

# Sexual Harm Prevention and Response Policy

Colleges of Business and Technology (WA) Pty Ltd  
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## Document

<b>Document Name</b>	Sexual Harm Prevention and Response Policy
<b>Brief Description</b>	This document describes Curtin College's zero tolerance approach to sexual harm 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 assault, the threat of sexual assault and sexual harassment.
<b>Responsibility</b>	College Director & Principal CC
<b>Initial Issue Date</b>	01/10/2019

## Version Control

Date	Version	Summary of Changes	Reviewer Position Title
13/01/2021	V2.1	Third Review	General Manager, Quality, Risk and Compliance
18/3/2025	V3.0	The Sexual Assault and Sexual Harassment Prevention and Response Policies were simplified and replaced with this new policy.	Quality and Compliance Manager and Student Counsellor

## Related Documents

Name	Location
Student Complaints Policy	College Website
Curtin College Code of Conduct	College Website
Sexual Harm Prevention and Response Procedure	College Website
Critical Incident Management Procedure	College Website
Privacy Policy	College Website
Navitas Sexual Assault Prevention and Response Policy (Staff)	Policy HUB
Navitas Sexual Harassment Prevention and Response Policy (Staff)	Policy HUB
Navitas Mental Health and Wellbeing Policy	Policy HUB

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## 1. Purpose and Scope

### 1.1. Introduction

- a) This Sexual Harm Prevention and Response Policy outlines Curtin College's commitment to promoting Respectful Relationships and striving for an environment characterised by physical, psychological and emotional security.
- b) All members of the Curtin College Community have the right to a safe and productive learning/working environment free from sexual harm, where they are treated with dignity and respect.
- c) Sexual harm, whether in the form of assault or harassment, is unacceptable and will not be tolerated in our work and study environment.

### 1.2. Purpose

- a) This policy affirms Curtin College's commitment to creating a safe, inclusive, and respectful work and study environment by preventing sexual harm and effectively managing incidents of sexual assault and harassment.
- b) The College will take all reasonable steps necessary to prevent sexual harm from occurring within the College.

### 1.3. Scope

- a) The College wishes to inform its community, that it will respond quickly and sensitively to reports of sexual harm perpetrated by or against students and/or staff.
- b) The Sexual Harm Prevention and Response Policy (SHPRP) should be read in conjunction the Curtin College Code of Conduct, which sets out community members rights, responsibilities and behaviours.
- c) This Policy does not supersede but is intended to complement:
  - i. Professional standards regarding confidentiality between clients and medical practitioners, nurses, psychologists, counsellors and social workers;
  - ii. Mandatory reporting requirements prescribed by child safety legislation; and,
  - iii. Mandatory reporting requirements prescribed by the relevant Occupational Health and Safety legislation.
- c) This Policy applies to all of the College Community, third-party providers, customers and visitors involved in college activities.
- d) The policy applies to activities and situations related to Curtin College that are not conducted on Curtin College premises, including but not limited to work and study related activities such as:
  - i. Internships, placements and field trips.
  - ii. Conferences.
  - iii. Student accommodation.
  - iv. Social functions organised and approved by the College.

## 2. Prevention and Response

### 2.1. Principles, Understandings and Goals

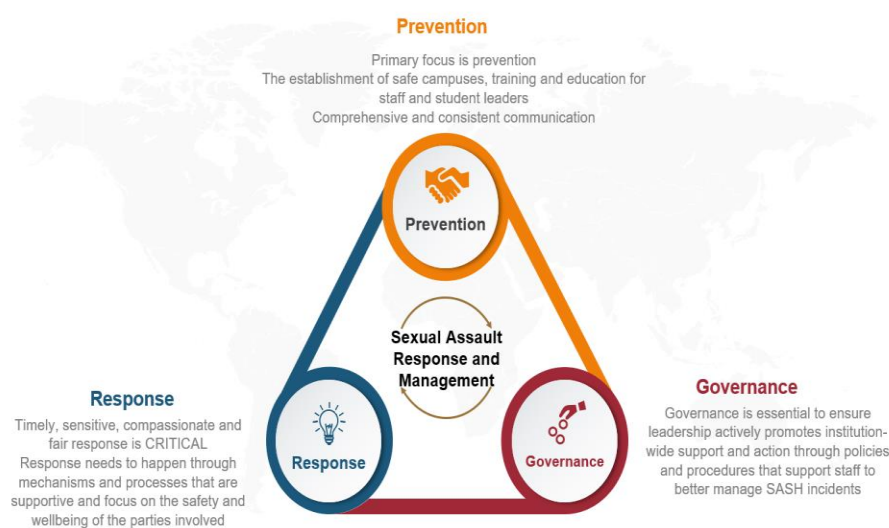
- a) The College's primary concern is the health, safety and wellbeing of the College Community.
- b) Sexual harm is a serious issue with lasting, harmful effects on victims and their families, friends, and communities.
- c) Curtin College aims to stop it from happening in the first place but understands the wider societal issues around sexual harm, so the College's approach will be to:
  - i. promote social norms that protect against violence;
  - ii. support access to skills that help to prevent sexual violence;
  - iii. provide opportunities that empower and support vulnerable groups;

