



SEXUAL ASSAULT AND SEXUAL HARASSMENT POLICY AND PROCEDURE

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1. Overview

Skyline Higher Education of Australia (“SHEA”) has no tolerance for sexual assault or sexual harassment. Sexual assault is a crime. It is never okay for someone to use force or threats to get you to do anything that makes you feel uncomfortable.

SHEA supports the right of every student and staff member to feel safe and respected, irrespective of the mode of study or employment status with SHEA. SHEA is committed to supporting students and staff affected by sexual assault or sexual harassment, regardless of where and when it takes place.

2. Sexual assault

2.1. Definition

Sexual Assault is a general term used to describe a broad range of sexual crimes committed against a person. In Australia, a person cannot touch you, threaten you, exchange unwanted sexual images of or with you, or make sexual comments to or about you without your say. Sexual offences are a serious crime and offenders could face up to 14 years in prison. If you are an International Student, reporting a crime or being a victim of crime will not affect your visa or employment status.

Sexual assault crimes include sexual intercourse without consent, aggravated sexual assault, indecent assault and acts of indecency (these offences generally involve inappropriate touching, including genitals or other intimate areas or forcing a person to touch the genitals or intimate areas of another person). An offence is aggravated if there is a threat, whether actual or implied, or it is done in the company of other people, or is committed upon a person under a certain age or under authority of a person (teacher/relative/carer) or involves the use of a weapon, force or threat. Sexual Assault is a crime of violence. It aims to humiliate and degrade the victim and can occur within marriage. It can be a frightening experience that may have long-term effects. These effects occur regardless of a person's age, gender, status, culture, ability or sexuality¹.

Some people blame victims or make victims feel that they somehow ‘asked’ to be sexually assaulted because of how they looked or dressed, or where they were at the time.

This is not right. It is never a victim’s fault. Sexual assault is always a crime.

2.2. Procedure

If someone does something to make you feel uncomfortable or you have been sexually harassed or assaulted, you should report this immediately to a SHEA staff member such as your Educator, the Student Support Officer, the Dean or the CEO. If you are unable to contact any of these staff members, the factsheets available on this website (in 11 different languages) explain how to obtain support <https://rlc.org.au/publication/your-body-your-choice-sexual-assault-factsheet>. There is information on translation services if English is not your first language.

Staff members may advise you to:

¹ For definitions and examples of sexual assault, refer to:

https://www.victimsservices.justice.nsw.gov.au/sexualassault/Pages/sexual_assault_victims.aspx

<https://www.wlsnsw.org.au/resources/sexual-assault/what-is-sexual-assault/>

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- a) Report a non-academic grievance under SHEA's *POL024 Student Grievance Handling Policy and Procedure*; or
- b) Seek support or counselling; or
- c) Report the matter to the Police.

You can always seek help from health and counselling services, including sexual assault services. This applies even when you don't want to report to the Police, or if you have reported to the Police but they do not believe that a crime has been committed. If you are not sure whether you have been sexually assaulted, there are specially trained people who can help you understand what has happened to you and what your options are:

- a) If you or someone else is in immediate danger call **000**.
- b) You have access to the Student Support Officer if they are available for guidance and advice. Where they believe that further support is required, they will organise a referral to appropriate support services.
- c) If there is no staff member available, obtain the fact sheet in your language from: <https://rlc.org.au/publication/your-body-your-choice-sexual-assault-factsheet>
- d) You may also talk to a specialist counselling service as listed in Section 4 of this document.

3. Sexual harassment

3.1. Definition

Sexual harassment is defined as:

- a) Unwanted sexual advances, or unwelcome requests for sexual favours; or
- b) Other unwelcome conduct of a sexual nature.

Sexual harassment is any unwelcome sexual behaviour which is likely to offend, humiliate or intimidate. It has nothing to do with mutual attraction or friendship. A reasonable person would have expected you to be offended, humiliated or intimidated by this behaviour.

Examples include:

- a) unwelcome physical touching including deliberately brushing up against a person;
- b) uninvited kisses or embraces;
- c) requests for sex;
- d) staring or leering;
- e) sexually explicit conversation;
- f) suggestive comments or jokes;
- g) unwanted requests to go out on dates, especially after prior refusal;
- h) emailing pornography or rude jokes;
- i) sending sexually explicit texts;
- j) intrusive questions about your private life or body;
- k) displaying posters, magazines or screen savers of a sexual nature;
- l) making promises or threats in return for sexual favours;
- m) "flashing" (exposing private parts of the body) or sexual gestures;

- n) sex-based insults, taunts, teasing or name-calling;
- o) touching or fiddling with a person's clothing e.g. lifting up skirts, flicking bra straps;
- p) offensive phone calls or letters;
- q) stalking, sexual insults or taunting; and
- r) offensive messages through new technologies such as mobile phone cameras, social networking websites, emails or electronic communications.

3.2. Procedure

If someone does something to make you feel uncomfortable or you have been harassed, you should report this to your Educator, the Student Support Officer, the Dean or the CEO. They may advise you to report a non-academic grievance under SHEA's *POL024 Student Grievance Handling Policy and Procedure* or may advise you to seek support or counselling. If you are unable to contact any of these staff members, the factsheets available on this website (in 11 different languages) explain how to obtain support <https://rlc.org.au/publication/your-body-your-choice-sexual-assault-factsheet>. There is information on translation services if English is not your first language.

You can always seek help from health and counselling services. If you are not sure whether you have been sexually harassed, there are specially trained people who can help you understand what has happened to you and what your options are:

- a) If you or someone else is in immediate danger, call **000**.
- b) You have access to the Student Support Officer, if they are available, for guidance and advice. Where they believe that further support is required, they will organise a referral to appropriate support services.
- c) If there is no staff member available, obtain the fact sheet in your language from : <https://rlc.org.au/publication/your-body-your-choice-sexual-assault-factsheet>
- d) You may also talk to a specialist counselling service as listed in Section 4 of this document.

4. Specialist counselling services

| Sydney, New South Wales | |
|--------------------------------|--|
| a. | Redfern Legal Centre's International Student Legal Service NSW https://rlc.org.au/publication/your-body-your-choice-sexual-assault-factsheet (fact sheets in 11 different languages). |
| b. | 1800 Respect (1800 737 732) national telephone line for victims of sexual assault and family violence (available 24 hours) |
| c. | NSW Rape Crisis 1800 424 017 or www.nswrapecrisis.com.au |
| d. | Bravehearts on 1800 272 831 or www.bravehearts.org.au |
| e. | Victims Support Line 1800 633 063 Aboriginal Contact Line 1800 019 123 www.lawlink.nsw.gov.au/vs |
| f. | Helping Victims of Sexual Assault: http://www.victimsservices.justice.nsw.gov.au/sexual-assault/ |

- g. Sexual Assault Services Contact via your local hospital or go to <https://www.health.nsw.gov.au/parvan/sexualassault/Pages/info-sexual-assault-victims.aspx>

5. Related documentation

- POL024 Student Grievance Handling Policy and Procedure

6. Version history

| Version | Approved by | Approval Date | Sections modified |
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| 1.0 | Board of Directors | 3 November 2022 | Document creation and initial approval |

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