



SEXUAL ASSAULT AND SEXUAL HARASSMENT PROCEDURE

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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:

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



1. PURPOSE

To set out the procedural steps for how Disclosures and Formal Reports of sexual assault and sexual harassment may be made to the Australian College of Theology (ACT) and its Affiliated Colleges and how these institutions will respond to Disclosures and Formal Reports. The Procedure also facilitates the implementation of ACT's framework for providing a safe environment for students and staff in relation to incidents of sexual assault or sexual harassment.

2. DEFINITIONS

ACT is the Australian College of Theology Limited.

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

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

ACT website is the website for the **ACT**: www.acttheology.edu.au.

Affiliated College is an institution approved to offer an accredited higher education award 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. For further points giving an understanding of Consent, please see the Policy.

Critical incident is an event which results in or has the potential to cause serious harm to persons or property often accompanied by trauma affecting victims and participants. A threshold for the adjective critical could be where expert medical attention or professional counselling is required or the cost of structural repair is substantial.

Critical Incident Report Form securely records relevant details of critical incidents.

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

Disciplinary action is any action taken in accordance with the relevant **ACT Grievance Resolution Policy**, including compulsory participation in an awareness program, suspension from studies (in the case of a student) or duties (in the case of staff or an officer) through to expulsion (in the case of a student), termination of employment (in the case of staff), or removal from a position (in the case of an officer). Other disciplinary action may include counselling, formal apology, mediation/conciliation, study or work variations, ongoing monitoring arrangements, and/or performance management (for staff).

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.

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

ACT Officer is a person who is a member of one of the governing boards or committees of the ACT.

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

Policy is the *Sexual Assault and Sexual Harassment Policy*.

Precautionary actions are actions taken to promote the safety and wellbeing 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 a Formal Report of sexual assault or sexual harassment. Precautionary actions may include study variations such as a change of study mode or location or load, work variations such as a change of location or duties, or adjustments to on campus or online learning environments.

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

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**.

The **SASH Taskforce** reports to the Dean and monitors and advises upon issues 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 of the Policy.

***Note:** Sexual assault is defined more broadly in the Policy and in this Procedure 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.



***Note:** This definition is based on the definition in the Sex Discrimination Act 1984 (Cth). Examples of sexual harassment are found in clause 5.2 of the Policy.*

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*.

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

STEPS

3. Support Services

- 3.1 If a person is in immediate danger or in need of urgent medical attention, the person or a bystander should contact emergency services by phone on 000.
- 3.2 Students wanting support in relation to sexual assault and/or sexual harassment may approach the SASH Contact Officer (or equivalent support staff) at their Affiliated College. Such staff are identified on the Affiliated College's student support webpage and a key contact is identified on the ACT Student Support [webpage](#).
- 3.3 Each Affiliated College and the ACT Office has at least one SASH Contact Officer who can:
 - a) offer assistance in accessing support services; and
 - b) provide information to students, staff, officers and volunteers about sexual assault and sexual harassment policies and procedures and grievances, including options for Disclosure, making a Formal Report, or reporting to the Police.
- 3.4 A range of external support services are available, typically through referral, including:
 - counsellors with specialist training in responding to sexual assault and



- sexual harassment,
 - 24-hour support lines,
 - legal advice, such as Legal Aid, and
 - other welfare services, such as emergency accommodation and financial support.
- 3.5 Students, staff, officers and volunteers may be supported by a person of their choice through the process of Disclosure or making a Formal Report, and any processes that may follow, including investigation and resolution. The supporter must not be directly involved in the incident of sexual assault and/or sexual harassment or someone whose evidence may be relevant in an investigation of the incident.
- 3.6 Students impacted by processes related to a sexual assault and/or sexual harassment Disclosure or Formal Report may seek study variations to maintain engagement with their studies and to minimise the likelihood of the loss of educational opportunity.
- 3.7 Support for alleged perpetrators will also be provided by SASH Contact Officers via referral to counselling, legal services, and rehabilitation programs and in giving advice about these procedures.
4. **Disclosure & Formal Reporting pathways for incidents of sexual assault and sexual harassment**
- 4.1 A person who has experienced sexual assault and/or sexual harassment may make either a Disclosure or Formal Report. Disclosures or Formal Reports are made to the relevant SASH Contact Officer, that is, an Affiliated College SASH Contact Officer for incidents at Affiliated Colleges, and the ACT SASH Contact Officer for incidents involving the ACT Office, ACT Staff, or an ACT Officer or volunteer.* The two pathways are outlined in the table below:

* Grey background here and after is for matters relating only to the ACT Office and ACT's Board, Committees and Volunteers.

