



# Sexual Assault and Sexual Harassment Policy

Policy Area: Human Resources

Approval: Board of Directors

Signature:

Date:

## 1. EXECUTIVE SUMMARY

Sheridan is committed to the highest standard of safety and care for our students, faculty and any other person affiliated with, and working for our institution, striving to promote respectful behaviour and interactions.

Sheridan does not tolerate sexual or discriminatory harassment as defined in this policy by, or against any member of its community, nor will it tolerate sexual or discriminatory harassing conduct that affects job or educational benefits or that interferes with an individual's work or academic performance, or that creates an intimidating, hostile or offensive work or educational environment. Individuals who engage in conduct prohibited by this policy may be subject to disciplinary action, up to and including termination or dismissal.

The policy deals with the definitions of misconduct, the differences between the disclosures and reporting processes, the internal investigation and disciplinary and the training of first responders. Sheridan takes a preventative approach to such behaviours. This policy, and the education relating to it, is provided to all students and faculty during orientation / induction and at other times of the year as required.

## 2. RESPONSIBILITY AND ACCOUNTABILITY

Initial approval of policy and later amendments:	Board of Directors
Amendment of procedures consistent with the policy:	Executive Principal
Distribution of policy:	Executive Principal, Academic Principal
Implementation of policy:	Executive Principal
Monitoring and compliance of policy:	Board of Directors
Evaluation and recommendations for amendments:	Executive Principal, Academic Principal, Academic Council, Faculty

## 3. DEFINITIONS

- 3.1. **Complainant** refers to the individual raising an issue, providing a notification or making a complaint about a matter that they wish Sheridan to consider, for the purposes of reporting or to seek resolution.
- 3.2. **Respondent** means a students or employee against whom claims relating to sexual harassment and/or sexual assault are made.
- 3.3. **Employee** means an individual employed by Sheridan under an enterprise agreement or a common law employment contract.

- 3.4. **Student** refers to an individual enrolled to undertake studies at Sheridan, whether long term or short term, irrespective of the level of studies or time spent within the Sheridan Community.
- 3.5. **Supervisor/Manager** means an individual who is responsible for supervision of the employee or student.
- 3.6. **Sheridan Community** means all persons using Sheridan campuses or facilities for work, study or other authorised activity.
- 3.7. A **Disclosure** takes place when one person in the Sheridan Community informally tells another person in the Sheridan Community sensitive information. Disclosures are not necessarily an official **report** of an incident (see next definition), although the complainant may want to ensure that their disclosure becomes a report.
- 3.8. A **Report** refers to a formal complaint is made by one member of the Sheridan Community against another member, with a requirement for formal remedial action by Sheridan.
- 3.9. **Duty of Care** requires all employees and students to take reasonable care in view of reasonably foreseeable circumstances that may arise in relation to physical, emotional and psychological safety as a first priority in all circumstances within the Sheridan Community.
- 3.10. **Vexatious Complaint** means a complaint that is made or pursued without reasonable grounds or made to harass or annoy, to cause delay or detriment, or for any other wrongful purpose.

#### 4. LEGAL DEFINITIONS

- 4.1. The meaning of **Sexual Harassment** in section 28(a) and (b) of the *Sex Discrimination Act 1984* (Cth) is:

*"when the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or engages in other unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated".*

- 4.2. **Sexual Harassment** is defined in legislation as conduct with a sexual component which is unwelcomed, unsolicited and unreciprocated. Conduct with a sexual component includes physical, visual, verbal and non-verbal behaviour, and includes, but is not limited to:

- Leering or staring;
- Persistent following or stalking;
- Indecent exposure;
- Persistent unwelcome invitations, phone calls or emails;
- Sexually suggestive words, gestures or sounds;
- Sending sexually explicit emails or text messages;
- Sexually suggestive material use on any Sheridan computer system for the viewing of, the retention or distribution of sexually explicit material;
- Obscene sexual communications in any media, including social networking;
- Unwelcome behaviour or contact of a sexual nature which offends, intimidates, embarrasses or humiliates an individual;
- Unwanted ongoing declarations of affection or approaches for affection, including gifts, displays of sexually suggestive material;
- Unwelcome physical touching or familiarity, including deliberately brushing against someone, patting, kissing and embracing.

