

1. Policy Name	SEXUAL ASSAULT AND SEXUAL HARRASSMENT
2. Policy Number	G025 PO (Governance)
3. Policy Statement	<p>Sexual assault and sexual harassment are a form of violence against persons, women in particular. Behaviours and acts of sexual assault and sexual harassment in all their forms are not tolerated by Whitehouse. This policy affirms Whitehouse Institute of Design, Australia (Whitehouse) commitment to:</p> <ul style="list-style-type: none"> a) Apply the principles of respect for other people, ensuring that students, staff, and employees are cognizant of this principle. b) Provide a safe, collegiate, and respectful environment which is free from sexual assault and sexual harassment in all its forms. c) Provide information to students and training to staff in relation to sexual assault, sexual harassment prevention. d) Actively respond to resolve reported alleged incidents of sexual assault and sexual harassment. <p>In conjunction with this policy, Whitehouse staff and students must read and familiarise themselves with the Whitehouse: <i>Code of Conduct (Staff and Students); Critical Incident; Bullying, Harassment and Discrimination; Access and Equity; Student Grievances and Complaints Resolution - non-academic</i>, and the <i>Staff Grievances Complaints Resolution</i> policies.</p> <p>Whitehouse expects its students and staff to understand and acknowledge their <u>rights and responsibilities</u> in respect to matters of sexual assault and sexual harassment, and always behave responsibly and ethically and observe professional boundaries in interpersonal behavior and interactions, including online.</p>
4. Scope	Except to the extent that a contrary intention is expressed, this policy binds Whitehouse and all students, staff, workers, affiliates, contractors, and visitors.
5. Application	<p>This policy applies to Whitehouse and any student, staff member, worker, affiliate, or visitor in relation to reported incidents of sexual assault and sexual harassment:</p> <ul style="list-style-type: none"> a) between students b) between staff members c) by staff or affiliates towards students d) between affiliates e) between staff members and affiliates f) by students towards staff or affiliates g) between visitors at Whitehouse h) between visitors and staff members and/or students and/or affiliates and/or members of the public.
6. Code	Whitehouse students, staff and other persons will not engage in behavior and actions that can be construed as sexual assault and sexual harassment with other students, staff, members of the public or other persons with whom they may interact on campus grounds.

7. Sexual Assault and Sexual Harassment

Sexual assault and sexual harassment

Sexual assault and sexual harassment behaviors and acts constitute a serious breach of Whitehouse policies and Australian law. Whitehouse complies with Commonwealth and State legislation related to sexual assault and sexual harassment.

7.1 Sexual Assault

*“Sexual assault has a specific meaning when used to describe a sexual offense, however it has a broader, more general meaning when used in everyday conversation”*¹, for example ‘sexual assault’, ‘indecent assault’, ‘sexual abuse’ and ‘rape’.

While specific legal definitions between jurisdictions vary, each Australian jurisdiction has **criminalised** sexual assault, and made ‘indecent assault’ an offense.

[The ABS defines sexual assault](#) as:

“An act of a sexual nature carried out against a person’s will through the use of physical force, intimidation or coercion, including any attempts to do this. This includes rape, attempted rape, aggravated sexual assault (assault with a weapon), indecent assault, penetration by objects, forced sexual activity that did not end in penetration, and attempts to force a person into sexual activity”.

7.2 Sexual Harassment:

In Australia, sexual harassment is a form of sex discrimination. It is unlawful, (but not criminal), under Australian civil (anti-discrimination) law. In Australia, an “unlawful” act may be pursued by the affected party; whereas a “criminal” act is prosecuted by the police.

All states and territories have equivalent anti-discrimination or human rights legislation that prohibit sexual harassment. The **Sex Discrimination Act 1984 (Cth)** defines sexual harassment as “an unwelcome sexual advance’, ‘an unwelcome request for sexual favours’ or ‘other unwelcome conduct of a sexual nature”².

*“To be unlawful, this behaviour must have taken place in ‘circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated”*³

Sexual harassment can take many forms, both physical and non-physical. Sexual harassment may include:

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching.
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about someone’s private life
- displaying posters, magazines, or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites

¹ [Change the course: national report on sexual assault and sexual harassment at Australian universities](#), Australian Rights Commission, 2017 (accessed 19/06/2023), p.27

² Sex Discrimination Act 1984 (Cth), s28A(1)

³ [Change the course: op cit.](#), p.26.

