

# Sexual Harassment Prevention and Response Policy

## Document

<b>Document Name</b>	Sexual Harassment Prevention and Response Policy
<b>Brief Description</b>	This document describes Sydney Institute of Business and Technology's (SIBT) zero tolerance approach to sexual harassment in the study environment and/or workplace. It sets out the prevention, intervention and response controls and processes designed to facilitate a study environment and workplace free of sexual harassment whilst supporting those members of SIBT who experience sexual harassment.
<b>Responsibility</b>	Director of Student and Academic Services
<b>Delegated Approver</b>	Senior Management Team
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## Version Control

<b>Date Approved</b>	<b>Version No.</b>	<b>Summary of Changes</b>	<b>Approver</b>
29/03/2022	1	Initial Release SIBT adopted	Chief Executive Officer, University Partnerships Australasia
14/03/2024	2	Updates to definition of "consent" and "sexual assault and sexual harassment" to reflect current NSW legal frameworks regarding sexual offences. Updates to delegation to reflect SIBT organisational structures and roles. Updates to reflect trauma informed practice in relation to SASH disclosures, response and investigation. Removal of victim-blaming language and frames of reference that place responsibility for prevention on the victim.	Senior Management Team

## Related Documents

Name	Location
Critical Incident Policy	<a href="#">SIBT Website</a>
Discrimination, Harassment, Victimisation and Bullying Policy	<a href="#">SIBT Website</a>
Mental Health and Wellbeing Management and Response Policy	<a href="#">SIBT Website</a>
Privacy Policy	<a href="#">SIBT Website</a>
Sexual Assault Prevention and Response Policy	<a href="#">SIBT Website</a>
Racial Discrimination Act 1975	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Sex Discrimination Act 1984	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Anti-Discrimination Act 1977 (NSW)	<a href="https://legislation.nsw.gov.au/">https://legislation.nsw.gov.au/</a>
Australian Human Rights Commission Act 1986	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Disability Discrimination Act 1992	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Workplace Gender Equality Act 2012	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Age Discrimination Act 2004	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Fair Work Act 2009	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
NSW Child Protection (Working with Children) Act 2012	<a href="https://legislation.nsw.gov.au/">https://legislation.nsw.gov.au/</a>
Children and Young Persons (Care and Protection) Act 1998	<a href="https://legislation.nsw.gov.au/">https://legislation.nsw.gov.au/</a>
Crimes Act 1900	<a href="https://legislation.nsw.gov.au/">https://legislation.nsw.gov.au/</a>
The National Code of Practice for Providers of Education and Training to Overseas Students 2018	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Higher Education Support Act 2003	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Higher Education Standards Framework (Threshold Standards) 2021	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>



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## Introduction

- a) This Sexual Harassment Prevention and Response Policy sets out the approach of SIBT relating to the prevention of, and effective response and management of sexual harassment.
- b) Sexual harassment in work and study places is an unacceptable and unlawful behaviour, which will not be tolerated under any circumstances.
- c) The impacts of sexual harassment are harmful and can lead to an intimidating, hostile and unsafe work and study environments.
- d) Sexual harassment can contribute to reduced quality in work and study, low morale and distraction from work and study, absenteeism from the workplace and classes, student attrition and staff turnover and, poor health and wellbeing outcomes for those affected.

## 1. Purpose

- a) The purpose of the Sexual Harassment Prevention and Response Policy is to set out the legal responsibilities and obligations of employees and students of SIBT in relation to sexual harassment and relevant laws.
- b) It is the intention of this Policy to ensure that SIBT takes all reasonable measures to eliminate sexual harassment on its campus.
- c) This Policy will also:
  - i. Provide a safe working and study environment, which is respectful and free from sexual harassment;
  - ii. Support diversity and inclusive work and study practices;
  - iii. Promote a culture of respect amongst all staff and all students;
  - iv. Encourage fair and equitable treatment of all staff and students ensuring everyone is treated with courtesy, dignity and respect; and
  - v. Ensure that staff and students have redress against sexual harassment in the work and study environment.
- d) SIBT aims to ensure that all staff and students and third-party contractors, understand their responsibilities and are:
  - i. Aware of the behaviours that may constitute sexual harassment;
  - ii. Informed in the prevention of sexual harassment;
  - iii. Know where to get support for themselves or others;
  - iv. Know how to report sexual harassment.
- e) SIBT encourages the reporting of behaviour that is harmful and disrespectful so it can be addressed as part of SIBT's zero tolerance approach to sexual harassment in the study environment and workplace.

## 2. Definitions

- a) Unless the contrary intention is expressed in this Policy, the following words (when used in this policy) have the meaning set out below:

Term	Meaning
<b>SASH Assessment Team</b>	Means the team formed by the Director of Student and Academic Services to oversee the management of complaints of sexual assault made by staff or against staff, contractors or third-party providers, and will include the College Director and Principal and the Academic Director.
<b>Complaint</b>	A complaint means a communication expression of dissatisfaction, either verbal or written, that requires review, investigation and/or action, and that is drawn to the attention of the SIBT. Under this Policy a complaint may take the form of either disclosure of an incident of sexual assault and or harassment, or a report of an incident of sexual assault and/or harassment.
<b>Complainant</b>	Means a member of SIBT's community who has made a complaint. Under this policy a complainant may choose to disclose or report an incident of sexual assault and/or sexual harassment.
<b>Confidentiality</b>	Means the principle upheld to ensure that information provided under this policy is only disclosed to those legitimately involved in resolving the complaint, providing support to a complainant, or as required by law. Confidentiality is maintained to respect the privacy of individuals, prevent victimisation or defamation of the parties involved and/or facilitate prompt resolution of the complaint.
<b>Consent</b>	Means the free and voluntary agreement to engage in sexual activity of any kind.
<b>Disclosure</b>	Means a form of complaint occurring when a <b>complainant</b> or another person tells someone about an incident, or a suspected incident, of sexual assault and/or harassment, directed towards them, or a member SIBT. <b>Disclosing is not the same as reporting</b> but will enable referral of the complainant to appropriate support and information about their choices and options with regard to medical, legal and counselling support.
<b>First Responder</b>	Means a member of SIBT staff who, as part of their substantive duties, may provide appropriate support and information to anyone who has been subjected to sexual assault and or sexual harassment.
<b>Procedural fairness (sometimes called Natural Justice)</b>	Means a fair and proper procedure is used when making a decision.
<b>RASCI</b>	A RASCI is used for clarifying and defining roles and responsibilities and is an acronym derived from the five key responsibilities most typically used: <i>responsible, accountable, consulted, supporting and informed</i> . The role distinctions are: <b>Responsible</b> - Does the work to complete the task. <b>Accountable</b> - Delegates work and is the last one to review the task before it's deemed complete. <b>Support</b> - Resources which play a supporting role in implementation. <b>Consulted</b> - Provides input on the task based on how it will impact their area.

Term	Meaning
	<b>Informed</b> - Needs to be kept in the loop on task completion and is not involved in the details of every task.
<b>Report</b>	Means a complaint in the form of a formal report on an incident of sexual assault and/or harassment, for the purpose of initiating an investigation.
<b>Respondent</b>	A person responding to a complaint or appeal. Under this policy it means a person accused of sexual harassment.
<b>Sexual Harassment</b>	Means an unwelcome sexual advance or request for sexual favours or conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where a reasonable person would anticipate that reaction in the circumstances.
<b>Staff member/s</b>	Means a staff member regardless of their employment status including ongoing, casual, honorary, visiting/ guests, and extends to individuals who contribute to the academic environment of the institution, such as contractors, volunteers, and members of governing committees.
<b>Student</b>	Means an individual enrolled in an SIBT program of study and includes students who have been granted leave of absence or are studying online.
<b>Trauma-informed response</b>	Means a response that demonstrates understanding and recognition of the impact of trauma.
<b>Victimisation</b>	Means when a person commits or threatens to commit, an act against a <b>complainant or respondent, or another person acting in support of a complainant or a respondent</b> as a result of a specific complaint or disclosure.

