



## SEXUAL ASSAULT AND SEXUAL HARASSMENT POLICY

Policy Document Owner	James Dalziel, <i>Dean and CEO</i>
Contact	e: <a href="mailto:jdalziel@actheology.edu.au">jdalziel@actheology.edu.au</a> p: (+612) 9262 7890
Policy Document Approver	Board of Directors
Responsible Body/Person	Board of Directors
Approval date	13 November 2023
Effective date	13 November 2023
Review date	November 2025
Superseded documents	None
Related documents	<a href="#">Code of Conduct Policy</a> <a href="#">Critical Incident Policy</a> <a href="#">Orientation Program Rules</a> <a href="#">Grievance Resolution Policy - Students</a> <a href="#">Risk Management Policy</a> <a href="#">Risk Management Procedure</a> <a href="#">Sexual Assault and Sexual Harassment Procedure</a> Sexual Assault and Sexual Harassment (SASH) Taskforce Terms of Reference <a href="#">Whistleblower Policy</a> <a href="#">Staff Grievance Resolution Policy</a>
Related HE Standards	2.3, 2.4, 6.1, 6.2, 7.2
Student Lifecycle Stage/s	Admission, Enrolled, Graduated

If you or someone else requires help in an emergency, contact **000**.

If an experience of sexual assault or sexual harassment has affected or distressed you, these national services are available for support.

- **1800RESPECT** (Ph: 1800 737 732) – National Sexual Assault, Domestic Family Violence Counselling Service
- **Lifeline** (Ph: 13 11 14) – 24-hour crisis support and suicide prevention
- **Beyondblue** (Ph: 1300 224 636) – Mental health support
- **Suicide Call Back Service** (Ph: 1300 659 467)

You can also find information about how to access support on the ACT website here:

<https://www.actheology.edu.au/student-support-services/>



## 1. PURPOSE

To outline what behaviours constitute sexual harassment or sexual assault within the Australian College of Theology (ACT) and its Affiliated Colleges and to set out how the ACT will respond to disclosure or reports of incidents of sexual harassment or sexual assault. The policy also provides a framework for providing a safe environment for students and staff in relation to incidents of sexual harassment or sexual assault.

## 2. DEFINITIONS

**ACT** is the Australian College of Theology Limited.

**ACT Office** is the office of the ACT.

**ACT website** is the website for the ACT: [www.acttheology.edu.au](http://www.acttheology.edu.au).

**Affiliated College** is an institution approved to offer an accredited higher education award of the ACT.

**Board** is the Board of Directors of the ACT.

**Consent** is given by a person to a sexual activity if, at the time of the sexual activity, the person freely and voluntarily agrees to the sexual activity.

***Note:** The following points give an understanding of Consent:*

- (a) A person may, by words or conduct, withdraw consent to a sexual activity at any time.
- (b) Sexual activity that occurs after consent has been withdrawn occurs without consent.
- (c) A person who does not offer physical or verbal resistance to a sexual activity is not, by reason only of that fact, to be taken to consent to the sexual activity.
- (d) A person who consents to a particular sexual activity is not, by reason only of that fact, to be taken to consent to any other sexual activity.
- (e) A person who consents to a sexual activity with a person on one occasion is not, by reason only of that fact, to be taken to consent to a sexual activity with that person on another occasion, or another person on that or another occasion.
- (f) Consent cannot be given by a child under the age of consent specified in the law of the relevant state or territory.

*Further, a person does not consent to a sexual activity if:*



- (a) *the person does not say or do anything to communicate consent, or*
- (b) *the person does not have the capacity to consent to the sexual activity, or*
- (c) *the person is so affected by alcohol or another drug as to be incapable of consenting to the sexual activity, or*
- (d) *the person is unconscious or asleep, or*
- (e) *the person participates in the sexual activity because of force, fear of force or fear of serious harm of any kind to the person, another person, an animal or property, regardless of when the force or the conduct giving rise to the fear occurs, or whether it occurs as a single instance or as part of an ongoing pattern, or*
- (f) *the person participates in the sexual activity because of coercion, blackmail or intimidation, regardless of when the coercion, blackmail or intimidation occurs, or whether it occurs as a single instance or as part of an ongoing pattern, or*
- (g) *the person participates in the sexual activity because the person or another person is unlawfully detained, or*
- (h) *the person participates in the sexual activity because the person is overborne by the abuse of a relationship of authority, trust or dependence, or*
- (i) *the person participates in the sexual activity because the person is mistaken about the nature of the sexual activity, or the purpose of the sexual activity, including about whether the sexual activity is for health, hygienic or cosmetic purposes, or*
- (j) *the person participates in the sexual activity with another person because the person is mistaken about the identity of the other person, or that the person is married to the other person, or*
- (k) *the person participates in the sexual activity because of a fraudulent inducement.*

