



**BARTON
BUSINESS
SCHOOL**

Sexual Assault and Sexual Harassment Policy and Procedures

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1. PURPOSE

Barton Business School ("BBS") is committed to a safe, respectful, and inclusive environment. The *Sexual Assault and Sexual Harassment Policy and Procedures* guide prevention, identification, and response strategies, including outlining procedures to prevent sexual assault and sexual harassment from occurring. This document specifies processes for responding to disclosures and complaints of sexual assault and sexual harassment, thereby seeking to ensure a consistent, supportive, and effective response framework for the BBS community.

2. SCOPE

This policy applies to all members of the BBS community, including students, staff, board and committee members, contractors, and visitors. It addresses conduct related to sexual assault and sexual harassment occurring within BBS's physical or digital environments or during off-campus activities associated with BBS.

3. DEFINITIONS

Refer to BBS's *Glossary of Terms*.

4. POLICY

The fundamental principles guiding this policy are:

- a. BBS has a strict zero-tolerance policy towards sexual assault and sexual harassment, emphasising the right of every community member to safety, respect, and equitable treatment.
- b. Acts of sexual assault and sexual harassment constitute serious misconduct, are unlawful, and prompt a strong response from BBS.
- c. All members of the BBS community, including students and staff, are responsible for preventing and not engaging in sexual assault and sexual harassment.
- d. BBS encourages disclosures of instances of sexual harassment or sexual assault to obtain support and/or to lodge a formal complaint.
- e. BBS respects the right of individuals to report instances of sexual harassment or sexual assault to law enforcement authorities or the Australian Human Rights Commission.
- f. Sexual assault and sexual harassment disclosures and complaints must be addressed promptly, fairly, and confidentially, with the aims of reducing the number of future incidents and respecting and supporting all affected persons.
- g. BBS's policies and procedures are designed to acknowledge and support the diverse nature of the BBS community.

- h. BBS's policies and procedures must address the challenges faced by LGBTIQ+ individuals, First Nations peoples, those from diverse cultural and linguistic backgrounds, and individuals with disabilities.
- i. BBS is committed to the widespread dissemination of policy information through accessible formats with the aim of ensuring all members of the BBS community are informed and supported.

5. PROCEDURES

BBS has developed a comprehensive set of procedures to guide staff and students in responding to reports of sexual assault and harassment. These procedures are designed to:

- a. Protect the safety and rights of complainants, alleged perpetrators, and those affected by sexual assault and harassment.
- b. Maintain procedural fairness for all affected persons.
- c. Address policy violations effectively and sensitively.

5.1. SAFE BBS (SBBS)

- a. SBBS, composed of the CEO, Administration and HR Manager, Student Wellbeing Officer, and a student representative, strives to ensure a coordinated approach to maintaining a safe environment across BBS. SBBS's responsibilities include:
 - i. overseeing the development, implementation, and revision of BBS's *Sexual Assault and Sexual Harassment Policy and Procedures*. This responsibility involves assessing the policy's alignment with BBS's values and strategic objectives as well as its compliance with legal and regulatory standards.
 - ii. coordinating efforts across different departments and committees within BBS to ensure a unified and effective approach to prevention, response, and support.
 - iii. regularly reviewing and updating the policy and its associated procedures based on the latest research, best practices, community feedback, and the evolving needs of the BBS community. This includes evaluating the effectiveness of training programs, support services, and reporting mechanisms.
 - iv. ensuring that the voices of students, staff, and other community members are heard and considered in the decision-making process. This includes incorporating feedback from diverse perspectives and ensuring student representation within the SBBS.
 - v. embedding student insights directly into policy discussions and decisions through the inclusion of a student representative in SBBS, promoting a more inclusive and responsive policy framework.
 - vi. regularly reporting to the Board of Directors (BoD) and the Audit and Risk Committee (ARC) by providing updates on policy implementation, challenges, achievements, and areas for improvement.
 - vii. facilitating transparent communication with the BBS community about policy updates, initiatives, and outcomes.
 - viii. facilitating collaboration with external support agencies, law enforcement, and regulatory bodies to enhance BBS's approach to addressing sexual assault and sexual

harassment. This includes establishing memoranda of understanding with external counseling services and ensuring compliance with external reporting obligations.