### 3. Application

- a) The Sexual Harassment Prevention and Response Policy applies to every staff member, student and third-party service provider.
- b) It also applies to contractors, service providers, clients, customers, and visitors when they are engaged in SIBT activities.
- c) This Policy has been prepared in accordance with relevant legislation as set out in the Related Documents section.
- d) The Policy with associated procedures sets out how SIBT complies with relevant legal standards and regulations regarding sexual harassment.

### 4. Policy Statement

- a) Sexual harassment is unacceptable and has no place at SIBT.
- b) No person, staff or student, must ever engage in behaviour which could be regarded as sexual harassment.
- c) Sexual harassment can impact anyone, regardless of their sex, age, gender identity or sexual orientation.
- d) Sexual harassment has no place in any aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment, and transport.

#### 4.1. What is Sexual Harassment?

- a) Sexual harassment is unwelcome conduct of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, embarrassed, humiliated or intimidated. Sexual harassment includes, but is not limited to:
  - i. Any deliberate and unsolicited sexual comment, the use of overt sexual language, suggestive or physical contact that creates an uncomfortable learning/working environment for the recipient and is made by a person who knows, or ought reasonably to know, that such action is unwelcome;
  - ii. A sexual advance or solicitation made by one person to another, where the person making the advance or solicitation knows, or ought reasonably to know, that such action is unwelcome;
  - iii. A reprisal, or threat of reprisal, for the rejection of a sexual solicitation or advance particularly where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;
  - iv. Practical jokes of a sexual nature which cause awkwardness or embarrassment;
  - v. Displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, including audio or visual images of an individual through technological devices, equipment and service;
  - vi. Unwanted physical contact such as kissing, touching, patting or pinching;
  - vii. Unwelcome sexual remarks, sexual jokes, intrusive sexual questions, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;
  - viii. Sexually explicit emails or text messages;
  - ix. Requests for sexual favours.
- b) A single incident is enough to be considered sexual harassment - it does not have to be repeated behaviour, but it can be repeated behaviour.
- c) 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 learning environment.
- d) The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment.
- e) Sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.
- f) Some forms of sexual harassment also constitute a criminal offence (see 4.3, b)
- g) Consensual sexual behaviour at work (such as discussing sex or kissing) might be sexual harassment if it offends someone else who sees or hears that behaviour.

#### 4.2. Consent

- a) Consent is the act of willingly agreeing to engage in sexual activity of any kind (including for instance flirtation, ribald humour and joking) and requires that a person be able to freely choose between two options: yes, and no.
- b) Consent must be:
  - i. Mutual i.e. both parties agree, every single time;



- ii. Freely given, but consent that is forced by threats, guilt or violence is not consent;
  - iii. Informed i.e. both parties understand what is about to happen;
  - iv. Certain and clear i.e. it is a YES, not a 'maybe' or 'I guess so'; ambivalence or silence does not imply consent.
  - v. Enthusiastic i.e. no force or pressure involved, both parties want to engage in sexual activity;
  - vi. Reversible i.e. either party can say NO at any time, even after the activity has commenced and activity must stop immediately;
  - vii. Specific i.e. to a particular type of activity and time; and
  - viii. Ongoing i.e. you need to say/hear YES before and during sexual activity and, consent on one occasion does not mean YES to a next time!
- c) Consent cannot occur where:
- i. A person does not have the capacity to consent due to cognitive incapacity or age;
  - ii. A person does not have the opportunity to consent due to being asleep, incapacitated, or unconscious, or affected by drugs or alcohol.
- d) If a person consents under duress, because of threats of force or terror or where the perpetrator is in a position of authority or trust.
- e) It is a crime to engage in sexual activity with a person who is under the age of 16 under section 66 C of the Crimes Act 1900 (NSW) (the Crimes Act). Anyone under the age of 16 is considered incapable of providing informed consent for sexual activity.

#### 4.3. Types of Sexual Harassment

- a) Sexual harassment may include, but is not limited to:
- i. Uninvited touching;
  - ii. Uninvited kisses or embraces;
  - iii. Smutty jokes or comments in the workplace or the classroom;
  - iv. Making promises or threats in return for sexual favours;
  - v. Repeated invitations to go out, especially after prior refusal;
  - vi. "Flashing" or sexual gestures;
  - vii. Sex based insults, taunts, teasing or name-calling;
  - viii. Staring or leering at a person or at parts of their body;
  - ix. Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them;
  - x. Touching or fiddling with a person's clothing e.g. lifting up skirts, flicking bra straps;
  - xi. Requests for sex;
  - xii. Sexually explicit conversation;
  - xiii. Persistent questions or insinuations about a person's private life;
  - xiv. Offensive phone calls or letters;
  - xv. Stalking, sexual insults or taunting;
  - xvi. Offensive messages through new technologies such as mobile phone cameras, social networking websites, emails or SMS/MMS communications.
- b) Sexual harassment that is also an offence under criminal law may be referred to the police this includes matters involving:

- i. Sexual assault;
  - ii. Physical molestation or assault;
  - iii. Indecent exposure;
  - iv. Stalking;
  - v. Obscene communications. Referral of a case to the police does not preclude SIBT from dealing with the matter through internal complaints procedures.
- c) Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. Behaviour can become sexual harassment if the interaction changes from being based on mutual attraction, friendship or respect to non-consensual, unwelcomed and unreciprocated interactions.

#### 4.4. Disciplinary Action and Repeat Offenders

- a) Employees and/or students will be terminated after the first complaint and investigation if they are found guilty of sexual assault.
- b) Employees found guilty of sexual harassment (but not assault) for the first time, may:
  - i. Be reprimanded;
  - ii. Get a 'did not meet expectations performance' review; and
  - iii. Have salary expectations and/or promotions frozen for a year.
- c) Students found guilty of sexual harassment (but not assault) for the first time, may be:
  - i. Reprimanded;
  - ii. Subject to a student disciplinary hearing; and
  - iii. Temporarily suspended from classes in order to undergo mandatory counselling.
- d) Every effort will be made to protect and support the victim/s of harassment.
- e) A staff member (offender), found guilty after a second claim of harassment has been investigated, will have their employment terminated.
- f) A student (offender) who is found guilty after a second claim of harassment has been investigated will have their study program suspended in line with student disciplinary policies and procedures.

#### 4.5. Disclosure and Support

- a) SIBT recognises that students and/or staff may disclose or report to a member of SIBT who is not a designated first responder. In such instances any member of SIBT should support the complainant in accessing and talking with a trained first responder.
- b) Details of first responders are available on the website, in the student handbook and are placed on noticeboards around the campus.
- c) Care and consideration for a person's wellbeing is the primary focus of SIBT in responding to any disclosure of sexual harassment and in addressing any report or complaint of sexual harassment.
- d) SIBT recognises that sexual harassment sits on a continuum of sexual violence and can have harmful impacts. As such, disclosures should be responded to compassionately, without judgement, The first response to a disclosure of sexual harassment is critical to recovery and can influence a complainant's decisions about whether to take further action. A response which is supportive, non-blaming and compassionate will help the person feel it is safe to report sexual harassment at SIBT.