	Disclosure	Formal Report
Purpose/intent	A Disclosure is made to provide information to the ACT or an Affiliated College about incidents of sexual assault and/or sexual harassment. This may inform the ACT's or an Affiliated College's management of the risk of sexual assault and sexual harassment and help the ACT or an Affiliated College to provide a safe environment.	A Formal Report is made when a person has experienced sexual assault and/or sexual harassment and is seeking to make an official written complaint. Incidents reported in Formal Reports are normally investigated.



	Incidents disclosed in Disclosures are not normally investigated (apart from exceptions at 6.5).	
Who may make Disclosures and Formal Reports	A Disclosure may be made by the person who directly experienced the sexual assault and/or sexual harassment and/or by a person who has reasonable grounds to suspect that sexual assault and/or sexual harassment is occurring/has occurred at the ACT or at an Affiliated College. A person who has experienced sexual assault and/or sexual harassment should not be named without their consent.	A Formal Report may only be made by the person who directly experienced the sexual assault and/or sexual harassment. They may be supported by another person and/or a SASH Contact Officer in making a Formal Report.
Maintaining anonymity	Disclosures may be made anonymously to the relevant SASH Contact Officer at any time.	A Formal Report must not be anonymous.
To whom are Disclosures and Formal Reports made	Disclosures may be made to the relevant SASH Contact Officer at any time.	Formal Reports are made to the relevant SASH Contact Officer.
How to get in contact	Disclosures may be made to the relevant SASH Contact Officer in person, by phone or email, or via the ACT online form.	Formal Reports may be initiated with the relevant SASH Contact Officer in person, by phone or email, or via the ACT online form.
Timing	A Disclosure may be made at any time, regardless of when the incident occurred. A person may decide they wish to make a Formal Report after they have made a Disclosure.	A Formal Report may be made at any time, regardless of when the incident occurred, though the capacity for 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.
Investigation/ Response	Disclosures are used to increase the ACT's awareness about the incidence of sexual	Formal Reports are investigated where warranted. Disciplinary



	<p>assault and sexual harassment, and to inform its prevention and response strategies.</p> <p>However, as noted in 6.5, in certain circumstances, a Disclosure may lead to an investigation, followed by disciplinary action.</p>	<p>action may be applied following an investigation.</p>
<p>Who conducts the investigation?</p>	<p>Disclosures are not investigated, except in circumstances noted in 6.5, in which case the procedure for a Formal Report is followed.</p>	<p>An internal or external investigator approved by the ACT conducts any investigation. An internal investigator can refer an incident to an external investigator. The ACT oversees all investigations.</p> <p>Affiliated Colleges must consult with the Dean promptly after receiving a Formal Report and no later than 14 days after receiving the Report.</p>

5. Making a Disclosure or Formal Report and Organisational Roles

5.1 Contact details for making a Disclosure or Formal Report of sexual assault and/or sexual harassment are shown in the box below:

<p>Affiliated Colleges</p> <p>Details about how to contact the SASH Contact Officer for each Affiliated College are available on the ACT's webpage and on the Student Support webpage of each Affiliated College.</p> <p>ACT Office Disclosures</p> <p><i>SASH Contact Officer</i></p> <p>e: sash@actheology.edu.au p: 0400 230 694</p> <p>ACT Office Formal Reports</p> <p><i>Dean</i></p> <p>e: jdalziel@actheology.edu.au p: 0412 512 218</p> <p>Online form: https://myportal.actheology.edu.au/Forms</p>
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5.2 A person may notify Police of an incident of sexual assault and/or sexual harassment instead of, or as well as, making a Disclosure or Formal Report to the ACT or an Affiliated College. If there is a Police investigation, the ACT or Affiliated College must not investigate while that Police investigation or



related criminal proceedings are continuing. The person will be provided with support to report to Police, if that is their choice, but must not be pressured to do so.

