

SEXUAL ASSAULT AND SEXUAL HARASSMENT POLICY

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Page: 1 of 6

Purpose	BPP Institute is committed to foster a safe and healthy environment for students and other members of the BPP Institute community. This policy describes the Institute's zero tolerance stance against sexual harassment, sexual assault and rape, and outlines the measures taken to manage incidents and provide support to individuals.
Scope	This policy applies to staff and students.
Policy Principles	<p>1. General</p> <p>1.1. Sexual Harassment</p> <p>a. Staff and students must not engage in conduct that is sexual harassment as defined under this policy or in relevant legislation, such as the <i>Equal Opportunity Act 2010 (Vic)</i>.</p> <p>b. Harassment of a sexual nature may occur when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in any unwelcome conduct of a sexual nature in relation to another person. Sexual harassment can be physical, oral or written.</p> <p>c. Sexual harassment should be distinguished from situations where there is mutual attraction or private and adult friendships whether sexual or otherwise and where <i>consent</i> exists. For the purposes of this policy, consent is defined as unequivocal and voluntary agreement by all the parties. It can be withdrawn at any moment by one or all parties concerned in a relationship. Consent must be freely given and not the result of pressure exerted, by any party in a relationship.</p> <p>d. <u>Examples of sexual harassment</u> The <u>Victorian Equal Opportunity and Human Rights Commission</u> lists sexual harassment to include:</p> <ul style="list-style-type: none">• an unwelcome sexual advance• an unwelcome request for sexual favours• any other unwelcome conduct of a sexual nature• comments about a person's private life or the way they look• sexually suggestive behaviour, such as leering or staring• brushing up against someone, touching, fondling or hugging• sexually suggestive comments or jokes• displaying offensive screen savers, photos, calendars or

	<p>objects</p> <ul style="list-style-type: none">• repeated requests to go out• requests for sex• sexually explicit emails, text messages or posts on social networking sites• sexual assault (Source: Victorian Equal Opportunity and Human Rights Commission website at https://www.humanrights.vic.gov.au/for-individuals/sexual-harassment/) <p>1.2. Sexual Assault and Rape</p> <p>Staff and students must not engage in conduct that is sexual assault or rape as defined under this policy or in the <i>Crimes Amendment (Sexual Offences and Other Matters) Act 2014</i> (Victoria) or Commonwealth legislation.</p> <p>a. <u>Sexual Assault</u></p> <ul style="list-style-type: none">• In addition to legislative definitions, BPP Institute considers that sexual assault is any behaviour of a sexual nature that makes someone feel uncomfortable, frightened, intimidated or threatened.• According to Victoria’s New Sexual Offences Laws Report, sexual assault is:<ul style="list-style-type: none">○ sexual behaviour that someone has not agreed to, where another person uses physical or emotional force against them.○ 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.○ Sexual assault can also occur when a person (A) intentionally causes another person (B), without their consent, to sexually touch either (A), themselves, or a third party. (Source: Victoria State Government: https://www.justice.vic.gov.au/victorias-new-sexual-offence-laws-an-introduction) <p>b. <u>Rape</u></p> <p>In addition to legislative definitions, BPP Institute considers:</p> <ul style="list-style-type: none">• Rape occurs when a person intentionally penetrates another person sexually without their consent.
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- Rape can also occur when a person (A) intentionally causes another person (B), without their consent, to penetrate either A, themselves or a third party.

2. Reporting of Sexual Harassment, Sexual Assault or Rape

- 2.1. In the first instance students may informally approach the Student Experience Department or the Chief Executive Officer for advice or support. Students shall have the freedom to pursue or rescind their reports at any stage. Students may lodge a formal report of sexual harassment or sexual assault in accordance with the Student Complaints and Appeals Policy.
- 2.2. In the first instance staff may informally approach their immediate manager or Senior Management for advice or support. Staff may lodge reports of sexual harassment or sexual assault in accordance with the Staff Grievance Policy.
- 2.3. The Student Complaints and Appeals Policy and the Staff Grievance Policy outline a process of informal complaints and formal complaints that individuals may follow.
- 2.4. Notwithstanding the above, due to the sensitivity and seriousness of matters pertaining to sexual harassment or sexual assault, students or staff may choose to escalate reports directly to Senior Management.
- 2.5. Nothing in this policy restricts an individual from reporting the matter directly to relevant external authorities.

