaying pornographic or sexually explicit materials such as posters and screen savers	Sending sexually explicit emails, SMS messages
Inappropriate advances on social networking sites	Sexual insults or taunting
Requests for sex or repeated unwanted requests to go out on dates	Making promises or threats in return for sexual favours
Intrusive questions or remarks about a person's sexual activities	

## Appendix 2: RASCI Framework

Responsibility	College Director	1 <sup>st</sup> Resprdrs	Student Counsellor	QRCM	GM QRC	Legal and Risk	HR BP	All
Instigating an investigation	A	S	S	R	C	C	S	
Providing 1 <sup>st</sup> responder support and advice	A	R	S	S	C	C	S	
Building culture of trust and respect	A							R and A
Educating staff and students about expectations, policy and procedures related to Sexual Harassment	A	R	S	R	C	S	S	
Gathering as much detail as possible following a complaint	A	R	A	S	C	C	S	
Maintain detailed records and evidentiary trail for reference.	A	S	R	S	C	I	S	
Updating HR and/or Student file as necessary	A	S	R	S	C	I	I	
Inform victim of harassment of their options to take legal action if appropriate	A	S	R	S	C	C	S	
Determining actions and sanctions to be applied	A	S	R	S	S	C	R	
Managing the respondent and ensuring their rights are protected until proven guilty of a harassment offence	A	S	R	R	S	C	S	
Implement mediation sessions if requested by the complainant.	A	S	R	R	S	C	S	
Launch and manage disciplinary processes as required	A	S	S	R	C	C	S	
Maintain transparency of process whilst protecting the privacy of individuals concerned.	A	R	R	R	S	C	S	
Managing feedback on processes and outcome of any investigation.	A	S	S	R	S	C	S	
Supporting the complainant through the process and its outcome.	A	S	R	S	C	C	S	
Ensuring that complaint processes remain accessible and simple to follow and implement.	A	S	R	R	S	C	S	
Ensuring that discipline is prompt and proportionate.	A	S	R	R	C	C	S	
Conducting climate surveys to better understand the prevalence of sexual harassment across the Division.	A	S	S	R	S	C	S	
Keeping Managers accountable for the maintenance of a harassment free work environment and have this outcome reflected in their annual performance review and appraisal process.	R				S		S	
Comply with this policy	A				S	S		R
Take responsibility for behaviour and actions	A				S	C		R
Instigating an investigation	A	S	R	S	C	C	S	
Providing 1 <sup>st</sup> responder support and advice	A	R	A	S	C	C	S	
Building Culture of trust and respect	A							R and A
Educating staff and students about expectations, policy and procedures related to Sexual Harassment.	A	R	R	R	C	S	S	
Encourage students to use the student support and counselling services where appropriate	A		S	S				R
Maintain confidentiality concerning any disclosure, report, complaint or investigation.	A	R	R	R	S	C	S	R

<b>Responsibility</b>	<b>College Campus Directors</b>	<b>1<sup>st</sup> Respdrs</b>	<b>Student Counsellor</b>	<b>QRCM</b>	<b>GM QRC</b>	<b>Legal and Risk</b>	<b>HR BP</b>	<b>All</b>
Act when witness to inappropriate behaviour.								R
Encourage staff members to use the services of the HR BP as appropriate	A							
Encourage students to use the student support and counselling services where appropriate.	A		S	S				R
Manage disclosures, concerns, complaints of sexual harassment in a timely, confidential and fair manner ensuring due process for all parties.	R	S	S	S		S	C	R
Act to make students and staff aware of UPA's commitment to assist them should they experience sexual harassment regardless of where this occurs?								R and A

## Appendix 3: Third-Party Harassment Guidelines

### 1 Overview

- a) UPA's third-party harassment guidelines apply and aim to address student and/or employee harassment coming from people who may be visiting the College or providing third party services to the college .
- b) Curtin College will not tolerate this kind of behaviour, even if it means having awkward conversations with partners.
- c) Ensuring Curtin College students and staff are safe in our work and study environment is Curtin College first priority.

### 2 Scope

- a) These guidelines apply to everyone inside of Curtin College as well as those outside of Curtin College including vendors, customers, contractors, shareholders and any other people we are connected to or do business with.
- b) Curtin College aims to protect every student and employee, intern or volunteer regardless of level, function, seniority, status or protected characteristics like race, gender and sexual orientation.
- c) For a more detailed explanation of our stance towards harassment, please refer to our sexual harassment prevention and response policy and our sexual assault prevention and response policy.