- 5.3 If the police investigation ends without a conviction, the ACT or Affiliated College may investigate the incident.
- 5.4 Disclosures and Formal Reports should be made to the relevant SASH Contact Officer. The ACT Dean and Affiliated College Principals may also receive Formal Reports.
- 5.5 The process of making a Formal Report involves producing a written statement of the incident/s being reported, including as much detail as possible to support a possible investigation. Following the initial details, further information may be sought from the person making the Formal Report and any witnesses. Where such detail is provided verbally, a written account is to be produced and the person who provided the information must be asked to sign the account to confirm its accuracy.
- 5.6 Where a Formal Report is made to an Affiliated College, it is the responsibility of the Principal to inform the Dean promptly and no later than within 14 days.
- 5.7 When a Formal Report, or a Disclosure of the circumstances described at 6.5 below, 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. They may seek legal counsel to help them determine if an investigation is warranted, and if an internal or external investigator is required. Where an Affiliated College is unable to address the incident, the matter is to be transferred to the Dean for a response.
- 5.8 When a Formal Report, or a Disclosure of the circumstances described at 6.5 below, is made to the Dean that relates to student/s, or Affiliated College staff, officers or volunteers, the Dean must inform the Principal of the relevant Affiliated College, and together they are to determine if an investigation is warranted, and if an internal or external investigator is required. They may seek legal counsel to help them determine if an investigation is warranted.
- 5.9 When a Formal Report, or a Disclosure of the circumstances described at 6.5 below, is made to the ACT SASH Contact Officer regarding an incident involving the ACT Office, ACT Staff, or an ACT Officer or volunteer, the ACT SASH Contact Officer is to inform the Dean who is to determine whether an investigation of the incident is warranted. The Dean may seek legal counsel to help determine if an investigation is warranted, and if an internal or external investigator is required. If the incident involves the ACT SASH Contact Officer, the Disclosure or Formal Report must be directed to the Dean.
- 5.10 Where the Principal of an Affiliated College wishes to transfer to the ACT the management of responding to a Formal Report, or a Disclosure of the circumstances described at 6.5 below, made to their college, the Dean will



manage the response in keeping with the approach outlined in clauses 5.8 and 5.9 above.

- 5.11 Where a Formal Report is made about a Principal, the Chair of the Board/Council of the Affiliated College, or their delegate, is to determine the response in consultation with the Dean and must advise the Dean of the steps being taken.
- 5.12 Where a Formal Report is made about the Dean, or the Dean is unable to direct the investigation, or be the final decision maker for any reason (such as a conflict of interest), the Board Chair, or their delegate, is to direct the investigation and is to be the final decision maker.
- 5.13 For formally reported incidents not covered by the above clauses, the Dean is to determine the response, such as an investigation of the incident.
- 5.14 In 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.
- 5.15 A person may make a Formal Report after making a Disclosure.
- 5.16 The Dean or Principal should inform the relevant SASH Contact Officer of any decisions in order that the relevant SASH Contact Officer is able to provide appropriate well-being support.
- 5.17 In cases where a Formal Report is about an incident/s outside the ACT's control and influence, and where the ACT is therefore unable to investigate or take action against an alleged perpetrator, the response of the ACT and the relevant Affiliated College is limited to offering appropriate support to the reporter of the incident.
- 5.18 No student or staff member will be disadvantaged by making in good faith a Disclosure or Formal Report of sexual assault and/or sexual harassment.
- 5.19 In cases where a multiplicity of Disclosures and/or Formal Reports arises in a related context, the Dean can decide to consolidate these Disclosures and/or Formal Reports.

6. Responses to Disclosures and Formal Reports of sexual assault and sexual harassment

Safety and wellbeing

- 6.1 If a person is in immediate danger or in need of urgent medical attention, emergency services should be contacted by phone on 000.
- 6.2 If a Disclosure or Formal Report of a sexual assault is received soon after the alleged sexual assault, the relevant SASH Contact Officer will inform the



person about their option to report to Police or a government sexual assault unit. In such cases, advice may be given that it is better to not change clothes or wash to preserve evidence.

- 6.3 The relevant SASH Contact Officer must inform the person making a Disclosure or Formal Report of available support services, as set out in the 'Support services' section of this Procedure.

