

Sexual Assault and Sexual Harassment (SASH) Procedure

1. Purpose

1.1 This procedure outlines the process for responding to reports of sexual assault or sexual harassment in a just, compassionate, and effective manner.

2. Scope

2.1 This procedure applies to all staff and students of Perth Bible College.

3. Responsibility

3.1 The Principal is responsible for the implementation of this procedure.

3.2 The Dean of Students is responsible for communicating this procedure and accompanying policy with all staff, students and residents, including any revisions made.

3.3 All staff and faculty are responsible for treating all complaints seriously and ensuring the matter is managed in accordance with this procedure and accompanying policy.

4. Definitions

<i>Complainant</i>	Any staff member, student or resident who discloses they have been subject to, or are currently subject to, any act of sexual assault and/or sexual harassment.
<i>Respondent</i>	Any person who is accused of sexual assault and/or sexual harassment.
<i>Sexual Assault</i>	Any type of sexual activity or contact that is not consented to.
<i>Sexual Harassment</i>	Sexual harassment covers a range of verbal and physical behaviour which a staff member or student experiences in relation to his/her job or studies and which is unwelcome, unsolicited and non-reciprocal and further, sexual harassment creates an uneasy, intimidating, hostile or offensive environment, which interferes with an individual's performance. It creates an atmosphere laden with sex-stereotyped attitudes and behaviours which emphasise the gender of a staff member or student over his/her work or study responsibilities.

	<p>Examples of sexual harassment are:</p> <ul style="list-style-type: none"> • touching someone’s body unnecessarily in a manner which is unwelcome. • embracing a person against his/her will; or • verbal abasement of a person which focuses on gender.
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5. Procedure

Reporting Incidences of Sexual Assault or Sexual Harassment

- 5.1 Students, residents or staff members who believe they are being, or have been, sexually harassed or sexually abused are to report the incident to any Perth Bible College staff member.
- 5.2 Students, residents or staff members, including non-students, who have a concern regarding the safety of a child are to report it to the PBC Accommodation Supervisor.
- 5.3 The complainant should be provided by the staff member in the first instance of external support and complaint avenues, including:
 - 5.3.1 police and emergency services,
 - 5.3.2 the Sexual Assault Resource Centre (SARC), or
 - 5.3.3 1800RESPECT (a 24 hour, 7 days a week confidential counselling service).
- 5.4 If the matter relates to a child in PBC accommodation, the Accommodation Supervisor will follow the procedure set out in the *Mandatory Reporting of Child Sexual Abuse in Western Australia: A guide for mandatory reporters*.
- 5.5 If the matter relates to sexual assault, the Principal shall be informed immediately, Police involved, and the matter reported to the insurer.

Incident Disclosure Process

- 5.6 When a student, resident or staff member discloses an incident of sexual harassment or sexual abuse to a Perth Bible College staff member, the staff member is required to immediately complete a *PBC Incident Report Form*, inform the complainant that they **must** complete the report and inform the Principal and/or Dean of Students, and send the report to the Principal and/or Dean of Students. Further information on processes is available in the *Critical Incident and Emergency Management Plan*.
- 5.7 If the staff member hearing the disclosure is uncomfortable or feels unsafe, they may request for another person to be present. If the complainant does not want another person present, it is within the right of the staff member to request to cease the conversation.

- 5.8 The Principal and/or Dean of Students is to:
- 5.8.1 prioritise the immediate physical health, emotional and social needs of the complainant,
 - 5.8.2 assist the complainant with contacting external support and/or reporting services, where required and in accordance with the student's wishes,
 - 5.8.3 provide accurate information on the options available to the complainant in regard to medical, legal, and social processes,
 - 5.8.4 obtain and record a full account of the incident/s,
 - 5.8.5 ascertain the complainant's preferred outcome,
 - 5.8.6 ensure the continuing safety of the complainant, which may include minimising contact with the alleged offender,
 - 5.8.7 assist the complainant in accessing additional academic support, if required,
 - 5.8.8 store all records confidentially, and
 - 5.8.9 agreeing on the complainant's next step in the handling of their complaint, for example resolution of the complaint internally or reporting the incident externally.
- 5.9 When a student, resident or staff member, including non-students, discloses a concern regarding the safety of a child to the Accommodation Supervisor, the Accommodation Supervisor is required to follow the guidelines outlined in the *Mandatory Reporting of Child Sexual Abuse in Western Australia: A guide for mandatory reporters*.
- 5.10 When a student, resident or staff member, including non-students, discloses an incident of sexual assault, the Principal must report the matter to the Police and the insurer.

Resolution Outcomes

- 5.11 When a complainant discloses an incident of sexual harassment to a Perth Bible College staff member, the resolution options are as follows:
- 5.11.1 internal resolution – managing the incident internally by the Perth Bible College complaints process;
 - 5.11.2 external resolution – lodging a complaint of unacceptable behaviour with external authorities (for example, police).

- 5.12 Perth Bible College acknowledges that the student has the right to choose their preferred outcome, and whether they wish to disclose the incident to external authorities. However, due to the nature of sexual harassment, all disclosures **must** be acted upon by PBC and any disclosure following the internal process that involves into a legal matter will automatically transferred to the external resolution process. Additionally, all disclosures relating to sexual assault/abuse **must** be reported to Police.
- 5.13 Resolution outcomes in cases which disclosures involve a concern regarding the safety of a child does not fall under PBC's jurisdiction. This responsibility lies with the Department of Child Protection at the Government of Western Australia.

