

These Procedures support the *Sexual Assault and Sexual Harassment Prevention and Response Policy*

Procedures Owner: College Director and Principal , Associate Principal

Keywords: Sexual Assault, Sexual Harassment, Report, Disclose

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1. INTENT

- 1.1 These Procedures provide a structure that:
- a) enables people exposed to Sexual Assault and/or Sexual Harassment (SASH) to report Incidents in a secure and supportive way; and
 - b) provides a framework for Australian College of Business and Technology ('ACBT' or the 'College') management of disclosures of Sexual Assault and/or Sexual Harassment.
- 1.2 These Procedures support the *Sexual Assault and Sexual Harassment Prevention and Response Policy*.

2. ORGANISATIONAL SCOPE

- 2.1 This Procedures apply to all members of the Australian College of Business and Technology community, including those of its Partner Providers.
- 2.2 Where a SASH allegation is made against a person who is not a member of the College Community, and/or, the incident is not connected to an interaction or activity undertaken in the course of work, study, research, living or socializing that is associated

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with ACBT, the College will provide support and information, and, as appropriate or required, liaise with any relevant authority; however, the College itself may not take further action including conducting any investigation of the matter.

3. DEFINITIONS:

3.1 The *Glossary of Policy Terms* applies to this Policy.

4. PROCEDURES CONTENT:

Responding to a Disclosure of Sexual Assault or Sexual Harassment

- 4.1 Where Sexual Assault or Sexual Harassment (SASH) occurs and/or is Disclosed, it is accepted that no two situations are the same, and each person’s response is unique; what is consistent and underpins the approach taken by the College towards these matters is the principle of responding to all situations and all involved persons with dignity, respect and empathy.
- 4.2 If someone does something to a member of the College community that makes them feel that they have been Sexually Assaulted or Sexually Harassed, it is important that safety is the first priority and the person is supported to follow the steps outlined in Figure 1.

Figure 1. Initial Response to a Disclosure of Sexual Assault or Sexual Harassment



These steps are also outlined in a one-page reference, [How to Support Some who Discloses Sexual Assault and/or Sexual Harassment](#) (Appendix . Staff members are encouraged to download and familiarize themselves with these guidelines.

The person who is first told about a SASH Incident is the ‘First Responder’. It is likely that the First Responder would be an ACBT Student or a Staff member.

- 4.2.1 **Find an Appropriate Space** to start or continue a conversation where the person feels comfortable and you can talk privately without feeling rushed or interrupted.
- 4.2.2 **Establish Immediate Safety.** If the person is in immediate danger or needs urgent medical attention Contact:

Emergency Services 119

4.2.3 A SASH Incident on an ACBT campus must be reported to:

Associate Principal 070 6213597

4.2.4 Listen and Reassure the person if they Disclose Sexual Assault or Sexual Harassment to you. It usually means that they trusts you. It is important that you:

- ✓ **Treat them seriously.**
- ✓ **Listen and allow them to talk about the event in their own time.**
- ✓ **Reassure them that the incident was not their fault.**

Note: your role is not to investigate, nor are you expected to be a counsellor. Your role is to listen and then assist them to access the services they require.

4.2.5 **Provide Support Options and Reporting Options.** As a Student or Staff member receiving a Disclosure, you can offer support to the person to consider their options for accessing support services and Reporting the Incident.

Support services are available to Staff and Students regardless of when or where the Incident took place. The person does not need to formally Report the Incident to access these services.

Medical attention may be required for injuries, sexually transmitted infections or other health concerns such as sleep difficulties.

There are a number of **confidential counselling services** available.

Ms Fazliya Hassan fazliya.hassan@acbt.lk 077 3629052 (Colombo)

Dr Mano Basanayake manobasnayake@gmail.com 0777 842855 (Kandy)

4.2.6 **Practice Self-Care.** Supporting someone who has experienced Sexual Assault or Sexual Harassment can be challenging. It is important to take care of yourself after receiving distressing information.

If you are a Student you may wish to contact the Student Counsellor.

If you require support as a Staff member, please discuss with your Line Manager and/or contact the Employee Access Program (EAP).