3. Support and Assistance

- 3.1. Nothing in this policy should impede or restrict the victim's right to make informal and formal reports, initiate legal proceedings, or lodge a report to the police. Assistance will be provided to students to ensure they understand the available options and processes.
- 3.2. BPP Institute will also support students in navigating the Institute's special consideration process or arrangements regarding the suspension of studies to their academic progress is not impeded.
- 3.3. The Student Experience Department will provide access to information about appropriate emergency health, counselling, security and accommodation providers should the need arise. BPP Institute will also make referrals to external services when necessary.

4. Cultural Implications

4.1. BPP Institute acknowledges the challenges with reporting sexual assault or sexual harassment experiences, especially in cultures that do not typically encourage such disclosures.

4.2. BPP Institute's Student Experience Department has access to services, such as those provided by interpreters and counsellors, who have the necessary knowledge and skills to respond to disclosures and manage reports in a culturally sensitive way with students from different cultures.

5. Confidentiality

5.1. All complaints and the identities of the parties associated in a complaint are treated with the utmost confidentiality.

5.2. BPP Institute acknowledges that any unauthorised disclosure, whether intentional or otherwise, may affect or compromise the integrity of an internal or external investigation.

5.3. BPP Institute and its staff will not disseminate or distribute in any way, the contents or process of the complaint with parties not relevant to or not associated with the complaint.

5.4. All BPP Institute staff who are involved in an internal or external investigation must comply with these requirements.

6. Cooperation with Relevant Authorities

6.1. BPP Institute may be under a duty at law to report a matter to relevant external authorities where it suspects that a crime has been committed.

6.2. BPP Institute acknowledges that it has no authority to determine whether a crime or civil wrong has occurred; BPP Institute will only determine whether someone has breached the Institute's policies.

6.3. BPP Institute will cooperate fully with any relevant authorities where a criminal or civil complaint has been lodged.

6.4. The Institute will not attempt to collect any forensic evidence as it is not within the institution's expertise or authority to do so.

6.5. Where a criminal investigation is involved, the Institute will seek advice from the investigative authority whether a parallel investigation by BPP Institute may be conducted. BPP Institute will provide full cooperation with the investigative authority.

7. Evidence and Documentation

7.1. Copies and records of evidence/ documents submitted by all parties in a complaint are stored for reference and assessment.

	<p>All records, evidence and documentation are stored securely and confidentially.</p> <p>7.2. Complainants are encouraged to retain a copy and records of all documents/ evidence submitted in support of their claims. These may include, but not limited to:</p> <ol style="list-style-type: none"> a. Notes of relevant incidents; b. Copy of the written statement; c. Records of dates, time and people/witnesses involved; or d. Records of relevant conversations. <p>8. Training and Information</p> <p>8.1. BPP Institute acknowledges that sexual assault and sexual harassment can affect the social, interpersonal, psychological, physical and financial aspects of a person’s life.</p> <p>8.2. BPP Institute students are provided with a suite of resources related to well-being and safety, including sexual harassment and sexual assault, throughout their enrolment. In addition, they are reminded and encouraged to approach the Student Experience Department for assistance when required.</p> <p>8.3. BPP Institute is further committed to the education of all essential staff to ensure they are equipped with the knowledge and information to manage Sexual Assault and Sexual Harassment incidents appropriately.</p> <p>9. Reporting</p> <p>In line with the Critical Incident Policy, any incidents of sexual assault or sexual harassment are regarded as critical incidents. These incidents will be reported in accordance with the Critical Incident Policy subject to the confidentiality requirements.</p>
<p>Related Documents</p>	<p>Anti-bullying, Discrimination and Harassment Policy Critical Incident Policy Human Resources and Staff Capability Policy Sex Discrimination Act 1984 (Cth) Sexual Assault and Sexual Harassment Procedure Staff Code of Conduct Staff Grievance Policy Student Code of Conduct Student Complaints and Appeals Policy TEQSA Report to the Minister for Education: Higher education sector response to the issue of sexual assault and sexual harassment</p>

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Page: 6 of 6

	Universities of Australia Guidelines – For University Responses to Sexual Assault and Sexual Harassment
<i>For Administrative Use Only</i>	
Responsible Officer	Chief Executive Officer
Contact Officer/s	Chief Executive Officer Dean
Approved by	Board of Directors
Definitions	See BPP Institute`s Glossary of Terms and Acronyms

<i>Version History</i>		
Version No.	Approval Date	Amendment/s
1.	May 2025	First iteration <ul style="list-style-type: none">• For BPP Institute