Incident Disclosure

- 5.14 No staff member, student or resident can disclose information on an incident of sexual harassment and/or sexual abuse and ask for the disclosure to not undergo further investigation.
- 5.15 Due to the serious nature of sexual assault and sexual harassment, as well as its large impact on the community, all disclosures are treated as critical incidents and require thorough investigation, with sexual assault requiring the lodgement of a Police report.

Internal Resolution

- 5.16 A staff member, student or resident who believes they have been sexually harassed or sexually assaulted may lodge an internal complaint. A sexual assault complaint, though lodged internally, will be handled externally, via Police.
- 5.17 Perth Bible College will at all times exhibit a caring manner for the complainant and follow the following process:
- 5.17.1 The Dean of Students and/or Principal, or the Dean of Counselling if one of the previous is not available/not suitable, shall collect all information from the incident report, asking clarifying questions of the staff member who wrote the report in the first instance, and any residual questions to the complainant. It is important to note that the complainant may not wish to provide further clarification and/or does not feel safe to talk to either the Dean of Students or the Principal. Every effort must be made to accommodate the complainant.
- 5.17.2 The complainant must be made aware of the seriousness of the disclosure, and Perth Bible College's intention to ensure it is dealt with in the most appropriate manner possible. Ensure the complainant understands their rights and responsibilities under the *Sexual Harassment and Sexual Assault Policy* and this procedure.

- 5.17.3 They must be asked to minimise/avoid contact with the alleged offender, for their own and the other person's safety.
 - 5.17.4 Ask if there are any potential witnesses.
 - 5.17.5 Ask for any potential evidence, such as copies of text messages, emails, notes, etc.
 - 5.17.6 The Dean of Students and/or the Principal, or the Dean of Counselling if one of the previous is not available/not suitable, will interview the accused. This includes providing details of the alleged assault and/or harassment.
 - 5.17.7 The accused must be made aware of the seriousness of the allegation. Ensure the complainant understands their rights and responsibilities under the *Sexual Harassment and Sexual Assault Policy* and this procedure.
 - 5.17.8 They must be asked to minimise/avoid contact with the complainant, for their own and the other person's safety.
 - 5.17.9 Ask if there are any potential witnesses.
 - 5.17.10 Ask for any potential evidence, such as copies of text messages, emails, notes, etc.
 - 5.17.11 Gain any/all witnesses' accounts of the incident. Review any potential security camera footage.
 - 5.17.12 Using the evidence gained, come to a decision regarding the incident. Decide upon a plan moving forward for both people. This can include further education, such as training on consent, healthy relationships, and what constitutes as harassment. It can also include disciplinary action, up to and including immediate termination of employment or expulsion from the College.
 - 5.17.13 Meet with both people again, separately, to inform them of the decision. Remind them that they may appeal the decision if they wish or take the matter further by utilising the external process.
 - 5.17.14 Ensure that confidentiality is maintained.
 - 5.17.15 Make any adjustments to Perth Bible College's policies and procedures to reduce the risk of reoccurrence and record the incident in the *PBC Incident Register*.
- 5.18 Any staff member who is accused of sexual harassment and/or sexual assault may be asked to take a leave of absence if deemed appropriate/necessary by the Principal, or if the allegation regards the Principal, then the Board of Management may make that decision.

External Resolution

- 5.19 Perth Bible College supports the right of staff, residents, students and former students to report incidents of sexual harassment or sexual assault to WA Police.
- 5.20 If a staff member, student or resident makes a report to WA Police, the internal resolution process will be suspended while the criminal process is pending.
- 5.21 A member of staff who has had allegations made against them may be asked to take forced leave for the duration of the legal investigation, if deemed appropriate/necessary by the Principal, or if the allegation regards the Principal, the Board of Management may make that decision.
- 5.22 Resolution outcomes in cases where a disclosure raises a concern regarding the safety of a child does not fall under PBC's jurisdiction. This responsibility lies with the Department of Child Protection at the Government of Western Australia.

6. Procedure Information

Date first approved: 12/04/2018	Date of effect: 12/04/2018	Date last amended: 19/10/2021	Date of next review: 19/10/2022
Approved by		Principal	
Authorised Officer		Dean of Students	
Supporting documents, policies & forms of this procedure		<i>Sexual Harassment and Sexual Assault Policy</i> <i>Student Complaints and Appeals Policy</i> <i>Student Complaints and Appeals Procedure</i> <i>Critical Incident Management Policy</i> <i>Critical Incident Management Procedure</i> <i>Critical Incident and Emergency Management Plan</i>	
Related Legislation and Codes of Practice		<u>Higher Education Standards Framework 2015, Part A: Standard 2.3</u> <u>Tertiary Education Quality and Standards Agency (TEQSA) Act 2011</u> <u>National Code 2018, Standard 6</u>	
Audience		Public	

7. Version History

Review Table			
Date	Review Type	Summary of Changes	Review person/group
	<ul style="list-style-type: none"> • Scheduled • Policy amendment • Admin update 		
12/04/2018	Policy development		Hanlie van Rooyen

09/08/2018	Policy amendments	Expansion of 1.3, adjustments to 1.4, removing heading 1.6 and renumbering of 1.6.1-1.6.5	David Smith
15/08/2019	Policy amendment	New template and amendments made.	Natalie Tierney Capital Review Group consultant
04/03/2021	Policy amendment	Addition of 5.5, 5.7, 5.10, 5.16	Hanlie van Rooyen
28/07/2021	Scheduled	Review and general clean up	BoM
23/09/2021	Policy amendment	Amendments made as per the accepted recommendations by the BoM in a report on the effectiveness of current processes.	Chris Burton
19/10/2021	Policy amendment	Addition of reporting sexual assault to the insurer in relevant clauses.	Chris Burton