

Procedure Name	SEXUAL ASSAULT AND SEXUAL HARASSMENT
Procedure Number	G025 PR (Governance)
Purpose	<p>(1) These procedures are to give effect to the Whitehouse Institute of Design, Australia ('Whitehouse') <i>Sexual Assault and Sexual Harassment Policy</i> in conjunction with the <i>Bullying, Harassment and Discrimination; Student Grievances and Complaints Resolution; Staff Grievances and Complaints Resolution; Critical Incident; Code of Conduct for Staff</i> and <i>Code of Conduct for Students</i> ("the policies") as it relates to alleged sexual assault and harassment incidents reported by or about students, staff workers, or affiliates.</p> <p>(2) These procedures:</p> <p>(a) Describe how incidents of sexual assault and sexual harassment may be raised and how they can be assessed and resolved, as appropriate.</p> <p>(b) Set out steps to be taken to address sexual assault and sexual harassment incidents initiated by a student, staff member, worker, or affiliate to resolution.</p>
Scope	These procedures apply to Whitehouse and any staff member, student, visitor, worker, or affiliate.
Procedure	<p>1. Interpretation</p> <p>Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the policies.</p> <p>2. Investigator</p> <p>Is a person (who may but need not be a Whitehouse staff member) appointed by the Whitehouse Executive to conduct investigations or review actions or decisions or disputes in accordance with this and other relevant Whitehouse policies / procedures in matters relating to sexual assault and sexual harassment incidents arising out of interactions between staff and/or student and/or other persons while on campus grounds.</p> <p>3. Addressing SASH incidents</p> <p>Incidents of a minor nature may be resolved informally (refer section 5 below) by a senior Whitehouse Officer or delegated staff member, in consultation with relevant staff.</p> <p>Incidents of a serious nature (refer Definitions below) are addressed formally by the Whitehouse Critical Incident Committee (CIC) which is a sub-group of the Whitehouse Executive Committee, comprised of:</p> <ul style="list-style-type: none"> • The Founder and Executive Director, and • The Co-Executive Director, who shall chair the committee, and • The Manager, Regulation and Compliance, and / or • The Campus Manager, and / or • A Course Coordinator and / or • A nominated staff member (academic or admin/support) <p>The CIC will meet annually to review and report on cases to the Executive Management Committee and Board of Governors.</p>

The Whitehouse Critical Incident Committee is responsible for:

- Implementing this and related policies and procedures (for example, Risk Management).
- Establishing reporting, review, and other associated arrangements to ensure that Whitehouse complies with relevant legislation.
- Monitoring the outcome of investigations to ensure adequate action is taken to resolve them.
- Evaluating the factors contributing to an incident which is disclosed and developing strategies to prevent or minimise the likelihood of recurrence, and
- Ensuring Whitehouse maintains appropriate liaison with external agencies such as the Australian Human Rights Commission, the Police, professional wellbeing services.

4. Assistance

If a student, staff member, worker, or affiliate wishes to discuss their circumstances before raising an issue of sexual assault and/or sexual harassment at Whitehouse they may contact:

- (a) a person nominated by Whitehouse as a “sexual assault or sexual and harassment” Support Officer, or
- (b) relevant teacher or course coordinator, or Student Administration, or Campus Manager or Academic Director.

5. Informal Resolution (sexual harassment)

- (1) As far as possible, parties should seek to resolve issues of sexual harassment informally by one or more of the following means:
 - (a) In the case of sexual harassment, directly approaching the person they believe is responsible for the behaviour (either on their own or with another person as a support person) and:
 - (i) telling them which behaviour they consider unreasonable and unacceptable.
 - (ii) asking them to stop or to behave differently, and
 - (iii) keeping a written record of this action.
 - (b) where a staff member, student, worker, or affiliate does not feel comfortable raising the matter directly with the person they believe is responsible, they raise the matter with persons listed in subclause 4a or 4b.
 - (c) where the situation involves a staff member, student, visitor or affiliate, the matter may be raised with the next person of seniority or with the designated SASH officer.

Note: This clause does not apply to complaints concerning alleged criminal conduct, including sexual assault or complaints about the application of Whitehouse policies or procedures.

6. Formal Resolution (sexual assault and sexual harassment)

- (1) Where a sexual assault and/or sexual harassment incident is deemed serious (e.g. an act of sexual assault is a criminal offense, subject to police investigation) that may not be resolved informally, it will proceed to a process of formal resolution, as detailed below.

