



Sexual Assault and Sexual Harassment Prevention and Response Policy

1. Purpose

- 1.1 Western Sydney University International College (WSUIC) recognises the right of all staff and students to work and study in an environment free from sexual assault and sexual harassment. This Sexual Assault and Sexual Harassment Prevention and Response Policy clearly sets out WSUIC's zero tolerance approach in the prevention and management of Sexual Assault and Sexual Harassment (SASH).

2. Scope

- 2.1 This policy applies to all staff members, students, alumni, volunteers and visitors on WSUIC premises and during off-campus activities associated with WSUIC, such as, but not limited to, sporting events, cultural activities, competitions and conferences.

Where sexual assault or sexual harassment is disclosed or reported as occurring outside the scope of this Policy, the matter will not be investigated but support services and referrals will be offered as appropriate.

3. Definitions

- *Sexual Assault:*

Sexual Assault, under NSW law, means engaging in certain sexual acts (such as intercourse or oral sex) with a person without their consent, when their consent is not known, and when their consent is not recognised as important. Various terms are used to describe behaviour which involves a sexual assault. A term which is commonly used is rape. Sexual assault is a crime. Sexual touching and sexual acts – sexual touching means touching another person in a sexual way (for example, on a person's breasts or genitals), or threatening to do so, without the person's consent. A sexual act means doing something of a sexual nature towards another person without their consent (for example, masturbating in front of another person). Under NSW law both sexual touching and sexual acts are crimes. There is more guidance about what may amount to sexual assault available on the NSW Department of Communities and Justice - Sexual Violence webpage. .

- *Sexual Harassment:*

Any unwanted, unwelcome or uninvited behaviour of a sexual nature which a person should expect will make the recipient feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working or study environment.



- *Consent:*

Consent means a person consents when they freely and voluntarily agree to participate in an activity, understanding what they are doing and who they are doing it with. A person can't consent if they are:

- i. asleep or unconscious
- ii. significantly affected by drugs or alcohol
- iii. intimidated, coerced or threatened
- iv. held against their will
- v. tricked, or under a mistaken belief, about the identity of the other person involved or
- vi. lack the capacity to understand what is taking place because of a cognitive impairment, or because they are under 16. It is important to understand that a person might not consent to behaviour even though they were, or are, in a relationship.

Consent must be informed, freely given, and mutual, and can be withdrawn at any time.

- *First Responder:*

First Responder means any staff member who has been approached by a student disclosing or complaining about a case of sexual assault or sexual harassment.

- *Safer Campus Community Group:*

The Safer Campus Community Group was created by the Campus Director and Principal (CDP) in response to the insights and recommendations provided by the Australian Human Rights Commission report on sexual assault and sexual harassment (SASH) on campus: "Change the Course". It comprises of the WSUIC College Director and Principal, Director of Quality and Student Administration, Director of Marketing and Admissions, Academic Director, a Student Services Officer, a student representative and any other members deemed appropriate by the College Director and Principal.

4. Policy Statement

WSUIC is committed to creating a working and learning environment that is safe and free from all forms of sexual offences and unwanted sexual behaviours and where all members are treated with dignity, courtesy and respect.

This policy aims to:

- I. support a work and study environment free from sexual assault and sexual harassment where staff and students are treated with dignity, courtesy and respect;
- II. take a 'support first' approach to allegations of sexual assault and sexual harassment so that staff and students can access the advice and support services they need;



- III. encourage the reporting of behaviour which breaches this policy.

WSUIC acknowledges that sexual assault and sexual harassment are not unique to private colleges, universities or Western Sydney University. However, given the insidious nature of these activities, WSUIC wishes to inform its community of staff and students, that it will respond quickly and sensitively to reports of sexual assault and sexual harassment perpetrated by or against students and staff.

This Policy is complementary to:

- 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.

