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# SEXUAL ASSAULT & SEXUAL HARASSMENT POLICY AND PROCEDURE

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<b>Responsible Officer</b>	Head of People & Culture/ Head of Student Experience & Success
<b>Approved by</b>	Board of Directors
<b>Approved</b>	21 December 2024
<b>Commenced</b>	21 December 2024
<b>Review by</b>	August 2024
<b>Relevant Legislation and Policies</b>	<a href="#">Higher Education Standard Framework 2015</a> <a href="#">Higher Education Support Act (HESA) 2003</a> <a href="#">National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code)</a> <a href="#">National Standards for Foundation Programs</a> <a href="#">Public Records Act 1973</a> <a href="#">State Records Act 1998</a> <a href="#">Tertiary Education Quality and Standards Agency Act 2011 (TEQSA)</a>
<b>Responsible Organisational Unit</b>	People & Culture

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## 1. Policy Statement

### 1.1 Authority

The Australian Institute of Music Limited (AIM), known as 'the Institute', is governed by the Board of Directors (BoD) with academic authority delegated to the Academic Board (AB). The BoD and AB share joint responsibility for ensuring that all policies and procedures follow 'best practice' principles for Higher Education and other sectors of educational delivery, in compliance with relevant Australian legislation and current regulatory requirements.

All forms of sexual assault and sexual harassment are deemed unacceptable in the Institute and all members of the AIM community must be treated with dignity, courtesy and respect.

AIM is committed to guarding and preventing its students, employees, contractors and visitors from acts of sexual assault and sexual harassment recognised by Federal sex discrimination laws.

### 1.2 Application

This policy and procedure applies to all staff, students and visitors and to the Quality Assured (QA) delivery of accredited AIM programs offered at the Sydney and Melbourne campuses. If applicable, this policy and procedure will also apply in future, wherever QA AIM programs are approved for delivery elsewhere in Australia or overseas.

### 1.3 Purpose

The purpose of this policy and procedure is to provide guidance about the standards of behaviour and outlines the process for dealing with sexual assault and sexual harassment at AIM.

### 1.4 Scope

This policy and procedure applies to all students, staff and visitors.

### 1.5 Coverage

This policy and procedure applies to the AIM Sydney and Melbourne Campuses.

### 1.6 Special Conditions or Exceptions

Nil

## 2. Definitions

**2.1.** Sexual assault and sexual harassment can manifest in many forms, both direct and indirect, and includes (but is not limited) to the following categories:

- An activity which permeates or paints the Institute's working or student environment with sexual innuendo or jokes.
- Unacceptable behaviour including:
  - Poster displays showing women as objects of sexual fantasy,
  - Telling suggestive jokes,
  - Making derogatory remarks about women.
  - Sending inappropriate emails,
  - Displaying or discussing pornography
  - Constantly making comments with double meanings.
- Behaviour which is personally directed. This includes:
  - unwanted name calling (with sexual overtones),
  - uninvited physical contact, including touching, patting, stroking, standing too close,

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- suggestive or over-personal remarks about another person's body, appearance and personal life.
- Uninvited requests or demands from a person for a sexual or social contact, especially with the implication that refusal might adversely affect conditions or opportunity for promotions at work.
- Actual or threatened sexual assaults.

## 2.2 Sexual assault and sexual harassment is not:

- behaviour which is based on mutual attraction, friendship and respect.
- consensual, welcome and reciprocated interaction.

2.3 AIM has a sexual violence prevention education program which is a mandatory part of student orientation and staff induction.

2.3.1 Students and staff are encouraged to be familiar with the guidance and resource materials which are available on the Student Wellbeing web pages and Sharepoint pages.

## 3. Legal Context

Sexual assault and sexual harassment is unlawful sex discrimination under both Federal and State Anti-discrimination Laws. Any staff or student has the right to bring complaints about sexual assault and sexual harassment to the Australian Human Rights Commission, Anti-Discrimination Board (NSW) or the Victorian Equal Opportunity and Human Rights Commission. The complaints can be dealt with by confidential conciliation and a judicial hearing if conciliation does not work.

## 4. Procedures

4.1 Before a staff member or student approaches the Commission or Anti-Discrimination Board to report alleged sexual assault or sexual harassment, allegations may be dealt with in-house.

4.2 Any staff member, student or other affected person who has a complaint about any form of sexual assault or sexual harassment should urgently contact the persons referred to in the Institute's Grievances and Complaints Policies and Procedures as identified.

4.3 Any staff member, student or other affected person who makes a complaint of harassment in good faith will be treated with consideration and their complaint will be taken seriously and investigated, as appropriate, and dealt with sympathetically and fairly.

4.4 All complaints to the Institute will be attended to promptly and confidentially in the manner set down in the Institute's Grievances and Complaints Policies and Procedures. They will be investigated impartially and action will be taken to ensure that any misconduct ceases at once.

4.4.1 Any effort involving retribution for, or victimisation of, a person who has made a complaint. Any person who does so will be disciplined.

## 5. Accountabilities

### 5.1 Responsible Officer

- a. **Head of People & Culture (HPC) and Head of Student Experience and Success (HSES):** have joint responsibility for this policy and procedure and are responsible for monitoring and facilitating the implementation and regular review of this policy. The **HPC** is responsible for the training in the application of this policy to ensure all staff are fully informed. The **HSES** is responsible for ensuring all students are fully informed.