*This list does not limit the grounds on which it may be established that a person does not consent to a sexual activity.*

*A person is taken to know that another person does not consent to a sexual activity if:*

- (a) *the accused person actually knows the other person does not consent to the sexual activity, or*



(b) *the accused person is reckless as to whether the other person consents to the sexual activity, or*

(c) *any belief that the accused person has, or may have, that the other person consents to the sexual activity is not reasonable in the circumstances.*

*Among other things, a belief that another person consents to sexual activity is not reasonable if a person did not, within a reasonable time before or at the time of the sexual activity, say or do anything to find out whether the other person consents to the sexual activity.*

**Course Learning Outcomes** are learning outcomes for courses of study.

**Course of study** is a course of units that lead to an award given by the ACT.

**Dean** is the Dean and Chief Executive Officer of the ACT.

**Disclosure** is providing information to a **SASH Contact Officer** about an incident of **sexual assault** or **sexual harassment**, whether recent, past or ongoing. A **Disclosure** is not a **Formal Report**. A **Disclosure** is a mechanism for the ACT or **Affiliated College** to receive information and provide support. A **Disclosure** does not prevent making a **Formal Report** to the ACT or an **Affiliated College** or reporting to the Police.

**Formal Report** is an official written complaint about an incident of **sexual assault** or **sexual harassment**, whether recent, past or ongoing.

**Learning outcomes** are statements of what a student should have achieved by completing a **unit** or **course of study**.

**Officer** is a person who is a member of one of the governing boards or committees of the ACT or an **Affiliated College**.

**Precautionary actions** are actions taken to promote the safety and well-being of students and staff and to minimise the risk of harm to them, and to preserve the capacity of the ACT and Affiliated Colleges to deal effectively with a **Disclosure** or **Formal Report** of **sexual assault** or **sexual harassment**.

**Principal** is the Principal or equivalent position at an **Affiliated College**.

**Procedures** are the Procedures set out in the *Sexual Assault and Sexual Harassment Procedure* which support this policy.

**ACT Registrar** is the staff member of the ACT who manages academic administration.

**SASH Contact Officer** is a designated staff member or officer of the ACT or an **Affiliated College** with responsibility for providing information and support in relation to incidents of **sexual assault** and **sexual harassment**.



**Sexual assault** is a term covering a range of criminal offences involving a sexual act or sexual contact without consent and is more fully defined in clause 5.1.

*Note: Sexual assault is defined more broadly in this Policy than in the legislation of the States and Territories to encompass a nationally applicable range of offences related to sexual conduct occurring without consent.*

**Sexual harassment** is an unwelcome sexual advance, an unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that a person would be offended, humiliated or intimidated. **Sexual harassment** is more fully defined in clause 5.2.

*Note: This definition is based on the definition in the Sex Discrimination Act 1984 (Cth).*

**Staff** is any person employed or engaged as a contractor by the **ACT** or an **Affiliated College**.

**Student** is a current student of the **ACT**.

**Support person** may be, for example, a friend, family member, colleague or minister/pastor who provides support. They are an observer to proceedings, and they may offer brief general advice to the person they are supporting. Their role is not to offer legal counsel, or to ask questions, advocate, argue or answer on behalf of the person they are supporting.