4.3 Staff and Students have a number of SASH Reporting options:

- a) making an informal report to the Police for information without the Incident being formally investigated;
- b) making a formal Report to the Police so that the Incident can be subject to a formal investigation;
- c) making a formal Report to ACBT;
- d) directly to The Associate Principal ;
- e) not to make any reports. The individual who has experienced Sexual Assault has the right to not report to the Police and should feel supported to make this decision themselves. The person should not be made to feel responsible for their attacker's future actions.

4.4 If you are an ACBT Staff member, you are required to document all SASH Disclosures that you receive.

Responding to a Report of Sexual Assault and/or Sexual Harassment

- 4.5 A person may, after Disclosing or prior to Disclosing, decide to Report a SASH Incident.
- 4.6 Reporting will initiate an Investigation within ACBT.
- 4.7 if a Report specific to Sexual Assault is referred to the Police, the College will not take any action that will compromise the Police investigation and/or complaint resolution process.
- 4.8 While responsibility for prosecuting criminal acts of Sexual Assault rests with the local Police, i.e. where the offence occurred, ACBT can and will act where there is a breach of its Policies and procedures by members of the College community for activities and situations related to College business.
- 4.9 If mandated reporting is required according to law (e.g. a death has occurred or an Underage Student (Minor) has been involved) ACBT will do so.
- 4.10 De-identified data on SASH Incidents at ACBT is presented to the Board of Directors each meeting.

Investigation

- 4.11 The SASH resolution process includes a preliminary investigation of all facts contained within a Report.
- 4.12 Where a preliminary investigation determines that on the information provided, the Report is found to be frivolous, vexatious, misconceived or lacking in substance, it will be rejected and the person will be informed of this outcome in writing.
- 4.13 An investigation will be undertaken, following the principles of natural justice, in a manner that is respectful to both the complainant and the respondent and supportive of the complainant.
- 4.14 The importance of confidentiality will be reinforced to the complainant, the respondent and any support people for both parties.
- 4.15 If the respondent is a student, the report will be referred to the College Director and Principal (or nominee) to initiate an investigation.
- 4.16 The investigation into a Report by a student will be coordinated and managed by the College Director / Associate Principal and Principal or other person or persons as appointed by the College Director/ Associate Principal and Principal.
- 4.17 If the respondent is a Staff member or is engaged by ACBT under any other contractual arrangement, the College Director and Principal / Associate Principal will inform the Human Resources so they may contribute to an investigation.
- 4.18 The investigation into a SASH Report lodged by a Staff member will be coordinated and managed by the College Director and Principal.
- 4.19 Respondents will be provided with details of the complaint made against them, and will be given fifteen (15) Calendar Days, or such other time specified by the College Director and Principal, to consider and provide a response to the Report.

- 4.20 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.
- 4.21 Information gathered during the investigation will be documented by the investigator and a report will be prepared.
- 4.22 Investigation findings are reported to the College Director and Principal / Associate Principal and Divisional CEO (for Students); for Staff members, the Head of Human Resources is also informed.
- 4.23 The decision about any action required arising from the outcome of the investigation will be made by the College Director and Principal / Associate Principal

Action Plan

- 4.24 An Action Plan based on findings will be implemented, with all participants informed of this outcome in writing.

Disciplinary Action

- 4.25 Where it is determined that a SASH Report is substantiated, ACBT will decide upon the appropriate disciplinary actions aligned with:
- a) appropriate Policies and Procedures as well as
 - b) external legal obligations; and
 - c) any contractual terms and conditions
- 4.26 If a person is found to be responsible for Sexual Assault they will be subject to disciplinary action.
- 4.27 If there is even the slightest suspicion that a person does not realise their behaviour/s is Sexual Harassment, they must be informed by their line manager (for a Staff member) or Academic Director (for a Student) in writing and requested to stop with immediate effect.

External grievance mechanisms

- 4.28 Individuals who find the outcome of a SASH Disclosure or Report to be unsatisfactory have the right to seek further advice from an external 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.

Disclosures or Reports that relate to a third-party provider

- 4.29 IF a SASH Disclosure or Report relates to a third-party provider, ACBT will report the Incident to ACBT Security and will follow ACBT's lead in the investigation.