### 3 Contextual elements

- a) Harassment is any kind of behaviour that humiliates, victimises or threatens a person, like directing racial slurs and making sexual advances.
- b) Even seemingly harmless actions, like a customer calling an employee constantly outside work for non-emergencies and without prior agreement, can constitute harassment.
- c) Innuendos, veiled threats and inappropriate or offensive jokes are all included in Curtin College's definition of sexual harassment.
- d) Harassment can happen in-person, over the phone, via email, on social media or through a messaging app.
- e) It can come from strangers or people you know.
- f) Anyone who objectifies, threatens or ridicules our students and/or employees is a harasser.

### 4 Harassment from customers

- a) Harassment coming from customers is often difficult to deal with.
- b) Employees might be reluctant to report customers, especially ones who are responsible for substantial revenue. This causes the customer's behaviour to go unpunished and continue.
- c) Please do not hesitate to report a customer if they behave inappropriately and make your life difficult.
- d) Reporting means that they will not harass you anymore and that we will also have the chance to protect other students and/or employees who would come in contact with the harasser.

- e) A staff member should report the customer to the HR Business Partner, via email or in-person and inform your manager of your report. If you have emails or other evidence, please attach them or bring them to HR Business Partner's attention.
- f) The HR Business Partner should inform the College Director.
- g) The HR Business Partner will investigate the claim and contact the customer to ask them to change their behaviour.
- h) If the customer is a business, the HR Business Partner with support from the College Director, will do the following:
  - i. Contact that business' HR department and file a complaint against the person who harassed the College staff member or student;
  - ii. Explicitly ask for that behaviour to stop;
  - iii. Ask the customer-company to assign another person as the College's contact; and,
  - iv. The College will push for this solution in three cases:
    - ✓ If the harassment from that person has happened to you or your colleagues before;
    - ✓ If the incident of harassment was severe (like a threat of violence or an explicit request for a sexual favour); and,
    - ✓ If you tell us you don't feel comfortable working with this person anymore.
- i) Curtin College will also discuss possible solutions on our end; for instance:
  - i. Remove the complainant from having to interact with that person's customer account; and,
  - ii. Assign another employee to take over interactions with that customer.
- j) Curtin College will not penalise you or retaliate against you in any way. Your working hours, salary/wage or other benefits will not be affected.
- k) If the customer-company ignores our report, or if the incident of harassment happens again and the customer seems unwilling to deal with the person responsible, we will dissolve our contract with that customer.
- l) If the customer is an individual, we will refuse our products/services until they correct their behaviour.

## 5 Harassment from prospective customers

- a) Salespeople and marketers interact with prospects every day. If any of these prospects harasses you:
  - i. Drop all interactions with them (like answering calls and sending emails) and report this to your manager. If somebody harassed you via email, forward those emails to your manager and HR Business Partner for reference.
  - ii. Leave immediately if someone harasses you at an on-site meeting. Please call your manager as soon as possible to let him/her know.
- b) Your manager will make sure that your performance metrics will not be affected due to a prospect's inappropriate behaviour. For example, you do not have to continue speaking to a harasser so that you hit your individual targets.
- c) If a prospect's behaviour negatively affects your goals (like revenue targets), talk to your manager. They will do everything possible to resolve this issue without negatively impacting your performance review.

- d) After speaking to your manager, please mark that prospect as unqualified in records kept on that person/company, so other employees will not attempt to contact them later. This will help prevent other employees from being exposed to the prospect's behaviour.

## 6 Harassment from vendors and contractors

- a) Curtin College's zero tolerance of harassment and anti-violence, applies to all of our vendors and contractors.
- b) We will communicate these views and related policies in writing whenever we sign a contract with another business.
- c) If an employee of vendor or contractor harasses you, please report directly to Curtin College's HR Business Partner. Curtin College's HR Business Partner will:
  - i. Report the person who harassed you to the vendor's HR department; and,
  - ii. Depending on the severity of the harassment, demand that either this person stops this inappropriate behaviour immediately or the vendor assigns a different employee to that position.
- d) If harassment continues after our intervention or our vendor ignores our report, we will take appropriate steps inclusive of dissolving our contract with this vendor.

## 7 Involving the police

- a) Curtin College will involve the police if a harasser stalks, assaults or verbally/ physically threatens an employee. This applies to all possible third parties from customers to investors.
- b) When harassers seem dangerous (for example, if a harasser refuses to leave the premises and threatens you with physical violence), call the police before reporting to your line manager and the HR Business Partner.