**TEQSA** is the *Tertiary Education Quality Standards Agency*.

**Unit Learning Outcomes** are **learning outcomes** for **units**.

**Unit** is short for **unit of study**.

**Unit of study** is a block of study in a particular field.

**Volunteer** is any person who voluntarily serves the **ACT** or an **Affiliated College**, other than as an officer.

### 3. SCOPE

3.1. This Policy and the Procedure apply to all students, staff, officers and volunteers.

3.2. Any person who believes that a person to whom this Policy applies has engaged in sexual assault or sexual harassment may make a Disclosure under this Policy and the Procedures. Only a person to whom this policy applies who has directly experienced an incident of sexual assault or sexual harassment may make a Formal Report.



- 3.3. An Affiliated College may adopt a separate code of conduct (or similar) that describes standards of conduct for behaviour in accordance with the Christian beliefs, values and mission of that Affiliated College. An alleged breach of such a code only falls under the requirements of this Policy where the alleged behaviour constitutes sexual assault or sexual harassment. For the avoidance of doubt, the Bible sets out expectations regarding appropriate contexts for sexual behaviour, such as within marriage, and these expectations may form the basis of requirements under a separate code of conduct.
- 3.4. Sexual assault and sexual harassment may occur within marriage as well as other consensual relationships and sexual assault or sexual harassment that occurs in these relationships is within the scope of this Policy.

#### 4. POLICY STATEMENT

- 4.1. The ACT affirms that all people are created in the image of God with sanctity and dignity (Gen 1:26-28) and therefore respect is due to every person (1 Peter 2:17).
- 4.2. The ACT considers both sexual assault and sexual harassment unacceptable forms of behaviour and will not tolerate them under any circumstances.
- 4.3. The ACT seeks to provide for its students, staff, officers and volunteers a safe environment that is free of sexual assault and sexual harassment.
- 4.4. The ACT does this by using reasonable endeavours, working in conjunction with Affiliated Colleges, including:
  - promoting and fostering a safe environment for students at Affiliated Colleges;
  - raising awareness about sexual assault and sexual harassment;
  - providing a means for disclosing and/or reporting incidents;
  - offering support to those subjected to sexual assault and sexual harassment; and
  - taking appropriate action in response to confirmed sexual assault and sexual harassment.
- 4.5. Students, staff, officers and volunteers are required to maintain standards of behaviour set by the ACT as a condition of enrolment, employment or engagement.

#### 5. PRINCIPLES



## **Behaviours that may constitute sexual harassment and sexual assault**

5.1. Sexual assault is any actual or threatened contact of a sexual nature without consent, including:

- sexual intercourse;
- indecent assault;
- penetration by objects;
- other sexual activity.

5.2. Sexual harassment may be physical and/or verbal and can occur online and through media involving information technologies. Sexual harassment may involve one or more of the following:

- unwanted physical contact, such as touching or fondling;
- staring or leering in a sexual manner;
- sexually suggestive comments, innuendo or jokes;
- displaying, sending or circulating sexually explicit pictures or posters;
- unwanted invitations to go out on dates, including repeated unwanted communication with a person after a date or relationship;
- unwanted requests for sexual intercourse or sexual contact;
- offensive sexual gestures;
- indecent exposure;
- intrusive questions about a person's sexual activities or body;
- unnecessary familiarity, such as deliberately brushing up against a person;
- insults or taunts of a sexual nature;
- making promises or threats in relation to sexual favours;
- conduct of a sexual nature; and
- sexually explicit telephone calls, emails, SMS text messages, or social media posts and messages.



Some of these forms of sexual harassment are also criminal behaviour and may be treated as a criminal offence. These include:

- sexual assault;
- physically touching a person;
- stalking;
- indecent exposure; and
- obscene communications.

### **Governance**

- 5.3. The Board has established a sexual assault and sexual harassment taskforce with responsibility for the implementation of strategies to prevent and respond to sexual assault and sexual harassment within the ACT and its Affiliated Colleges. The taskforce also monitors the outcomes of strategies and recommends improvements. The Board is to appoint as members of the taskforce one or more representatives from each of the ACT Office, staff of Affiliated Colleges and ACT students. The responsibilities of the taskforce are established in the *Sexual Assault and Sexual Harassment Taskforce Terms of Reference*. The taskforce reports to the Board through the Dean.
- 5.4. The risk of the occurrence of sexual assault and sexual harassment is to be regularly assessed and treated appropriately under the risk management framework established by the ACT, which is described in the *Risk Management Policy* and *Risk Management Procedure*.
- 5.5. When courses and units are reviewed there is to be consideration of the integration of material relevant to sexual assault and sexual harassment with a view to ACT graduates being both aware and informed of issues related to, and skilled in supporting those who experience, sexual assault or sexual harassment. The Course Learning Outcomes and Unit Learning Outcomes will guide where such integration is appropriate.

