

## Student Sexual Assault and Harassment Response Procedure

### Crisis support (24/7)

**Police and ambulance** for safety and medical emergencies: **000** (112 from a mobile device)

**1800 RESPECT** for sexual assault counselling and information: **1800 737 732**

### Emergency (on campus)

If you are ill, injured, or need urgent first aid on campus, contact UTS Security:

**UTS Security: 1800 249 559** (24 hours a day, seven days a week)

**UTS College 24/7 Accommodation/Welfare emergency line: +61 2 92184911**

### Community support services

**Lifeline:** 13 11 14, [lifeline.org.au](https://lifeline.org.au)

**Full Stop Australia (NSW Sexual Violence Helpline):** 1800 385 578, [fullstop.org.au](https://fullstop.org.au)

**NSW Health Sexual Assault Services:** via [NSW Health](https://www.nsw.gov.au/health)

**Victims Support Scheme:** [victimsservices.justice.nsw.gov.au](https://victimsservices.justice.nsw.gov.au)

## 1. PURPOSE

This Procedure implements the Student Sexual Assault and Harassment Policy.

## 2. SCOPE

This policy applies to:

- All UTS College **Staff**.
- All UTS College **Students**, including those residing in student residential and homestay accommodation.
- All members of the **UTS College Community**, including volunteers, visitors to campus, homestay providers and hosts.
- **Third Parties and Affiliates** in Australia that offer services for or on behalf of UTS College, its staff and students.
- This policy/procedure/guideline applies to all teaching modes, on campus, and online.
- Other policies, procedures and agreements that apply to staff and students of UTS College in jurisdictions outside Australia or those that reside in student residential or homestay accommodation are not limited by this policy or its procedure. Third Parties and

Affiliates in those jurisdictions must follow their local policies and procedures and/or contractual agreements as approved by UTS College.

- All offshore UTS College staff must abide by the UTS College Code of Conduct and adhere to the relevant laws in their own regions.
- UTS Security as it pertains to sexual assault and harassment matters involving UTS College Staff and Students on UTS campuses.

### 3. PROCEDURES

#### 3.1. Preventing sexual assault and harassment

3.1.1. With Staff, Students and key stakeholders, UTS College will prepare an annual plan of co-ordinated, complimentary and consecutive activities that target inequality, the drivers of inequality and the resulting attitudes and behaviours that create the social norms and practices that allow sexual assault and harassment to occur. In developing the annual plan participants will understand:

- The National **Our Watch Change the Story Framework**  
<https://www.ourwatch.org.au/change-the-story/>
- The Principles set out in the UTS College Sexual Assault and Harassment Policy (Section 3),
- The National Standards for the Primary Prevention of Sexual Assault through Education,
- Requirements under the National Code (2018), and
- Requirements under the Higher Education Standards Framework (2021).

3.1.2. The Annual Plan will detail

- a series of activities and evidenced based training that is consistent in messaging and builds participant skills in accordance with s4.1 of the UTS College Student Sexual Assault and Harassment Policy, including first responder training,
- review practices, KPIs, and outcome measures, and
- resources required to implement the Plan.

3.1.3. In addition to the reporting requirements outlined in clause 4.3.2 of the Student Sexual Assault and Harassment Policy, an annual report will be prepared detailing actions, outcomes and recommendations for the following year's Plan and widely distributed.

3.1.4. All student-facing staff, teachers, team leaders and managers will be identified and required to undertake appropriate training (including first responder training) on:

- a) Responding to disclosures and complaints of sexual assault and/or harassment in a trauma-responsive way
- b) Immediate supports that are available and how they can be accessed including assisting the person to access medical, legal and counselling services
- c) Immediate actions that can be taken to increase safety

- d) Details of ongoing assistance that can be provided and how those options and supports can be accessed
- e) How to assist a person if they choose to make a [complaint](#).
- f) other options the person may have if the alleged offender is not a member of the UTS College community
- g) how to make a complaint to police, the Human Rights Commission and/or the Tertiary Education Quality & Standards Agency (TEQSA) and how UTS College can support the person to access these options
- h) support and options for a person who chooses to make a disclosure only, including what will happen with the information provided, that they can decide at a later time to make a formal complaint and confirm that support options continue to be available
- i) duty of care assessment and response
- j) the UTS College Sexual Assault and Harassment Policy, this procedure and related processes and the Student Critical Incident Policy and Procedure
- k) confidentiality requirements
- l) the potential vicarious trauma impact that may result from hearing trauma content and vicarious trauma management strategies.