7. Reporting incidents of sexual assault and sexual harassment

- (1) A person, as defined in the scope of this procedure, may make a disclosure of any incident of sexual assault or sexual harassment to a Whitehouse officer.
 - (a) staff members and Student Administration can assist them to make a disclosure.
 - (b) The disclosure may be made anonymously by asking a staff member or Student Administration to make a disclosure on their behalf, or by calling from a private number.
 - (c) A Whitehouse officer should be advised if they have already made a disclosure.
 - (d) if Whitehouse needs to investigate a disclosure, Student Administration may contact the person who made the disclosure to ask whether they would be prepared to make a complaint or to participate in an investigation process.
- (2) A person who makes a disclosure will be supported by the Student Administration Officer or designated SASH support officer.
- (3) A student or former student who has made a complaint of sexual assault or sexual harassment is free to withdraw it at any time. However, if Whitehouse has already commenced misconduct proceedings against a student, staff member of affiliate because of the complaint, those proceedings will continue to resolution.
- (4) A teacher, manager or director who has concerns about, or becomes aware of, behaviour that may constitute sexual assault or sexual harassment, has an obligation to actively intervene to prevent such conduct continuing and may seek to resolve any concerns directly with the parties under this clause, if appropriate.
- (5) A teacher, manager or director who has concerns about behaviour and is unsure whether it may constitute sexual assault or sexual harassment should contact the Founder and Executive Director or Co-Executive Director.
- (6) Complainants are not required to put their complaint in writing in the first instance. However, a written complaint will be required if a formal process is triggered.

8. Addressing incidents of sexual assault or sexual harassment

- (1) The making, investigation, or resolution of a sexual assault and sexual harassment complaint under these procedures must be in accordance with the principles set out in the Policy.
- (2) Whitehouse staff can support a person who has experienced sexual assault or sexual harassment by:
 - (a) listening without interrupting.
 - (b) letting them express how they feel and respecting the words they use in reference to the incident.
 - (c) letting them know they believe what they are telling them and acknowledging their distress.
 - (d) letting them know that the incident was not their fault.
 - (e) respecting their decisions.
 - (f) directing them to the available support services. (refer below for contact details).

9. Preliminary Assessment

- (1) Where a complaint relates to the conduct of a staff member, student, worker or affiliate the person assigned to respond (where appropriate), must:
 - (a) acknowledge receipt within five working days and notify the person who raised the matter of the relevant next steps.
 - (b) obtain all relevant information from the person raising the matter, and their view on what action could reasonably be taken to resolve it.
 - (c) where the person raising the matter wants their identity kept confidential, discuss with the person raising the matter the way in which it will be handled.
 - (d) refer all relevant parties (Including the person who is alleged to have committed the act) to appropriate avenues of support and advice (e.g. Australian Human Rights Commission) and,
 - (e) assess how the matter may be progressed. This assessment may involve, where appropriate:
 - (i) convening a meeting with the relevant parties
 - (ii) collating and reviewing any relevant documentary material, and
 - (iii) providing advice to the relevant delegate about whether the matter is appropriate for assisted resolution under clause 9 or referral under clause 10.
- (2) Each of the parties may bring a support person to any discussion.
- (3) Where a staff member, student, worker, or affiliate makes a complaint of sexual assault or sexual harassment against another staff member, student worker or affiliate and the complainant or the respondent does not accept:
 - (a) the outcomes of the preliminary assessment, or
 - (b) the actions taken to address the matter; they may refer the complaint to a delegated senior Whitehouse staff member for review.
- (4) Where the complaint relates to a student or a Whitehouse policy or procedure relating primarily to **academic** matters, these will be dealt with separately under those policies/procedures.

10. Assisted Resolution

- (1) Where the assessment in clause 8 determines that assisted resolution is appropriate:
 - (a) resolution may include but is not limited to:
 - (i) clarifying a misunderstanding
 - (ii) an apology
 - (iii) facilitated discussion, including mediation or conciliation
 - (iv) an agreed plan of action to avoid further incidents and
 - (v) implementing awareness-raising or educational sessions about behaviour, and
 - (b) the relevant delegate may determine that guidance, counselling, or a warning be given to a relevant party.

11. Determination when assisted resolution is unsuccessful or inappropriate

- (1) Where assisted resolution is unsuccessful or considered inappropriate, the relevant manager or delegate, in consultation with the Founder and Executive Director or the Co-Executive Director, must determine whether:
 - (a) the matter should be dealt with in accordance with the applicable grievances and complaints policy and procedures for non-academic matters.
 - (b) the matter should be referred to an external service such as the Australian Human Rights Commission or Ombudsman.
 - (c) the matter should be referred to the police.
 - (d) the matter should be investigated under clause 1,1 or
 - (e) any other further action should be taken.
- (2) Circumstances in which a determination to take no further action may be made include where:
 - (a) the person who made the complaint has provided insufficient detail or evidence of the alleged sexual assault or sexual harassment to enable the matter to be properly investigated.
 - (b) the complaint is shown to be frivolous, vexatious, or malicious.
 - (c) the complaint relates to alleged conduct that occurred more than two years before making the complaint and no further occurrence has happened in the ensuing two years.

The relevant manager or delegate will write to the person who made the complaint (and, where appropriate, the respondent), setting out the reasons for the determination.