- e) In considering the wellbeing of a person involved in a disclosure of sexual harassment. SIBT must consider all implications with regard to that person participating in potential complaints and/or misconduct processes and investigations. These implications will be balanced against SIBT's obligations to address possible misconduct and to provide a safe environment.
- f) A disclosure will not automatically require a person to participate in a complaint process.
- g) Support will be offered in response to any disclosure of sexual harassment, regardless of location of the incident, whether it occurred in connection with SIBT and whether or not a concern or complaint has been lodged.
- h) SIBT will ensure SIBT staff are equipped to demonstrate a 'trauma-informed response' to the management of sexual assault disclosures, reports, and complaints in communication that:
  - i. Demonstrates understanding and recognition of the impact of trauma; and
  - ii. Emphasises physical, psychological and emotional safety;
  - iii. Instils a sense of empowerment and choice for those who have experienced sexual assault and/or harassment;
  - iv. Provides transparency of processes and policies to build a climate of trust to enable disclosures;
  - v. Gives recognition to the historical and cultural factors which contribute to the occurrence of sexual assault and/or harassment; and
  - vi. Identifies opportunities for contributing to the prevention of further sexual assault and/or harassment.
- a) SIBT recognises that the person making a disclosure of sexual harassment has the choice to report a concern or make a complaint to SIBT and/or the Police and is entitled to be fully informed of their available options and the possible outcomes.
- b) SIBT will take all reasonable steps to make staff and students aware of how to make a disclosure of sexual harassment.
- c) Disclosures of sexual harassment by students should be referred to the Director of Student and Academic Services in the first instance. The Director of Student and Academic Services and the SASH Assessment Team will:
  - i. Listen; and respond compassionately and without judgement with awareness that this can impact the complainant's decision to take further action and affect their wellbeing and recovery;
  - ii. Try to understand what is important to the complainant;
  - iii. Explain and explore options – enable the complainant to decide which is more appropriate to them;
  - iv. Consider the complainant's well-being and safety; and
  - v. Discuss with the complainant what if any steps SIBT needs to take to ensure the safety of the SIBT staff and students in order to avoid similar incidents occurring.
- d) Disclosures of sexual harassment by staff should be referred to the College Director and Principal in the first instance.
- e) Concerns and complaints of sexual harassment will be managed in accordance with the Complaints and Grievances Policy and, as per the process flow in Appendix three, with a complainant and respondent being made aware of all allegations and counter-allegations under consideration and being given the opportunity to rebut information relied upon by decision makers.

- f) Where students experience sexual harassment on placement activities, the local procedures at the site of the placement should be used. SIBT will ensure that the relevant campus personnel are informed, and that appropriate action is taken to ensure the safety of students.
- g) SIBT will comply with all mandatory reporting obligations, e.g. possible offences regarding students under the age of 18.

#### 4.6. Dealing with Complaints

- a) SIBT takes complaints of sexual harassment seriously and deals with complaints in good faith as well as, a timely, fair and sensitive manner.
- b) SIBT will ensure procedural fairness in the complaints process incorporating the following principles:
  - i. All parties must be given an opportunity to present their case;
  - ii. The respondent must be provided with notice and information about allegations made against them and information about their rights to advocacy;
  - iii. The respondent must be given a reasonable timeframe within which to respond;
  - iv. The decision maker must:
    - Act fairly and without bias;
    - Declare any conflict of interest;
    - Consider all relevant evidence;
    - Base any decision on evidence that supports it; and
  - v. All parties must be informed of the decision relating to the complaint, and the reasons for that decision.
- c) The complaint resolution process includes a preliminary assessment/investigation of all facts contained within the complaint. If a preliminary investigation determines that on the information provided, the complaint is found to be frivolous, vexatious, misconceived or lacking in substance it will be rejected. The complainant will be informed of this outcome in writing.
- d) If a person is found to be responsible for harassing behaviour he or she will, depending on the circumstances and context of the harassment, be subject to a warning and/or other disciplinary action, inclusive of dismissal if an employee or expulsion if a student.
- e) Individuals who find the outcome of a complaint to be unsatisfactory have the right to seek further advice from an external (to SIBT) agency such as the Human Rights and Equal Opportunity Commission; the Anti-Discrimination Agency or other relevant government agency including the Tertiary Education Quality Standards Agency (TEQSA). Each business unit will be able to provide both staff and students with contact information for external agencies.

## 5. Responsibilities

- a) The College Director and Principal has responsibility for, and is committed to, the effective implementation of this policy by all staff, students, and management teams.

- b) The Senior Management Team will support managers to fulfil their responsibilities and accountabilities within their area of responsibility and provide relevant training and support on identifying and responding to sexual harassment.
- c) All SIBT employees, students, contractors, and visitors have a responsibility to take reasonable care to comply with any reasonable policy, procedure or instruction.
- d) The Quality and Compliance Manager is responsible for strategic coordination and monitoring of the prevention of and response to sexual harassment across the organisation.
- e) Each of the positions involved in implementing and achieving policy objectives and, carrying out procedures to support a successful implementation and adoption of that policy and procedure, is supportive and inclusive, are clearly described in the RASCI chart in Appendix 2.

## 6. Compliance

### 6.1. Dealing with Complaints

- a) Staff become aware of this Policy as part of their employment induction processes and through regular reminders as part of general staff meetings.
- b) The incidence of sexual harassment is monitored, recorded and reported.
- c) Managers will know if their teams are compliant through the statistical analysis provided to the Senior Management Team of the Campus by the Quality and Compliance Manager.
- d) Students are informed of this policy during orientation and through information awareness campaigns undertaken through posters and social media.

### 6.2. Breaches

- a) SIBT takes the prevention of sexual harassment very seriously and therefore staff and students alike are required to meet the requirements of this policy as part of the prevention and response management process.
- b) Breaches of compliance with this policy may result in disciplinary action being taken against the offender.

## 7. Review

- a) This Policy is reviewed by the Quality and Compliance Manager, in line with the policy review schedule and any changes to the regulatory compliance requirements, legislation, regulation and guidelines.
- b) This review process aims to ensure alignment to appropriate strategic direction and continued relevance to SIBT's current and planned operations.



## Appendix 1: SIBT's stand on Sexual Harassment

1. **No one has the right to sexually harass our employees and/or students.** Everyone has the right to feel safe on campus and in the community. Any person in SIBT who is found guilty of serious harassment will be terminated, regardless of role. Also, if representatives of our contractors or vendors sexually harass our employees or students, we will demand that the company they work for takes disciplinary action and/or refuse to work with this person/company in the future.
2. **Sexual harassment is never too minor to be dealt with.** Any kind of harassment can create a hostile work and study place. SIBT will hear every claim and following investigation, punish offenders appropriately. sexual harassment is found to have occurred, action will be taken to stop the behaviour and appropriate disciplinary action will be taken against the offender(s) under the relevant provisions related to student or staff misconduct.
3. **Sexual harassment is about how we make others feel.** If something you do makes your colleagues or students uncomfortable, or makes them feel unsafe, you must stop, no matter how minor you may perceive your actions to be. Your intention is irrelevant – it is the impact of your behaviour on others that is most important.
4. **We assume every sexual harassment claim is legitimate unless proven otherwise.** We encourage reporting, listen to victims of sexual harassment, and always conduct our investigations properly in line with the principle of justice and fairness. **We will not allow further victimisation of complainants.** We will fully support employees and/or students who were sexually harassed and will not take any adverse action against them. For example, in the case of staff, we will not move them to positions with worse pay or benefits or allow others to retaliate against them; in the case of students their study program will be adjusted as required to accommodate any impact of sexual harassment.
5. **Those who support or overlook sexual harassment are as much at fault as offenders.** Managers and SIBT's HR Business Partner especially, are obliged to model appropriate behaviour, prevent sexual harassment and act when they suspect or observe it or receive reports. Ignoring sexual harassment or, encouraging it, will bring about disciplinary action. Anyone who witnesses an incident of sexual harassment or has other kinds of proof should report to the College- Director and Principal and HR Business Partner.
6. **Speak up, we listen.** SIBT encourages staff and students to raise their voice on this issue to help SIBT maintain and nurture a safe and happy work and study environment. SIBT encourages reporting. When disclosures are made, SIBT staff will respond in a trauma informed way that ensures safety and support is available, that victims feel heard the first time they report harassment, and that the number of times they recount their experience is minimised.
7. Speaking up can be daunting. SIBT encourages staff and students to raise their voice on this issue to help SIBT maintain and nurture a safe and happy work and study environment.
8. **Behavioural examples.** Sexual Harassment may include (but is not limited to) the following forms of behaviour:

Staring or leering at a person in a provocative manner	Deliberately standing too close to or brushing against a person as you walk past them
Displaying pornographic or sexually explicit materials such as posters and screen savers	Sending sexually explicit emails, SMS messages



Inappropriate advances on social networking sites	Sexual insults or taunting
Requests for sex or repeated unwanted requests to go out on dates	Making promises or threats in return for sexual favours
Intrusive questions or remarks about a person's sexual activities	

## Appendix 2: RASCI Framework

Responsibility	CDP	1 <sup>st</sup> Resp.	CNSLR	QCM	GM QRC	Legal and Risk	HR BP	All
Instigating an investigation	A	S	S	R	C	C	S	
Providing 1 <sup>st</sup> responder support and advice	A	R	S	S	C	C	S	
Building culture of trust and respect	A							R and A
Educating staff and students about expectations, policy and procedures related to Sexual Harassment	A	R	S	R	C	S	S	
Gathering as much detail as possible following a complaint	A	R	A	S	C	C	S	
Maintain detailed records and evidentiary trail for reference.	A	S	R	A	C	I	S	
Updating HR and/or Student file as necessary	A	S	R	A	C	I	I	
Inform victim of harassment of their options to take legal action if appropriate	A	S	R	S	C	C	S	
Determining actions and sanctions to be applied	A	S	C	S	S	C	R	
Managing the respondent and ensuring their rights are protected until proven guilty of a harassment offence	A	S	C	R	S	C	S	
Implement mediation sessions if requested by the complainant.	A	S	R	R	S	C	S	
Launch and manage disciplinary processes as required	A	S	S	R	C	C	S	
Maintain transparency of process whilst protecting the privacy of individuals concerned.	A	R	R	R	S	C	S	
Managing feedback on processes and outcome of any investigation.	A	S	S	R	S	C	S	
Supporting the complainant through the process and its outcome.	A	S	R	S	C	C	S	
Ensuring that complaint processes remain accessible and simple to follow and implement.	A	S	C	R	S	C	S	
Ensuring that discipline is prompt and proportionate.	A	S	C	R	C	C	S	
Conducting climate surveys to better understand the prevalence of sexual harassment across the Division.	A	S	S	R	S	C	S	
Keeping Managers accountable for the maintenance of a harassment free work environment and have this outcome reflected in their annual performance review and appraisal process.	R				S		S	
Comply with this policy	A				S	S		R
Take responsibility for behaviour and actions	A				S	C		R
Instigating an investigation	A	S	S	R	C	C	S	
Providing 1 <sup>st</sup> responder support and advice	A	R	A	S	C	C	S	
Building Culture of trust and respect	A							R and A
Educating staff and students about expectations, policy and procedures related to Sexual Harassment.	A	R	S	R	C	S	S	
Encourage students to use the student support and counselling services where appropriate	A		S	S				R



Responsibility	CDP	1 <sup>st</sup> Resp.	CNSLR	QCM	GM QRC	Legal and Risk	HR BP	All
Instigating an investigation	A	S	S	R	C	C	S	
Providing 1 <sup>st</sup> responder support and advice	A	R	S	S	C	C	S	
Building culture of trust and respect	A							R and A
Educating staff and students about expectations, policy and procedures related to Sexual Harassment	A	R	S	R	C	S	S	
Gathering as much detail as possible following a complaint	A	R	A	S	C	C	S	
Maintain confidentiality concerning any disclosure, report, complaint or investigation.	A	R	R	R	S	C	S	
Act when witness to inappropriate behaviour.								R
Encourage staff members to use the services of the HR BP as appropriate	A	R	R					
Encourage students to use the student support and counselling services where appropriate.	A		S	S				R
Manage disclosures, concerns, complaints of sexual harassment in a timely, confidential and fair manner ensuring due process for all parties.	R	S	S	S		S	C	R
Act to make students and staff aware of SIBT's commitment to assist them should they experience sexual harassment regardless of where this occurs?			C					R and A
R = Responsible, A = Accountable, S = Supporting, C = Consulting, I = Informed								
CDP = College Director and Principal, 1 <sup>st</sup> Resp. = First Responder, CNSLR = Counselling staff, QCM = SIBT Quality & Compliance Manager, GM QRC = UPA Head of Compliance Risk & Reporting, Legal and Risk = Group Legal & Risk, HR BP = Human Resources Business Partner, ALL = all staff, students, campus visitors and contractors								



## Appendix 3: Third-Party Harassment Guidelines

### 1. Overview

- a) SIBT's third-party harassment guidelines aim to address student and/or employee harassment coming from people outside of SIBT.
- b) SIBT will not tolerate this kind of behaviour, even if it means having awkward conversations with partners.
- c) Ensuring SIBT's students and staff are safe in our work and study environment is SIBT's first priority.

### 2. Scope

- a) These guidelines apply to everyone inside of SIBT as well as those outside of SIBT including vendors, customers, contractors, shareholders, and any other people we are connected to or do business with.
- b) SIBT aims to protect every student and employee, intern, or volunteer regardless of level, function, seniority, status or protected attributes like race, gender, and sexual orientation.
- c) For a more detailed explanation of SIBT's stance towards harassment, please refer to our sexual harassment prevention and response policy and our sexual assault prevention and response policy.

### 3. Contextual Elements

- a) Harassment is any kind of behaviour that humiliates, victimises, or threatens a person, like directing racial slurs and making sexual advances.
- b) Even seemingly harmless actions, like a customer calling an employee constantly outside work for non-emergencies and without prior agreement, can constitute harassment.
- c) Innuendos, veiled threats and inappropriate or offensive jokes are all included in SIBT's definition of sexual harassment.
- d) Harassment can happen in-person, over the phone, via email, on social media or through a messaging app.
- e) It can come from strangers or people you know.
- f) Anyone who objectifies, threatens, or ridicules our students and/or employees is a harasser.

### 4. Harassment from Students

- a) Harassment coming from students is often difficult to deal with.
- b) Employees might be reluctant to report students, especially ones who are responsible for substantial revenue. This causes the student's behaviour to go unpunished and continue.
- c) Please do not hesitate to report a student if they behave inappropriately and make your life difficult.