Responses to Disclosures

- 6.4 Where a person making a Disclosure identifies themselves, and the person's contact details are provided, the relevant SASH Contact Officer is normally to acknowledge receipt of the Disclosure and must provide general information about relevant available support and further reporting options. This response should be made as soon as possible and within 14 days. Where appropriate, following advice by the Principal (or the Dean for incidents involving the ACT Office, ACT Staff, or an ACT Officer or volunteer), the relevant SASH Contact Officer may request further information where it would provide clarity or better enable an appropriate response. However, the person making the Disclosure is not obliged to respond to the request. Similarly, the relevant SASH Contact Officer may offer to continue appropriate care and support. However, the person making the Disclosure is not obliged to accept the offer.
- 6.5 As noted in 4.1, a Disclosure is not normally investigated. It is therefore expected that those not wanting what happened to them to be investigated will make a Disclosure rather than a Formal Report and the wishes of a person making a Disclosure will be taken into account in this regard. However, a Disclosure must be investigated and/or reported by the employer (the ACT or an Affiliated College) where this is necessary to fulfil its legal and statutory duties; for example:
 - (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.
- 6.6 Where an incident disclosed is to be investigated, the investigation is to be conducted according to the procedures for investigation following a Formal Report.
- 6.7 Where the circumstances and nature of a Disclosure do not require an investigation, the alleged perpetrator is not normally contacted about the Disclosure. However, there may be circumstances such as where a perpetrator acknowledges what they have done where the ACT or an Affiliated College is contemplating disciplinary action against the perpetrator. In these circumstances, the perpetrator must be informed of the proposed disciplinary action and given an opportunity to respond.



- 6.8 While Disclosures are not normally investigated, the nature of certain Disclosures may indicate wider contextual factors that may be appropriate to address via training at a broader level (such as institution or student cohort). Such training may include an awareness program, respectful relationships information or other education aimed at preventing and responding to SASH.

Responses to Formal Reports

- 6.9 The ACT, or an Affiliated College in consultation with the Dean, may seek legal advice to support them in their response to the Formal Report.
- 6.10 Following receipt of a Formal Report, the relevant SASH Contact officer, the Dean, or the Principal as the case may be, may seek further information, including the outcomes the person wants, from the person making the Formal Report.
- 6.11 Once the details of the Formal Report are confirmed, the Principal, in consultation with the Dean, will decide whether the Formal Report warrants investigation. In the case of a Formal Report related to the ACT Office, ACT Staff, or an ACT Officer or volunteer, the Dean will determine if the Formal Report warrants investigation. The Dean, or Principal as the case may be, will inform the person making the Formal Report of their decision in writing and prior to any investigation.
- 6.12 Where the circumstances and nature of a Formal Report do not require an investigation, the alleged perpetrator is not normally contacted about the Formal Report. However, there may be circumstances, such as where a perpetrator acknowledges what they have done, where the ACT or an Affiliated College is contemplating disciplinary action against the perpetrator. In these circumstances, the perpetrator must be informed of the proposed disciplinary action and given an opportunity to respond.
- 6.13 As per 5.32 of the Policy, the circumstances and nature of a Formal Report may require a preliminary internal investigation or detailed external investigation.
- 6.14 Where an investigation is warranted, an external investigator may be engaged to conduct the investigation. Where this happens, the ACT must appoint an external investigator with relevant experience for the ACT's context, and who has been approved by the Dean and the SASH Taskforce. Affiliated Colleges may use an alternative external investigator when approved by the Dean.
- 6.15 In cases where the Dean has a conflict of interest, the Chair of the ACT Board, or their delegate, must approve the investigator. The investigator must have no conflict of interest in relation to the reported incident.
- 6.16 The investigator must inform the alleged perpetrator of the allegations against them and be given fair opportunity to respond. Fair opportunity involves allowing the alleged perpetrator to review the allegations and sufficient time to consider their response. They may seek legal advice and/or support from a person of their choice. The chosen support person must not