- 4.3. Sexual harassment **does not** involve mutual attraction, consensual romantic involvement or friendship.
- 4.4. **Sexual Harassment in Employment** is defined and dealt with in section 24 of the Western Australian *Equal Opportunity Act 1984*.
- 4.5. **Sexual Harassment in Education** is defined and dealt with in section 25 of the Western Australian *Equal Opportunity Act 1984*.
- 4.6. **Sexual Violence** may involve physical violence and/or coercive behaviour, threats, or threats of physical violence such as physical molestation or assault, and these behaviour/s and action/s may be a single incident, or a persistent pattern of unwelcome behaviour, and may constitute a criminal offense. Sexual violence may also take the form of a sexual threat.
- 4.7. **Sexual Assault** is considered to be any unwanted sexual acts or behaviours which an individual did not consent to, through the use of physical force, intimidation or coercion, including, but not limited to:
  - Indecent assault;
  - Attempted rape;
  - Aggravated sexual assault;
  - Penetration by objects;
  - Forced activity that did not end in penetration;
  - Sexual assault with a weapon;
  - Rape, being sexual penetration without consent.
- 4.8. The Western Australian Police Sexual Assault Fact Sheet can be found [here](#).
- 4.9. **Sexual penetration** is defined in section 71.8(3) of the Commonwealth *Criminal Code Act 1995*.
- 4.10. **Unlawful Sexual Penetration** is defined in section 71.8 of the Commonwealth *Criminal Code Act 1995* and is a strict liability offense.

## 5. DUTY OF CARE AND SCOPE OF CONFIDENTIALITY

- 5.1. Under the Western Australian *Equal Opportunity Act 1984*, the Commonwealth *Sex Discrimination Act 1984* and *Fair Work Act 2009*, sexual misconduct, in all its forms, is unlawful. Under the Australian Occupational Safety and Health Act 1984, an employer is required to take remedial and preventative action to such conduct, including the disclosure of necessary information in response to allegations of sexual misconduct.
- 5.2. Sheridan has both legal obligations and a Duty of Care to all its employees and students, which may take precedence over the expressed wishes of a complainant for confidentiality. Duty of Care considerations include an assessment of the safety of people involved in the matter and may require employee relocation or adjustment of duties and reporting lines, or of Sheridan's timetable, while the matter is in progress.
- 5.3. Where there is:
  - a threat of physical harm;
  - danger to an individual;
  - an activity considered serious misconduct under the *Corruption Crime Commission Act 2003* that Sheridan is obliged to report; or
  - Sheridan's Duty of Care to employees and/or students is compromised if no action is taken

Sheridan has a Duty of Care to ensure safety of all persons takes precedent over confidentiality. Therefore, if anyone discloses an attempt or the threat to attempt self-harm, Sheridan has a Duty of Care to alert the appropriate authorities in order to provide immediate medical and other assistance.

- 5.4. Sheridan may be required to take remedial and preventative action/s, including disclosure of necessary information to appropriate professional personnel in response to allegations of sexual misconduct.
- 5.5. Sexual abuse of minors is a criminal offence and will be immediately referred to the authorities under Sheridan's Duty of Care as acting in the best interest of the minor, without regard for confidentiality or who made the report.

## 6. RIGHTS AND RESPONSIBILITIES

- 6.1. All persons within the Sheridan Community have the responsibility to contribute to a safe, respectful environment, which includes the fair treatment of all persons in a culture where harm and misconduct is publicly discouraged, prevented and quickly reported.
- 6.2. It is the responsibility of all persons who are a part of the Sheridan Community to adhere to the Western Australian *Equal Opportunity Act 1984*, the Commonwealth *Sex Discrimination Act 1984* and the *Fair Work Act 2009*, and all other relevant State and Federal legislation.
- 6.3. All members of the Sheridan Community have the rights and protections of the legislation referenced above, and have the right to access such rights through the appropriate channels, both internally as well as externally.