### **Provision of a safe environment**

- 5.6. An ACT approved sexual assault and sexual harassment awareness program will be delivered to all ACT students during orientation. Participation in and engagement with the program are conditions of maintaining enrolment in the ACT.

Any exceptions to the requirement for a student to participate in an awareness program must be approved by the relevant Principal or Registrar. An example of





a situation where an exception may be made is where participation in the awareness program could have a traumatising impact on a person who has previously experienced sexual assault or sexual harassment. An exception may also be granted by the relevant Principal or Registrar for students who have recently completed an equivalent awareness program.

- 5.7. The sexual assault and sexual harassment awareness program must be made available to students of all study modes, though the delivery method can be adapted to those different modes. For students studying in a Language other than English (LOTE), the awareness program must be culturally sensitive and offered in the course delivery language.
- 5.8. Upon enrolment, employment or engagement, students, staff, officers and volunteers will be given access to this Policy and the Procedure and will be advised that ACT does not tolerate sexual assault and sexual harassment. For students, staff (other than contractors), officers and volunteers, this would normally occur during induction or orientation.
- 5.9. Awareness programs will be informed by reliable and up-to-date research and scholarship and will be reviewed regularly by the sexual assault and sexual harassment taskforce. The review will consider the feedback provided by participants in the programs.
- 5.10. All staff (other than contractors), officers and volunteers will be given access to ACT approved sexual assault and sexual harassment awareness material including the awareness program, this Policy and the Procedures.
- 5.11. An ACT approved sexual assault and sexual harassment awareness program will be a component of the induction process for all staff of Affiliated Colleges approved to teach ACT courses, as well as for all staff of Affiliated Colleges that interact substantially with students as part of their role, and all ACT Office Staff. The awareness program will include access to this Policy and the Procedures.  
  
Any exceptions to the requirement for staff, officers and volunteers to participate in an awareness program must be approved by the Dean or relevant Principal.
- 5.12. The ACT Office and each Affiliated College must have at least one SASH Contact Officer.
- 5.13. The ACT will provide training to SASH Contact Officers regarding the disclosing and reporting of sexual assault and sexual harassment, and responding to people affected by an incident of sexual assault or sexual harassment.
- 5.14. The ACT is to provide the ACT SASH Contact Officer with a mentor. The ACT SASH Contact Officer will mentor the Affiliated College SASH Contact Officers. The primary role of the mentor is to offer support through debriefing and where



appropriate to guide decision making. The confidentiality of reported information and the protection of the privacy of persons involved in incidents will be maintained in this relationship.

- 5.15. The primary role of a SASH Contact Officer is to offer care, support and guidance to persons involved in an incident of sexual assault or sexual harassment. As distinct from the SASH Contact Officer, the primary role of the Dean and Principals is that of decision maker.

### Reporting incidents

- 5.16. There are two reporting pathways for incidents of sexual assault and sexual harassment: Disclosure and Formal Report. A person who has experienced sexual assault and/or sexual harassment may make a Disclosure and/or a Formal Report. The two pathways are outlined in the table at 4.1 of the Procedures.
- 5.17. Any person who believes that a person to whom this Policy applies has engaged in sexual assault or sexual harassment may disclose the matter to the relevant SASH Contact Officer or by the ACT sexual assault and sexual harassment disclosing and reporting mechanisms described in the Procedures and on the ACT website.
- 5.18. A person may wish to tell another person about an incident of sexual assault or sexual harassment that is outside the scope of this Policy and the Procedure. Nevertheless, the ACT and Affiliated Colleges will offer support services to persons affected by an incident of sexual assault or sexual harassment to the extent possible.
- 5.19. The SASH Contact Officers are available to offer advice to students and staff on the processes for making a Disclosure and/or a Formal Report of sexual assault or sexual harassment.
- 5.20. Disclosures and Formal Reports of incidents at an Affiliated College should be made to the relevant SASH Contact Officer of the Affiliated College. Students may seek support in disclosing or reporting an incident from a support person of the student's choice.
- 5.21. The ACT will use reasonable endeavours to maintain the confidentiality of disclosed and reported information and protect the privacy of persons involved in incidents. Confidentiality and protection of privacy will be maintained subject to:
- (a) any applicable mandatory reporting obligations, such as for incidents involving a person under 18 years;
  - (b) obligations to report serious crime; and



