



Title	AHE Sexual Harassment Prevention Policy and Procedure
Code	BPo9
Approving Body	Board of Directors
TEQSA Provider ID	PRV14320
CRICOS Registration No:	TBA
Developer	CEO/ Executive Dean
Date Approved	23 May 2019
Commencement Date	23 May 2019
Date of Review	23 May 2022
Distribution	All AHE stakeholders
Purpose	AHE complies with state and federal legislation concerning sexual harassment. AHE also acknowledges the need to educate AHE stakeholders, along with the need to take reasonable steps to prevent and address any misconduct at AHE related to sexual harassment.
Scope	Applies to all stakeholders of AHE in any activity related with or at AHE

1. Introduction

1.1 The **Sex Discrimination Act 1984 (Cth)** and **Anti-Discrimination Act 1977 (NSW)** prohibit sexual harassment. In the context of AHE as a higher education provider, the below include areas where sexual harassment is prohibited:

- in an employment context;
- in the course of obtaining goods and services; and/ or
- in the course of obtaining an education.

1.2 In addition, any form of sexual harassment is in direct contravention of the **AHE Diversity, Non-discrimination and Equity Framework**, the **AHE Student Code of Conduct**, and the **AHE Staff Code of Conduct** which reflect AHE's commitment to a safe campus for all AHE stakeholders, including supporting diversity, non-discrimination and equity at AHE.

1.3 AHE will proactively educate all stakeholders of AHE as to what constitutes sexual harassment, that AHE will not tolerate any form of sexual harassment by any AHE stakeholder or toward any AHE stakeholder within the AHE environment or within AHE activities, and will take all reasonable steps to prevent and address any infractions, including reporting illegal activities to relevant authorities.

2. Principles

2.1 Any form of sexual harassment or sexual assault or misconduct under any circumstances is unacceptable and is expressly prohibited by AHE at AHE's campus or if caused by or experienced by any AHE stakeholder. Please refer to **Appendix 1** below for further information concerning sexual assault, and avenues of assistance.

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- 2.2 AHE students or AHE staff who experience any sexual harassment or sexual assault are to contact a trusted AHE staff member as soon as possible for support and assistance. The AHE staff member is obligated to treat the incident promptly, respectfully, with confidentiality and escalate the incident as necessary.
- 2.3 Sexual harassment includes, but is not limited, to any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, where a reasonable person would anticipate that reaction in the circumstances, and includes the below:
- Unwelcome touching
 - Staring or leering
 - Showing, using or sharing sexually explicit picture, posters or words
 - Unwanted invitations to go on dates or go out with a person or group
 - Requests for sex
 - Intrusive questions or remarks about a person's private life or body
 - Unnecessary familiarity, such as deliberately brushing up against a person
 - Insults or taunts based on sex
 - Sexually explicit physical contact
 - Sexually explicit emails, SMS text messages or any form of communication
 - Any culture at AHE that is sexually permeated or hostile (e.g. displaying obscene material, sexual or crude banter and/ or jokes).

Please also refer to the **AHE Table of Acronyms and Definitions** for additional information concerning sexual harassment.

- 2.4 Sexual harassment may include, but is not limited to, the following circumstances:
- sexual harassment of AHE students by AHE staff
 - sexual harassment of AHE students by AHE students
 - sexual harassment of AHE staff by AHE students
 - sexual harassment of AHE staff by AHE staff
 - sexual harassment of persons applying to become AHE staff or students by current or former AHE staff or students
 - sexual harassment of former AHE staff or students by current AHE staff or students
 - sexual harassment by non-AHE students or staff by AHE staff or students in the course of conducting AHE activities.

Please note that the word "student" or "staff" is intended to include the singular or plural.

- 2.5 Every person at AHE has a responsibility, according to their role at AHE, to apply and adhere to the principles of this Policy and Procedure. This includes offering information confidentially and offering support and assistance as required as is reasonable to assist in any incident at AHE.

3. Student Grievance and Appeals

- 3.1 Every staff member at AHE has an obligation to maintain a safe work and study environment that is free from any form of discrimination and harassment. To this end, every staff member in a supervisory position has an added obligation to ensure that any complaint of discrimination and harassment is acted upon swiftly, including acting reasonably to stop the incident from occurring or re-occurring, and to lead and/or assist in ensuring there is no re-occurrence.

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- 3.2 AHE ensures that students have a right to voice their complaints and formally lodge appeals. AHE ensures that the views of each complainant and respondent are respected, that any appeals are treated professionally, the complaints are confidential, and that any party to a grievance is not discriminated against nor victimised. These rights are contained in the **AHE Student Grievance, Complaint and Appeal Procedure**
- 3.3 If any AHE student (or potential or former student) feels they have been a victim of sexual harassment or assault, they are to immediately access the procedures of the **AHE Student Grievance, Complaint and Appeal Procedure** for an informal complaint or to lodge a formal complaint. AHE will follow the procedures set forth in the Procedure; however, in matters of urgency or where a person's or persons' safety is at stake, AHE may circumvent the Procedures set forth, including acting on advice of external enforcement officials such as the police.
- 3.4 If any AHE staff (or potential or former staff) feels they have been a victim of sexual harassment or assault, they are to immediately access the procedures related to a breach of the **AHE Staff Code of Conduct**. AHE will follow the procedures set forth in the Code; however, in matters of urgency or where a person's or persons' safety is at stake, AHE may circumvent the procedures set forth, including acting on advice of external enforcement officials such as the police.
- 3.5 For student support, please contact:

Student Services Officer (SSO)
 Designated student contact officer
 8 am – 5 pm Monday to Friday at Reception. Additional hours: open till 9 pm if evening classes are held; open during the weekend if classes are held
 Phone: 02 – 8007 6262
 Email (24/7 for response within 24 hours): studentsupport1@ahe.edu.au
Emergency Contact: CEO/Executive Dean: Mobile 0420 386 862
Note: contact details are indicative at this stage

- 3.6 All records produced as a result of investigating or dealing with any incidents will adhere to the **AHE Privacy and Personal Information Policy and Procedure**.
- 4. Dissemination and Publication:**
- 4.1 To publicise and raise awareness of this **AHE Sexual Harassment and Prevention Policy and Procedure**, this document will be published on AHE's website (Please refer to the temporary AHE Website <https://apex-h.pagecloud.com/www.ahe.edu.au>) so that it is available to everyone 24/7.
- 4.2 Staff will be trained during their induction to employment and students will be informed during their Orientation concerning this Policy and Procedure.
- 4.3 Posters concerning the contents of the **AHE Sexual Harassment and Prevention Policy and Procedure**, and the **AHE Student Code of Conduct** will be available on campus noticeboards to reinforce that AHE has no tolerance for any form of discrimination or harassment and will take necessary actions to implement these procedures and enforce any required actions.

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- 4.4 AHE will take all reasonable steps to educate, inform, deter and provide support to victims of sexual harassment and assault. AHE should not be held vicariously responsible for sexual harassment or assault inflicted upon its stakeholders.
- 4.5 Vexatious complaints which are false, malicious, intended to bring harm to the person accused or to AHE will not be afforded the privilege of protection against defamation, and may be subject to AHE's disciplinary procedures.

5. Benchmarking Documents

- GUIDELINES FOR UNIVERSITY RESPONSES TO SEXUAL ASSAULT AND SEXUAL HARASSMENT
<https://www.universitiesaustralia.edu.au/wp-content/uploads/2018/10/UA-Guidelines-5.pdf#:~:text=In%20February%202016%2C%20Universities%20Australia%20%28UA%29%20launched%20the,or%20reports%20of%20sexual%20assault%20or%20sexual%20harassment.>
- Flinders University
<https://www.flinders.edu.au/content/dam/documents/staff/policies/people-culture/sexual-harassment-sexual-assault-prevention-response-policy.pdf>
- TEQSA Guidance Note: Wellbeing and Safety (2018)
<https://www.teqsa.gov.au/latest-news/publications/guidance-note-wellbeing-and-safety>
- TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector (2020)
<https://www.teqsa.gov.au/latest-news/publications/good-practice-note-preventing-and-responding-sexual-assault-and-sexual>

6. Legislation

- Sex Discrimination Act 1984 (Cth)
- Anti-Discrimination Act 1977 (NSW)
- Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
<https://cricos.education.gov.au/>
- Department of Home Affairs <https://www.homeaffairs.gov.au/>
(Previously Department of Immigration and Border Protection (DIBP))
- Education Services for Overseas Students Act 2000
<https://www.legislation.gov.au/Details/C2017C00292>
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
<https://www.legislation.gov.au/Details/F2017L01182>
- TEQSA National Register <https://www.teqsa.gov.au/national-register/provider/apex-institute-higher-education-pty-ltd>
- Higher Education Standards Framework (Threshold Standards) 2021
(Refer to Higher Education Standards Panel) <https://www.dese.gov.au/higher-education-standards-panel-hesp/higher-education-standards-framework>

7. Related Documents

- Bachelor of Business Course Guide
- AHE Student Letter of Offer and Agreement
- AHE Student Handbook
- AHE Student Orientation Power Point
- AHE Website (Please refer to the temporary AHE Website <https://apex-h.pagecloud.com/>)

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- AHE Student Admission Policy and Procedure
- AHE Student Grievance, Complaint and Appeal Procedure
- AHE Staff Employment, Review and Professional Development Procedure
- AHE Overseas Students Deferral, Suspension and Cancellation Policy and Procedure
- AHE Student Academic Misconduct Policy and Procedure
- AHE Student Code of Conduct
- AHE Staff Code of Conduct
- AHE Student Academic Progression Policy and Procedure
- AHE SARAS (Student At Risk Academic Support) Agreement and Review
- AHE Institutional Quality Assurance Framework

8. Definitions

Please refer to the **AHE Table of Acronyms and Definitions**

Version Control and Approval

Version	Person Responsible and Action Taken	Date	Approved by
2021.1b	CEO/ Executive Dean. Updated document for current website links to Universities Australia; Flinders University, benchmarking documents	28 Sep 2021	CEO/Executive Dean (as per external review)
2021.1	CEO/ Executive Dean. Updated document for ESOS legislation, and document titles as relevant; content and other legislation not updated yet	12 Sep 2021	CEO/Executive Dean
2019.1	CEO/ Executive Dean. Initial version of this Policy and Procedure	23 May 2019	Board of Directors

Appendix 1

The resources below define sexual assault, and provide information about how to access assistance outside of AHE:

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

<https://www.healthdirect.gov.au/sexual-assault-and-abuse-helplines>

New South Wales - NSW Rape Crisis Centre (24/7) Phone: 1800 424 017 or NSW Health Sexual Assault Services (visit this web page to find the number in your local area)