- requests for sex or repeated unwanted requests to go out on dates, and
- behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications ⁴

7.3 International law and sexual assault and sexual harassment

Sexual assault and sexual harassment are violations of the fundamental human rights to personal safety, freedom from violence and non-discrimination, and where they occur in an education environment, may also constitute a violation of the right to education.

Australia is signatory to or has ratified and has obligations under several international treaties and conventions for example: [International Covenant on Civil and Political Rights](#), among others.

8. Rights and Responsibilities

8.1 Rights and responsibilities

- Whitehouse's core principles state that every staff member and student should feel safe in their learning and teaching environment on campus and online; and every staff member or student who reports an incident should receive a compassionate, timely and fair response, and accurate advice on access to support services.
- Whitehouse policy raises awareness associated with sexual assault and sexual harassment behaviour.
- Whitehouse fosters a respectful relationships culture for positive attitudes, knowledge, skills, and behaviours, and draws on best practice to prevent and address unacceptable sexual assault and sexual harassment behaviours and actions.
- Whitehouse's supports student and staff wellbeing and safety arising out of sexual assault and sexual harassment incidents G018 *Student Wellbeing and Support Services* Policy and Website's [Student Portal](#) including how to access specialist support services.
- Whitehouse's *Code of Conduct for Staff and Students* state the principles that guide interaction between teachers and students, which must always be professional.
- Whitehouse seeks to implement first responder training and will coordinate the provision of specialist training for Whitehouse staff through an appropriate provider so that a staff member or student's first contact when they disclose an incident of sexual assault or sexual harassment is compassionate and supportive.
- Whitehouse will ensure that organisational responsibilities include the wellbeing of staff.
- Whitehouse continues to evaluate its campus security and makes necessary enhancements to ensure staff members and students work in a safe learning and teaching environment.
- Whitehouse seeks feedback from its staff and students and will continue to review and refine this and related policies through benchmarking relevant TEQSA Guidance Notes, other mainstream higher education institutions' policies, and materials from **the Respect. Now. Always.** campaign through Universities Australia. The aim is to shape Whitehouse workplace culture, its staff and

⁴ *Ibid.*, p.26. Also <https://humanrights.gov.au/our-work/projects/sexual-harassment-code-practice-what-sexual-harassment>

	<p>students' awareness of unacceptable behaviours and assist, respond and support those affected by sexual assault and sexual harassment.</p> <p>j) Whitehouse identifies risks to wellbeing and safety, takes steps to understand the support needed and implements effective mitigation and management strategies to resolve them.</p>
<p>9. Training</p>	<p>9.1 Training</p> <p>The Founder and Executive Director is responsible for implementing training for workers in relation to this policy.</p>
<p>10. Breaches of the Policy</p>	<p>10.1 Breaches of the policy</p> <p>Breaches of this policy may have the following consequences.</p> <p>a) For staff or affiliates: disciplinary action, up to and including termination of employment, engagement, or affiliation.</p> <p>b) Where the behavior or act is an offense or unlawful and prohibited under both anti-discrimination laws and criminal laws, it may be referred to the police.</p> <p>c) For students: depending on the nature and severity of the breach, breaches of this policy may constitute misconduct in relation to the <i>Whitehouse Codes of Conduct for Students</i> and lead to disciplinary action including, but not limited to:</p> <ul style="list-style-type: none"> - an initial "warning letter", and if not resolved, followed by a formal "letter of censure and show cause" with a request for a meeting to resolve the breach, or if not resolved. - an 'Intention to suspend or cancel enrolment" letter, or - immediate suspension or termination of enrolment, depending on the severity and impact of the breach, for example, poses an imminent and serious threat to the safety of any member of the Whitehouse community, or the proper functioning of any campus activity or damage to campus property. - referral to the Police, where the breach is deemed to be unlawful and prohibited under both anti-discrimination laws and criminal laws. <p>d) Other actions that may result from a breach of this policy include, but are not limited to:</p> <ul style="list-style-type: none"> a) the complainant receiving an oral or written apology from the respondent with a commitment to cease the behaviour. b) the parties being required to participate in some form of counselling, mediation, or conciliation. c) the respondent undertaking training in relation to their behaviour, and d) drawing up a management plan to document agreed or proposed actions by the parties. e) if serious enough, refer the matter to another authority, institution, or external process, for example the Police; relevant State Anti-Discrimination Board; Ombudsman; or Australian Human Rights Commission.