Disclosure is made by an observer or witness

- 4.30 It is important to ensure as much as possible that the person who has experienced the incident feels in control of the complaints process, as they may be required to actively participate in the process.
- 4.31 If a member of ACBT's community or any other person becomes aware or has observed an incident of Sexual Assault and is intending to make a Disclosure to ACBT or the Police, or both, it is critical that they obtain the consent of the person who has experienced the

incident prior to making a report.

- 4.32 If the observer/witness is unsure as to what to do, they should seek counsel from an ACBT Staff member, preferably a person identified on posters around campus as a Mental Health First Aider or a First Aider.
- 4.33 ACBT has a duty of care to ensure the safety of the broader community and may therefore need to act in order to achieve this, including situations where a person may not wish to actively participate in a formal SASH Report process.
- 4.34 In the event that ACBT needs to take action to ensure the safety of the broader community, the rights and needs of the person who experienced the Sexual Assault will be respected and treated with great care and confidentiality.

Right to Withdraw a SASH Report

- 4.35 A person may withdraw a SASH Report at any stage of the process.
- 4.36 ACBT will inform the respondent should a Report be withdrawn at any stage of the process.
- 4.37 ACBT may, however, continue to act on the Report to ensure the ongoing safety of the complainant and members of the broader community.
- 4.38 The complainant should confirm the withdrawal of the Report in writing to the College Director and Principal / Associate Principal.
- 4.39 In the event ACBT does continue to act on the Report part of its duty of care, it will ensure that the original complainant is kept informed of any actions taken or the outcome of any investigation undertaken.

5. RELATED DOCUMENTS:

- 5.1. These Procedures support the *Sexual Assault and Sexual Harassment Prevention and Response Policy*.

- 5.2 Relevant to these Procedures are the following:

Critical Incident and Business Continuity Policy
Privacy Policy
Student Conduct Policy
Student Misconduct Procedures
Student Wellbeing, Counselling and Support Policy
Staff Code of Conduct
Wellness, Health and Safety Policy

- 5.3 These Procedures have been developed in line with requirements set out in the:

[Australian Human Rights Commission Act 1986:](#)

[The National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)

Australian Government Institute of Family Studies: [Appendix A: Legislation table: Elements of the laws surrounding sexual assault by jurisdiction | Australian Institute of Family Studies](#)

Australian Institute of Health and Welfare: [Sexual assault in Australia TEQSA Good Practice Note: Preventing and Responding to Sexual Assault and Sexual Harassment in the Australian Higher Education Sector, July 2020.](#)



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6. CONTACT INFORMATION:

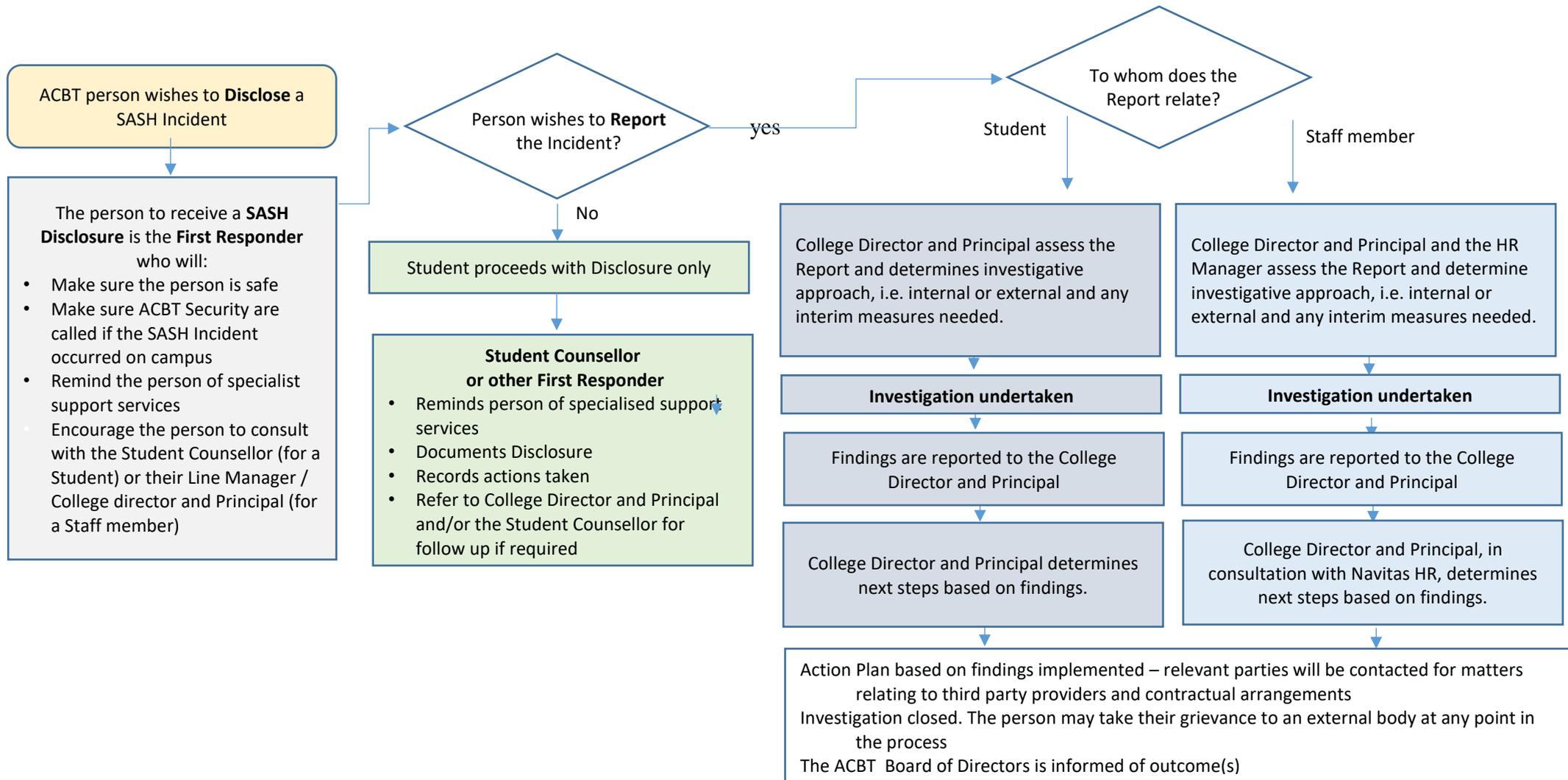
For queries relating to this document please contact:

PROCEDURES OWNER	College Director and Principal / Associate Principal
ALL ENQUIRIES CONTACT:	Quality and Compliance Manager
TELEPHONE:	011 2565595
EMAIL ADDRESS:	

7. APPROVAL HISTORY:

PROCEDURES APPROVED BY:	Associate Principal
DATE PROCEDURES FIRST APPROVED:	June 2022
DATE LAST MODIFIED:	
REVISION HISTORY:	
NEXT REVISION DUE:	January 2024

Appendix 1: Responding to a Disclosure or Report of Sexual Assault and/or Sexual Harassment



Appendix 2:

How to Support Someone who Discloses Sexual Assault or Sexual Harassment



<p>Find an appropriate space Find a space to start or continue a conversation where the person feels comfortable and you can talk privately without feeling rushed or interrupted.</p> <p>Establish immediate safety If the person is in immediate danger or needs urgent medical attention contact emergency services on 000. ECU Security can be contacted 24/7 on (08) 6304 3333.</p> <p>Listen and reassure If an individual discloses sexual assault or sexual harassment to you, it usually means that they trust you. It's important that you:</p> <ul style="list-style-type: none"> • Treat them seriously. • Listen and allow them to talk about the event in their own time. • Reassure them that the incident was not their fault. <p>Note: your role is not to investigate, nor are you expected to be a counsellor. Your role is to listen and then assist them to access the services they require.</p>	<p>Support options</p> <p>Community Supports</p> <p>Police – 119</p>
	<p>Report the disclosure If you are an ACBT staff member, you are required to document all disclosures of sexual assault and/or sexual harassment. For staff and students, making a Report of sexual assault and/or sexual harassment will result in a formal investigation.</p> <p>Practice self-care Supporting someone who has experienced sexual assault or sexual harassment can be challenging. It is important to take care of yourself after receiving distressing information.</p> <p>The ACBT Confidential Support Services are available for those needing support after receiving a disclosure.</p>