

POLICY AND PROCEDURE

Sexual Harassment		
Version 2.0	Issued on 03/03/2021	Review by 03/03/2022
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Approval and Endorsement	Principal Executive Officer khalid.h@aiit.vic.edu.au	
Refer to the following Legislative Frameworks		
Standards for Registered Training Organisations 2015	Clause 8.5 and Clause 8.6 <i>(Partial Clause 1.7 and Clause 6.5 b)</i>	
National Code of Practice for Providers of Education and Training to Overseas Students 2018	Standard 6	
Other	Equal Opportunity Act 2010 (Vic) Occupational Health and Safety Act 2004 (Vic) Occupational Health and Safety Regulations 2017 (Vic) Privacy Act 1988 Sex Discrimination Act 1984	
Related Documents (Internal)		
Australian International Institute of Technology Orientation Presentation and Materials Australian International Institute of Technology Employee Handbook Australian International Institute of Technology Student Handbook Form: Complaints and Appeal Lodgement Form: Employee (Induction) Policy and Procedure: Complaints and Appeals Policy and Procedure: Critical Incident Policy and Procedure: Equity and Diversity Policy and Procedure: Occupational Health and Safety Policy and Procedure: Privacy		
Related Documents (External)		
Australian Human Rights Commission - Fact Sheet Sex Discrimination Australian Human Rights Commission - Fact Sheet Sexual orientation, gender identity and intersex status discrimination National Privacy Principles (NPP) rightsED Tackling Sexual Harassment (Human Rights Education Resources for Teachers) ISBN-Work-related-gendered-violence-including-sexual-harassment-2020-03 (WorkSafe)		

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1. Purpose

Australian International Institute of Technology is committed to ensuring and providing a safe environment for students and employees and aims to provide a framework to respond to allegations and or reports of sexual assault and sexual harassment in a just, timely, compassionate and effective manner.

Australian International Institute of Technology takes a **zero-tolerance** approach to sexual assault and sexual harassment and other forms of harmful misconduct and will not tolerate sexual assault or sexual harassment in any form.

Sexual assault and sexual harassment are unlawful, and every member of the Australian International Institute of Technology community has a direct responsibility and accountability to ensure that sexual assault and/or sexual harassment do not occur in any form.

2. Scope

This policy and procedure applies to all Australian International Institute of Technology employees, students and third parties engaged by on campus or whilst carrying out functions in connection with Australian International Institute of Technology, including while on excursions, work placements, transiting between campuses, or during any Australian International Institute of Technology arranged internal or external social events.

3. Definitions

Sexual Assault - 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 - 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 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 a 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, or social media messages (including WhatsApp, Facebook, Snap Chat, Instagram, TikTok, Zoom or any other digital media platform).
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites

4. Process

Australian International Institute of Technology encourages all targets of sexual assault or sexual harassment to access Australian International Institute of Technology' *Sexual Harassment policy and procedure* and *Complaints and Appeals policy and procedure* when reporting or seeking resolution for an offence or incident. Care and consideration for any individual's wellbeing and privacy is the primary focus in responding to any disclosure of sexual assault or sexual harassment and in addressing any allegation, report, or complaint.

Complainants have the right to determine how a complaint will be treated. They also have the right to have a delegate or representative chosen by them involved in the process and the option to stop the process at any time.

An alleged harasser has the right to have a delegate or representative chosen by them present when they respond to the allegations made.

No individual **will be treated unfairly** as a result of making a complaint of sexual assault or sexual harassment.

All sexual assault or sexual harassment allegations and incidents will be investigated in alignment with the three stage Complaints and Appeals resolution process. Australian International Institute of Technology's Chief Executive Officer or General Manager will commence an appraisal of the complaint or appeal within **ten (10) working days** of it being made in accordance with Australian International Institute of Technology's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable.

Any individual found to have sexually harassed another person will be subject to disciplinary action that could include an apology, counselling, termination, suspension, expulsion, or exclusion depending on the severity and/or persistence of the harassment.

Individual disclosures and reports of sexual assault and sexual harassment will be collected and stored confidentially, accessible to delegated staff responsible and used for continuous improvement processes only.

5. Criminal Offence

Sexual assault and/or sexual harassment may also be unlawful under criminal law. This includes exposure, stalking, sexual assault, and obscene and threatening communications including telephone calls, text messages, letters, emails, and posts or direct messages via social media platforms.