### 3.2. Student support

- 3.2.1. In an emergency, students and staff should contact emergency services (police, ambulance as required) by calling 000.
- 3.2.2. A student wishing to disclose or make a complaint about a sexual assault or harassment incident may:
  - a) Contact the Student Success Team,
  - b) Approach a trusted staff member who will seek consent from the student to contact the Student Success Team,
  - c) Contact Student Success Team for information and assistance with formal investigation processes, and/or
  - d) Seek support from their teacher if they are unable to meet their program requirements. Students may also be entitled to special consideration for assessment requirements and may seek support from the Student Success Team to ensure confidentiality in this matter.
- 3.2.3. Students who have experienced sexual assault and/or harassment may make a formal report to the police and will have the full support of UTS College in doing so.
- 3.2.4. UTS College will not make a report to the police without the express consent of the student, or unless there is a mandatory reporting requirement as defined in clause 4.2.7 or 4.4.1e of the UTS College Student Sexual Assault and Harassment Policy.
- 3.2.5. Students may access free, confidential, professional counselling from [UTS Counselling](#) by calling +61 2 9514 1177 or emailing [student.services@uts.edu.au](mailto:student.services@uts.edu.au).

3.2.6. Students at a Third Party or Affiliate campus may access support as advised by that Third Party or Affiliate, as provided in its third-party agreement with UTS College.

### **3.3. Immediate measures to ensure safety**

3.3.1. Where the Student Success Team identifies an immediate safety issue in relation to sexual assault or harassment, they will consult with the Student Compliance Team and/or the People Team. The Student Compliance Team and/or the People Team have the power to:

- a) restrict or suspend student or staff access to the UTS College campus or property,
- b) prevent a student or staff from accessing particular classes,
- c) prohibit a student or staff from speaking to or approaching another student or group of students (note: this requirement is immediate when a complaint is made),
- d) temporarily suspend student or staff from UTS College, and/or
- e) temporarily suspend a student or staff from specified activities; and/or positions of leadership.

3.3.2. The Student Success Team must make all attempts to consult with the person who may have experienced the incident that has resulted in the safety concern/s.

3.3.3. Special care must be taken if the information the Student Success Team are acting on was provided by a bystander. In these circumstances, advice should be requested from the WHS Committee or UTS Counselling Unit prior to approaching the person as appropriate.

3.3.4. Where the safety issue is imminent, and consultation has not been possible, the Student Success Team will prioritise safety; this may include finding alternate accommodation arrangements.

3.3.5. Failure by student(s) or staff to comply with these safety measures may lead to disciplinary action in accordance with relevant UTS College policies and procedures.

### **3.4. Disclosing sexual assault and harassment**

3.4.1. A disclosure occurs when a complainant or another person tells someone about an incident of sexual assault or harassment and is not the same as making a complaint.

3.4.2. Information that sexual assault may have occurred will always be treated as a critical incident and responded to as per the Critical Incident Policy where necessary.

3.4.3. Where a person makes a disclosure in relation to sexual assault or harassment but chooses not to make a complaint their decision will be respected.