12. Investigation

- (1) For more serious complaints (as determined by the Founder and Executive Director in their absolute discretion, considering the complainant's views and circumstances), where assisted resolution is unsuccessful or not appropriate, an investigation may be initiated.
- (2) An investigation may only be initiated with approval from the Founder and Executive Director.
- (3) An investigation may only be initiated with further approval from the Chair of the Board of Governors.
- (4) The Founder and Executive Director may decide to meet with the Critical Incidents Committee (subclause 3) to make recommendations for resolving complaints in accordance with Whitehouse policies and procedures.
- (5) Except where otherwise required by Whitehouse rules, protocols, policies and procedures, appointed investigators may determine their own procedures.
- (6) Investigators must make findings of fact and may make recommendations for resolving complaints, in accordance with Whitehouse rules, protocols, policies and procedures.
- (7) Investigators must give Whitehouse written reasons for their findings of fact and (if relevant) their recommendations.
- (8) Where reasonable, the investigation will be concluded within 30 working days of the assessment referred to in clauses 8 and 9.
- (9) Where 30 working days is not reasonable, the Founder and Executive Director must

advise the parties of the reasons for the delay, and of the projected timeframe for conclusion of the investigation.

13. Vexatious Complaints

At any stage of this procedure, if the Founder and Executive Director, Co-Executive Director, delegate, or investigator believes that a person has made a vexatious, malicious, or false complaint of sexual assault and /or sexual harassment:

- (a) The Founder and Executive Director will make an assessment in accordance with clauses 7 and 8 of these procedures; and
- (b) these procedures will also apply to the determination of whether a vexatious or malicious complaint has been made.

14. Breaches of the policy

- (1) Consequences for a breach apply, as detailed in the policy, section 10.1

15. Record Keeping and Monitoring

- (1) Where a matter is dealt with in accordance with clauses 8 or 9 of these procedures Whitehouse administration will document the process and outcome of the complaint including:
 - (a) the person who made the complaint
 - (b) when the complaint was made
 - (c) to whom the complaint was made
 - (d) the nature of the issue
 - (e) action taken to respond to the issue
 - (f) any further action that is required – what, when and by whom and
 - (g) storing the information confidentially.
- (2) Student Administration is responsible for providing (where appropriate) the documentation referred to in clause 15 or any relevant documentation relating to an investigation to:
 - (a) the Founder and Executive Director
 - (b) Relevant manager or delegate.
- (3) Student Administration is responsible for confidentially filing all records collected, generated, or used as part of the resolution or determination of a complaint under these procedures.
- (4) In all cases, the relevant director, manager, teacher, staff member, in consultation with the Founder and Executive Director, or delegate, is responsible for:
 - (a) where appropriate, taking steps to prevent the alleged sexual assault and / or sexual harassment from continuing or recurring.
 - (b) where appropriate referring the matter to an external service, and
 - (c) monitoring developments and resolution outcomes, including any mediation or facilitation process which may be recommended.
- (5) Cases will be recorded in the relevant Register, and / or case file (e.g. Student or Staff File).

16. External Assistance and Advice

- (1) Whitehouse will make every reasonable effort to resolve sexual assault and sexual harassment concerns and complaints internally, in the first instance.
- (2) However, if a person alleges sexual assault and sexual harassment over whom Whitehouse has no jurisdiction, Whitehouse may be required to refer the person raising the concern or complaint to an external complaint's procedure or to another authority or agency.
- (3) Individuals covered by this procedure may also elect to contact (if relevant) another authority, institution, or external process, for example the Police; relevant State Anti-Discrimination Board; Ombudsman; or Australian Human Rights Commission advice or assistance.

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.

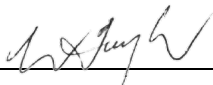
Wellbeing: broadly encompasses ‘overall wellness’ of the individual, and ‘freedom from harm’.

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](#)

	<ul style="list-style-type: none"> • 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 <p>HELP LINES:</p> <ul style="list-style-type: none"> • Australia wide: 1800 RESPECT (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 (Crisis Support) - 13 11 14 • Beyond Blue (Depression and Anxiety) - 1300 224 636 • Blackdog (Clinical resources for Mental Health) - 02 9382 2991 • Suicide Call Back Service (Help with Suicidal thoughts) - 1300 659 467 • Kids Help Line Age 25 and Under (Any Reason, Any Time) - 1800 551 800 • Mens Line (Support for Men) - 1300 789 978 • Headspace Mental Health for Youth (Life issues in work and study) - 03 9027 0100
Key Related Documents	<p>Whitehouse Policies and Procedures</p> <ul style="list-style-type: none"> • 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	N/A. This is a new policy.		
Amendment History	N/A. This is a new policy		
Signed and dated for Whitehouse Institute Pty Ltd		Leslie Taylor	20/12/2023
	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.