## 7. PREVENTION CULTURE

- 7.1. Sheridan encourages a culture of love and respect in all interactions with all persons.
- 7.2. Sheridan fosters a preventative culture, rather than a reactionary culture, which includes:
  - Ensuring all staff and students are aware of the *Sexual Assault and Sexual Harassment Policy*;
  - Ensuring there are both staff and student support networks for those needing to speak to someone if they are feeling unsafe;
  - Ensuring all support staff are adequately trained and supported;
  - Ensuring confidentiality is kept at all times, with the exception of self or other harm, or the threat of harm;
  - Ensuring due process and the integrity of the investigative process is maintained; and
  - Ensuring all persons have a voice and a right of reply.
- 7.3. Students will be informed of the *Sexual Assault and Sexual Harassment Policy* at Orientation as well as through the Orientation and Student Services information which is available in print and through Sheridan's Canvas site. Staff will be informed of the *Sexual Assault and Sexual Harassment Policy* at Induction as well as through the Staff Handbook.
- 7.4. Students will be informed of the support available to them through Sheridan and through community services during Orientation as well as through the Orientation and Student Services information which is available in print and through Sheridan's Canvas site. Staff will be informed of the support available to them through Sheridan and through community services during Induction as well as through the Staff Handbook.

- 7.5. Only counsellors which are trained in supporting those who have experienced sexual assault or harassment will be listed as support for staff and students. Select staff members and students will receive training through community organisations in how to support staff and students who have experienced sexual assault or harassment. These trained staff members will also be encouraged, as needed, to seek opportunities for further training, debriefing and review.
- 7.6. As part of staff induction staff members will be trained in how to maintain confidentiality when they receive a disclosure except where there has been or is the possibility of harm to self or others. Students who have received training in this type of support will also learn how to protect the confidentiality of those who make disclosures to them except where there has been or is the possibility of harm to self or others.
- 7.7. The investigative process for managing reports of sexual harassment and assault will be reviewed annually by the Board. Every 5 years there will be an independent audit of the investigative process, policies and procedures with regard to sexual harassment and assault.
- 7.8. Whether a staff member or student has been accused or has accused another staff member or student of sexual assault or harassment, both the rights of the complainant and the rights of the respondent to appeal the decision and to present their evidence and case will be protected and maintained in accordance with the procedures in this policy.
- 7.9. Staff members are encourage to consider staff and student safety at all times and maintain professional and respectful relationships. We encourage staff members to avoid any appearance of impropriety by taking reasonable measures.

This means that:

- Staff should avoid meeting students one-on-one in private or secluded locations outside of Sheridan facilities. Please see the Sheridan *Risk Management Framework* for guidance on field trips and other activities.
- Staff members should be professional and respectful when digitally communicating with a student.
- Staff members should avoid transporting a student when they are by themselves. Instead we encourage staff to look for other ways to assist a student who may need help with transportation.

These are specific examples but they underline a larger principle of striving for professional and respectful relationships between students and staff.

**7.10. Romantic relationships between staff and students:**

- 7.10.1. Romantic relationships between a student and the lecturer of the unit in which they are enrolled, or the supervisor of their research project, are not permitted except where the relationship existed prior to enrolment in the program. If there is a relationship which existed prior to the enrolment and that student has enrolled in a unit with that staff member, then the staff member is required to declare the conflict of interest and the relevant procedures will apply.
- 7.10.2. Romantic relationships between students and staff who are their immediate lecturer or supervisor are otherwise permitted but discouraged. If this situation does arise between two consenting adults, the relationship should be immediately disclosed to Sheridan administration, the relationship is to be discreet and respectful at all times, avoiding any real or perceived conflicts of interest.

**7.11. Cyber and Online Prevention (Including Grooming Behaviour)**

- 7.11.1. Members of the Sheridan Community have the right to learn, teach and work in a digital environment that is safe and accessible. If this safety is compromised in any way, Sheridan reserves the right to take immediate disciplinary action.
- 7.11.2. Where there is an accusation of improper behaviour in the online environment with regards to staff or students, the respondent's digital access will immediately be suspended while an investigation takes place which will include the opportunity for the respondent to present their case and evidence according to the procedures laid out below.
- 7.11.3. Should the respondent be found to have engaged in improper conduct, then with regards to staff members they will be dismissed and with regards to students, depending on the level of misconduct, their enrolment will be terminated.