3.4.4. The person disclosing will be:

- a) provided trauma responsive support and offered access to the support services of their choice,
- b) provided with information about how, and for how long, the information they have provided will be stored and the storage security arrangements,
- c) offered the option of consenting to the undertaking a review of the de-identified information they have provided,

- d) informed that at any time they can choose to make the disclosure a complaint and/or receive support in reporting the matter to the police.
  - e) asked for consent to forward the information to the Student Success Team where the disclosure has been made to someone other than the Student Success Team.
- 3.4.5. The person to whom the disclosure has been made will record the information they have been provided and their actions. The information will be stored in the required format and the appropriate secure location. At all times, this person will comply with clause 3.9.1 of this procedure.
- 3.4.6. Subject to clause 3.9.1 of this procedure, the person who receives the disclosure (either the first responder or the Student Success Team) will in a timely manner write to the person who made the disclosure using the agreed medium and provide:
- a) trauma responsive communication that supports the person's decision to disclose,
  - b) confirms the support options provided,
  - c) confirms, if consent was given, that there will be a review of their non identifying disclosure. The information will confirm the names/position of those who will undertake the review, the expected timeframe, and the outcome options, and
  - d) information about the confidentiality of the process, the student's right to make a complaint and any other information provided or agreed to at the time of the disclosure.
- 3.4.7. Where consent has been given, the Student Compliance Team and/or People Team will review the disclosure and make recommendations. Generally, this will be preventative education or activities. This may be targeted to a particular group or location.

### **3.5. Making a complaint about sexual assault and harassment**

- 3.5.1. A complaint is the formal, written provision of information by a person who has experienced sexual or assault or harassment to UTS College.
- 3.5.2. The person making a complaint will be:
- a) Provided with trauma responsive support and offered access to the support services of their choice,
  - b) Asked for consent to forward the information to the Student Success Team where the complaint has been made to someone other than the Student Success Team.
- 3.5.3. When the Student Success Team receives a complaint, or a complaint has been referred to them the Student Success Team will:
- a) provide trauma responsive support and offer access to the support services of the person's choice,
  - b) seek informed consent from the complainant to escalate the complaint to the Student Compliance Team and/or People team (where staff members is involved) who will review their complaint. Informed consent requires information on the process, confidentiality, options, outcomes and supports so the person understands what they are consenting to and what input they may have,

- c) provide information about how and for how long the information the complainant has provided will be stored and the security arrangements, and
- d) advise the complainant that at any time they can choose to withdraw from the complaints process.

3.5.4. The person to whom the complaint has been made will record the information they have been provided and their actions. The information will be stored in the required format and the appropriate secure location.

### **3.6. Reports from ethical bystanders**

3.6.1. If a member of the UTS College community becomes aware of, or observes an incident of sexual assault or harassment, they may make a disclosure to the Student Success Team.

3.6.2. The person making the disclosure should seek the consent of the person who experienced the incident. However, if consent is not given, the bystander may choose to disclose the information without providing identifying information. Bystander reports will be reviewed by the Student Success Team in the same way as a disclosure.

### **3.7. Escalating a complaint**

3.7.1. The Student Success Team will:

- a) Escalate the complaint to the Student Compliance Team, Student Services Manager and/or People team when staff are involved but continue to remain the point of contact for the student.
- b) Write in a timely manner to the person making the complaint, using the medium agreed to, and provide:
  - a trauma responsive communication that supports the student's decision to complain,
  - Confirmation of the support options provided, and
  - Confirmation of who the complaint has been forwarded to. The information will confirm the details of the person(s) who the complaint has been escalated to, that the complainant will be informed of progress and who to contact if they require further information or assistance.
- c) With prior permission, regularly check in on the complainant to make sure they are supported and have access to services they may need.
- d) Provide information in consultation with the Student Compliance Team and / or People Team to the complainant on actions and progress.
- e) Monitor and assist participants in their engagement with support and advice services.

### **3.8. Investigating a complaint**

3.8.1. In the case where the alleged offender is a UTS College student, the UTS College Student Compliance team will:

- a) Review the complaint against the Student Charter or Code of Conduct and determine if a breach has occurred

- b) If a potential breach is identified, provide the complaint to the person or persons nominated by the complainant as those who may have breached these and request a written response within a reasonable timeframe
- c) Request information from other relevant parties including any additional information from the complainant and respondent/s
- d) Review the information gathered and make an 'on a balance of probabilities' determination, if a breach has occurred
- e) Where a breach of the Student Charter or Code of Conduct cannot be confirmed, provide that information via the Student Success Team to the participants
- f) Where a breach is confirmed direct the corrective action to be undertaken as per Section 4.3 of the UTS College (Student) Sexual Assault and Harassment Policy.