- d) Reporting means that they will not harass you anymore and that we will also have the chance to protect other students and/or employees who would come in contact with the harasser.
- e) A staff member should report the customer to the HR Business Partner, via email or in-person and inform your manager of your report. If you have emails or other evidence, please attach them or bring them to HR Business Partner's attention.
- f) The HR Business Partner should inform the College Director and Principal.
- g) The HR Business Partner will investigate the claim and contact the customer to ask them to change their behaviour.
- h) If the customer is a business, the HR Business Partner with support from the College Director and Principal, will do the following:
  - i. Contact that business' HR department and file a complaint against the person who harassed the SIBT staff member or student;
  - ii. Explicitly ask for that behaviour to stop;
  - iii. Ask the customer-company to assign another person as SIBT's contact; and
  - iv. SIBT will push for this solution in three cases:
    - If the harassment from that person has happened to you or your colleagues before;
    - If the incident of harassment was severe (like a threat of violence or an explicit request for a sexual favour); and
    - If you tell us you don't feel comfortable working with this person anymore.
- i) SIBT will also discuss possible solutions on our end; for instance:
  - i. Remove the complainant from having to interact with that person's customer account; and
  - ii. Assign another employee to take over interactions with that customer.
- j) SIBT will not penalise you or retaliate against you in any way. Your working hours, salary/wage or other benefits will not be affected.
- k) If the customer-company ignores our report, or if the incident of harassment happens again and the customer seems unwilling to deal with the person responsible, we will dissolve our contract with that customer.
- l) If the customer is an individual, we will refuse our products/services until they correct their behaviour.

## 5. Harassment from Prospective Students

- a) Salespeople and marketers interact with prospects every day. If any of these prospects harasses you:
  - i. Drop all interactions with them (like answering calls and sending emails) and report this to your manager. If somebody harassed you via email, forward those emails to your manager and HR Business Partner for reference.
  - ii. Leave immediately if someone harasses you at an on-site meeting. Please call your manager as soon as possible to let him/her know.
- b) Your manager will make sure that your performance metrics will not be affected due to a prospect's inappropriate behaviour. For example, you do not have to continue speaking to a harasser so that you hit your individual targets.



- c) If a prospect's behaviour negatively affects your goals (like revenue targets), talk to your manager. They will do everything possible to resolve this issue without negatively impacting your performance review.
- d) After speaking to your manager, please mark that prospect as unqualified in records kept on that person/company, so other employees will not attempt to contact them later. This will help prevent other employees from being exposed to the prospect's behaviour.

## 6. Harassment from Vendors, Visitors and Contractors

- a) SIBT's zero tolerance of harassment and anti-violence, applies to all of our vendors and contractors.
- b) We will communicate these views and related policies in writing whenever we sign a contract with another business.
- c) If an employee of vendor or contractor harasses you, please report directly to SIBT's HR Business Partner. SIBT's HR Business Partner will:
  - i. Report the person who harassed you to the vendor's HR department; and
  - ii. Depending on the severity of the harassment, demand that either this person stops this inappropriate behaviour immediately or the vendor assigns a different employee to that position.
- d) If harassment continues after our intervention or our vendor ignores our report, we will take appropriate steps inclusive of dissolving our contract with this vendor.

## 7. Involving the Police

- a) SIBT will involve the police if a harasser stalks, assaults or verbally/ physically threatens an employee. This applies to all possible third parties from customers to contractors.
- b) When harassers seem dangerous (for example, if a harasser refuses to leave the premises and threatens you with physical violence), call the police before reporting to your line manager and the HR Business Partner.

## 8. Manager's Responsibilities

- a) SIBT has an open-door approach (see Appendix 2), which encourages students and employees to share their concerns and thoughts with us.
- b) However, sometimes an employee or student may not feel comfortable reporting on harassment, whether it has happened to them or a fellow student or colleague. This is why SIBT expects managers and student-facing staff, to always be alert and ready to spot harassment towards their team members and/or students.
- c) If a manager suspects one of his/her team members is being harassed, or, a staff member suspects that a student is being harassed, they are required to talk to the team member or student to get more information. Assure them that they will not be penalised for reporting harassment from any source or position within a hierarchy and, that SIBT is committed to protecting them from harassment.



- d) Inform the HR Business Partner of the conversation and act immediately to protect the team member or student (like assigning someone else to interact with the person who harassed them until HR Business Partner's investigation is complete).
- e) Managers must also make sure their team members' performance review and metrics will not be affected, or that a student's study performance will not be affected.

## 9. HR Business Partners' Responsibilities

- a) When the HR Business Partner receives a report about third-party harassment, they must:
  - i. Ask for as many details and information as possible from the person making the complaint.
  - ii. Keep copies of the report with dates, times and details of incidents and any possible evidence in a confidential file. HR Business Partner should update this file with all future actions and conversations regarding this complaint.
  - iii. Launch an investigation following discussion with and advice from the College Director and Principal and all first responders involved in the process.
  - iv. HR Business Partner should always maintain professionalism when communicating with third parties, while also showing that they take the matter seriously and want to protect our employees and students.
  - v. Inform the harassed employees and/or students of SIBT's procedures and direct the staff member and/or student involved to the relevant source of legal advice if appropriate.
  - vi. Consider the wishes of the harassed employee/student (complainant). If an employee or student, says they do not want to interact with a harasser again, the HR Business partner should consult with that employee's manager to find a solution that will not penalise the employee and, the Student Counsellor to find a solution that will not penalise the student.
- b) The HR Business Partner, SIBT management or individual line managers must not, under any circumstances:
  - i. Blame the victim;
  - ii. Conceal a report; or
  - iii. Discourage employees and/or students from reporting harassment.
- c) If the HR Business Partner or a manager behaves that way, please send an email to the harasser's own manager or a senior leader explaining the situation.
- d) SIBT welcomes any feedback or complaint about its procedures and how its employees handled each case.

## 10. Helping Harassment Survivors

- a) SIBT wants to support the victims of harassment.
- b) If a staff member or student experiences trauma, stress or other symptoms because of harassment, the College Director and Principal will encourage the staff member or student to consider:
  - i. Taking agreed sick leave or break in studies to restore mental health;
  - ii. Asking your insurance provider whether they cover mental health services (e.g. OSHC);



- iii. Talking to the EAP (Employee Assistance Program) Officer to evaluate options (if a staff member) and the Student Counsellor (if a student); and
  - iv. Speaking to designated counsellors or medical practitioners as appropriate.
- c) Job and benefits (if a staff member) or study program (if a student) will not be jeopardised or altered in the event of choosing any of these options or other means of recovery.

## 11. Help SIBT Keep our Workplace Safe

- a) We all work best in environments where we feel safe, respected and happy. SIBT works to prevent sexual harassment and will act to stop it.
- b) Please let your manager know whenever you are being harassed or witness others being the victims of harassment, whether the respondent is a customer, a student an employee or a partner.



## Appendix 4: SIBT's Open-Door-Approach

### 1. Purpose

- a) **SIBT's open-door policy in business** reflects its commitment to transparent and flexible communication between managers and team members and staff and students.

### 2. What is an Open-Door Approach?

- a) SIBT's open-door approach is simply the management practice of being available to staff as and when they need to speak with management i.e. leaving the door open to encourage communication. It is a practice that enhances communication across levels of the Division: i.e. between management and staff; functional teams and staff and students.
- b) The significance of this approach is that it translates into better communication, which in turn helps build a culture of trust.
- c) SIBT's leadership believes this encourages innovation and growth, because everyone has valuable thoughts to share, and our workplace and ways of working can always be improved.
- d) SIBT asks employees and students, as the heart of our business, to be ready to provide positive or negative feedback, or share ideas that can help us thrive.

### 3. Scope

- a) SIBT expects managers of all levels to keep their door open; and this refers to so much more than their office door. They should be ready to listen to their employees and students in person or over digital means (email or messaging apps).
- b) Managers should establish a culture of trust and communication in their team; this also applies to senior management who should remain approachable to everyone in the Division.
- c) Team members and students are free to communicate their thoughts with upper management.
- d) Of course, this approach extends to HR. If a staff member has concerns, ranging from compensation to workplace harassment, feel free to approach the HR Business Partner as well as the College Director and Principal.