#### 7.12. Sexual Assault or Harassment on Premises Outside Sheridan

- 7.12.1. An incident or incidents or sexual assault or harassment occurring for anyone who is a member of the Sheridan Community which takes on premises outside the Sheridan Community will result in Sheridan offering to liaise with the responsible authority to ensure proper procedures are followed, and will continue to offer the provision of support services, as necessary, and as requested.

## PROCEDURES

### 8. INTERNAL PROCEDURES FOR THE DISCLOSURE OF SEXUAL ASSAULT OR HARASSMENT

- 8.1. Disclosures may take the form of one person in the Sheridan Community telling another person in the Sheridan Community sensitive information.
- 8.2. Disclosures are not necessarily an official report an incident, although the complainant may want to ensure that their disclosure becomes a report.
- 8.3. Valuable additional sources for managing disclosures include:
  - The *Australian Federal Police* have helpful tools on disclosures of sexual abuse for front-line professionals and how they can respond [here](#).
  - The *Australian Centre for the Study of Sexual Assault* have a helpful Resource on Responding to Young People Disclosing Sexual Assault [here](#).
- 8.4. Any member of staff or student of Sheridan who is a victim of sexual harassment, assault or abuse is encouraged to make a disclosure in order to seek support. A disclosure does not constitute a report requiring remedial action by Sheridan. Victims of sexual assault, abuse or harassment seeking to lodge formal complaints are advised to see procedures in Section 9.
- 8.5. Disclosures are not time-bound, neither are they limited to cases that took place within Sheridan premises.
- 8.6. All disclosures are treated confidentially. The privacy and identity of the victim will be protected at all times, within the constraints outlined in Section 5 of this policy.
- 8.7. A disclosure can be made to Sheridan's Designated First Responder (DFR) through this email [csmith@sheridan.edu.au](mailto:csmith@sheridan.edu.au) or by contacting the first responder on this number 0450388298
- 8.8. The DFR at Sheridan is the Director of Student Services, Christa Smith.

- 8.9. Where the DFR is conflicted or unavailable in a particular case, the Academic Principal, Dr Natalie Leitão will act as the DFR instead.
- 8.10. Disclosures can also be made to any Sheridan officer (academic and administrative staff). All staff undergo periodic training on how to handle sexual harassment and abuse disclosures.
- 8.11. Where a victim elects to receive advice and counselling from a Sheridan officer who is a person trusted to them, (trusted officer) rather than a DFR, the officer must make the student aware that their interpretations of the case and advice offered are not professionally informed.
- 8.12. The trusted officer nonetheless must show the student care, love and support in keeping with Sheridan's Christian values.
- 8.13. **Steps following a disclosure**
- i. When the DFR or a trusted officer receives a disclosure, they must respond to the complainant at the earliest opportunity, at most within 24hrs.
  - ii. The trusted officer or DFR must ensure the complainant's health and safety are immediately secured if there is any ongoing risk.
  - iii. A meeting should be arranged with the complainant by the trusted officer or the DFR. Students are free to come to the meeting(s) with friends or family members for support.
  - iv. Victims who are international students or staff will be offered the opportunity to access interpreter services during such meetings where necessary, paid for by Sheridan.
  - v. The complainant will be made aware of Sheridan's *Sexual Assault and Sexual Harassment* policy and procedures
  - vi. The DFR or trusted officer must inform the complainant of their rights under this policy and under the relevant Australian laws.
  - vii. The complainant will be informed of their right to report to the police and the processes of doing so in the first instance.
  - viii. The complainant will be made aware of the implications of not making a formal report, including but not limited to, potential of the offender to repeat abuse or harass others and the inability of Sheridan to impose disciplinary punitive measures.
  - ix. The complainant at the earliest will be offered support and guidance to access Sheridan's investigation and disciplinary processes if they elect to do so.
  - x. The complainant will be offered pastoral and psychological counselling at the earliest opportunity, irrespective of whether they choose to report or not.
  - xi. The trusted officer or the DFR must make available to the complainant the support services offered by Sheridan or externally, including but not limited to alternative accommodation, means of transport among others.
  - xii. If the complainant is a student, The DFR or trusted officer should, with the consent of the student, liaise with the Academic Principal to initiate academic support such as assignment extension and exams deferral where necessary. Care should be taken to ensure adherence to privacy and confidentiality regarding the abuse or harassment disclosed. As far as possible, unit lecturers and other faculty officers must not be made aware of the case during the arrangement for academic support. However, the usual procedures for applying for an extension would not be followed. All lecturers will

instead be informed that the student has qualified for extensions on all assessments and exams and this has been decided by the Sheridan administration.

