



## SEXUAL ASSAULT AND SEXUAL HARASSMENT (SASH) PREVENTION Policy

### DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

**ACC:** Acronym for the Australian Chiropractic College, also referred to as 'The College'

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**Harassment:** Means any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, sexuality or gender-based harassment.

**Incident:** In Workplace Health and Safety is a work-related event(s) in which an injury or ill health (regardless of severity) or fatality occurred, or could have occurred.

**Incident Register:** An official record that is maintained by an organisation or a company that provides details of all incidents that occur in the workplace, including the date, time and nature of the incident, the person(s) involved, the manager responsible for action, the action(s) taken, the outcome(s) and, if relevant, the means of ongoing review.

**Individual(s):** ACC staff and students (prospective, current and former), and other individuals associated with the College such as external providers, practicum hosts and contractors.

**Privacy:** When something is private to a *person*, it usually means that something is inherently special or sensitive to them. The domain of privacy partially overlaps with security, which can include the concepts of appropriate use, as well as protection of information. Privacy may also take the form of bodily integrity. It may also mean that individuals are not subject to unsanctioned invasions of privacy by a government, an institution or other bodies or authorities. In this document privacy is taken to mean privacy of information regarding ACC's staff, students and other individuals associated with the College.

**Respondent:** The person or institution against whom the grievance is lodged.

**Sexual harassment:** Means any unsolicited, unwelcome and unreciprocated behaviour act or conduct of a sexual nature that embarrasses, humiliates or offends other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault and including but not limited to the following examples:

- inappropriate jokes or comments with sexual connotations;
- the display of offensive material;
- comments and questions about another person's sexual conduct and/or private relationships;
- persistent unwelcome invitations;
- requests for sexual favours;
- offensive written, telephone or electronic mail or other computer system communications;
- unnecessary close physical proximity including persistently following a person; or
- unwelcome physical contact such as brushing against or touching a person.

**Sexual Assault:** Means any unacceptable sexual and/or physical behaviour that is a criminal offence.

Sexual assault means any sexual act that a personal does not consent to, including, but not limited to:

- Rape.
- Oral sex without consent.
- Sexual touching without consent.
- Sexual acts without consent.
- Indecent exposure.
- Voyeurism.
- Recording or distributing an intimate image of another person without their consent.
- Stalking or intimidating another person with the intention of causing them to fear physical or mental harm.

The South Australian Criminal Law Consolidations Act 1935, states the following in relation to consent:

- a) A person consents to sexual activity (which includes sexual intercourse) if the person freely and voluntarily agrees to the sexual activity
- b) A person has committed an offence if:
  - a. the other person did not consent to the first person's actions or withdrew consent; or
  - b. the first person was aware of the possibility that the other person may not be consenting or withdrew consent but proceeds regardless of that possibility; or
  - c. the first person was aware of the possibility that the other person may not be consenting or withdrew consent and does not take steps to ascertain whether the person does consent
  - d. the first person did not give any thought as to whether the other person is consenting to the act, or has withdrawn consent before deciding to proceed.

Individuals below the legal age of consent are deemed to have not consented to sexual activity. The legal age of consensual sex varies across Australian state and territory jurisdictions. In South Australia the age of consent is 17 years of age. In other states and Territories the age of consent is either 16 or 17 years of age.

**Staff:** Refers to academic and non-academic staff employed by the ACC.

**Student:** An individual person who is formally enrolled to study at the College. The ‘individual person’ is that who appears on the College’s documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

**Support Services:** Services provided by the ACC, or are available externally, which are designed to provide student academic and personal support.

## PURPOSE

The purpose of this policy is to confirm ACC’s commitment to preventing sexual misconduct, the responsibilities of students and staff in relation to sexual misconduct and the principles for preventing and responding to incidents of sexual misconduct at or connected to the College.

## SCOPE

This policy and procedures apply to:

- all students enrolled with the ACC;
- all staff members of the ACC; and
- persons contractually bound to comply with this policy.

## POLICY

The ACC is committed to providing a safe and supportive working and learning environment for students, staff and the broader College community. As such, ACC takes a zero tolerance approach to sexual assault, sexual harassment and other forms of sexual misconduct and will report to the relevant authorities and regulators anyone found to be in breach of this policy.

Students and Staff are referred to the *Conflict of Interest Policy* for information on ACC’s expectations and requirements in regards to personal and family relationships between staff and students. In accordance with the *Conflict of Interest Policy*, the College prohibits staff commencing a sexual relationship with a student whilst they are a member of staff. Relationships that exist prior to the member of staff and/or the student commencing at the College must be declared to the President.