5.2. SAFE ENVIRONMENT

- a. BBS is committed to creating and maintaining a respectful environment, where all signage and decorations use respectful language and imagery to foster a culture of respect and dignity.
- b. The *Student Code of Conduct*, *Staff Code of Conduct*, and all other policies are designed to be gender-neutral, emphasising the expectation of respect among all members of the BBS community (refer to *Diversity, Equity, and Inclusion Policy* and *Discrimination, Bullying, Harassment and Sexual Misconduct Policy*).
- c. The physical and online safety of students and staff is paramount. To this end, BBS implements comprehensive measures, including:
 - i. using CCTV at all main entrances to enhance security.
 - ii. ensuring campus security is available during all operational hours for immediate assistance.
 - iii. maintaining adequate lighting in all areas to ensure safety at all times.
 - iv. prohibiting alcohol and illicit drugs at BBS-organised events to foster a safer social environment.
- d. BBS recognises the importance of safety in online learning environments, where students and staff are increasingly active. In response to the rising incidents of cyber harassment, sexting, and stalking, BBS commits to extending its safety policies to the digital realm. This includes:
 - i. monitoring online classes and forums.
 - ii. establishing clear guidelines for acceptable behaviour.
 - iii. ensuring robust support and reporting mechanisms for incidents of technologically-facilitated sexual assault and sexual harassment.
- e. Students and staff must understand that the experience of sexual assault and sexual harassment is never the fault of the victim. BBS emphasises this principle in all its communications and trainings, ensuring a blame-free support system for all individuals.

5.3. ONGOING TRAINING

BBS is dedicated to empowering staff and students with the knowledge and skills necessary to recognise, prevent, and effectively respond to sexual assault and sexual harassment. This commitment is enacted through:

- a. Specialised sessions in the orientation program, delivered by expert external providers, focused on educating about consent, positive relationships, and the importance of active bystander intervention.
- b. Broad availability of educational resources across BBS's digital platforms, accessible to all board and community members.
- c. Mandatory online modules on consent and respectful relationships for all new students, integrated into the learning management system as part of the onboarding process.

- d. Targeted training for staff, beginning with induction and continuing with professional development, to develop skills in first response and support for individuals affected by sexual assault and sexual harassment.
- e. Provision of contact details for a 24/7 helpline for all individuals undertaking training. This will connect trained counsellors to support those who have experienced sexual assault and sexual harassment.

5.4. DISCLOSURE OF SEXUAL ASSAULT AND SEXUAL HARASSMENT

BBS acknowledges the complexity surrounding the disclosure of sexual assault and sexual harassment. Accordingly, it is dedicated to creating a supportive environment where all members of the BBS community feel safe to come forward with their experiences.

- a. BBS encourages staff and students to disclose incidents of sexual assault and sexual harassment that they experience or witness by contacting the Student Wellbeing Officer via reception or wellbeing@thebbs.com.au or calling 1800 955 808, who will ensure confidentiality and proper support.
- b. Comprehensive training equips BBS staff, including first responders and student leaders, with the skills needed to effectively and sensitively respond to disclosures and to understand the barriers that may prevent individuals from coming forward.
- c. Staff must offer immediate support and refer individuals to the Student Wellbeing Officer for specialised assistance. While they may not feel equipped to respond directly to victims in distress, they play a crucial role in guiding them to appropriate support services.
- d. The Student Wellbeing Officer is trained to:
 - i. Provide guidance to the affected individual regarding appropriate medical, financial, housing, and legal support services, offering ongoing assistance to access these services.
 - ii. Maintain a confidential record of the disclosure, ensuring privacy and reducing the need for repeated recounting of the incident.
 - iii. Inform the individual about BBS's policies, their rights, and available options, supporting them through the decision-making process regarding official reporting.
 - iv. Assist in facilitating academic support requests for affected students, such as leave of absence, special consideration, or assignment extensions.
- e. SBBS must ensure that academic support is provided efficiently and empathetically for students impacted by sexual assault and sexual harassment.

