

Sexual Assault & Sexual Harassment Policy and Procedure

Responsible Officer	Head of People & Culture/ Head of Student Experience & Success
Approved by	Board of Directors
Approved	05 September 2024
Commenced	05 September 2024
Review by	August 2027
Relevant Legislation and Policies	<u>Education Services for Overseas Students Act 2000 (ESOS)</u> <u>Higher Education Standard Framework 2021</u> <u>Higher Education Support Act (HESA) 2003</u> <u>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code)</u> <u>National Standards for Foundation Programs</u> <u>Public Records Act 1973</u> <u>State Records Act 1998</u> <u>Tertiary Education Quality and Standards Agency Act 2011 (TEQSA)</u>
Responsible Organisational Unit	People & Culture/ Student Experience & Success

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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.

AIM is committed to providing a safe and inclusive environment where all forms of sexual assault and sexual harassment are deemed unacceptable and all members of the AIM community are treated with dignity 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. AIM has measures in place to educate staff and students about consent and treats any reports of sexual assault and/or sexual harassment with confidentiality using a trauma-informed response.

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 the prevention, reporting and response to sexual assault and/or sexual harassment at AIM.

1.4 Scope and Coverage

This policy and procedure applies to all students, staff and visitors on the AIM Sydney and Melbourne Campuses.

1.5 Special Conditions or Exceptions

Nil

2. Definitions

2.1 Consent

Consent is where a person consents to sexual activity or sexual contact. Consent is only relevant at the time at which the activity or contact occurs. Consent cannot and should not be assumed in an ongoing way. An act or contact is only considered consensual if the person gives their consent freely and voluntarily. Consent should not be assumed if a person does not say anything or does not communicate ‘no’ both verbally and by their conduct.

For the purposes of this policy, consent is not prevalent when:

- The person is a minor
- The person is under 18 years of age and the other person is a staff member
- The person has been coerced, tricked, or blackmailed into the act or contact
- The person has been held against their will
- The person is asleep, unconscious or heavily under the influence of alcohol or another drug that it renders them incapable of consenting
- The person has limited English language capabilities and is considered a vulnerable person

2.2 Sexual assault

- a. where a person has not consented to sexual act or sexual contact.
- b. where the person should have reasonably known that the other person did not consent to the act or contact.

2.3 Sexual harassment

- a. Unwelcome and non-consensual behaviour of a sexual nature
- b. Unwelcome sexual advances or sexual requests
- c. Any sexually related act which may reasonably be assumed to cause offense, humiliation or intimidation.

3. Prevention and Support

AIM has put the following prevention and support measures in place to aid in the provision of a safe learning and working environment:

- a) All AIM students must read and sign the Student Code of Conduct upon commencement. This document outlines AIM's stance on matters pertaining to a safe campus including those related to sexual assault and sexual harassment.
- b) All AIM staff must read and acknowledge the Staff Code of Conduct during their onboarding period. This document outlines AIM's stance on matters pertaining to a safe campus including those related to sexual assault and sexual harassment.
- c) AIM provides free access to the learning platform "Consent Matters". Students are required to complete three modules of learning and pass the quizzes.
- d) All AIM staff are required to maintain relevant Working With Children Checks.
- e) AIM is committed to supporting students and staff who have been impacted by sexual assault and/or sexual harassment. Students have free access to Student Counsellors and support sessions through our Wellbeing Department. Staff have free access to AIM's Employee Assistance Program which contains access to free counselling. All matters pertaining to sexual assault and/or sexual harassment will be dealt with in a trauma-informed way.
- f) Students and staff who have experienced sexual assault and/or sexual harassment can divulge this to AIM without prejudice and with a guarantee of procedural fairness.
- g) AIM may provide support to students including adjustments to learning environments and assessment schedules under the Equal Opportunity Adjustment Program. Impacted staff may be offered flexible working arrangements and leave in accordance with AIM's Leave Policy and Procedure.

4. Reporting procedure

4.1 Any staff or students who are in immediate danger or require medical assistance should contact Emergency Services.

4.2 Staff or students may report acts of sexual assault or harassment they have experienced or witnessed. For those witnessing these acts, AIM encourages the bystander to report in conjunction with the person experiencing the assault or harassment.

4.3 Staff or students can report via AIM's Safe Campus Reporting form. This can be done anonymously if required. This form is accessed by the Student Wellbeing Department and People and Culture Department where relevant.

4.4 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 empathy using a trauma-informed response.

4.5 All complaints to the Institute will be attended to promptly and confidentially. They will be investigated impartially, and action will be taken to ensure that any misconduct is addressed immediately.

4.6 Any effort involving retribution for, or victimisation of, a person who has made a complaint will not be tolerated. Any person who does so will be disciplined under the relevant section of the Staff or Student Code of Conduct.

4.7 Any reports that are made to law enforcement are not usually shared with the Institute. If a staff member or student would like the Institute to respond, a Safe Campus Reporting form must be completed.

4.8 Any reports or concerns about sexual assault and/or harassment that are made with respect to a minor, will be acted upon by the Institute based on relevant Mandatory Reporting requirements in NSW and Victoria.

5. 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.

6. Accountabilities

6.1 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 and relevant reporting mechanisms are available.

6.2 Contact Officer

- a. **Leadership Group (LG) Heads:** responsible for the training of all staff in the application of this policy.
- 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 follow reporting guidelines laid forth within this policy.
 - refer the matter to HPC
- 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 the mechanisms for reporting (they should not, however, approach the harasser themselves);
 - maintain complete confidentiality with the exception of where there is risk or there is permission given by the affected person.
- d. **Head of Student Experience and Success (or delegate):** responsible for informing students of this policy, prevention programs, maintaining reporting mechanisms, and where to find guidance materials and resources

7. Supporting Information

7.1 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 2021](#)
- [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](#)

7.2 Supporting Documents

- *Safe Campus Reporting form.*

7.3 Related Documents

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

- Staff Code of Conduct
- Staff Workplace Bullying Policy and Procedure
- Student Code of Conduct

7.4 Superseded Documents

- Nil

8. Definitions and Acronyms

Term/Acronym	Definition
AIM referred to as the 'Institute'	The Australian Institute of Music Limited ABN: 89 003 261 112; PRV: 12050; CRICOS 00665C.
Duty of Care	If a grievance/complaint/report is of a serious nature, e.g.: unlawful behaviour, the Institute will take formal action to protect individuals in their care.
Staff	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.
Student	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.
AIM referred to as the 'Institute'	The Australian Institute of Music Limited ABN: 89 003 261 112; PRV: 12050; CRICOS 00665C.

9. Revision History

Version	Date Approved	Approved by	Review History	New Review Date
1.0	21 June 2018	Board of Directors	New Policy	June 2019
2.0	26 September 2019	Board of Directors	• Reordering of text • Included reference to prevention programs and guidance and resource materials • Updated responsibilities	September 2021
2.1	26 August 2021	Board of Directors	• Minor format revisions • Review on expiry	August 2024
2.2	07 December 2023	Board of Directors	Updated to include Respect at work legislation and minor format revisions	August 2024
2.3	21 February 2024	Board of Directors	Updated to include reference to sexual assault	August 2024
3.0	05 September 2024	Board of Directors	Review on expiry; • Updated definitions • Inclusion of prevention and support • Updated process of reporting SASH	August 2027

10. Flowchart – Showing Process and Decision Points