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## 5.2 Contact Officer

- a. **Executive Leadership Group (ELG) Heads/HPC:** responsible for the training of all staff in the application of this policy and dealing with complaints of a sexual assault or sexual harassment nature.
- b. **Managers/Supervisors:**
  - responsible for monitoring the working and Institute environment to ensure that acceptable standards of conduct are observed at all times and to model appropriate behaviour themselves;
  - promote the Institute's *Sexual Assault and Sexual Harassment Policy and Procedure* within their work area;
  - treat all complaints seriously and take immediate action to investigate and resolve the matter;
  - refer the matter to HPC or an ELG Head if they do not feel that they are the best person to deal with the case.
- c. **Staff members:**
  - have responsibility for complying with the Institute's *Sexual Assault and Sexual Harassment Policy and Procedure*;
  - offer support to anyone who is being harassed and let them know where they can get help and advice (they should not, however, approach the harasser themselves);
  - maintain complete confidentiality if they provide information during the investigation of a complaint.
- d. **Head of Student Experience and Success (or delegate):** responsible for informing students of this policy, prevention programs and where to find guidance materials and resources

## 6. Supporting Information

### 6.1 Legislative Compliance

This Policy & Procedure supports AIM's compliance with the following legislation:

- [Anti-Discrimination and Human Rights legislation Amendments \(Respect at Work\) Bill 2022](#)
- [Age Discrimination Act 2004](#)
- [Anti-Discrimination Act 1977 \(NSW\)](#)
- [Australian Human Rights Commission Act 1986](#)
- [Disability Discrimination Act 1992](#)
- [Education Services for Overseas Students Act 2000 \(ESOS\) and Regulations 2001 \(ESOS\)](#)
- [Equal Opportunity Act 2010 \(Vic\)](#)
- [Fair Work Act 2009](#)
- [Higher Education Standard Framework 2015](#)
- [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 \(The National Code\)](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- [Smoke-free Environment Act 2000](#)
- [Tertiary Education and Quality and Standards Agency Act 2011 \(TEQSA\)](#)
- [Workplace Gender Equality Act 2012](#)

### 6.2 Supporting Documents

- *Student Grievances and Complaints Policy and Procedure.*
- *Staff Grievances and Complaints Policy and Procedure.*

### 6.3 Related Documents

- [Anti-Discrimination Policy and Procedure](#)

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- [Staff Code of Conduct](#)
- [Staff Workplace Bullying Policy and Procedure](#)
- [Student Code of Conduct](#)

## 6.4 Superseded Documents

- Nil

## 7. Definitions and Acronyms

TERM/ACRONYM	DEFINITION
<b>AIM referred to as the 'Institute'</b>	The Australian Institute of Music Limited ABN: 89 003 261 112; PRV: 12050; CRICOS 00665C.
<b>Duty of Care</b>	If a grievance/complaint is of a serious nature, e.g.: unlawful behaviour, the Institute will take formal action to protect individuals in their care.
<b>Staff</b>	Any person currently engaged to give or provide service(s) to AIM directors, employees (full-time, part-time or casual), independent contractors, consultants, labour hires, suppliers and volunteers.
<b>Sexual Assault</b>	Any sexual act or behaviour without consent. It includes but is not limited to: <ul style="list-style-type: none"> <li>• Physical contact of a sexual nature, (e.g. groping, pinching, touching in a sexual way) done without consent.</li> <li>• Sexual acts not involving penetration, done without Consent (e.g. forcing a person to touch the other person's genitals);</li> <li>• Performing sexual acts in front of another person without their consent (e.g. masturbating in front of the other person;</li> <li>• Sexual acts involving penetration, (e.g oral sex) done without consent</li> </ul>
<b>Sexual Harassment</b>	A person sexually harasses another person if they make an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or engage in other unwelcome conduct of a sexual nature in relation to the person harassed; including making a statement of a sexual nature to a person, or in the presence of a person, either orally or in writing, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated. This includes but is not limited to: <ul style="list-style-type: none"> <li>• Displays of sexually graphic materials including screensavers, posters, or messages left on desks or common areas;</li> <li>• Repeated invitations to develop a closer or intimate relationship after prior refusal</li> <li>• Unwelcome remarks or insinuations about a person's sex or private life;</li> <li>• Comments of a sexually suggestive nature;</li> <li>• Offensive e-mails and text messages of a sexual nature;</li> <li>• Unwanted sexual attention using internet, social networking sites and mobile phones;</li> <li>• Revenge porn;</li> <li>• Indecent exposure;</li> <li>• Stalking;</li> </ul>
<b>Student</b>	Any person currently enrolled by the Institute, noting that grievances or complaints from former students must be made within 30 days of their leaving the Institute.

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## 8. Revision History

Version	Date Approved by Board of Directors	Amendment Details
1.0	21 June 2018	New Policy
2.0	26 September 2019	<ul style="list-style-type: none"> <li>Reordering of text</li> <li>Included reference to prevention programs and guidance and resource materials</li> <li>Updated responsibilities</li> </ul>
2.1	26 August 2021	<ul style="list-style-type: none"> <li>Minor format revisions</li> <li>Review on expiry</li> </ul>
2.2	07 December 2023	Updated to include Respect at work legislation and minor format revisions.
2.3	21 February 2024	Updated to include reference to sexual assault.

## 9. Flowchart – Showing process and decision points

