1. Context

Torrens University Australia is committed to creating an environment that is safe for all members of our community to work and study in, where everyone is treated with courtesy, respect and dignity. The University recognises that sexual assault and sexual harassment sit within a broader social context of gender inequality, and is also committed to gender equality and inclusion.

2. Definitions

Exclusion: the cancellation of a student’s enrolment and the termination of their rights and privileges as a student of the University including the right to re-enrol in their course or be admitted to another course, for a defined period (two years). The student may re-apply for admission to any Torrens University Australia course/s at the end of the period of exclusion.

Expulsion: the permanent exclusion of a student with no right to re-apply for admission.

Procedural fairness: a fair and proper procedure appropriate to the circumstances, where decisions are made without bias and are supported by evidence and communicated with reasoned argument.

Sexual assault: when a person is forced, coerced or tricked into sexual acts against their will or without their consent, or if a child or young person under 18 is exposed to sexual activities. Sexual assault is a form of sexual activity without explicit consent. Sexual assault is attempted or actual sexual contact performed without the active, verbal consent and positive physical cooperation of another individual.

Sexual harassment: any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

(Sex Discrimination Act 1984 (Cth) as cited by the Australian Human Rights Commission, 2018)

Note: sexual harassment is a form of sex discrimination, can be obvious or indirect, can be physical or verbal, can be repeated or one-off and can be perpetrated by any gender towards any gender.

Suspension: the cancellation of a student’s enrolment and the withdrawal for a specified time of the rights and privileges of a student, including the right to re-enrol as a student. Unless otherwise advised, the student has the right to recommence their studies at the end of the suspension.
University community: students, staff, agents, titleholders, alumni, officers, contractors, volunteers, and other people who are formally involved in a University-related activity, regardless of the location of that activity.

3. Scope

This policy applies to all members of the Torrens University Australia community and visitors engaged or appointed by the University while on campus or engaged in a University-related activity.

4. Principles

Sexual harassment and sexual assault are unacceptable and will not be tolerated under any circumstances. In responding to sexual harassment and sexual assault, the University will be guided by compassion, cultural competence and natural justice, and will provide support and protect confidentiality and privacy.

Prevention

The University will maintain an environment that minimises the likelihood of sexual assault or sexual harassment occurring.

- Expectations of appropriate conduct for staff and students will be clearly described in the Student Conduct Policy and Staff Fair Treatment and Equal Opportunity Policy or agreement.
- Educative programs and activities will address specific issues around consent alongside the broader social context of gender inequality, ensuring that all members of the University community are aware of appropriate standards of conduct and know their rights and responsibilities.

Preparedness

The University will train staff to manage disclosures of sexual assault or sexual harassment, including where these lead to formal reports, creating a safe environment for students and staff to disclose.

- Written procedural guidelines will provide clarity and transparency for management of sexual harassment or sexual assault disclosures in a timely and sensitive manner.
- Staff who are likely to play the role of a ‘first responder’ will be trained and supported, understanding principles of compassion, cultural competency, natural justice and confidentiality and privacy.

Response

The University will respond with care and compassion to disclosures of sexual assault and sexual harassment, prioritising the needs of the person who has experienced the assault or harassment.

- The safety and wellbeing of the person making a disclosure will be a priority in any response.
- People making a disclosure will be provided with support in the form of culturally appropriate and accessible resources and services, both within the University and within the local community.
  - The University will ensure that free and confidential counselling services are available for students and staff, provided by a qualified professional.
- People making a disclosure will also be supported to decide whether to make a formal complaint (internally) or a formal report to the police.
  - This decision will remain with the person making the disclosure unless mandatory reporting is required by legislation.
  - Making a formal report to an external organisation such as the police will not preclude the University from taking internal action as required.
Recovery

The University will support the person who has experienced the assault or harassment to continue to meet their work or study goals, making the necessary arrangements for changes to deadlines or schedules as required

- First responders will provide access to a range of options designed to minimise further disruption to study or work goals, such as changes to assessment deadlines, enrolment records, timetabled classes or campus location
- Disclosure of sexual assault or sexual harassment will be considered as grounds for special circumstances or special consideration allowed elsewhere in policy, facilitated by the responder to minimise the need for further disclosure

The University will not tolerate victimisation or reprisal following disclosure of sexual assault or sexual harassment.

The University will conduct systematic reviews of the effectiveness of this policy to inform future improvements directed at preventing sexual assault and sexual harassment.

5. Relationships between staff and students

- Research candidates and supervisors
- Students and learning facilitators, lecturers or tutors

From time to time sexual or romantic relationships develop between a student or research candidate and their lecturer/supervisor. The role power differential between a lecturer/supervisor and their student or research candidate precludes consent for such a relationship forming.

Therefore it is never appropriate for such a relationship to develop without declaring a conflict of interest and changing the teaching or supervisory arrangements.

A relationship which has not been declared as a conflict of interest may constitute sexual harassment or sexual assault under this policy.

Note: relationships between other members of staff and students or research candidates may also need to be declared as a conflict of interest – see the Conflict of Interest Policy.

6. Disclosures of sexual harassment and/or sexual assault

Any member of the University community who experiences sexual harassment and/or sexual assault is encouraged to come forward and make a disclosure to the University. Refer to the Procedure for disclosing sexual assault and sexual harassment.

7. Relevant legislation

Age Discrimination Act 2004
Australian Capital Territory – Discrimination Act 1991
Australian Human Rights Commission Act 1986
Disability Discrimination Act 1992
New South Wales – Anti-Discrimination Act 1977
Queensland – Anti-Discrimination Act 1991
Racial Discrimination Act 1975
Sex Discrimination Act 1984
South Australia – Equal Opportunity Act 1984
Victoria – Equal Opportunity Act 2010
### Mandatory reporting

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### 8. References