- iv. embed appropriate investigative and reporting processes and educate staff and student leaders in the effective application of these processes;
  - v. create protective environments that focus on safety for community members; and,
  - vi. ensure appropriate support structures and processes are in place for victims of sexual harm.
- d) Where a preliminary investigation determines that on the information provided, the Report is found to be frivolous, vexatious, misconceived or lacking in substance, it will be rejected and the person will be informed of this outcome in writing.
- e) In line with the advice from TEQSA, the nine (9) principles (see [HERE](#)), have been used to inform the College's approach to the prevention and response to incidents of sexual assault.

Figure 1: Nine Principles for Managing Sexual Assault and Sexual Harassment (SASH)



Figure 2 below illustrates the key principles that have been adopted by the College as the guiding principles for its response to and management of sexual assault events.

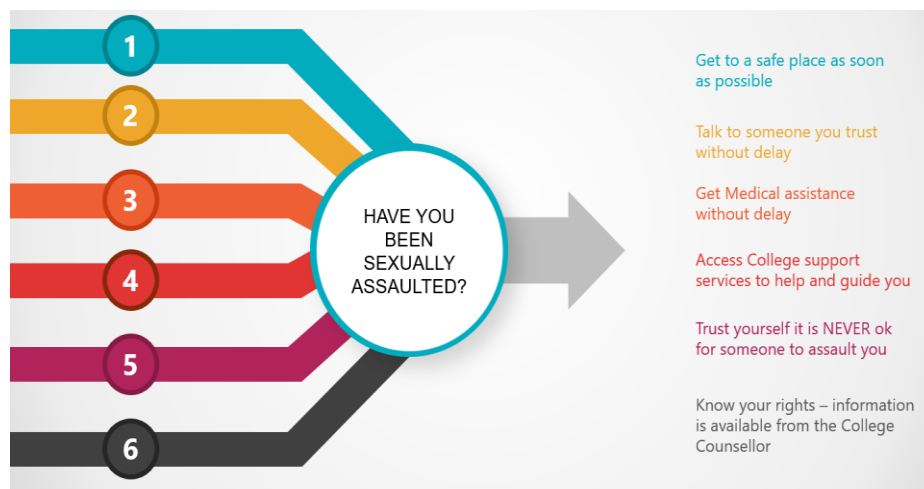


## 2.2. Curtin College's Understanding of what constitutes Sexual Harm

- a) The College's primary concern is the health, safety and wellbeing the College Community, particularly so when it comes to responding to incidents of sexual assault.
- b) The College recognises that the Singapore campus has 'local' law and regulations will prevail in terms of what constitutes sexual assault.
- c) In order to ensure the College Community, understand what the College recognises as sexual harm the following information is designed to assist in understanding the risks of as well as the behaviours that represent sexual assault.
- d) The College recognises that sexual assault is the legal term that describes a number of offences, inclusive of:
  - i. Sexual abuse;
  - ii. Rape;
  - iii. Indecent behaviour;
  - iv. Indecent assault;
  - v. Sexual molestation;
  - vi. Incest;
  - vii. Child sexual abuse;
  - viii. Child sexual assault; and
  - ix. Touching (feeling up)

If someone does something to a community member that makes them feel that they have been 'assaulted', it is important that the person does the following:

Figure 3: What to do following a sexual assault



## 2.3. 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.

## 2.4. Inadvertent sexual harassment

- a) Sometimes, people who harass others do not realize their behavior is wrong. Curtin College acknowledges this possibility but holds respondents fully responsible for their actions.
- b) If there is any suspicion that a person does not realise their behavior constitutes sexual harassment as defined in this policy, staff must inform them and request an immediate stop.
- c) Requests to cease sexually harassing behavior should be made in writing and verbally to ensure an accurate record of the request.