- xiii. A trusted officer who handles a disclosure must complete an incidence report and file it with the DFR.
- xiv. The DFR must ensure all incident reports are de-identified and kept confidential
- xv. Incident reports are to be used by the DFR to compile annual reports to inform Sheridan sexual assault and sexual harassment policy and procedure reviews.
- xvi. Welfare Officer and trusted officers to whom disclosures have been made have the Duty of Care to periodically follow up and check on the student's welfare.

## 9. INTERNAL PROCEDURES FOR LODGING A FORMAL REPORT OF SEXUAL MISCONDUCT

- 9.1. Reporting is a formal process, with trained professionals who make every effort to keep the complainant's confidentiality.
- 9.2. The Sheridan administration reserves the right to escalate an internal report of misconduct at any time to authorities, if the administration believes it is justified and within the requirements of their duty of care.
- 9.3. Sheridan acknowledges their duty of care to mandatorily report an instance of child sexual abuse in Western Australia, in line with the directives of the Department for Child Protection Guide [here](#).
- 9.4. Valuable additional sources for managing reports include:
  - 9.4.1. The Australian Human Rights Commission Information, Reporting and Complaints for Sexual Harassment Worksheet is an informative resource, and can be found [here](#).
  - 9.4.2. Western Australia's Health Information on *What to Do If You Want to Report Sexual Assault to the Police* Fact Sheet is a useful resource, and can be found [here](#).
  - 9.4.3. Guidelines for Universities Response to Sexual Assault and Sexual Harassment Report is a guiding document for Sheridan, and can be found [here](#).
- 9.5. Any member of staff or student of Sheridan who is a victim of sexual harassment or assault is encouraged to lodge a formal complaint with the police or report to Sheridan's Designated First Responder (DFR). Cases of assault and harassment should be lodged as soon as they occur to ensure best remedial outcomes are obtained.
- 9.6. All reports of sexual assault and harassments are treated confidentially, and the privacy and identity of the victim will be protected at all times.
- 9.7. A report can be lodged with Sheridan's designated first responder (DFR) through this email [csmith@sheridan.edu.au](mailto:csmith@sheridan.edu.au) or by contacting the first responder on this number 0450388298
- 9.8. **Steps Following a Report:**
  - i. Once the DFR receives a report, they must respond to the complainant at the earliest opportunity, at most within 24hrs.
  - ii. The DFR must ensure the complainant's health and safety are immediately secured if there is any ongoing risk.
  - iii. A meeting should be arranged with the complainant by the DFR. Students are free to come to the meeting(s) with friends or family members for support.

- iv. Victims who are international students or staff will be offered the opportunity to access interpreter services during such meetings where necessary, paid for by Sheridan.
- v. The complainant will be made aware of Sheridan's Sexual Assault and Sexual Harassment policy and procedures.
- vi. The DFR will inform the complainant of their rights under this policy and under the relevant Australian laws.
- vii. Victims will be informed of their right to report to the police and the processes of doing so in the first instance.
- viii. If the complainant makes a report to both Sheridan and to the police, Sheridan has an obligation to suspend its internal investigation processes and await the outcome of the police investigation. Whilst waiting for the outcome of the police investigation, the complainant will be offered other support services outlined in this policy.
- ix. The complainant should be offered pastoral and psychological counselling at the earliest opportunity.
- x. The trusted officer or the DFR must make available to the complainant the support services offered by Sheridan or externally, including but not limited to alternative accommodation, means of transport among others.
- xi. If the complainant is a student, The DFR will with the consent of the student liaise with the academic principal to initiate academic support such as assignment extension and exams deferral where necessary. Care should be taken to ensure adherence to privacy and confidentiality of the abuse or harassment disclosed is adhered to. As much as possible, unit lecturers and other faculty officers must not in any way be made aware of the case during the arrangement for academic support.
- xii. The complainant at the earliest will be offered support and guidance about accessing Sheridan's investigation and disciplinary processes if they elect not to report to the police.
- xiii. In circumstances that fall within mandatory reporting legislation, the DFR must make a formal report to the police, even if the complainant does not wish to engage in a criminal investigation and proceedings. A DFR who handles a disclosure must complete an incident report and file it.
- xiv. The DFR must ensure all incident reports are de-identified and kept confidential.
- xv. Incident reports are to be used by the DRF to compile annual reports to inform Sheridan SASH policy and procedure reviews.
- xvi. The DFR have the duty of care to periodically follow up and check on the student's welfare.