### 4. Open-Door Elements

- a) Managers should leave their office door open so employees can approach them easily to:
  - i. Ask for counsel or feedback;
  - ii. Ask questions about a subject;
  - iii. Express a complaint or concern;
  - iv. Raise awareness for a problem;
  - v. Ask for resolution to an inside dispute or conflict;



- vi. Make suggestions for change; and
- vii. Discuss other personal topics.

## 5. Benefits of Open-Door Approach in the Workplace

- a) SIBT is committed to the importance of open communication when it comes to innovation and improvement across the Division. More specifically, SIBT hopes that listening to employees will help the Division to:
  - i. Address employee concerns in time;
  - ii. Resolve disputes before tensions escalate;
  - iii. Provide timely and effective help employees who were victimised or harassed;
  - iv. Seize opportunities to improve processes; and
  - v. Foster a culture of mutual trust and collaboration.

## 6. Manager's Responsibilities

- a) As a manager, listening to team members is part of your duties. You should always be ready to discuss important subjects (like harassment) as soon as possible, but you should also make time to listen to your team members' concerns or ideas.
- b) Action is also important. Our open-door approach aims to translate good feedback to better results. This means it's your job to follow through with improvements that matter. Use your judgment to determine whether you should pass information to your own manager or create a plan to address what your team member has told you.
- c) Always be transparent about what you are going to do. Do not promise anything that you are not sure you can deliver. Discuss with your team members, let them know your own thoughts and concerns. After all, communication works both ways.
- d) Of course, we expect you to take any negative feedback or criticism in stride. You must not retaliate (against or victimise team members. If you are not sure how to handle the information you received, remember: your manager's and HR Business Partner's doors are also open.

## 7. Complainants' Responsibilities (Staff and Students)

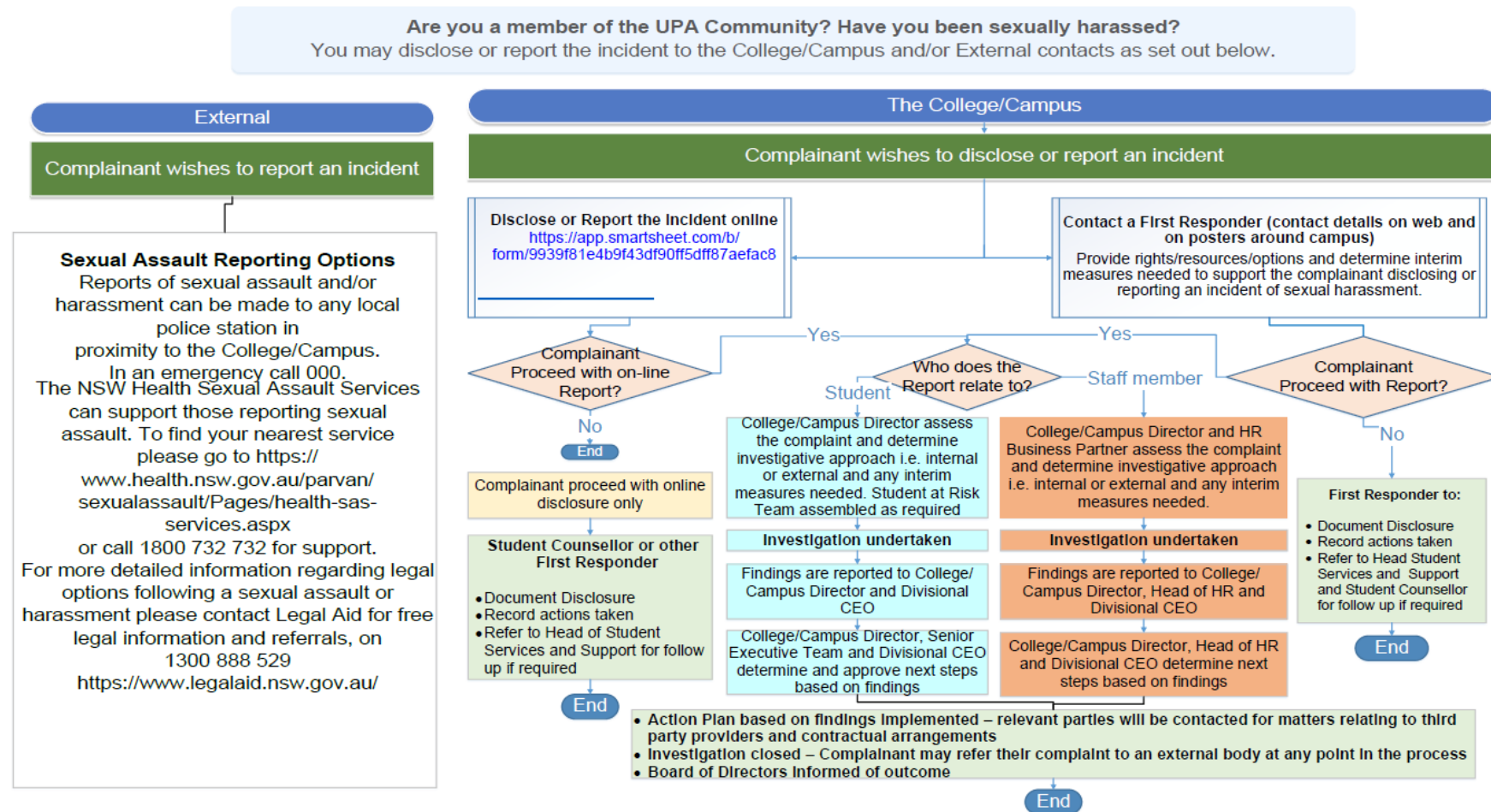
- a) Communication is important and is built on mutual trust. This means that just as you trust your manager to listen to you, your manager trusts you to help them digest information better. So, we ask you to:
  - i. Ask for an appointment in advance, whenever possible, if you want to talk about a significant or delicate matter – it ensures adequate time to deal with important issues;
  - ii. Communicate with your manager whenever possible instead of going to a more senior manager first. The chain of command matters if concerns are going to be managed effectively, immediate escalation does not always result in the best outcome;
  - iii. You can bypass your manager in some cases: for example, if they are out of office, if they are involved in a harassment claim or they have consistently and willfully violated the open-door approach (which you can report to SIBT's HR Business Manager); and