## 8 Manager's responsibilities

- a) Curtin College has an open-door approach (see Appendix 2), which encourages students and employees to share their concerns and thoughts with us.
- b) However, sometimes an employee or student may not feel comfortable reporting on harassment, whether it has happened to them or a fellow student or colleague. This is why Curtin College expects managers and student facing staff, to always be alert and ready to spot harassment towards their team members and/or students.
- c) If a manager suspects one of his/her team members is being harassed, or, a staff member suspects that a student is being harassed, they are required to talk to the team member or student to get more information. Assure them that they will not be penalised for reporting harassment from any source or position within a hierarchy and, that Curtin College is committed to protecting them from harassment.
- d) Inform the HR Business Partner of the conversation and act immediately to protect the team member or student (like assigning someone else to interact with the person who harassed them until HR Business Partner's investigation is complete).
- e) Managers must also make sure their team members' performance review and metrics will not be affected, or that a student's study performance will not be affected.

## 9 HR Business Partners' responsibilities

- a) When the HR Business Partner receives a report about third-party harassment, they must:
  - i. Ask for as many details and information as possible from the person making the complaint.
  - ii. Keep copies of the report with dates, times and details of incidents and any possible evidence in a confidential file. HR Business Partner should update this file with all future actions and conversations regarding this complaint.
  - iii. Launch an investigation following discussion with and advice from College/Campus Director and all first responders involved in the process.
  - iv. HR Business Partner should always maintain professionalism when communicating with third parties, while also showing that they take the matter seriously and want to protect our employees and students.
  - v. Inform the harassed employees and/or students, of the College's procedures and direct the staff member and/or student involved to the relevant source of legal advice if appropriate.
  - vi. Consider the wishes of the harassed employee/student (complainant). If an employee or student, says they do not want to interact with a harasser again, the HR Business partner should consult with that employee's manager to find a solution that will not penalise the employee and, the Student Counsellor to find a solution that will not penalise the student.
- b) The HR Business Partner, College management or individual line managers must not, under any circumstances:
  - i. Blame the victim;
  - ii. Conceal a report; or,
  - iii. Discourage employees and/or students from reporting harassment.
- c) If the HR Business Partner or a manager behaves that way, please send an email to the harasser's own manager or a senior leader explaining the situation.
- d) Curtin College welcomes any feedback or complaint about its procedures and how its employees handled each case.

## 10 Helping harassment survivors

- a) Curtin College wants to support the victims of harassment.
- b) If a staff member or student experiences trauma, stress or other symptoms because of harassment, the College/Campus Director will encourage the staff member or student to consider:
  - i. *Taking agreed sick leave to restore mental health;*
  - ii. *Asking your insurance provider whether they cover mental health services;*
  - iii. *Talking to the EAP (Employee Assistance Programme) Officer to evaluate options (if a staff member) and the Student Counsellor (if a student); and,*
  - iv. *Speaking to designated counsellors or medical practitioners as appropriate.*
- c) Job and benefits (if a staff member) or study programme (if a student) will not be jeopardised or altered in the event of choosing any of these options or other means of recovery.

11 Help Curtin College keep our workplace safe

- a) We all work best in environments where we feel safe and happy. We cannot control the behaviour of people outside of our organisation, but we can act to stop it.
- b) Please let us know whenever you are being harassed or witness others being the victims of harassment, whether the respondent is a customer, a student an employee or a partner.

## Appendix 4: Curtin College's Open-Door-Approach

### 1 Purpose

- a) Curtin College's open-door policy in business reflects its commitment to transparent and flexible communication between managers and team members and staff and students.

### 2 What is an Open-Door Approach?

- a) Curtin College's open-door approach is simply the management practice of being available to staff as and when they need to speak with management i.e. leaving the door open to encourage communication. It is a practice that enhances communication across the College: i.e. between management and staff; functional teams and staff and students.
- b) The significance of this approach is that it translates into better communication, which in turn helps build a culture of trust.
- c) Curtin College's leadership believes this encourages innovation and growth, because everyone has valuable thoughts to share and our workplace and ways of working can always be improved.
- d) Curtin College ask employees and students, as the heart of our business, to be ready to provide positive or negative feedback, or share ideas that can help us thrive.

### 3 Scope

- a) Curtin College expects managers of all levels to keep their door open; and this refers to so much more than their office door. They should be ready to listen to their employees and students in person or over digital means (email or messaging apps).
- b) Managers should establish a culture of trust and communication in their team; this also applies to senior management who should remain approachable for everyone in the Division.
- c) Team members and students are free to communicate their thoughts with upper management.
- d) Of course, this approach extends to HR. If a staff member has concerns, ranging from compensation to workplace harassment, feel free to approach the HR Business Partner as well as the College Director.

### 4 Open door elements

- a) Managers should leave their office door open so employees can approach them easily to:
  - i. Ask for counsel or feedback;
  - ii. Ask questions about a subject;
  - iii. Express a complaint or concern;
  - iv. Raise awareness for a problem;
  - v. Ask for resolution to an inside dispute or conflict;
  - vi. Make suggestions for change; and,
  - vii. Discuss other personal topics.