#### 9.9. Filing a Complaint:

- i. Where a complainant elects not to proceed with a criminal process, the complainant will be guided by the DFR to file a complaint with the Executive Principal. Alternatively, the report may be resolved through an alternative dispute resolution (ADR) mechanism which may not involve disciplinary measures.
- ii. The choice of either file a complaint with the Executive Principal or seeking resolution through ADR will be decided by the complainant with the guidance of the DFR.

- iii. As a guide for the complainant and the DFR, sexual misconduct which is open to ADR or reporting to the Executive Principal are dependent on categories outlined below.

### Sexual Harassment

- staring, leering or unwelcome touching
- suggestive comments or jokes
- unwanted invitations to go out on dates or requests for sex
- intrusive questions about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- emailing pornography or rude jokes
- displaying images of a sexual nature around the workplace
- communicating content of a sexual nature through social media or text messages.

### Sexual Assault/Abuse

- Forcing anyone to have sex or perform sexual acts
- Forcing anyone to watch pornography
- Having sex or performing sexual acts with a child

- iv. A sexual harassment report, with the consent of the complainant, may be resolved either through ADR or by filing a complaint with the Executive Principal.
- v. For ADR resolutions, the DFR shall invite both the complainant and the respondent for a resolution meeting.
- vi. Each party will have the opportunity to present their versions of the case and the DFR will aid in an amicable resolution.
- vii. In some cases, an apology from the respondent to the complainant will suffice as a suitable resolution. In other cases, a behavioural management plan may be implemented as part of the resolution.
- viii. If an offender is engaged in repeated sexual harassment activities, the DFR must file an official complaint to the Executive Principal for further investigation and disciplinary action after an ADR process.
- ix. Where a report involves sexual abuse and the complainant elects not to report to the police, the DFR shall assist the complainant to file a complaint with the Executive Principal for investigation and resolution.
- x. When a complaint is filed with the Executive Principal, the process for investigation and resolution outlined in Section 10 below is followed.

## 10. INVESTIGATION AND DISCIPLINARY PROCEDURES

10.1. The investigation and disciplinary process for reported sexual misconduct at Sheridan of any kind includes:

- i. A complaint shall be officially filed with the Executive Principal through the DFR using the appropriate complaints form.