## 2.5. Consent to Sexual Activity

- a) **Consent is a critical factor in determining if sexual harm has occurred** i.e. did person A give permission for person B to engage in sexual activity with them? If the answer is **NO** then an assault has occurred; **NO means NO!**
- b) Kids Helpline (see [HERE](#)) is one of many examples that provide clear and concise information and guidance. [ReachOut Australia](#) also provides information, resources and support.
- c) Consent must be:
  - i. mutual i.e. both parties agree, **every single time**;
  - ii. freely given, but consent that is **forced by threats**, guilt or violence is **not consent**;
  - iii. informed i.e. both parties understand what is about to happen;
  - iv. certain and clear i.e. **it is a YES, not a 'may be' or 'I guess so'**;
  - v. enthusiastic i.e. no force or pressure involved, both parties want to engage in sexual activity;
  - vi. reversible i.e. **either party can say NO at any time**, even after the activity has commenced and **activity must stop immediately**;
  - vii. specific i.e. to a particular type of activity and time; and,
  - viii. **ongoing** i.e. you need to say YES before and during sexual activity and, consent on one occasion does not mean YES to a next time!
- d) The age of consent in Western Australia and Singapore is 16. However, if there is a relationship of authority between the two parties e.g. Teacher and Student, the age of consent becomes 18.
- e) All staff must make themselves familiar with the Navitas Sexual Assault Prevention and Response Policy and the Navitas Sexual Harassment Prevention and Response policy specific to relationships between staff and student.

## 3. Policy Statement

### 3.1. General

- a) The Policy and associated policies specific are intended to provide guidance.
- b) Curtin College response to disclosure about sexual harm is based on the following principles:
  - i. **Access to Information and Support:** Community members can easily find information on how to make a report, both internally and externally. Support is available 24/7. If the College can't provide this, alternative arrangements will be made.
  - ii. **Fair and Compassionate Treatment:** Anyone disclosing or reporting an incident will be treated with dignity and respect, and conversations will be private and uninterrupted. Reports or disclosures will be heard with compassion, without judgment or blame, and will be kept confidential.
  - iii. **Encouragement to Report:** No one will be discouraged from making a formal complaint. Individuals can decide what is in their best interest and whether to report or disclose.
  - iv. **Duty of Care and Safety:** The College is dedicated to ensuring the safety and well-being of its community members. It is our priority that all individuals feel secure and protected at all times.
  - v. **Disclosure and Support:** Disclosure can be made to first responders like the Student Counsellor or any trusted staff member. The College will help complainants understand their options and prioritise their safety by adopting a trauma-informed approach, ensuring confidentiality, empathy, and support tailored to their needs.

- vi. **Varied Actions Based on Circumstances:** Actions taken will depend on the complainant's circumstances and whether the complainant wants to disclose or report the incident.
- vii. **Anonymous Disclosure:** Anonymous disclosures are accepted but may limit the College's response effectiveness.
- viii. **Natural Justice and Fair Treatment:** The College's approach is based on natural justice and procedural fairness, which may limit investigations of anonymous disclosure. Everyone involved in a complaint will be treated fairly and supportively.
- ix. **Communication and Timely Acknowledgment:** All parties will be informed of actions taken and the timeframes for resolving reports. Disclosures submitted through the web portal will be acknowledged promptly.
- x. **Timely and Expert Investigations:** An investigation will start within a reasonable timeframe after a report is made. Different staff members will handle the alleged victim and offender. Investigations will follow natural justice principles and be conducted by someone with relevant expertise.

### 3.2. Disclosure and Reporting

- a) Managing, disclosing or reporting Under 18 sexual harm and/or child abuse imposes an obligation on the College to offer training and enhance awareness related to the relevant legal obligations. In Western Australia [Sexual Assault Resource Centre \(SARC\)](#) provides training and awareness building resources, and the [Safer WA for Children and Young People](#) is another such resource.

Disclosure is one type of complaint that can be made about an incident of sexual harm.

**It is important to note that making a disclosure will not start an investigation.**

- b) The policy provides a framework for the management of disclosures of sexual harm and the pathway for reporting sexual harm. For clarity, reporting means:  
 "A report is a form of complaint and occurs when a member of the College's community expresses the desire to formally report an incident of sexual harm for the purposes of initiating an investigation."
- c) When responding to a sexual harm disclosure, no pressure or expectation will be placed on an individual to either make, or not make, a formal complaint to the College or to a person or entity external to the College.
- d) Support and information will be provided to all individuals involved with Sexual Harm matter including, where appropriate, assistance with impacts arising from the Disclosure on capacity to work and study, and referrals to other organisations with specialised resourcing, skills and legal powers to respond.
- e) The College acknowledges a person wanting to talk to someone about a sexual harm Incident (Disclose) may not want the matter to be progressed beyond the initial Disclosure, such as to a formal Report and investigation. As far as reasonable and practicable the right of the individual to choose the path best for them will be respected.

### 3.3. Reporting to the Police

- a) If a report specific of sexual harm is referred to the police, the College will not take any action that will compromise the police investigation complaint resolution process.
- b) While responsibility for prosecuting criminal acts of sexual harm rests with local police i.e. where the offence occurred, the College can and will act where there is a breach of its code of conduct, policies and procedures by members of the College community for activities and situations related to the College.