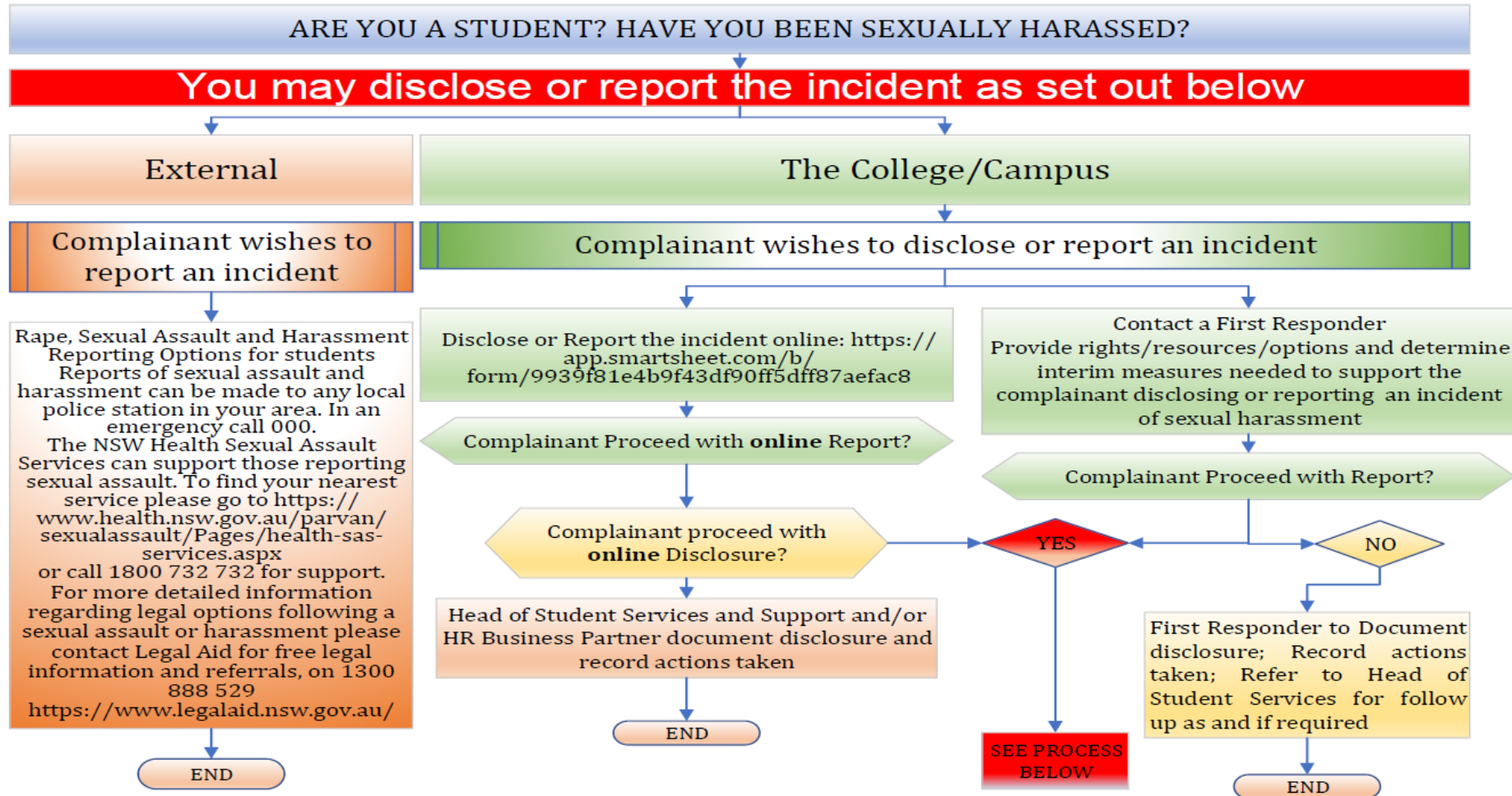


- iv. Try to resolve minor disputes with your colleagues before reaching out to your manager. Trust and communication should work **horizontally as well as vertically** in SIBT.
- b) In general, speak up when you have an opinion about something.
- c) Inform us when you notice harassment, victimisation, or any violation of the code of conduct.
- d) We need all of you to ensure the work and study place is safe and pleasant for everyone.

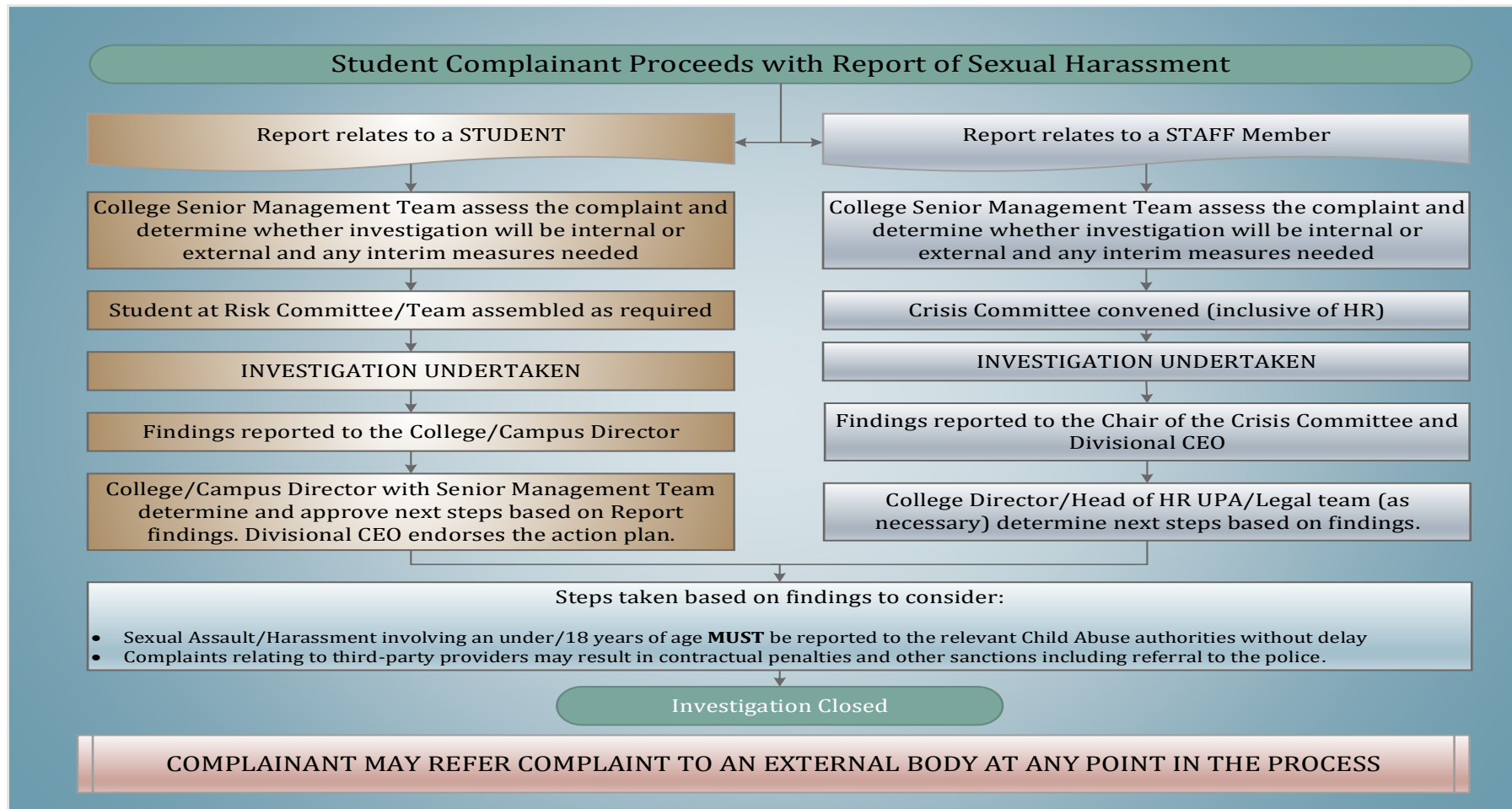
## Appendix 5: Process Flow for Managing Sexual Harassment Complaints