## 5 Benefits of open-door approach in the workplace

- a) Curtin College is committed to the importance of open communication when it comes to innovation and improvement across the Division. More specifically, Curtin College hopes that listening to employees will help to:
  - i. Address employee concerns in time;
  - ii. Resolve disputes before tensions escalate;
  - iii. Provide timely and effective help employees who were victimised or harassed;
  - iv. Seize opportunities to improve processes; and,
  - v. Foster a culture of mutual trust and collaboration.

## 6 Manager's responsibilities

- a) As a Manager, listening to team members is part of your duties. You should always be ready to discuss important subjects (like harassment) as soon as possible, but you should also make time to listen to your team members' concerns or ideas.
- b) Action is also important. Our open-door approach aims to translate good feedback to better results. This means it's your job to follow through with improvements that matter. Use your judgment to determine whether you should pass information to your own manager or create a plan to address what your team member has told you.
- c) Always be transparent about what you are going to do. Do not promise anything that you are not sure you can deliver. Discuss with your team member, let them know your own thoughts and concerns. After all, communication works both ways.
- d) Of course, we expect you to take any negative feedback or criticism in stride. You must not retaliate (against or victimise team members. If you are not sure how to handle the information you received, remember: your manager's and HR Business Partner's doors are also open.

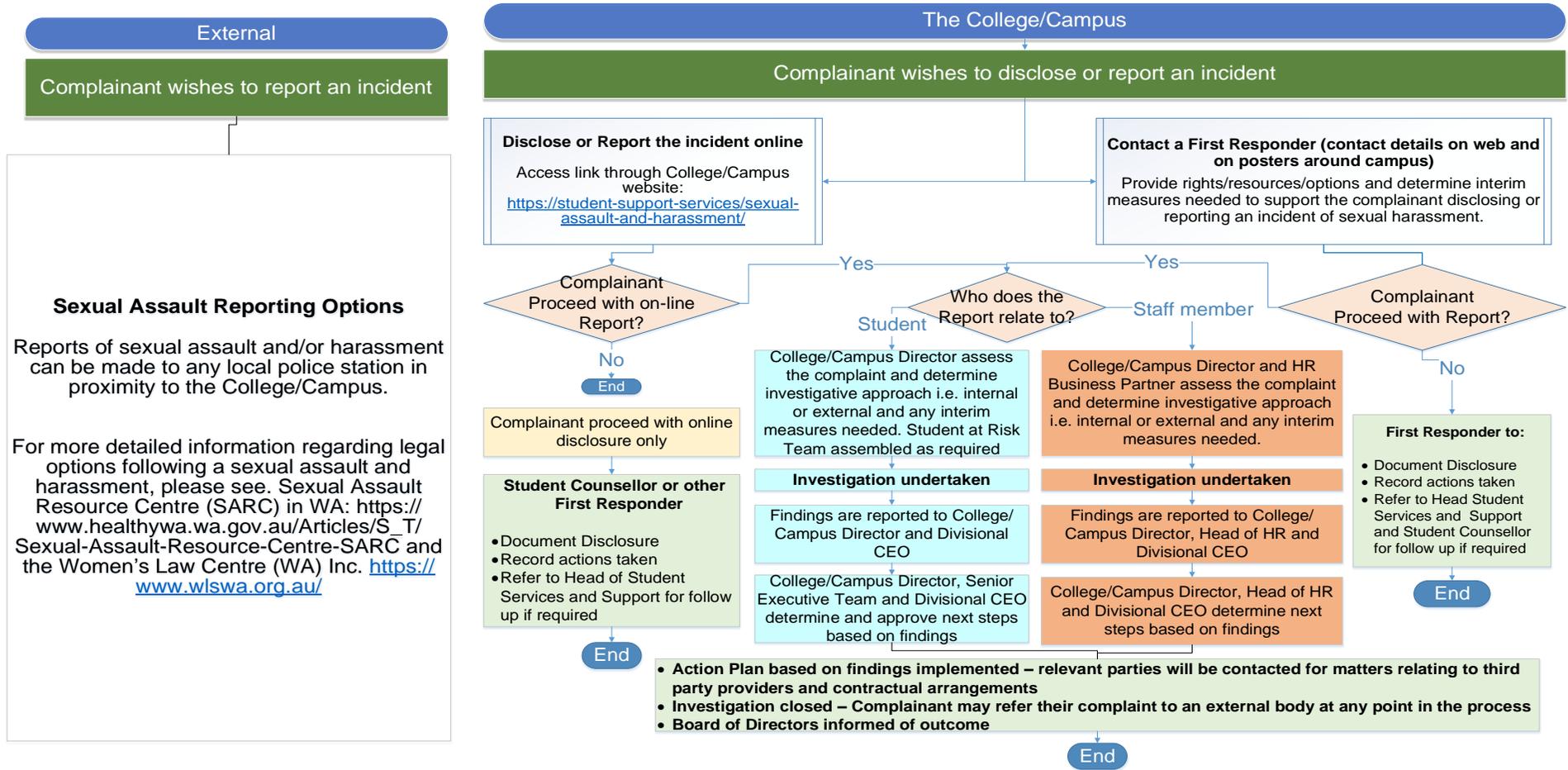
## 7 Complainants' responsibilities (Staff and Students)