- (c) other legal and statutory duties, such as to fulfil a duty of care or to comply with work, health and safety legislation.
- 5.22. Where an incident may involve a criminal offence (such as a sexual assault), the relevant SASH Contact Officer will inform the person making the Disclosure or Formal Report about notifying police and offer support to do so. The decision to notify police will be respected and persons will not be pressured to notify or not notify police.
- 5.23. Incidents may be notified to both the police and the relevant SASH Contact Officer (or by an ACT sexual assault and sexual harassment reporting mechanism described in the Procedures and on the ACT website), or to one but not the other.
- 5.24. Those to whom this Policy applies are also expected to maintain the confidentiality of information held by them about a disclosed or reported incident and protect the privacy of persons involved in that incident. It is appropriate for persons involved in incidents to speak in confidence with a trusted friend or family member, minister/pastor or counsellor for the sake of personal support and maintaining wellbeing.
- 5.25. There are no time restrictions on when an incident may be disclosed or reported, though the capacity for the ACT to investigate and take action may be limited in certain cases such as where persons involved are no longer students, staff, officers or volunteers.
- 5.26. Incidents may be disclosed or reported even though they occurred in a context outside the ACT's control and influence and where the ACT is unable to investigate or take action against a perpetrator. In such cases, the response of the ACT and the Affiliated College to the Disclosure or Formal Report may be limited to offering appropriate support to the person disclosing or reporting the incident.
- 5.27. Disclosures may be made anonymously, although the ACT's capacity to investigate may be limited in such cases.
- 5.28. An incident may be disclosed to the ACT on behalf of another person, but the ACT normally only investigates where the person who was sexually assaulted or sexually harassed directly provides confirmation of what happened.

### **Response to incidents**

- 5.29. The wishes of the person who has experienced sexual assault or sexual harassment will be taken into account in the investigation and the response to formally reported sexual assault or sexual harassment. A person may disclose an incident without wanting it to be investigated. However, the ACT or an Affiliated College may still be required to investigate in some circumstances, including



where there are:

- (a) any applicable mandatory reporting obligations, such as for incidents involving a person under 18 years;
- (b) obligations to report serious crime; and
- (c) other legal and statutory duties, such as to fulfil a duty of care or to comply with work, health and safety legislation.

5.30. When a Formal Report, or a Disclosure of the circumstances described at 5.29 above, is made to a SASH Contact Officer, the relevant SASH Contact Officer is to inform the relevant Principal who, in consultation with the Dean, is to determine whether the incident is one which may need to be investigated or reported to an external body. The Principal must advise the Dean of the steps being taken. The ACT may provide legal assistance to an Affiliated College where appropriate. Where an Affiliated College is unable to address the incident, the matter is to be transferred to the Dean for a response.

5.31. Where an Affiliated College is unable to address the reported incident and the matter is transferred to the Dean, the Dean is to determine the response, such as an investigation of the incident, in consultation with the Principal. If an investigation is required, it will be conducted under the direction of the Dean who is to be the final decision maker.

5.32. Where an investigation is required, the Dean, and the Principal where relevant, is to determine if a preliminary investigation will be conducted by an internal investigator or a detailed investigation by an external investigator. The internal investigator will be the Dean or the relevant Principal, or a member of Staff with relevant experience acting as their delegate. An internal investigator can refer an incident to an external investigator. Factors pointing to an external investigator include:

- (a) the allegations are serious; or
- (b) the allegation is against the Dean, a Principal or a senior member of Staff; or
- (c) the allegation is against a person perceived to be close to the Dean, a Principal or a senior member of Staff (for example, a relative, long-term friend or close colleague), or there is some other actual or perceived conflict of interest; or
- (d) there is no member of Staff with the required skills, training or time to conduct the investigation.