## 4. Responsibilities

4.1. The **College Director and Principal**, with support from the College Leadership Team will be responsible for:

- a) fostering a culture that is intolerant of Sexual Harm and encourages respect, safety and inclusion to ensure that all members of the College community have a right to expect professional behaviour from others and a responsibility to behave professionally to others;
- b) ensuring the delivery of education and training for the College Community to address issues related to sexual harm;
- c) ensuring Sexual Harm Disclosures and Reports are handled in a timely, confidential and fair manner ensuring due process for all parties;
- d) ensuring processes to support Disclosure and Reporting of Sexual Harm are simple, accessible and available through multiple avenues;
- e) ensuring confidentiality and information privacy will be upheld in accordance with legislative requirements and Curtin College Policies and Procedures;
- f) overseeing the implementation and monitoring of this Policy and its Procedures;
- g) ensuring that, in instances where legislation exists relating to Children and Young People, any mandatory reporting to Child Abuse agencies is undertaken within the appropriate timeframes and in accordance with guidelines; and
- h) ensuring that discipline is prompt and proportionate.

4.2 The **Student Counsellor** will be responsible for:

- a) providing first responder support and action for Students;
- b) maintaining detailed records and evidentiary trail for reference;
- c) supporting the student respondent;
- d) implementing mediation sessions if requested by the complainant;
- e) contributing to decision-making regarding actions and sanctions to be applied for Students.

4.3 All of the College Community have a responsibility to take reasonable care to comply with the College's policies, procedures, or instructions.

## 5. Compliance

### 5.1. First Responders

- a) In the event of an incident of this kind, all staff have a responsibility to respond to a complainant's call for assistance, guidance and advice.
- b) It is the responsibility of the individual approached by a complainant to ensure that the complainant is immediately referred to the Student Counsellor and the 'critical incident' team.
- c) The person in receipt of the first call for assistance should remain part of the support team until such time as the claimant is comfortable for them to exit the support team.
- d) First responders have a responsibility to limit the number of times and the number of people to whom the complainant must recount the details of the incident.
- e) The following college roles have a responsibility as a first responder to provide support for the management of the disclosure and reporting of sexual assault.
  - i. **Student Counsellor** normally respond in the first instance to complaints from students about incidents of sexual assault. Such a response may involve making immediate contact with specifically trained Counsellors (either as provided by the University Partner or through an out-source agency) to secure psychological and emotional support and assistance with safety planning and referrals to other specialty services including medical services.



- ii. **Safer Communities Team** (Curtin University) to advise on immediate safety and security.
- iii. **College Leadership Team inclusive of the College Director and Principal** are equipped to ensure that an investigation is warranted based on a referral from a first responder and that due process is followed when investigating complaints under the Policy. They will also communicate the outcomes of investigations, and outline review or grievance mechanisms.

## 5.2. Breaches

- a) Curtin College takes the prevention of sexual harm very seriously and therefore all community members 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.

## 5.3. Relevant Legislation

- a) Curtin College has a responsibility to maintain compliance with the laws within Australia and Singapore.
- b) In Australia, the following is a sample (only) of relevant legislation and support links that apply as amended from time to time:
  - i. [Racial Discrimination Act 1975](#):
  - ii. [Sex Discrimination Act 1984](#):
  - iii. [Australian Human Rights Commission Act 1986](#)
  - iv. Age Discrimination Act 2004: [Age Discrimination Act 2004 \(legislation.gov.au\)](#)
  - v. [The National Code of Practice for Providers of Education and Training to Overseas Students 2018](#):
  - vi. [Fair Work Act 2009](#):
  - vii. [Reachout Australia: Sexual Assault Support](#)
- c) In Singapore, the Penal Code Chapter 224 and the POHA prescribe the nature of certain offences and punishments applicable to sexual assault:
  - i. [Penal Code \(2020\)](#) has a wide range of sexual assault and sexual harassment offences written into law and <https://www.singaporecriminallawyer.com/bill-amendments-singapores-penal-code/>
  - ii. [The Sexual Assault Care Centre](#) is also available for support and advice.

## 6. Definitions

Refer to the [Glossary of Terms](#) located on the Curtin College Website.

## 7. Review

This policy is reviewed biennially in accordance with the College's Register of Quality documents, or whenever there are amendments to regulatory compliance requirements, legislation, regulations, or guidelines. This review process ensures alignment with the strategic direction and ongoing relevance to Navitas' current and planned operation.

## 8. Records Management

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

Record type	Owner	Location	Retention	Disposal
Policy	College Director and Principal	Curtin College website and College Shared Drive	Indefinitely	Archived as review process results in changes.