- a) Communication is important and is built on mutual trust. This means that just as you trust your manager to listen to you, your manager trusts you to help them digest information better. So, we ask you to:
  - i. Ask for an appointment in advance, whenever possible, if you want to talk about a significant or delicate matter – it ensures adequate time to deal with important issues;
  - ii. Communicate with your manager whenever possible instead of going to a more senior manager first. The chain of command matters if concerns are going to be managed effectively, immediate escalation does not always result in the best outcome.
  - iii. You can bypass your manager in some cases: for example, if they are out of office, if they are involved in a harassment claim or they have consistently and wilfully violated the open-door approach (which you can report to Curtin College's HR Business Partner); and,
  - iv. Try to resolve minor disputes with your colleagues before reaching out to your manager. Trust and communication should work **horizontally as well as vertically** in Curtin College.
- b) In general, speak up when you have an opinion about something.

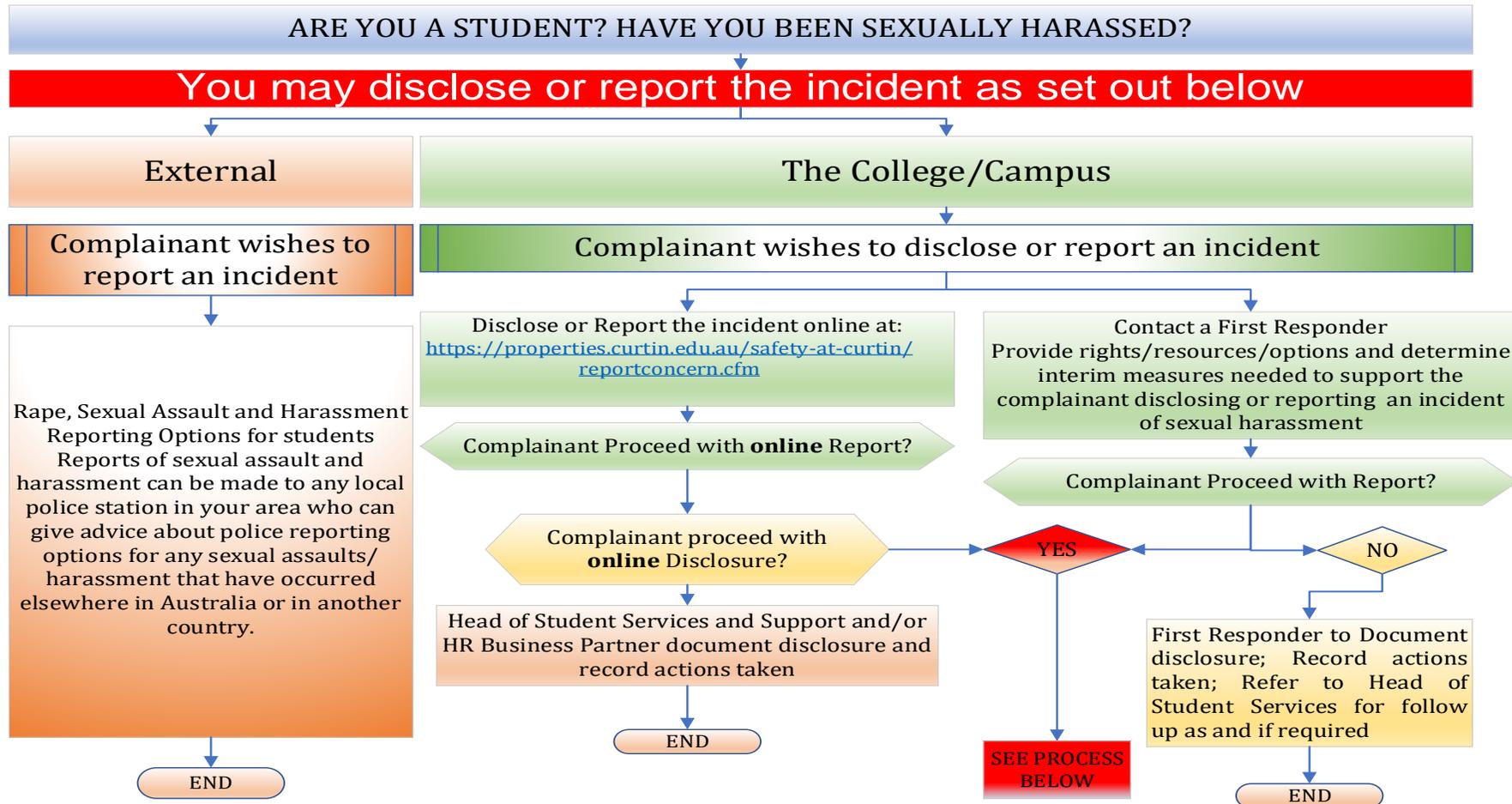
- c) Inform us when you notice harassment, victimisation or any violation of the code of conduct.
- d) We need all of you to ensure the work and study place is safe and pleasant for everyone.