3.8.2. In gathering further information and in making its determinations, those reviewing will:

- a) be aware of and reduce as much as reasonably possible any adverse or traumatic actions their review may have on the complainant
- b) limit as much as reasonably possible the number of people who are aware of the identity of the complaint and respondent/s
- c) keep the Student Success Team informed of progress so they can update the complainant
- d) reduce as much as reasonably possible the time between complaint and outcome.

3.8.3. In the case where the alleged offender is a UTS College staff member, Third Party or Affiliate, the investigation will be undertaken in accordance with the Serious Misconduct Policy and Procedure and/or contractual agreements as required.

### 3.9. Confidentiality

3.9.1. All staff, once trained in first responder training, will be required to sign a confidentiality agreement that clearly states confidentiality requirements. This includes that:

- a) prior to forwarding any information given to them by a person who is disclosing or making a complaint about sexual assault or harassment, they are to inform the complainant of their intended action and seek their consent.
- b) In gaining consent, information is to be provided to the complainant about the reason for the information being forwarded, who will see it, what that person will do with it, how it will be stored, for how long it will be stored and how the information can be accessed with the following exceptions:
  - where there is a duty of care to self or others. In this circumstance consent will be requested from the complainant to activate emergency or other services. Where consent is not given duty of care considerations will override consent considerations, and
  - where the person receiving the information seeks supervision from a trained superior or an appropriately trained colleague.
- c) The complainant and the respondent will be required to maintain confidentiality during the review process, with the exception of seeking professional

psychological support or legal support and information. For the respondent, should they be staff, this must be approved in writing by the People Team.

- d) The respondent will be informed that they are not to communicate any information about the complaint including that they are the subject of the complaint to anyone during or after the complaint process. They will also be informed that they are not to approach the complainant or ask anyone to act as an intermediary in any form of communication with the complainant. The respondent will be informed that failure to abide by these requirements will result in immediate expulsion.
- e) Following the complaints process the complainant will not be required to continue to maintain confidentiality about the event/s that led to the complaint, the complaints process or the outcome.
- f) The exception to clause 3.9.1e is if there is criminal action pending. In such circumstances the complainant will be requested to abide by the direction of the Police.
- g) If following the complaints process the complainant chooses to discuss any matters in relation to their experience, they will be counselled to not make public the name of the person or persons or other identifying information about whom the complaint was made without prior legal advice.
- h) The person or person/s against whom the complaint was made will be required to maintain confidentiality following the conclusion of the complaints process.

### 3.10. Policy Review

3.10.1. This policy and its procedure will be reviewed annually. The review will consider:

- a) Was the policy, procedure and appendix information clear?
- b) Did it provide the guidance required? Note: It is important to understand that every disclosure or complaint will be different. The training should provide those guiding the process with the knowledge to implement the Policy and Procedure within the document parameter while also tailoring the process to the individual needs of each complainant
- c) Have barriers to reporting been reduced?
- d) Did the staff involved in handling the matter feel well resourced?
- e) If the complainant is willing to provide feedback this could include:
  - Did the complainant feel supported and informed?
  - Was the distress caused by the incident reduced by participation in the disclosure or complaint process?
  - Did the complainant feel listened to and did they feel they had some control over the process?
  - Did they feel their choices were respected?

## 4. RESPONSIBILITIES



#### 4.1. Student Success Team Lead

The Student Success Team Lead is responsible for:

- a) Developing the Annual Plan of Prevention Activities and the Annual Report detailing the performance of that plan
- b) Providing leadership to and ensuring Student Success Team staff are adequately trained and resourced to receive and manage sexual assault and harassment disclosures and complaints as required.

#### 4.2. Student Success Team

The Student Success Team is responsible for:

- a) Receiving formal written complaints of sexual assault and harassment and administering those complaints in accordance with this procedure
- b) Consulting with relevant organisational units, such as the Student Compliance Team or the People team, to advise of safety issues or escalate complaints as appropriate
- c) Acting as a point of contact students who have experienced sexual assault and/or harassment and ensuring complainants are kept duly informed of investigative and complaint resolution processes
- d) Maintaining the critical incident register.

