



## Sexual Harassment and Sexual Assault Policy

<b>Web Link</b>	
<b>Category</b>	Policy
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<b>Policy Contact</b>	Director of Academic Programs
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<b>Related Documents</b>	Equity, Diversity and Inclusion Policy Federal Sex Discrimination Act 1984 Records Management Policy and associated Procedure Student Sexual Harassment and Sexual Assault Procedure Student Charter

### 1. Purpose

- 1.1 The Australian Institute of Police Management (AIPM) is committed to promoting and fostering an environment that is safe, respectful and free from all forms of sexual misconduct.
- 1.2 As part of the commitment to providing a safe environment for students and staff, this policy provides a framework to prevent and respond to reports of sexual assault or sexual harassment in a just, compassionate and effective manner.

### 2. Scope

- 2.1 This policy applies to all students and staff of the AIPM, while on campus or while carrying out functions in connection with the AIPM, including visitors engaged in teaching or scholarly activities.
- 2.2 Policy relating to other forms of discrimination, harassment or bullying are detailed in the [Equity, Diversity and Inclusion Policy](#).

### 3. Policy Principles

- 3.1 The AIPM takes a zero-tolerance approach to sexual assault and sexual harassment and other forms of harmful misconduct. Every member of the AIPM community has a responsibility to ensure that they do not occur.

- 3.2 Care and consideration for a person's wellbeing is the primary focus when responding to any disclosure, when seeking a resolution and when addressing any formal complaint of sexual assault or sexual harassment.
- 3.3 The AIPM is committed to providing support to all members who have experienced, witnessed or otherwise been exposed to sexual misconduct.
- 3.4 The AIPM does not tolerate victimisation.
- 3.5 The AIPM recognises that education and awareness are important aspects of prevention and is committed to educating staff and students to assist in the prevention of sexual misconduct.

## 4. Policy Statements

- 4.1 Students and staff have the responsibility to not sexually harass or abuse others and must discontinue behaviour demonstrated to have offended, humiliated or intimidated another person.
- 4.2 Students and staff are encouraged to intervene safely when they encounter instances of unacceptable behaviour. As an active bystander students and staff can:
  - notice events and interpret the event as requiring intervention; and/or
  - intervene in the situation safely which may involve directly challenging or confronting perpetrators or potential perpetrators, distracting either party or getting help from others.
- 4.3 A person who experiences sexual assault or harassment, or suspects another individual may have experienced such events, should disclose the incident(s), which involves confidentially sharing information about the incident(s) to seek support and or initiate a formal complaint.
- 4.4 Disclosures of sexual harassment or sexual assault will be managed in a compassionate manner and any case will be managed promptly, fairly and confidentially, ensuring due process to all parties.
- 4.5 Formal complaints of misconduct will proceed in accordance with the AIPM's [Student Sexual Assault and Sexual Harassment Procedure](#) and in accordance with relevant NSW legislation and home jurisdiction policy.
- 4.6 Attention will be given to minimising the number of times and number of people to whom one is required to recount their experience(s) of assault or harassment.
- 4.7 A person who makes a formal complaint has the right to have their chosen supporter or representative involved in the process and the option to stop the process at any time. All students involved are entitled to regular and timely communication about the progress of the investigation and its outcome.
- 4.8 The individual(s) against whom the allegations are made has the right to know the details of a report made against them and has a right to respond and have a supporter or representative chosen by them present when they respond to the allegations made.
- 4.9 No one will be treated unfairly as a result of a complaint of sexual assault or sexual harassment. Immediate action in consultation with the relevant home jurisdiction will be

taken against anyone who victimises or retaliates against someone who has made a complaint or against whom a complaint is made.

- 4.10 Any student found to have sexually assaulted or harassed another person will be subject to disciplinary action and withdrawn from the program in consultation with their respective home jurisdiction.
- 4.11 Any staff member found to have sexually assaulted or harassed another person will be subject to disciplinary action in accordance with Australian Federal Police policy and/or relevant state legislation.
- 4.12 Students who experience sexual assault or harassment are entitled to academic special consideration.
- 4.13 Individual disclosures and reports of sexual assault or sexual harassment will be collected and stored confidentially, accessible only by key staff responsible for the student's safety.
- 4.14 De-identified data on disclosures and formal reports of sexual assault and sexual harassment will be collected to determine the effectiveness of the AIPM's response procedure for continuous improvement processes (refer also [Records Management Procedure](#)).

## 5. Definitions

**Bystander** is someone who witnesses and intervenes in a situation involving harassment, bullying, abuse or other harmful/ inappropriate behaviour, with the intention to disrupt, or 'call out' the behaviour and prevent the behaviour from continuing.

**Consent** is free and voluntary agreement. Factors violating consent include:

- Lack of capacity to consent, including because a person is asleep or unconscious, or so affected by alcohol or other drugs as to be unable to consent.
- The actual use of force, threatened use of force against the complainant or another person, which need not involve physical violence or physical harm.
- Unlawful detention.
- Mistaken identity and mistakes as to the nature of the act (including mistakes generated by the fraud or deceit of the accused).
- Any position of authority or power, intimidation or coercive conduct.

**Offender** is a person of whom it has been alleged has engaged in sexual harassment or sexual assault.

**Responder/Respondent** is a person who responds to a disclosure or report of sexual harassment or sexual assault made by a student or another staff member.

**Formal Report** is when a formal statement is provided regarding the Sexual or other Misconduct to the persons or units specified in the [Sexual Assault and Sexual Harassment Procedure](#).

**Sexual Assault** is when a person is forced, coerced or tricked into sexual acts against their will or without their consent.

Sexual assault can include but, is not limited to, the following:

- Rape e.g. being forced to have vaginal, anal or oral sex including digital penetration.
- Unwanted touching e.g. pinching, patting, embracing, rubbing, groping, flicking, kissing, fondling, being touched on the breasts, bottom, legs etc.

- Obscene gestures e.g. simulating masturbation in front of a person.
- Voyeurism e.g. being watched doing intimate things without permission.
- Pressuring for dates or demand for sex e.g. invitations that turn into threats or not taking 'no' for an answer.
- Indecent exposure e.g. someone showing private parts of their body or 'flashing' their genitals.
- Being forced to watch or participate in pornography e.g. taking a photo without permission, forcing someone to be on video, making someone watch a pornographic movie.

**Sexual Harassment** is any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated (Federal Sex Discrimination Act 1984).

Sexual harassment can take various forms and can involve conduct such as:

- Unwelcome touching, hugging or kissing.
- Staring or leering.
- Suggestive comments or jokes.
- Sexually explicit pictures, screen savers or posters.
- Unwanted invitations to go out on dates or requests for sex.
- Intrusive questions about someone's private life or body.
- Unnecessary familiarity, such as deliberately brushing up against someone.
- Insults or taunts of a sexual nature.
- Sexually explicit emails, SMS messages or social media.
- Accessing sexually explicit internet sites.
- Inappropriate advances on social networking sites.

**Staff** includes continuing, fixed-term, casual, affiliate and visiting staff associated with the learning, teaching and scholarly activities of the AIPM.

**Victimisation** happens if a person does an act, or threatens to do an act, against a person (or an associate of that person) because the person has made a formal report or complaint, or intends to do so, under this Policy.

**Visitors** are persons visiting the AIPM for a period of time, who are not staff or students, and who may be given access to the AIPM resources for the purposes of undertaking academic study, education, research or development. Visitors may include persons with unpaid appointments made by the AIPM.

REVISION HISTORY				
Version	Endorsed By	Approved By	Approval Date	Description of changes
1.0	ELCAC	AGB	1.7.23	New document.