5.5. INVESTIGATION OF SEXUAL ASSAULT AND SEXUAL HARASSMENT

- a. BBS must maintain the confidentiality of the individual reporting an incident of sexual assault or sexual harassment. They must not be required to attend meetings with the alleged perpetrator.
- b. When a report of sexual assault and sexual harassment is made, a senior staff member with no conflict of interest is designated by the CEO as the 'Investigating Officer' to handle the case. If no internal staff member is suitable, BBS must appoint an external professional to conduct the investigation.

- c. The appointed Investigating Officer must inform the alleged perpetrator of the complaint made against them and provide them with a 14-day notice to prepare for a hearing. At this hearing, the alleged perpetrator must have the opportunity to share their perspective. The Investigating Officer, two additional staff members, and a support person (if the alleged perpetrator chooses to bring one), must be present at the hearing.
- d. Within 14 working days following the hearing, the Investigating Officer must evaluate all evidence and reach a decision. If it is determined that the alleged perpetrator has breached any aspect of the BBS Codes of Conduct, disciplinary actions must occur, including:
 - i. Enrolment in a program on consent to sexual activities and respectful relationships.
 - ii. Adjusting the perpetrator's schedule to avoid contact with the reporting party.
 - iii. Temporary suspension.
 - iv. Demotion.
 - v. Expulsion from BBS.
 - vi. Termination of employment with BBS.
- e. All parties associated with the incident must be notified in writing of the investigation's outcome and the reasons for the decision made. This notification must also include information on further recourse available, including the processes for internal appeals and external grievance mechanisms.
- f. If the alleged perpetrator continues to be a part of BBS as a student or staff member or is reachable by BBS, the investigation and disciplinary procedures outlined above must be enacted.
- g. If the alleged perpetrator cannot be reached, BBS must still document the investigation's findings. This documentation must contribute to BBS's collected data and serve as a reference for future reviews and improvements of policies and procedures.
- h. SBBS must oversee the entire investigation process and ensure that it aligns with BBS's standards for fairness, confidentiality, and support. This includes:
 - i. Ensuring access to internal or external trauma-informed counselling services that are available 24/7 for urgent and ongoing support needs.
 - ii. Facilitating connections to external support agencies that BBS has engaged through memoranda of understanding, especially if on-campus resources are unavailable or insufficient.

5.6. INTERIM MEASURES

- a. BBS implements interim measures as needed to mitigate the risk of harm to any member of the BBS community. These measures are precautionary and do not indicate or presume the result of any BBS procedure.
- b. Interim measures are provisional restrictions or mandates issued in response to a disclosure or complaint of sexual assault and sexual harassment, awaiting the final resolution of the matter.
- c. Interim measures may encompass one or more of the following options:
 - i. Limited access to certain classes or modes of study.
 - ii. Restricted entry to specific buildings or facilities.

- iii. Limited use of BBS information technology resources and associated resources used for BBS teaching or research activities.
 - iv. Prohibition against contacting or approaching other individual(s), which includes contact via social media, telephone, messaging services, email, letters, or indirectly through another party.
 - v. Prohibition from entering a BBS campus or BBS properties.
 - vi. Any other temporary restrictions or actions BBS considers necessary to minimise the risk of harm to any member of the BBS community.
- d. SBBS oversees the determination and implementation of interim measures and ensures that all actions taken are in the best interest of community safety and comply with BBS policies. SBBS must consider the specifics of each case and consult with relevant parties as needed to decide on the most appropriate and effective interim measures.
- e. SBBS ensures that interim measures are applied fairly and transparently and they respect the rights of all individuals associated with the incident.
- f. SBBS must regularly review the application and impact of interim measures, adjusting them as necessary to respond to evolving situations and to uphold the safety and integrity of the BBS community.

5.7. CONFIDENTIALITY

- a. All disclosures or formal reports of sexual assault and sexual harassment are handled with strict confidentiality, in compliance with the *Privacy Act 1988 (Cth)* and BBS's *Privacy Policy*.
- b. Information from these disclosures or reports may be shared confidentially with the necessary BBS staff members when required to protect the safety of the reporting individual and the wider BBS community, and to guarantee the provision of coordinated support.