#### 4.3. Student Compliance Team

The Student Compliance Team is responsible for:

- a) If consent has been so provided, reviewing disclosures and complaints of sexual assault and harassment incidents and provide relevant recommendations
- b) Ensuring appropriate privacy and information management protocols are adhered to through the disclosure and complaints management process
- c) Managing appropriate misconduct proceedings
- d) Maintaining the student misconduct register.

#### 4.4. Student Services Manager

The Student Services Manager is responsible for:

- a) Reviewing this procedure and the Student Sexual Assault and Misconduct Policy annually, in accordance with this procedure.

#### 4.5. UTS College People Team

When a staff member is involved in the allegation, the People Team is responsible for:

- a) If consent has been so provided, reviewing disclosures and complaints of sexual assault and harassment incidents and provide relevant recommendations,
- b) Actioning relevant measures to ensure the safety of students and/or staff if a staff member is involved in a disclosure or complaint,
- c) Ensuring appropriate reports are developed and considered by the UTS College Board, and

- d) Developing and facilitating appropriate training for staff members in accordance with UTS principles and expectations.

#### 4.6. Health Safety Oversight Committee

The Health Safety Oversight Committee (HSOC) is responsible for:

- a) Reviewing and investigating complaints about sexual assault and harassment that have occurred on UTS College campuses, and
- b) Where required, referring student disciplinary to the Student Compliance Team and/or staff disciplinary to the People team.

#### 4.7. Responsibilities listed in the Policy apply

All responsibilities listed in the Student Sexual Assault and Harassment Policy extend to this procedure.

## 5. RELATED DOCUMENTS

### *UTS College Policies and Procedures*

- UTS College (Student) Sexual Assault and Harassment Response Procedure
- UTS College Code of Conduct
- UTS College Student Charter
- UTS College Prevention of Discrimination, Harassment and Bullying Policy
- UTS College Critical Incident – Student Management Policy
- UTS College Management of Student Incidents Procedure
- UTS College Non-academic Misconduct Policy and Procedure
- UTS College Student Complaints and Appeals Policy and Procedure
- UTS College Special Consideration Procedure
- UTS College Equal Opportunity Policy
- UTS College Work Health & Safety Policy and Procedures
- UTS College Prevention of Bullying, Harassment and Discrimination Policy
- UTS College Serious Misconduct Policy

### *Legislation*

- Racial Discrimination Act 1975 (Cth)
- Anti-Discrimination Act 1977 (NSW)
- Disability Discrimination Act 1992 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)
- Sex and Age Discrimination Legislation Amendment Act 2011
- Fair Work Act 2009 (Cth)
- Fair Work Amendment Act 2013 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Work Health & Safety Act 2011 (NSW)

#### **Student Sexual Assault and Harassment Response Procedure**

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July 2024

## DEFINITIONS

<b>Affiliates</b>	Includes UTS College Board members, honorary appointees, contractors, labour hire personnel, volunteers, agency staff and any other person/s appointed or engaged by UTS College Limited.
<b>Complaint</b>	In this policy, the formal provision of written information by a person who has experienced sexual assault or harassment to UTS College.
<b>Consent</b>	<p>Consent means free and voluntary agreement to sexual activity. Consent can be withdrawn, and this must be respected. Consent cannot be assumed; it must be given.</p> <p>Below is a legal definition of consent. The UTS College position in relation to the Code of Behaviour is that consent is only given when consent is clearly expressed verbally or non-verbally. An absence of 'no' does not equal consent.</p> <p>A person does not give their consent if they:</p> <ul style="list-style-type: none"> <li>• do not have the capacity to consent due to mental or physical impairment,</li> <li>• are asleep or unconscious,</li> <li>• are significantly affected by alcohol or other drugs,</li> <li>• are threatened, forced or afraid,</li> <li>• are restrained against their wishes,</li> <li>• are tricked or mistaken about the nature of the act, or who the other person is,</li> <li>• are tricked into thinking the other person is married to them or feel forced due to the position of authority by another person.</li> </ul> <p>A person under 16 years cannot consent to sexual activity.</p> <p>Adapted from Youth Law Australia.</p>
<b>Disclosure</b>	Occurs when a complainant or another person tells someone about an incident of sexual assault or harassment. Disclosing is not the same as making a complaint. Disclosure will enable referral to appropriate support and information such as medical, legal and counselling support.
<b>Ethical Bystander</b>	In this policy context - a person who has knowledge about an incidence of sexual assault or harassment and makes a disclosure or complaint
<b>Natural Justice</b>	A duty to act fairly, where bias that may influence decision making is known, and there is a fair hearing offered to all parties.
<b>Retaliatory Action</b>	Threaten, intimidate or harass any person, intentionally interfering in a review or interfering with the academic or professional progress or career of an individual in relation to a complaint.