5. Roles and Responsibilities

5.1 The CDP has responsibility for the effective implementation of this policy.

5.2 The Safer Campus Community Group is responsible for:

- I. ensuring the leadership drives action, engagement and organisational support for sexual assault and sexual harassment issues;
- II. ensuring the campus has a clear plan around changing attitudes and behaviours towards sexual assault and sexual harassment, informed by practice and learnings at WSU, Navitas and in the sector more broadly;
- III. ensuring the College continually monitor, evaluates and improves its approaches to student wellbeing and safety;
- IV. reviewing WSUIC policies and procedures related to sexual assault and sexual harassment and recommending changes or additions;
- V. reviewing and improving information related to sexual assault and sexual harassment that is distributed to students;
- VI. developing measures to ensure information, training and support services related to sexual assault and sexual harassment are understood and effective;
- VII. ensuring sexual assault and sexual harassment incident reporting improves transparency and the WSUIC's ability to continually monitor and evaluate its approaches to student and staff wellbeing and safety; and
- VIII. providing updates to the Academic Board, Finance, Risk and Compliance Committee and Board of Directors through regular reporting.

5.3 Managers and supervisors have a duty to prevent sexual assault and sexual harassment in the work and learning environment and may be held responsible unless all responsible steps have been taken to prevent or eliminate the issue. Therefore, any manager or supervisor who observes inappropriate behaviours of a sexual nature has a duty to raise it with the person exhibiting the inappropriate behaviour and to take further action if the behaviour does not cease. This duty exists even in the absence of a complaint.

Managers and supervisors also have a responsibility to:



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- I. monitor the teaching, learning and working environment (including face to face on campus and online) to ensure that acceptable standards of conduct are observed at all times;
- II. treat all complaints seriously and confidentially and take immediate action to resolve the matter;
- III. ensure that no victimisation occurs against the person who makes a complaint; and
- IV. refer complaints to the CDP (unless the complaint relates to the CDP) where:
 - o they are unable to resolve the situation;
 - o there is a conflict of interest;
 - o the complaint is particularly serious or complex and requires independent investigation.

In cases where the complaint relates to the CDP, managers and supervisors should refer complaints to Navitas HR if the individual making the complaint agrees to do so.

5.4 All Staff and Students have a responsibility to:

- I. comply with the WSUIC's Sexual Assault and Sexual Harassment Prevention and Response Policy;
- II. report incidences of Sexual Assault or Sexual Harassment that they witness;
- III. offer support to anyone who is being harassed and advise them on where to seek assistance and support;
- IV. maintain confidentiality of information provided during an investigation of a complaint. Students and staff need to be aware that spreading gossip or rumours may expose them to misconduct proceedings and/or defamation action;
- V. In the event of a disclosure or incidence of sexual assault, all staff have a responsibility to respond to a complainant's call for assistance, guidance and advice; and
- VI. ensure that the complainant is immediately referred to a First Responder or WSU Student Counsellor or another member of WSUIC's Safer Campus Community Group for support.

5.5 The Director of Quality and Student Administration is responsible for supporting the CDP with the strategic coordination and monitoring of the prevention of and response to sexual assault and sexual harassment across WSUIC, including secretarial duties associated with the Safer Campus Community Group.

6. What can someone do if they witness a person being sexually assaulted or harassed?

6.1 If a staff member, student or visitor on campus at WSUIC witnesses a person being sexually assaulted or harassed they can help by offering support to the person. This can be done by:

- I. where safe to do so, advise the individual inflicting sexual assault or harassment to cease immediately.
- II. report any case of sexual assault currently occurring to WSU Campus Security and NSW Police.
- III. refusing to join in with any sexually harassing behaviour;
- IV. offering to act as a witness if the person being sexually harassed or assaulted decides to report the incident; and



7. What can a victim do if they feel that they are being Sexually Harassed or Assaulted?

7.1 If a WSUIC staff member, student, volunteer or visitor believes that they have been, or are being, sexually harassed or sexually assaulted they can:

- I. if possible and they feel able, promptly speak to the offender directly or in writing that their behaviour is offensive and unacceptable and request that it stop immediately;
- II. If they feel that they are not able to speak or write to the offender themselves, they should seek advice from their supervisor or manager on possible strategies to resolve the issue;
- III. When harassers seem dangerous (for example, if a harasser refuses to leave the premises and threatens physical violence), call the police.
- IV. Keep confidential records about the harassment noting:
 - what happened
 - when and where the harassment or assault occurred
 - the names of witnesses
- V. Make an internal complaint, following the process described in Section 8. Students should make the complaint to a first responder. Staff members can make their complaint to a first responder, to the CDP or to Navitas HR. All complaints will be treated seriously, investigated promptly, impartially and confidentially.
- VI. Make an external Complaint, which can be made to:
 - i. NSW Police;
 - ii. The NSW Anti-Discrimination Board;
 - iii. The Australian Human Rights Commission; or
 - iv. Fair Work Australia Ombudsman;
 - v. 1800RESPECT (1800 737 732).

8. Reporting and investigating issues related to Sexual Assault and Sexual Harassment

8.1 A complainant can disclose an incident of sexual assault or sexual harassment without the details being shared with any other person, including the individual(s) who has inflicted the alleged sexual assault or sexual harassment through WSU Sexual Offences Reporting Portal (<https://offencereport.westernsydney.edu.au/>). In all instances, WSUIC has an obligation to do the following:

- I. Take any action to ensure the immediate safety of the complainant, the member and any identified third party;
- II. Make a mandatory report of suspicion of sexual assault or sexual harassment occurring to any member of the WSUIC's community who is under the age of 18; and
- III. Do all possible to preserve evidence and, with full agreement of the complainant, report an alleged instance of sexual assault to the Police.



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- 8.2 If the person receiving the disclosure is not a nominated first responder, the person should support the complainant in accessing and talking with a trained first responder.
- 8.3 Where a complainant chooses to report an incident of sexual assault or sexual harassment to a first responder, the first responder will:
- I. Provide referral to the appropriate support services including contact information for sexual assault support services external to WSUIC;
 - II. Support a complainant to make a report of the incident if they wish to do so;
 - III. Refer a report of sexual assault and sexual harassment made by a student to the CDP unless the complaint is about the CDP;
 - IV. Refer a report of sexual assault and sexual harassment made by a staff member to the Navitas HR Business Partner;
 - V. Refer a report of sexual assault and sexual harassment made by a student to the Navitas HR Business Partner if the complaint is about the CDP; and
 - VI. Support the complainant in reporting the incident to the police if the complainant chooses to do so.
- 8.4 An internal investigation will be undertaken on receipt of a report of sexual assault or sexual harassment from a complainant, following the principles of natural justice in a manner that is respectful to both the complainant and the respondent and reinforces the importance of confidentiality to the complainant, the respondent and any support people. The investigation will be conducted by the following parties:
- I. If the respondent is a student, the report will be referred to the CDP (or nominee) to initiate an investigation unless the report refers to alleged sexual assault or sexual harassment perpetrated by the CDP in which case 8.4(iii) will apply;
 - II. If the respondent is a staff member or is engaged by WSUIC under any other contractual arrangement, the report will be referred to the Navitas HR Business Partner in the first instance to initiate an investigation or appropriate response. A report will be presented to the CDP unless the complaint relates to the CDP in which case 8.4(iii) will apply;
 - III. If the report relates to alleged sexual assault or sexual harassment perpetrated by the CDP, the report should be referred directly to the Navitas HR Business Partner who will conduct an investigation and provide the outcome of the investigation to WSUIC Board of Directors for a final decision.
- 8.5 Respondents will be provided with details of the complaint made against them, and will be given 10 working days, or such other time specified by the investigator to consider and provide a response to the complaint.
- 8.6 Where facts differ between the details provided by the complainant and the response provided by the respondent, witnesses may also be interviewed as a part of the investigation. Information will not be unnecessarily disclosed to witnesses, and the importance of confidentiality will be reinforced.