5.8. EXTERNAL REPORTING

- a. BBS respects the choice of the person who has experienced harm arising from a sexual assault or sexual harassment incident about whether they report the incident to law enforcement.
- b. Sometimes, BBS is legally required to report an incident of sexual assault or sexual harassment to the police, such as:
 - i. If the witness, victim, or the alleged perpetrator presents a risk to themselves or others.
 - ii. If the witness, victim, or the alleged perpetrator has committed, or is threatening to commit, a criminal act.
- c. Before making a report to external authorities, BBS must ensure the individual is aware of the details they must report, the reasons they must give for reporting the incident, and the procedures they must follow.
- d. BBS must inform TEQSA of any critical incidents, which include sexual assaults and sexual harassment involving anyone under the care of BBS in any capacity. In such reports, the personal details of all parties associated with the incident must be kept confidential.

5.9. RECORD KEEPING

- a. BBS must maintain a central, secure database to record all reports and disclosures of sexual assault and sexual harassment. The database must include both informal disclosures and formal reports, thereby ensuring a single, reliable source for all related information.
- b. To ensure confidentiality and compliance with privacy regulations, access to this database must be strictly regulated according to this policy,.
- c. The database must record details of the incidents, including the nature of the reported incident, any alleged perpetrators, outcomes of investigations, and any disciplinary actions taken. It must also include reports made to security, health and counselling services, and via digital channels such as online forms and emails.
- d. Reporting and response timelines must be documented in the database to enable BBS to monitor and improve the timeliness of its actions.
- e. Upon receiving new reports, BBS must review past records to identify any previous reports involving the same individuals and to detect patterns of behaviour, repeated victimisation, or vexatious claims.
- f. A detailed record-keeping protocol is essential for tracking BBS's response to incidents. It plays a critical role in the ongoing evaluation and improvement of BBS's strategies to prevent and respond to sexual assault and sexual harassment.

6. ROLES AND RESPONSIBILITIES

- a. The Board of Directors delegates responsibility for the day-to-day implementation of this policy to the CEO. The CEO holds overarching accountability for ensuring the policy aligns with BBS's strategic objectives and is implemented effectively across all areas of BBS.
- b. The Administration and HR Manager is responsible for ensuring that all staff comply with and are well-informed about the policy. This includes facilitating training and providing regular updates on policy changes and practices.
- c. The Student Wellbeing Officer is responsible for promoting the policy among students, providing them with the necessary support, and ensuring they have a clear understanding of how to access resources and report incidents.
- d. The student representative on SBBS must act as the voice of the student body to ensure that student perspectives and concerns inform policy discussions and decisions relating to sexual assault and harassment. Their role is crucial for maintaining open lines of communication between the student body and BBS administration, thereby contributing to the development of responsive and effective strategies. The student representative must actively participate in SBBS meetings, provide insights into student experiences, and give feedback on the effectiveness of policies and procedures relating to sexual assault and harassment.
- e. SBBS is responsible for the holistic management of the policy, including its development, implementation, and continuous improvement.

- f. The BoD, with input from the ARC, undertakes regular reviews of reports from SBSS. These reviews are essential for continuous monitoring, allowing BBS to use findings to improve policy implementation and response strategies.

VERSION CONTROL

Document title	Sexual Assault and Sexual Harassment Policy and Procedures	
Approved By	Board of Directors	
Date of Review	This document is to be reviewed every two years at a minimum from the date of final approval.	
Related Documents	<ul style="list-style-type: none"> • Conflict of Interest Policy • Critical Incident and Business Continuity Plan • Critical Incident Management Policy and Procedures • Discrimination, Bullying, Harassment, and Sexual Misconduct Policy • Diversity, Equity, and Inclusion Policy • Fraud and Corruption Control Policy and Procedures • Privacy Policy • Records Management Policy • Risk Management Plan • Risk Management Policy and Framework • Staff Code of Conduct • Staff Complaints and Appeals Policy and Procedures • Student Code of Conduct • Student Complaints and Appeals Policy and Procedures • Work Health and Safety Policy 	
Related Legislation and References	<ul style="list-style-type: none"> • <u>Australian Human Rights Commission</u> • <u>Privacy Act 1988 (Cth)</u> • <u>TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector</u> • <u>Higher Education Support Act 2003</u> • <u>Higher Education Provider Guidelines 2023</u> 	
Version	Notes	Date Approved
1.0	The first draft was presented and approved with minor changes.	08.04.2024