Any individual who believes they have been the victim of a criminal offence are encouraged to report the offence or incidence to Victoria Police as soon as possible, as well as reporting the offence or incident immediately to their immediate manager, supervisor, trainer or assessor.

6. Complaints and Appeals

Individuals can report or make a complaint about any sexual assault or sexual harassment to their immediate manager, supervisor, trainer or assessor.

If a student has a complaint or an appeal regarding any suspected or has been a victim of sexual harassment in any form, the Australian International Institute of Technology *Complaints and Appeals policy and procedure* will be followed in support of the *Sexual Harassment and Privacy policy and procedures*. For more information refer to <https://aiit.vic.edu.au/pol-pro>.

The information about the *Complaints and Appeals policy and procedure* is further provided in the *Student Written Agreement*, the *Student Handbook*, and the *Student Orientation* presentation and materials.

7. Allegations, Statements or Claims without Substance

Any Australian International Institute of Technology stakeholder found to have knowingly provided false or misleading allegations of sexual assault or sexual harassment without substantive merit will face separate disciplinary action.

8. Confidentiality

Disclosures of sexual assault and sexual harassment will be treated in confidence in order to protect individual's privacy. However, should the need be identified to refer the case without agreement from an individual Australian International Institute of Technology may do so if:

- the allegations constitute a criminal offence
- the allegations constitute an occupational health and safety risk
- requires disciplinary action

Should an allegation be escalated or referred, the individual handling the matter will notify the individual who made the disclosure of who has been informed of the disclosure.

9. Support, Assistance and Additional Information

Support is available for all Australian International Institute of Technology stakeholders involved in the reporting, management or resolution process of complaint; even after a case has been formally resolved.

Stakeholders can seek support assistance, and additional from:

- 1800 RESPECT - <https://www.1800respect.org.au/violence-and-abuse/sexual-assault-and-violence/support>
- Australian International Institute of Technology Senior Management
- Australian Human Resource Commission
- Reach Out - <https://au.reachout.com/articles/sexual-assault-support>
- Victorian Equal Opportunity and Human Rights Commission
- Victorian Legal Aid - <https://www.legalaid.vic.gov.au/find-legal-answers/discrimination-harassment-and-bullying/sexual-harassment>

10. Responsibility

All students, employees, Education Agents, and individual clients engaged are responsible for following the policy and procedure, behaving appropriately, and promoting a culture of respect. Individuals are further responsible for treating all allegations and complaints seriously and are required to take immediate action to ensure the matter is managed in accordance with this policy and procedure.

The Chief Executive Officer (CEO) is responsible for the effective implementation and management of this policy as well as provision of information on how to resolve complaints of breaches of this policy. Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer (CEO) in person or by email to ceo@aiit.vic.edu.au.

11. References

Source	Document Title	Version - Date
External	Australian Human Rights Commission https://www.humanrights.gov.au/	(Accessed 03/03/2021)
	Australian Human Rights Commission - Sex Discrimination https://www.humanrights.gov.au/our-work/employers/sex-discrimination	PDF
	Australian Human Rights Commission - Fact Sheet Sexual orientation, gender identity and intersex status discrimination https://www.humanrights.gov.au/our-work/employers/sexual-orientation-gender-identity-and-intersex-status-discrimination	PDF
	Centre Against Sexual Assault (CASA) https://casa.org.au/	(Accessed 03/03/2021)
	Human Rights Sexual Harassment Legal Definition https://www.humanrights.gov.au/our-work/sexual-harassment-workplace-legal-definition-sexual-harassment	(Accessed 03/03/2021)
	Occupational Health and Safety Act 2004 (Vic) http://www.legislation.vic.gov.au/	(Accessed 03/03/2021)
	Occupational Health and Safety Regulations 2014 (Vic) http://www.legislation.vic.gov.au/	(Accessed 03/03/2021)
	Privacy Act 1988 https://www.legislation.gov.au/Details/C2014C00076	(Accessed 03/03/2021)
	rightsED Tackling Sexual Harassment (Human Rights Education Resources for Teachers)	PDF
	Sex Discrimination Act 1984 https://www.legislation.gov.au/Details/C2014C00002	(Accessed 03/03/2021)

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