- be involved with the reported incident or someone whose evidence may be relevant in the investigation.
- 6.17 The investigator normally is to ask for more information from and/or interview the person making the Formal Report and any relevant witnesses. Any interviews conducted are to be recorded and a transcript of the recording provided for the interviewee to sign.
- 6.18 Throughout the investigation and response to a Formal Report, both the person making the Formal Report and the person identified as allegedly committing sexual assault and/or sexual harassment will be informed of the progress of the investigation by the investigator.
- 6.19 Precautionary actions may be taken by the ACT or an Affiliated College to guard the wellbeing and safety of those involved in a Formal Report. Such actions may include arrangements to avoid interactions between the person making the Formal Report and the person identified as allegedly committing sexual assault and/or sexual harassment. Precautionary actions are to be minimally disruptive to all parties and to be proportionate to the level of risk.
- 6.20 The possible outcomes of an investigation are:
- a) the allegations are sustained on the balance of probabilities (where the evidence supports a finding that the alleged conduct did occur), or
 - b) the allegations are not sustained on the balance of probabilities (where there is not sufficient evidence to establish whether the alleged conduct did or did not occur), or
 - c) the allegations are false (where the evidence supports a finding that the alleged conduct did not occur), or
 - d) the allegations are misconceived (where the evidence supports a finding that, even though the allegations were made in good faith, they were based on a misunderstanding of what actually occurred), or
 - e) the allegations are vexatious (where the evidence supports a finding that the allegations were made without substance and with the intent of being malicious or to cause distress to the person against whom the allegations were made).
- 6.21 The Dean, or the Principal as the case may be, must inform the person making the Formal Report of the outcome of the investigation in general terms (for example, that there was a finding of sustained or not sustained). It is not normally appropriate for the person making the Formal Report to be informed of the nature and details any disciplinary action taken against the person identified as allegedly committing sexual assault and/or sexual harassment. However, the person making the Formal Report may be made aware that disciplinary action has taken place.
- 6.22 The Dean, or the Principal as the case may be, must inform the person identified as allegedly committing sexual assault and/or sexual harassment of the findings and of any disciplinary action being considered. That person must be given opportunity to respond to such proposed disciplinary action.
- 6.23 If a person hears that a complaint has been made against him or her, or if the allegations are put to the person, then the person may meet with the Dean,



or the Principal, or the investigator (where an investigation has begun) to admit to the alleged conduct. The person may have a support person at such a meeting.

- 6.24 Normally, the ACT or an Affiliated College will not investigate allegations made in a Formal Report if the alleged perpetrator is no longer a student, staff member, officer or volunteer of the ACT or an Affiliated College. The Dean, or Principal as the case may be, may encourage the person making the Formal Report to contact the current employer of the alleged perpetrator. In certain circumstances described at 6.5, the Dean, or Principal as the case may be, may themselves contact the current employer of the alleged perpetrator; for example, if the subject of the alleged assault or harassment is a minor and the alleged perpetrator is working with children and/or young people.
- 6.25 Affiliated College SASH Contact Officers and Principals are to make themselves aware of any additional obligations to denominational or other external accrediting bodies outside the scope of these Procedures and the Policy. Where appropriate, the Dean, or the Principal as the case may be, may liaise with relevant external bodies that have their own SASH policies and procedures to seek to avoid duplication. The ACT's preference is to use the ACT SASH process.
- 6.26 Formal Reports about incidents that occurred on property not owned by the ACT or an Affiliated College will normally be investigated only where ACT course-related activities are conducted or where the alleged perpetrators of the sexual assault and/or sexual harassment are students, staff, officers or volunteers of the ACT or an Affiliated College.

Disciplinary action following an investigation

- 6.27 If an allegation of sexual assault and/or sexual harassment is sustained, appropriate disciplinary action may be taken.
- For Formal Reports made to the ACT or an Affiliated College concerning a student/s of an Affiliated College, or an incident/s concerning students which took place at an Affiliated College, the Dean must consult with the Principal on disciplinary action. In the rare case of disagreement between the Principal and Dean, the Dean is the final decision maker.
 - For Formal Reports made to an Affiliated College concerning a member/s of staff of the Affiliated College, Affiliated College Officer/s, or volunteer/s, or an incident/s concerning these persons which took place at an Affiliated College, the Principal of the Affiliated College must consult with the Dean on disciplinary action. In the rare case of disagreement between the Principal and Dean, the Principal is the final decision maker.

This consultation is to seek to achieve fairness and consistency of appropriate disciplinary action across the ACT and the Affiliated Colleges.

- The Dean is to decide on disciplinary action where a Formal Report has been made to the ACT concerning a member/s of the ACT staff, an ACT



Officer or an ACT volunteer, or incident/s which took place at the ACT Office.

- 6.28 If there is a finding that the allegations were vexatious, the Dean, in consultation with the Principal where relevant, may take disciplinary action against the person who made the Formal Report.
- 6.29 The Dean, in consultation with the Principal where relevant, may take disciplinary action against a person who subjects, or threatens to subject, another person to any detriment on the ground that the other person has made, or proposes to make, a Disclosure or a Formal Report.
- 6.30 Where disciplinary action is taken pursuant to the Policy or this Procedure, the Dean must keep a secure record of that disciplinary action.
- 6.31 For international students, a criminal offence or breach of the code of conduct may result in their Confirmation of Enrolment (CoE) being cancelled, which may lead to their Visa being revoked.