Appendix 5: Process Flow for Managing Sexual Harassment Complaints

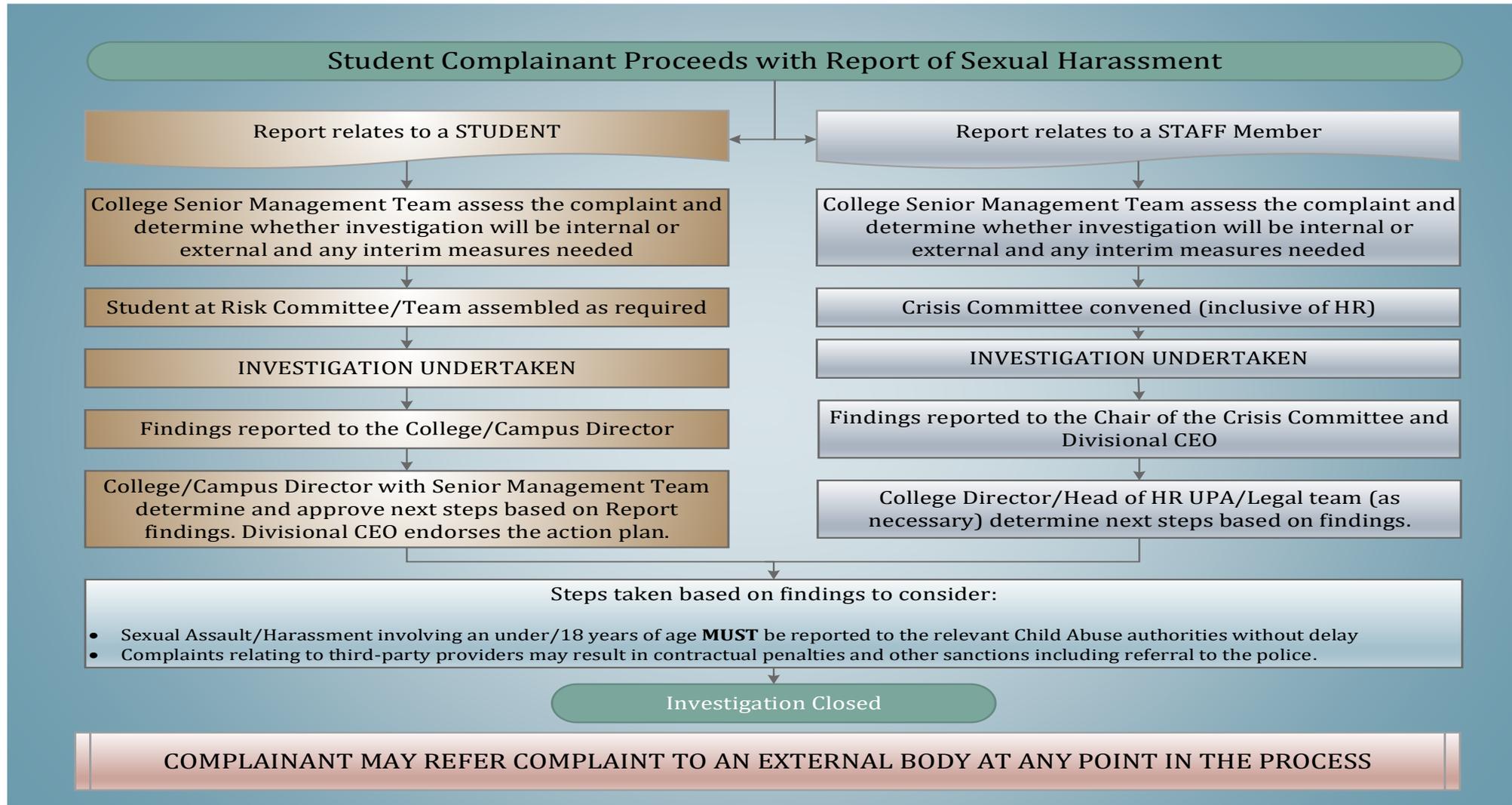
**Are you a member of the UPA Community? Have you been sexually harassed?**  
 You may disclose or report the incident to the College/Campus and/or External contacts as set out below.