11. Definitions

Sexual violence: include those of rape, sexual assault, child sexual abuse, sexual coercion, sexual harassment, *et al.*

Sexual assault: is a type of sexual violence that involves any physical contact, or intent of contact, of a sexual nature against a person's will, using physical force, intimidation, or coercion.

Sexual harassment: is unwelcome sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances.

Student: means a person who is currently enrolled in a course at Whitehouse or a former student where the breach occurred when they were an enrolled student.

Staff or Staff Member: means an employee of Whitehouse, including a casual employee.

Visitor: means people who are visiting a Whitehouse campus to attend a meeting or event.

Contractor: means staff employed by a third-party company or organisation contracted to conduct work at a Whitehouse campus.

Consent: means a person gives consent to sexual behavior when they are not being threatened or intimidated and they are aware of what is going on.

Complaint: includes all the ways in which any instances of sexual assault and sexual harassment might be identified, raised, or reported including orally and in writing (including email). General inquiries, feedback, and comments (including on social media sites) will not normally be considered a complaint, unless the relevant Whitehouse staff deem otherwise.

If in doubt, the complainant should be asked to confirm whether they wish to categorise their inquiry, feedback, or comment as a complaint (academic or non-academic)

To start a complaint under the relevant policy/procedure for:

- a person who was admitted or enrolled in Whitehouse within the two years prior to the complaint being made; and
- the respondent is a current student, staff member, affiliate, or worker of Whitehouse.

Complainant: means the person who made the complaint, or in the case of complaints made on behalf of another person, the person who is alleged to have been the subject of sexual assault and/or sexual harassment.

Respondent: the person who is alleged to have engaged in conduct inconsistent with this policy.

Student Wellbeing: positive interaction among the students and Whitehouse, and to help the students overcome personal, social, and academic hindrances.

Digital forums: interactive websites, learning platforms such as Google Classrooms, email, and social media apps.

Professional Relationships: means an ongoing interaction between staff and students, which observes a set of established or limited boundaries that is deemed appropriate under governing ethical standards as stated in the Whitehouse Code of Conduct and this policy.

Characteristic: means a feature or quality that identifies a particular person or group of people, that is protected by applicable legislation. For this policy these characteristics include:

- race, colour, religious belief, ethnic or ethno-religious background, descent, or nationality
- age
- pregnancy, childbirth, and breastfeeding
- marital, relationship or domestic status
- carer responsibilities

- gender / transgender (transsexual and intersex) status, gender identity
- sexual orientation (actual or presumed)
- disability, which includes physical, intellectual, psychiatric, or psychological, learning, or cognitive disabilities, and any virus or bacteria that can cause disease, such as HIV or COVID. It also includes any disability a person had in the past, has now, or may have in the future.

Whitehouse Related Conduct: means any conduct that is connected to the Institute including conduct that:

- refers or relates to Whitehouse, its activities, or its workers or affiliates or students in their status as a worker, affiliate, or student of Whitehouse.
- occurs on, or in connection with, Whitehouse lands or other property used by Whitehouse.
- occurs using, or is facilitated by, Whitehouse computer and equipment resources.
- occurs during, or relates to, the performance of duties for Whitehouse.

occurs during or in connection to any Whitehouse related function or event (whether sanctioned or organised by the Whitehouse or not) or when representing Whitehouse in any capacity.

Worker: means a person who carries out work in any capacity for Whitehouse including work as:

- a staff member
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Whitehouse
- an apprentice or trainee
- a student gaining work experience or performing work on a voluntary basis or
- a volunteer.

Wellbeing: broadly encompasses ‘overall wellness’ of the individual, and ‘freedom from harm’.

Safety: relates to student and staff on campus and online.