5.33. Principles of procedural fairness must be applied in the investigation of all allegations of sexual assault and sexual harassment. These principles include:



- (a) lack of bias, actual or perceived, on the part of the investigator and decision maker;
  - (b) evidence-based decision making, considering relevant facts;
  - (c) provision of allegations to the alleged perpetrator;
  - (d) an opportunity for the alleged perpetrator to respond; and
  - (e) conducting the investigation in a timely manner.
- 5.34. When determining what procedural fairness requires, all the circumstances must be considered. For example, an investigator may put the allegations to the alleged perpetrator without first conducting a detailed investigation involving interviews with all possible witnesses where the investigator believes that the alleged perpetrator may admit the allegations. If the alleged perpetrator does not admit the allegations, a detailed investigation is likely to be necessary.
- 5.35. An official record must be kept of all investigations, including formal statements, key evidence and determinations. Confidentiality and privacy will be maintained and protected in accordance with clause 5.21.
- 5.36. The ACT will not investigate an incident that is being investigated and/or prosecuted by the police or is currently before a court of law. In such cases, the ACT may take precautionary actions and may gather information available to support that end. However, no investigation or disciplinary action will be taken until the police have discontinued their investigation or the outcome of any prosecution is known.
- 5.37. Precautionary action is not a form of disciplinary action and will be determined based on the interests and wellbeing of the person disclosing or reporting the incident, the alleged perpetrator and others potentially impacted by the circumstances.
- 5.38. The ACT cannot determine if a criminal offence has occurred but may investigate Formal Reports of sexual assault and sexual harassment to ensure appropriate disciplinary action is taken and to support the safety and wellbeing of students, staff, officers and volunteers.
- 5.39. Findings and decisions about a formally reported incident will be based on the balance of probabilities following due consideration of all available evidence. This means that, for a finding of sustained to be made, the decision-maker must be reasonably satisfied that what is alleged did occur. That reasonable satisfaction can only be reached taking into account the seriousness of the allegation, the inherent unlikelihood of what is alleged, and the gravity of the consequences of a finding of sustained for the alleged perpetrator.



5.40. The ACT will normally await the outcome of any investigation and only review further if it receives an appeal from a student in accordance with the Grievance Resolution Policy – Students. Where the Affiliated College is unable to address the formally reported incident and it has been transferred to the Dean for response, if the ACT receives a grievance concerning the Dean, the Board Chair, or their delegate, is to direct the review and is to be the final decision maker.

### **Disciplinary action**

5.41. The ACT will take proportionate and fitting disciplinary action against all students, staff, officers and volunteers found to have committed sexual assault or sexual harassment following an investigation overseen by the ACT or an Affiliated College, or a decision of a court of law.

5.42. The disciplinary action will take into account all relevant circumstances including the nature of the incident and the severity of the impact on those affected. Possible disciplinary action ranges from compulsory participation in an awareness program to expulsion (in the case of a student), termination of employment or engagement (in the case of staff) or removal from a position (in the case of an officer or volunteer).

5.43. Where academic staff of an Affiliated College are found to have committed sexual assault or sexual harassment, the ACT may remove or suspend their approval to teach students.

5.44. Any disciplinary action taken by the ACT is in addition to disciplinary action taken by the Affiliated College.

5.45. The ACT will take disciplinary action against any student, staff, officer or volunteer who threatens, intimidates, harasses or does or threatens any other harm to a person in response to them disclosing or reporting sexual assault and sexual harassment, or to prevent the disclosing or reporting of sexual assault and sexual harassment. Protections under the *Whistleblower Policy* may apply where an incident involves illegal activity or misconduct and where the person disclosing or reporting the incident is a member of the staff of the ACT or an Affiliated College or a member of the Board.

5.46. Appeals against any decision concerning disciplinary action will follow the relevant grievance policy for students or staff. Students may appeal a decision made by an Affiliated College to the Dean in accordance with the relevant grievance policy for students.

### **Support services**

5.47. The ACT will ensure information about appropriate support services is available to students, staff, officers and volunteers. The ACT will offer referral to



appropriate support services to students, staff, officers and volunteers impacted by a disclosure or report of sexual assault or sexual harassment.