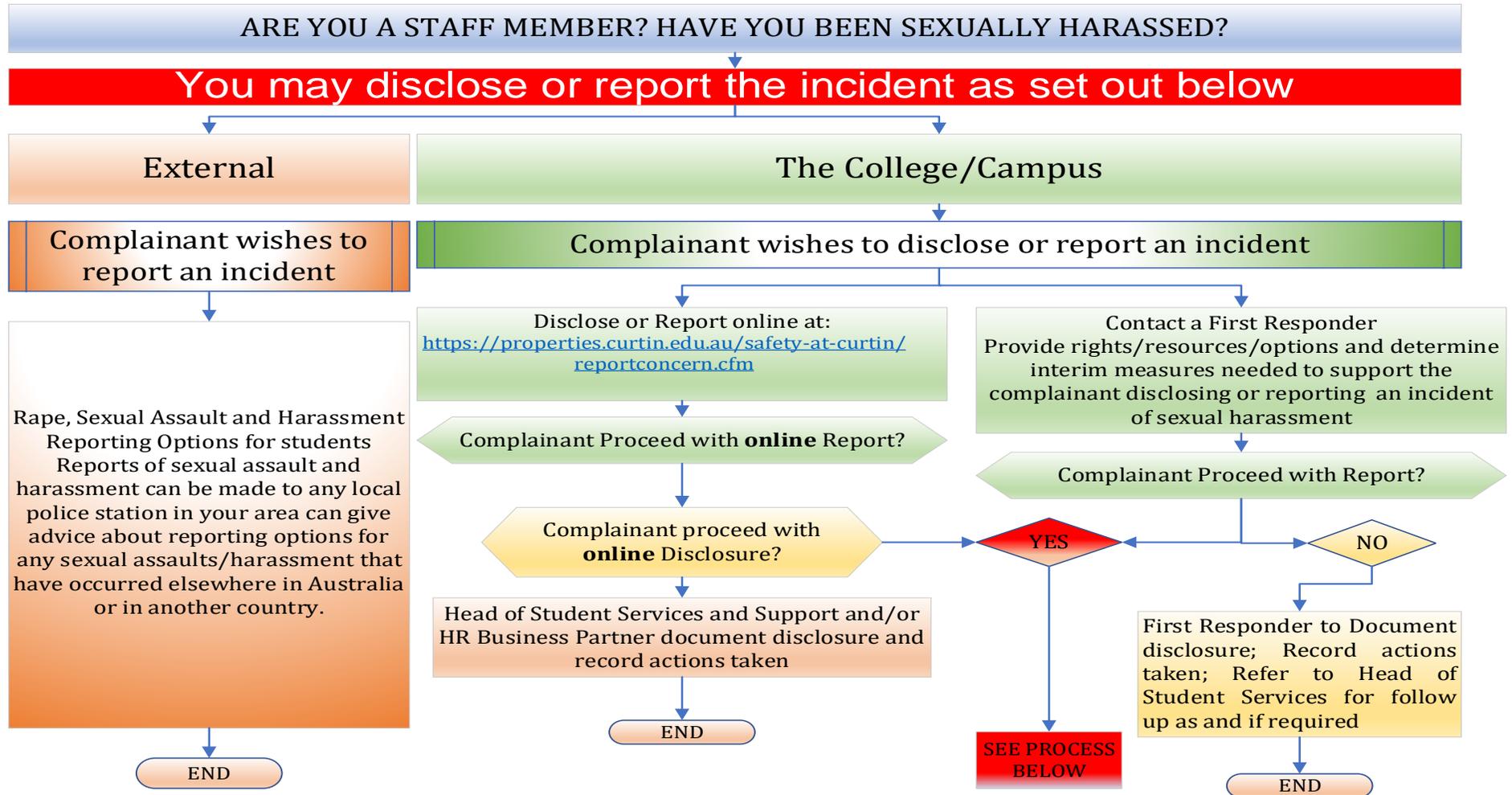
5.1 Student Reports Sexual Harassment



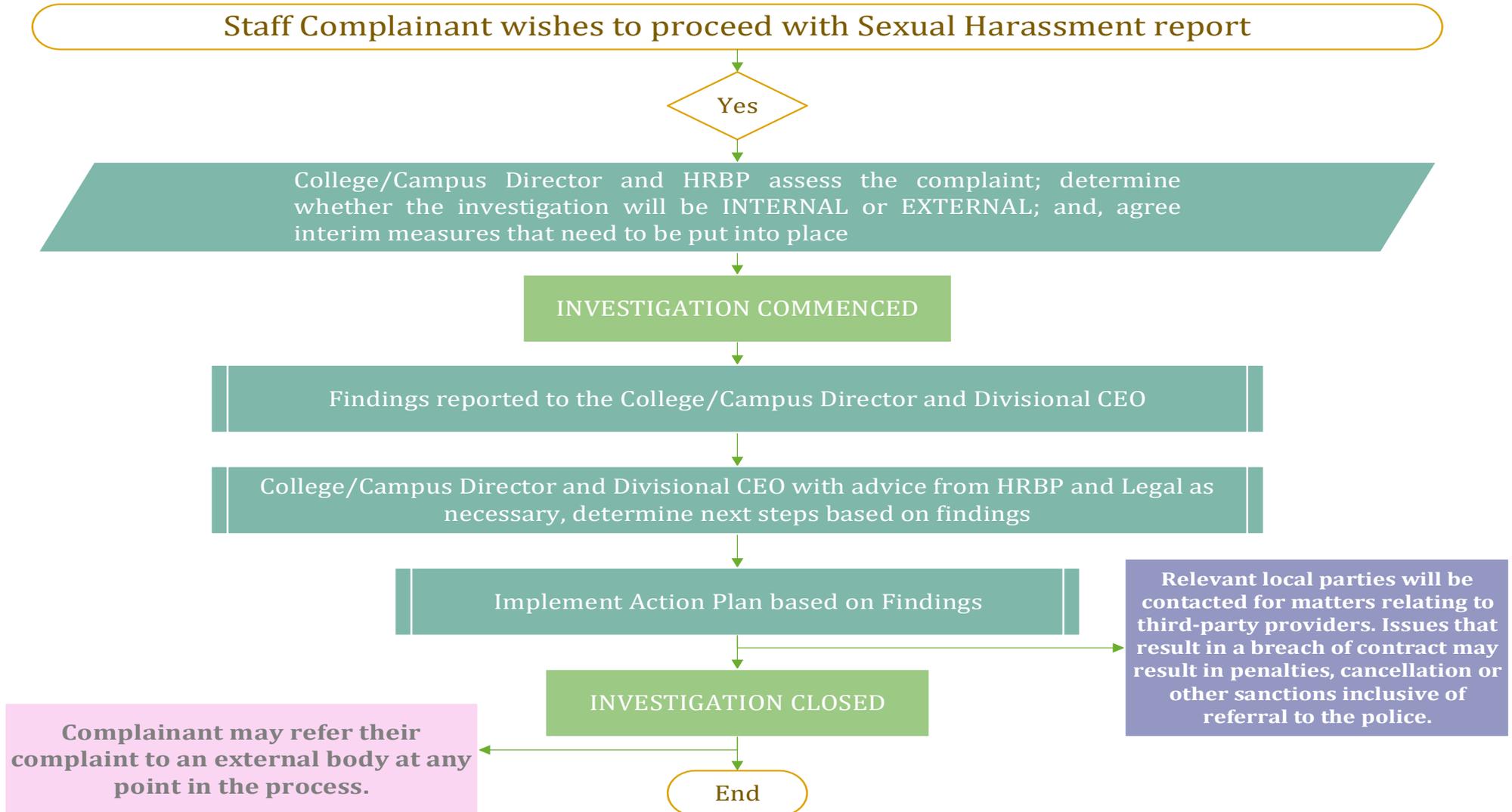
5.2 Student Proceeds with Report of Sexual Harassment



5.3 Staff Member Reports Sexual Harassment



5.4 Staff Member Proceeds with Report of Sexual Harassment



Appendix 6: Nine Principles of Good Practice<sup>1</sup>



<sup>1</sup> TEQSA Good Practice Note Preventing and Responding to Sexual Assault and Sexual Harassment 072020 [https://www.teqsa.gov.au/sites/default/files/good-practice-note-preventing-responding-sexual-assault-sexual\\_harassment.pdf?v=1594266369](https://www.teqsa.gov.au/sites/default/files/good-practice-note-preventing-responding-sexual-assault-sexual_harassment.pdf?v=1594266369) (extracted 22/07/2020)

## Appendix 7: Reporting Posters Posted around Campus

### What to do if you have experienced Sexual Assault or Harassment

Curtin College is committed to providing a safe learning and teaching environment. If an incident of Sexual Assault or Harassment occurs, Curtin College offers the following support even if the incident does not occur on campus. Curtin College appreciates this may be a very personal and sensitive situation and will acknowledge and respect this from the first instance you make contact regarding an incident.