All Individuals are responsible for contributing to a culture of mutual respect and an environment that is free of sexual assault and sexual harassment.

The College is committed to meeting its obligations under the state and federal equal opportunity laws including the Commonwealth Sex Discrimination Act 1984 and the South Australian Equal Opportunity Act 1984 and will act in accordance with the spirit and requirements of the legislation.

In framing this policy and the related procedures, the College has also used as a point of reference relevant aspects of the SafeWork SA and SafeWork Australia Codes of Practice and the TEQSA Good Practice Note: *Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector* (July 2020).

The College implements a range of strategies to creating a safe and supportive environment across the College by:

- Providing education during orientation, to students and staff, to:
  - o Ensure awareness of the expected level of behaviour at the campus, off campus at College endorsed events and between individuals from the College community.
  - o Clarify behaviours that are not acceptable.

- The College's zero tolerance of sexual assault, sexual harassment and other forms of sexual misconduct.
- Risk management of SASH within the ACC Risk Management Framework.
- Undertaking an annual review of the campus, and immediate surrounding environment, to ensure that all possible measures have been taken to promote a safe and supportive environment.
- Respond to all reports and/or accusations of sexual assault, sexual harassment or other forms of sexual misconduct and providing appropriate support to affected individuals via the SASH Prevention Procedures.
- Including sexual assault and sexual harassment incidents in the SASH Register. The SASH Register is held electronically in a confidential sharepoint folder with access limited to the College Contact Officers. The General Manager is responsible for maintaining the SASH Register.
- The SASH Register is reviewed regularly to identify trends and take appropriate action to minimise the risk of those trends.
- Report to the Board of Directors, on a deidentified basis, incidents of SASH, actions taken by the College to respond to the incident and any action taken to prevent future incidents.

## **RISK MANAGEMENT**

SASH prevention is an important component of ACC's Risk Management Framework. ACC recognises the risk of SASH in the Risk Register and reports these risks in the regular risk management reporting.

Risks identified by the annual review of the campus, and immediate surrounding environment, are included in the Annual Risk Review of the Finance, Audit and Risk Committee and the Board of Directors.

## **IMPLEMENTATION and MONITORING**

The implementation of this policy is the responsibility of the College President.

## **REVIEW**

The *Sexual Assault and Sexual Harassment (SASH) Prevention Policy* is reviewed every three years.

It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

## **RELATED POLICY DOCUMENTS**

- Sexual Assault and Sexual Harassment (SASH) Prevention Procedures
- Student Grievance and Appeals Policy and Procedures
- Grievance Management (Staff) Policy and Procedures
- Conflict of Interest Policy and Procedures
- Code of Conduct Policy and Procedures
- Work Health and Safety Policy and Procedures
- Equity and Diversity Policy.

## VERSION CONTROL

<b>Document:</b> C009 Sexual Assault and Sexual Harassment (SASH) Policy		
<b>Responsible Officer:</b> General Manager		
<b>Initially Approved by:</b> FARC		<b>Date:</b> 9 November 2022
<b>Reviewed and approved by:</b> Board of Directors		<b>Date:</b> 22 November 2022
<b>Reviewed and endorsed by:</b> Finance, Audit and Risk Committee		<b>Date:</b> 1 March 2023
<b>Reviewed and approved by:</b> Board of Directors		<b>Date:</b> 2 March 2023
<b>Version:</b> V3.0	<b>Replaces Version(s):</b> V2.0	<b>Next Review:</b> November 2025
<b>HESF</b>	2.3 Wellbeing and Safety	
<b>Nature of Change</b>	<p>November 2022</p> <ul style="list-style-type: none"> <li>• Separate the Sexual Assault and Sexual Harassment Policy from the Work, Health and Safety Policy</li> <li>• Update titles and responsibilities to reflect organisational structural changes</li> <li>• Clarify relevant definitions</li> <li>• Align the requirements of the Conflict of Interest Policy with the SASH policy to note that staff are prohibited from commencing a sexual relationship with a student.</li> </ul> <p>March 2023</p> <ul style="list-style-type: none"> <li>• Define the College Contact Officers</li> <li>• Clarify the confidential storage and access limits applied to the SASH Register</li> <li>• Link to the Conflict of Interest Policy</li> <li>• Include the HESF reference in the Version Control Table.</li> </ul>	