## Sexual Assault and Sexual Harassment Policy

- ii. The Executive Principal shall immediately convene a Sexual Misconduct Disciplinary Committee (SMDC) to investigate.
- iii. Where the complaint concerns the Executive Principal or a related party, the SMDC shall be convened by the Academic Principal.
- iv. The committee shall consist of three members of the Board of Directors.
- v. Both the complainant and the respondent must be treated fairly.
- vi. The respondent at the least must be informed of the allegations and given the opportunity to make representations to the SMDC on the matter
- vii. The respondent must be informed of pastoral and psychological counselling services available to them.
- viii. Sheridan will assign a different pastoral and psychological counsellor to both the complainant and the respondent to ensure confidentiality and avoidance of conflict of interest.
- ix. The DFR has the authority to implement precautionary measures during the course of the investigation.
- x. For example, if the parties involved are students, timetable changes or deferrals of study may be implemented during the period of investigation.
- xi. If the parties involved are staff, they will be placed on paid leave, or required to work remotely.
- xii. The DFR and the SMDC will communicate updates to both parties periodically on progress of the investigation.
- xiii. All sexual assault and harassment cases must be resolved in a timely manner and should not extend beyond 6 weeks.
- xiv. In cases where the respondent is found culpable, the respondent will be subject to disciplinary action by the Sheridan administration.
- xv. In cases that are found to be vexatious or without merit, the complainant will be subject to disciplinary action by the Sheridan administration.
- xvi. At the end of any investigation, all parties will have the opportunity to appeal the final decision of the SMDC.
- xvii. An appeal shall be made to the Executive Principal.
- xviii. If the complaint involves the Executive Principal or a related party, the appeal shall be lodged with the Academic Principal.
- xix. The Executive Principal (or where necessary the Academic Principal) shall engage the services of an external legal officer to serve as the Arbiter.
- xx. The Arbiter shall review the investigation of the SMDC and offer hearing to both the complainant and the respondent.
- xxi. The Arbiter shall recommend new resolutions or uphold the decision of the SMDC
- xxii. The decision of the Arbiter is final and cannot be appealed.
- xxiii. Staff members and students who are found guilty of sexual assault, abuse or harassment by a court of competent jurisdiction will be subject to further disciplinary action by the Sheridan administration.

## 11. SUPPORT SERVICES AND PROCEDURES

- 11.1. The Sheridan administration commits to making every effort to providing a safe, supportive environment for all parties involved in the disclosure, reporting, investigative, interview and appeals process.
- 11.2. The Sheridan administration may refer one or all parties in a matter to external professionals, if the administration deems it is in the best interest of the parties concerned.
- 11.3. The Sheridan administration may utilise pre-existing government, not-for-profit or faith-based community services, or create alternate support services, as deemed appropriate.
- 11.4. The Sheridan administration may engage guardians, advocates (both formal and informal) or a 'safe person' for any party subject to the sexual misconduct investigative process, if deemed appropriate and in the best interest of the parties.
- 11.5. Sheridan reserves the right to refer any sexual misconduct matter to the Western Australian Police Force, the Sexual Assault Resource Centre, the Youth Law Centre, or any other external support service, as deemed fit, as is reasonably practicable and if it is in the best interest of the parties involved.
- 11.6. Ongoing safety and support will be provided for all parties involved in the sexual misconduct procedure, for as long as required and as deemed appropriate by Sheridan. This may take the form of engaging either internal or external support staff and/or professionals.

## 12. FIRST RESPONDERS TRAINING

- 12.1. Sheridan provides comprehensive and ongoing training to both student and staff first-responders on a regular basis. This includes:
  - Mental Health First Aid Training for selected faculty and students as well as SARC training and online training options from SARC for select staff.
  - Regular Sexual Assault Response Centre Disclosures Training

## 13. CONSIDERATION FOR VULNERABLE COHORTS

- 13.1. Sheridan seeks to ensure all persons are treated with respect and extended as much support as is practicable, during their involvement in the Sheridan Community. This includes ensuring vulnerable cohorts, such as those with additional support needs, for any reason, are afforded the support they require, whether through internal or external support, for the timeframe required, as much as is practicable.
- 13.2. Sheridan encourages guardians, advocates (both formal and informal) or a 'safe person' for any vulnerable person subject to the sexual misconduct investigative process, if deemed appropriate an in the best interest of the parties.
- 13.3. Those in the Sheridan Community have the right to protection from discrimination at work, and may seek support and advice through the Fair Work Ombudsman if required.
- 13.4. Ongoing safety and support will be provided for all parties involved in the sexual misconduct procedure, for as long as required and as deemed appropriate by Sheridan. This may take the form of engaging either internal or external support staff and/or professionals.

## 14. CONFLICTS OF INTEREST

- 14.1. All persons at Sheridan have the right to feel safe at all times, including when making a complaint. If a complainant or respondent believes that there is a real or perceived conflict of interest during the process, an alternative contact person may be requested.