Relevant Legislation

- [Sex Discrimination Act 1984](#)
- [Sex Discrimination Amendment \(Sexual Orientation, Gender Identity and Intersex Status\) Act 2013 \(Cth\)](#)
- [Australian Human Rights Commission Act 1986](#)
- [Anti-Discrimination Act 1977 \(NSW\)](#)
- [Crimes Act 1900 \(NSW\)](#)
- [Crimes Act 1958 \(Vic\)](#)
- [Criminal Code \(Qld\)](#)
- [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students \(Cth\)](#)
- [Education Services for Overseas Students Act 2000 \(Cth\)](#)
- [Education Services for Overseas Students Act 2000 \(ESOS\)](#)
- [Higher Education Standards Framework \(Threshold Standards\) 2021](#)
- [Higher Education Support Act \(Cth\)](#)
- [Human Rights and Equal Opportunity Commission Act 1986 \(Cth\)](#)
- [Occupational Health and Safety Legislation and Regulations \(Victoria\)](#)
- [Privacy and Personal Information Protection Act 1998 \(NSW\)](#)
- [Standards for Registered Training Organisations \(RTOs\) 2015](#)

HELP LINES:

- **Australia wide:** [1800 RESPECT](https://www.respect.org.au) (1300 737 732). In an emergency call 000.
- **NSW Rape Crisis Centre:** (02) 9819 6565. Outside Sydney: 1800 424 017
- **VIC Sexual Assault Crisis Line** 1800 806 292
- **QLD Sexual Assault Helpline** 1800 010 120
- **Human Rights Commission** 1300 656 419 (local call)
- [Lifeline](https://www.lifeline.org.au) (Crisis Support) - 13 11 14
- [Beyond Blue](https://www.beyondblue.org.au) (Depression and Anxiety) - 1300 224 636
- [Blackdog](https://www.blackdog.org.au) (Clinical resources for Mental Health) - 02 9382 2991
- [Suicide Call Back Service](https://www.suicidecallback.org.au) (Help with Suicidal thoughts) - 1300 659 467
- [Kids Help Line | Age 25 and Under](https://www.kidshelp.org.au) (Any Reason, Any Time) - 1800 551 800
- [Mens Line](https://www.mensline.org.au) (Support for Men) - 1300 789 978
- [Headspace Mental Health for Youth](https://www.headspace.org.au) (Life issues in work and study) - 03 9027 0100

References:

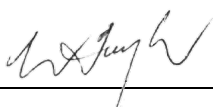


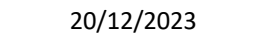
- [Change the course: national report on sexual assault and sexual harassment at Australian universities](https://www.aic.gov.au/reports/national-report-on-sexual-assault-and-sexual-harassment-at-australian-universities), Australian Rights Commission, 2017 (accessed 19/06/2023)
- [TEQSA Guidance note - Wellbeing and Safety](https://www.teqsa.gov.au/guidance-note/wellbeing-and-safety)
- [TEQSA Good Practice Note – Preventing and responding to sexual assault and sexual harassment in the higher education sector](https://www.teqsa.gov.au/good-practice-note/preventing-and-responding-to-sexual-assault-and-sexual-harassment-in-the-higher-education-sector)
- Australian Institute of Health
<https://www.aihw.gov.au/reports/domestic-violence/sexual-assault-in-australia/contents/summary>
- Australian Institute of Family Studies
<https://aifs.gov.au/resources/practice-guides/sexual-assault-laws-australia>
- [Rape, sexual assault, harassment: What is the difference?](https://www.aic.gov.au/rape-sexual-assault-harassment-what-is-the-difference)

Key Related Documents**Whitehouse Policies and Procedures**

- Code of Conduct (Students)
- Code of Conduct (Staff)
- Critical Incident Policy and Procedure
- Bullying, Harassment and Discrimination Policy and Procedure
- Student Grievances and Complaints Resolution Non-Academic Policy and Procedure
- Student Wellbeing and Support Services Policy and Procedure
- Staff Grievances and Complaints Resolution Policy and Procedure
- Access and Equity Policy and Procedure
- Privacy Policy and Procedure
- Selection and Admission Policy and Procedure - VET and Higher Education

Responsible Officer

Executive Director

Approval Authority/ Authorities	Board of Governors		
Date Approved	20/12/2023		
Date of Commencement	01/01/2024		
Date for Review	01/01/2026		
Documents superseded by this Procedure	Nil. This is a new policy.		
Amendment History	Nil. This is a new policy.		
Signed and dated for Whitehouse Institute Pty Ltd			
			
	Signature	Name	Date

INFORMATION FOR PUBLISHING ON POLICY REGISTER	
Category	Governance
Stakeholders	<ul style="list-style-type: none"> • Students • Staff • Executive Management • Board of Governors • Academic Board • Contractors, visitors, volunteers • Work experience students.