<p><b>Sexual Assault</b></p>	<p>Sexual assault - means engaging in sexual acts of a penetrative nature (such as intercourse and oral sex) with the person without their consent. This can be when it is known they do not consent, or there is a lack of care in relation to consent.</p> <p>Sexual Touching and Sexual Acts includes touching another person in a sexual way (for example, on a person's breasts or genitals) without their consent.</p> <p>A sexual act comprises doing something of a sexual nature towards another without their consent (for example, masturbating in front of them).</p> <p>Sexually Explicit Photos or Videos – is creating or distributing sexually explicit or intimate photos or videos of a person without their consent or threatening to do this</p>
<p><b>Sexual Harassment</b></p>	<p>Unwanted or unwelcome sexual behaviour which offends, humiliates or intimidates. Sexual harassment is defined by the person experiencing the actions not by the stated intent of the person or persons actioning the behaviour. Sexual harassment can be physical, spoken or written. It can include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• comments about a person's private life or the way they look</li> <li>• sexually suggestive behaviour, such as leering or staring</li> <li>• brushing up against someone or hugging</li> <li>• sexually suggestive comments or jokes</li> <li>• displaying offensive screen savers, photos, calendars or objects</li> <li>• repeated unwanted requests to go out</li> <li>• requests for sex</li> <li>• sexually explicit posts on social networking sites</li> <li>• insults or taunts of a sexual nature</li> <li>• intrusive sexually suggestive questions or statements about a person's private life</li> <li>• sending sexually explicit emails or text messages</li> <li>• inappropriate advances on social networking sites</li> <li>• accessing sexually explicit internet sites</li> </ul> <p>A single incident constitutes sexual harassment.</p> <p>Lack of objection to the behaviour does not mean consent can be assumed.</p>
<p><b>Students</b></p>	<p>Those currently enrolled in courses offered by UTS College including those who have enrolled but not yet commenced their studies and are onshore.</p>
<p><b>Volunteers</b></p>	<p>Current students or Alumni of UTS College who volunteer to support current students across various events, activities and clubs.</p>

<b>Workplace</b>	<p>The workplace includes classrooms, offices and other UTS College facilities, the UTS campus, channel partners and other stakeholders' premises, work related functions, events and any</p> <p>place visited arising out of or during the course of work, and any transportation provided or paid for by UTS College for undertaking any such work.</p>
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APPROVAL		
<b>Policy Title</b>	<b>Student Sexual Assault and Harassment Response Procedure</b>	
Policy ID	PROC/EDUC/15/24	
Policy Category	Governance	
Policy Audience	Staff, Students, UTS College Community, Affiliates and Third Parties	
Policy Custodian	Student Services Manager	
Approval Authority	Executive	
<b>Approved by</b>	<b>Executive</b>	<b>Date: 4 October 2024</b>
Effective Date	21 October 2024	
Next Review Date	20 October 2025	

## VERSION HISTORY

No.	Author	Description of change/purpose	Date
1.0	Student Success Team Lead	Updated the procedure to reflect organizational restructure	8 June 2022
2.0	Student Services Manager	Reviewed and updated following move to UTS Campus	July 2024

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