- 14.2. All parties involved in a complaints and investigative procedure have the right to undertake the process free of any conflict of interests, and if a conflict of interest were to arise, all parties have the right to request alternate arrangements.
- 14.3. A conflict of interest includes any circumstance, whether actual or perceived, arising from conflict between the performance of public duty and private or individual interests, including a perceived or real bias.
- 14.4. All persons involved in the complaints or investigative process are to adhere to Sheridan's Code of Conduct, the directives within the Student Handbook and the Staff Handbook, as relevant.

## 15. VEXATIOUS COMPLAINTS

- 15.1. Vexatious complaints are discouraged by Sheridan. Complainants are to consider the consequences of such vexatious complaints for all parties concerned.
- 15.2. If the complaint is found to be vexatious, Sheridan may take action against the complainant, both internally and externally, whether they are a student employee or any other part of the Sheridan Community.

## 16. APPEALS PROCESSES

- 16.1. A complainant who is dissatisfied with the decision or process that Sheridan has reached under the complaint/grievance procedure has the right to engage an internal appeals process, or to access external support, as appropriate.
- 16.2. A respondent who is dissatisfied with the Sheridan decision or process regarding the allegation of Sexual Misconduct has the right to access the internal appeals process.
- 16.3. A person who has taken part in a grievance/complaints process has the right to request further investigative measures, for the purposes of disclosure and clarification.

## 17. SUPPORT SERVICES

### 17.1. List of On Campus Support Services

- Director of Student Services
- Executive Principal
- Academic Principal
- Registrar
- Deans
- Lecturers

### 17.2. List of External Support Services

- Report sexual assault matters to your local police station or call police on **131 444**. Sex Assault Squad can be contacted on **(08) 9428 1600** or via [email](#).
- **Sexual Assault Resource Centre:** provides a confidential counselling service to those over 12 years who have been sexually assaulted or abused either recently or in the past. (+61 8) 9340 1828 or 1800 199 888 (free call from landlines).
- **National Sexual Assault, Domestic and Family Violence Counselling Service:** 1800 RESPECT
- **Lifeline:** 13 11 14
- **Crisis Care:** (+61 8) 9223 1111

- **Mental Health Emergency Services:** 1300 555 788
- **Salvo Care:** 13 72 58
- **Yogrum** offers culturally informed counselling for Indigenous victims of sexual assault: (08) 9218 9477
- **MAITRI Mental Health Services (Culturally & Linguistically Diverse service):** (+61 8) 9328 2699
- **Crime Stoppers:** 1800 333 000
- **Crisis Care Helpline:** (08) 9223 1111, country freecall: 1800 199 008
- **Police assistance line:** 131 444
- **Perth Children's Hospital Tel:** (08) 6456 2222
- **Royal Perth Hospital:** (08) 9224 2244
- **Sexual Assault Resource Centre (SARC):** (08) 6458 1828, or Freecall: 1800 199 888  
Visit the Department of Health's Sexual Assault Resource Centre web page for more information about the available services and contact details.
- **Telephone Interpreter Service:** 13 14 50
- **Victims of Crime support:** (08) 9425 2850
- **Youth Law Australia**, Western Australian Office: (02) 9385 9588
- **Fair Work Ombudsman**

**18. APPENDIX: DOCUMENT HISTORY AND VERSION CONTROL RECORD**

<b>Document Title:</b>	Sexual Assault and Sexual Harassment Policy
<b>Source Documents:</b>	
<b>Associated Internal Documents:</b>	Code of Conduct Policy Student Grievance Policy Staff Grievance Policy
<b>Associated External Documents</b>	WA Equal Opportunity Act 1984 Commonwealth Sex Discrimination Act 1984 Fair Work Act 2009 Commonwealth Occupational Safety and Health Act 1984 Western Australia Police Sexual Assault Fact Sheet Commonwealth Criminal Code Act 1995 Australian Centre for the Study of Sexual Assault's Resource on Responding to Young People Disclosing Sexual Assault. Universities Australia Guidelines for Universities Response to Sexual Assault and Sexual Harassment
<b>Authorised Officer:</b>	Chair, Board of Directors
<b>Approved by:</b>	Mr Michael Smith
<b>Date of Approval:</b>	10 Feb 2021
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1.01	8 Jul 2022	Executive Principal	Minor grammatical edits