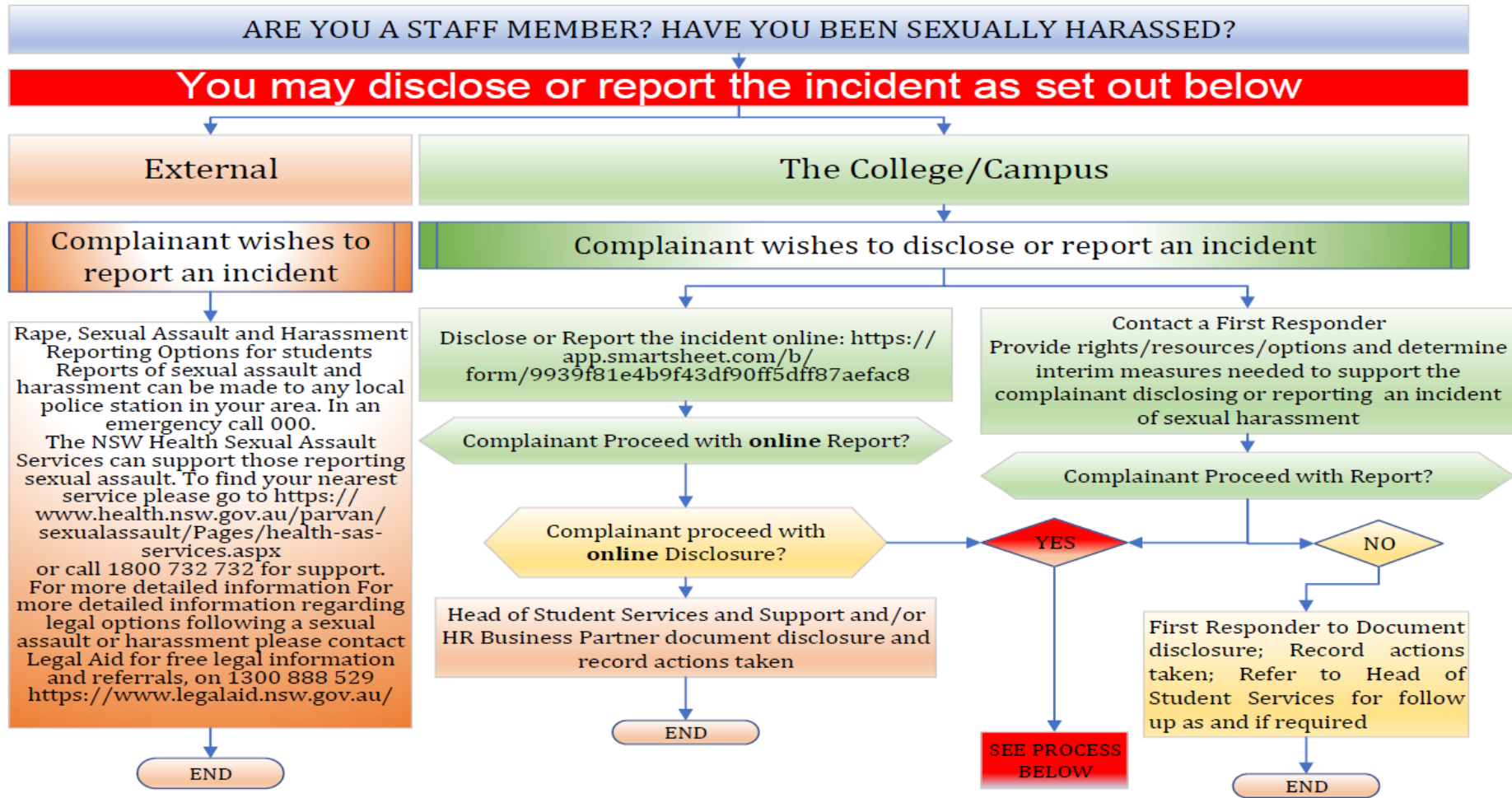
Student Reports Sexual Harassment



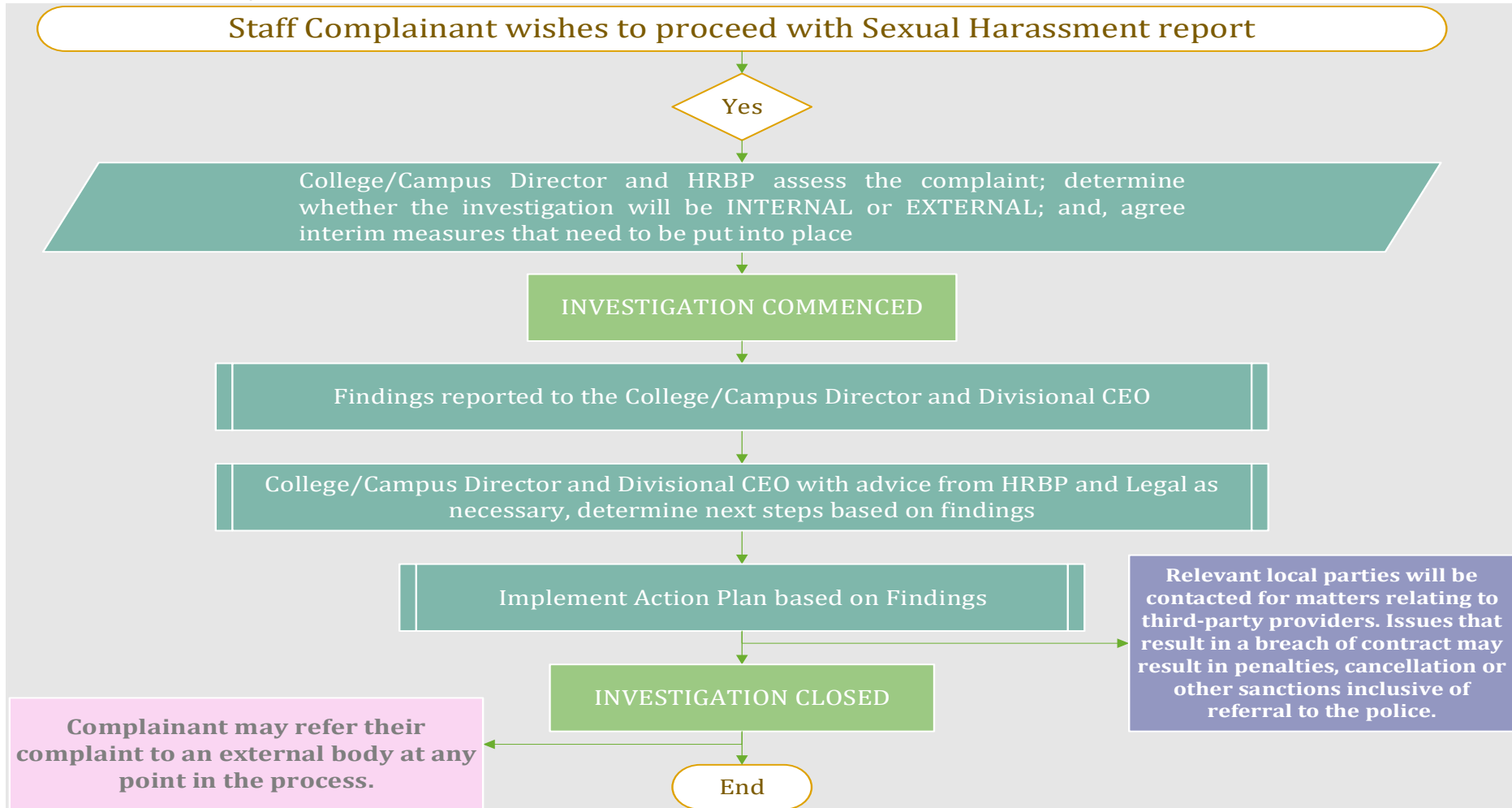
## Student Proceeds with Report of Sexual Harassment



Staff Member Reports Sexual Harassment



Staff Member Proceeds with Report of Sexual Harassment



Appendix 6: Nine Principles of Good Practice<sup>1</sup>



<sup>1</sup> TEQSA Good Practice Note Preventing and Responding to Sexual Assault and Sexual Harassment 072020  
<https://www.teqsa.gov.au/sites/default/files/good-practice-note-preventing-responding-sexual-assault-sexual-harassment.pdf?v=1594266369> (extracted 22/07/2020)

## Appendix 7: Reporting Pathway