- 5.48. The range of support services will, where possible, include counsellors with specialist training in responding to sexual assault and sexual harassment, be available to students, staff, officers and volunteers from all study locations, include 24-hour support services and be culturally and linguistic appropriate for student cohorts.
- 5.49. The SASH Contact Officers will offer assistance with referral to support services.
- 5.50. The ACT website will include details of relevant support services and details for the SASH Contact Officers of Affiliated Colleges.
- 5.51. Persons making a Disclosure (including those disclosing incidents about another person) will be referred to personal wellbeing support, support with study if applicable and sources of legal advice.
- 5.52. Persons involved in the investigation of a Formal Report (including the alleged perpetrator) will be referred to personal wellbeing support, support with study if applicable and sources of legal advice.

### **Quality management**

- 5.53. The ACT will maintain records appropriate to all Disclosures and Formal Reports of sexual assault and sexual harassment. The Board will review de-identified summary data of Disclosures and Formal Reports of sexual assault and sexual harassment and oversee the implementation of responses to any concerns identified in reviewing the data.
- 5.54. Recurring incidents of sexual assault and sexual harassment within the ACT Office or at an Affiliated College which suggest an unsafe environment may be reported to TEQSA as a material change.
- 5.55. The ACT will assess the effectiveness of the implementation of this Policy and the Procedure through periodic surveys of students and benchmarking of outcomes against the sector.
- 5.56. An independent external review of this Policy and the Procedures and systems related to sexual assault and sexual harassment will be conducted every five years and be reported to the Board. The review must be performed by a person with expertise in the area. An action plan will be developed to address identified concerns and the Board will oversee the implementation of the plan.
- 5.57. The ACT will monitor the compliance of Affiliated Colleges with this Policy and the Procedures.



- 5.58. ACT may request from Affiliated Colleges evidence of compliance with their obligations under work, health and safety legislation, including the steps taken to address security and safety issues that may be relevant to the prevention of sexual assault and sexual harassment.
- 5.59. Reviews will be performed of private services contracted by the ACT or Affiliated Colleges to offer support to students and staff who have experienced sexual assault or sexual harassment.

## 6. RELATED DOCUMENTS AND LEGISLATION

Australian Human Rights Commission, Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities (2017),  
<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual>

[Privacy Act 1988](#)

Respect. Now. Always campaign, Universities Australia, (12 February 2016),  
<https://www.universitiesaustralia.edu.au/project/respect-now-always/>

[Sex Discrimination Act 1984](#)

TEQSA Good Practice Note: Prevention and Response to Sexual Assault and Sexual Harassment, <https://www.teqsa.gov.au/latest-news/publications/good-practice-note-preventing-and-responding-sexual-assault-and-sexual>

TEQSA Guidance Note: Grievance and Complaint Handling,  
<http://www.teqsa.gov.au/hesf-2015-specific-guidance-notes>

TEQSA Guidance Note: Wellbeing and Safety, <https://www.teqsa.gov.au/latest-news/publications/guidance-note-wellbeing-and-safety>

TEQSA Material Change Notification Policy,  
<http://www.teqsa.gov.au/sites/default/files/Material-Change-Notification-Policy-3-5.pdf>

TEQSA (2019) Report to the Minister for Education: Higher education sector response to the issue of sexual assault and sexual harassment: An overview of Australian higher education provider responses to the issue of sexual assault and sexual harassment.  
<https://www.teqsa.gov.au/student-wellbeing>

## 7. VERSION HISTORY

Version	Approved by	Approval Date	Effective Date	Changes made
1	Board of Directors	12 April 2021	12 April 2021	New policy





2	Board of Directors	6 June 2022	6 June 2022	To align with the Procedure
3	Board of Directors	5 September 2022	5 September 2022	Clarify SASH Officers' role and related issues
4	Board of Directors	14 November 2022	14 November 2022	To align with Procedure changes
5	Board of Directors	13 November 2023	13 November 2023	Update examples of sexual harassment. Clarify role of support person.

*Any hard copy of this electronic document may not be current as the ACT regularly reviews its policies. The latest version can be found online at [www.actheology.edu.au/documents](http://www.actheology.edu.au/documents)*