Post-investigation review and support

- 6.32 Following an investigation and notification of its outcome, the Affiliated College or the ACT, as applicable, is to perform a self-review and risk assessment process regarding its management of and response to the Formal Report.
- 6.33 The Dean or, Principal as the case may be, may invite the person who made a Formal Report to provide feedback on their experience of the reporting system, making it clear that providing such feedback is entirely voluntary. The person may provide this feedback in person or through another feedback mechanism such as email. The ACT and/or the relevant Affiliated College is not obliged to make changes to its processes arising from this feedback where the ACT and/or the Affiliated College decide that the proposed changes are not warranted.
- 6.34 The ACT and/or the relevant Affiliated College must continue to offer support to those adversely impacted by a Disclosure or Formal Report after investigation of the allegations has been finalised. However, those offered support are under no obligation to accept it.

7. Record keeping, privacy and confidentiality

- 7.1 Details of Formal Reports must be kept in confidence with the Principal, Dean, ACT SASH Contact Officer (if involved), College SASH Contact Officer, and the external investigator with respect to Formal Reports made to the ACT or an Affiliated College about students, staff, officers or volunteers of an Affiliated College.
- 7.2 Details of Formal Reports must be kept in confidence with the Dean, ACT SASH Contact Officer, and the external investigator, with respect to those made about ACT Staff, the ACT Office, ACT Officers or ACT volunteers. The ACT SASH Contact Officer must complete an [ACT Critical Incident Form](#).
- 7.3 Relevant information from Formal Reports, which does not identify persons involved with the incident, may be used for the purpose of minimising the



risk of further incidents of sexual assault and sexual harassment occurring and maintaining a safe environment.

- 7.4 The ACT and Affiliated Colleges must keep any records of Formal Reports of sexual assault and sexual harassment incidents securely.
- 7.5 Following the outcome of an investigation, the ACT SASH Contact Officer must also submit an [ACT Critical Incident Form](#), including relevant information which does not identify the persons involved with the incident.

8. Grievances

- 8.1 If a student who made a Formal Report of sexual assault and/or sexual harassment to an Affiliated College believes the investigation did not observe principles of procedural fairness, or that the outcomes were not procedurally fair, they may lodge a grievance with the ACT. If the Formal Report relates to a student, the student may lodge a grievance with an external body as stated in the [Grievance Resolution Policy – Students](#).
- 8.2 A student found to have perpetrated sexual assault and/or sexual harassment by an investigation initiated by an Affiliated College may lodge a grievance to the Dean if they believe the investigation did not observe principles of procedural fairness, or that the outcomes were not procedurally fair. If the Formal Report relates to a student, the student may lodge a grievance with an external body as stated in the [Grievance Resolution Policy – Students](#).
- 8.3 Where a grievance requires further investigation; for example, where new facts have come to light, the external investigator may be re-engaged to conduct further investigation. Where the grievance is with the external investigator, the Dean may appoint a different external investigator.
- 8.4 If the Dean decides a grievance about a Formal Report of sexual assault and/or sexual harassment in favour of the person making the grievance, whether they are the alleged victim or alleged perpetrator, the Dean may arrange with the Principal of the Affiliated College for further investigation, or for the outcomes to be reconsidered.
- 8.5 If a student is not satisfied with the ACT's response, they may raise a concern with TEQSA <https://www.teqsa.gov.au/raise-concern-form>.

9. 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>

Australian Human Rights Commission, Sexual Harassment (A Code in Practice) - Complaint procedures, <https://humanrights.gov.au/our-work/sexual-harassment-code-practice-complaint-procedures>

[Privacy Act 1988](#) (Cth)



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

[Sex Discrimination Act 1984](#) (Cth)

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>

10. VERSION HISTORY

Version	Approved by	Approval date	Effective date	Changes made
1	Board of Directors	6 June 2022	6 June 2022	New procedure
2	Board of Directors	10 October 2022	10 October 2022	Clarify SASH Officers' role and related issues
3	Board of Directors	14 November 2022	14 November 2022	Move some clauses, minor edits
4	Board of Directors	13 November 2023	13 November 2023	Clarify role of support person; precautionary action; logging of Critical Incident.

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

Appendix: SASH Procedure Workflow for Affiliated Colleges

NB: This diagram is a summary only, and does not replace the text of the Procedure. Steps for the ACT Office, ACT Staff and ACT Officers or volunteers are described in the Procedure (e.g., 5.6).