- 8.7 Information gathered during the investigation will be documented by the investigator and a report will be prepared.
- 8.8 The decision about any action required arising from the outcome of the investigation will be determined by:
- i. The CDP unless the complaint refers to alleged sexual assault or sexual harassment perpetrated by the CDP;
 - ii. The WSUIC Board of Directors if the complaint refers to alleged sexual assault or sexual harassment perpetrated by the CDP.
- 8.9 This outcome must take into consideration:
- i. Appropriate policies and procedures as well as external legal obligations, if the respondent is a student;
 - ii. The relevant employment contract's Terms and Conditions if the respondent is a staff member; or,
 - iii. The relevant contract if the respondent has been engaged by the WSUIC under any other contractual arrangement.
- 8.10 If the matter has been reported to police, WSUIC will not take any action that may compromise the police investigation or subsequent proceedings. WSUIC will continue to make support resources available during this period and may take other interim measures to safeguard the complainant, respondent and other members of the community following consultation with police. On completion of the police investigation WSUIC may undertake appropriate actions in alignment with its policies and code of conduct.

9. Quality and Compliance

- 9.1 This policy and procedures is reviewed annually in line with the WSU Respectful Relationships Taskforce for regulatory compliance, operational currency, the identification of continuous 'improvement opportunities and risk identification and mitigation. This review is reflected in the Western Sydney University International College's Risk Management Framework.
- 9.2 This policy will be available on the WSUIC website for students and the WSUIC SharePoint site for staff.
- 9.3 Emails will be issued to all staff to inform and update them on any changes to the policy and/or procedures and guidelines.
- 9.4 New staff will receive policy information during the induction process where it relates to their position

10. Policy Source

This policy has been developed and informed by the following sources:



- Navitas – Sexual Harassment Prevention and Response Policy
- Navitas – Sexual Assault Prevention and Response Policy
- WSU Sexual Harassment Prevention Policy
- WSU Sexual Offences Response Policy and Procedures

All policies retrieved from Policies and Procedures Library on Navitas Intranet and WSU Policy DDS.

11. Related Forms and Documents

N/A

12. Related Policies, Procedures and Guidelines

- WSUIC Anti-discrimination, Harassment, Vilification and Bullying Policy
- WSUIC Student Misconduct Rule
- WSUIC Records Management, Retention and Disposal Policy
- WSUIC Privacy Policy
- WSUIC Staff Code of Conduct
- WSUIC Student Complaint Handling, Appeals and Resolution Policy
- Crimes Act 1900 (NSW) (Crimes Act)

Amendment History

Approval Authority:	Western Sydney University International College Academic Board	
Approval Date:	29 th April 2020	
Date for Next Review:	6 th September 2026	
Revision Date	Version	Summary of changes
29/04/2020	1.0	New Policy Developed and Implemented



23/06/2022	2.0	<p>Addition of definition for First Responder and Safer Campus Community Group and its membership.</p> <p>Addition of Clause 5.2: Responsibilities of Safer Campus Community Group and its reporting and addition of Clause 5.5 for role of QCM in coordination, monitoring of the prevention of and response to SASH across WSUIC.</p> <p>Addition of Clause 8.4(iv) for reports related to CDP</p> <p>Amendments to Clause 8.8 to clarify delegations</p> <p>Removal of Appendix 1 which does not apply to WSUIC and does not reflect the procedures described in Clause 8.</p>
06/09/2024	2.1	<p>Addition of two new clauses to Clause 6.1</p> <ul style="list-style-type: none"> I. where safe to do so, advise the individual inflicting sexual assault or harassment to cease immediately. II. report any case of sexual assault currently occurring to WSU Campus Security and NSW Police <p>Removal of Clause (previously Clause 6.1III):</p> <ul style="list-style-type: none"> III. backing them up or supporting the person to say no to the harassment. <p>Alignment of definition of Sexual Assault with WSU</p> <p>Addition of definition of consent, in line with WSU</p> <p>Inclusion of link to WSU Sexual Offences Reporting Portal</p>