



SEXUAL ASSAULT AND HARASSMENT POLICY

Authorised By:	CEO	Revision: 2.6
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Related Documents:	Student Grievance Policy Staff Discrimination and Harassment Policy	
Responsible Officer:	Registrar	
Review:	Executive	

Any person who requires assistance in understanding any aspect of this document should contact the Responsible Officer

1. Overview

- 1.1. Tabor is committed to promoting the principles of responsible and respectful behaviour to ensure all Tabor staff, students and affiliates can enjoy a safe and productive learning and teaching environment free from sexual harassment in line with HESF and TEQSA requirements.
- 1.2. Tabor does not tolerate sexual harassment under any circumstances, and expects its staff, students and affiliates to treat each other with courtesy and respect.
- 1.3. Disciplinary action may be taken against any employee, student or affiliate who breaches this policy.
- 1.4. Tabor aims to take a “support first” approach to allegations of sexual harassment so that staff, students and affiliates can access the advice and support services they need;
- 1.5. Tabor aims to provide an effective procedure for managing allegations of sexual harassment in a timely, sensitive and confidential manner and in accordance with the principles of procedural fairness.
- 1.6. Tabor will implement education and training strategies to ensure that staff, students and affiliates are aware of appropriate standards of conduct and know their rights and responsibilities

2. Scope and Applications

- 2.1. This policy applies to all staff, students and affiliates of Tabor.
- 2.2. This policy specifically addresses sexual assault and harassment; that is behaviour of a sexual nature which is unwelcome, unwanted or uninvited that is offensive, humiliating or intimidating.
- 2.3. This policy applies to any form of contact or communication that is relevant to College activities whether initiated in person, by email, phone, fax or through online social media and other applications or any other means.

3. Definitions

3.1 See [Global Definitions](#)

3.2 Tabor defines sexual harassment as behaviour of a sexual nature which is unwelcome, unwanted or uninvited that makes a person feel intimidated, offended or humiliated.

3.3 Sexual harassment can be a single incident or a persistent pattern, and can range from subtle behaviour to explicit demands for sexual activity, including but not limited to the following examples:

- sexually suggestive comments or jokes
- unnecessary close physical proximity including persistently following a person
- staring or leering at a person or at parts of their body
- unwelcome physical contact such as brushing against or touching a person
- comments and questions about another person's sexual conduct and/or private relationships
- persistent unwelcome invitations
- requests for sexual favours
- offensive written, telephone or email communication of a sexual nature
- displays of sexually specific material
- accessing sexually explicit internet sites
- negative behaviours, such as intimidation or exclusions relating to the sex of a person

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. Some forms of sexual harassment constitute criminal offences. These include:

- Sexual assault
- Indecent assault
- Indecent exposure
- Stalking
- Obscene Communications

Sexual harassment is unlawful in employment, within the workplace and in educational institutions under the S. A. Equal Opportunity Act, 1984 and the Sex Discrimination Act, 1984 (Cth).

3.4 Sexual Assault or Sexual Violence is a particular type of sexual harassment that includes non-consensual sexual contact, non-consensual sexual intercourse, rape, or other physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. For further definition of sexual assault, please refer to the Health Direct website: <https://www.healthdirect.gov.au/sexual-abuse>, and the Consent Is Everything video: <http://www.consentiseverything.com/>

4. Policy Principles

- 4.1. Tabor staff, students and affiliates should expect to pursue their work and study in a fair, safe, productive and positive environment.
- 4.2. Tabor staff, students and affiliates will maintain a high standard of behaviour and conduct themselves with courtesy, fairness and professionalism.
- 4.3. Tabor will not tolerate or condone any form of sexual assault or harassment.
- 4.4. Tabor strongly encourages its staff, students and affiliates to report any incidents of sexual assault or harassment, by means of the [online report form](#).
- 4.5. Tabor will aim to take all reasonable and practicable steps to provide support to any staff member, student or affiliates affected by any form of sexual assault or harassment.
- 4.6. In order to provide such support, all Tabor staff will be provided with a foundational level of training. Further, one staff member and one student representative from each campus, will receive specific

external training in dealing with sexual assault and harassment, delivered by a suitably qualified community agency.

4.7. Appropriate disciplinary action will be taken against a person who is found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology,
- participation in mediation, counselling or training,
- reporting to the appropriate Authorities,
- a verbal or written reprimand or warning, and/or
- demotion, dismissal or other sanctions.

5. Procedures

5.1. Any Tabor staff, student or affiliate who believes they are being, or have been, sexually assaulted or harassed are encouraged to promptly report the matter, either by completing the [online report form](#), or by speaking with Tabor's Student Support and Success Coach, as the primary contact person for students who are considering reporting a claim of sexual assault or harassment, or any member of Student Services, any Faculty Administrator, or the HR Manager. Tabor will not tolerate victimisation or reprisal in relation to investigations of sexual assault or harassment.

5.2. Any staff member receiving a verbal report should complete the [online report form](#) for subsequent investigation, on behalf of/with the complainant.

5.3. Upon receipt of the online report form, the Dean of Students is notified, who convenes a Student Support Team to support the complainant and report back. The HR Manager will be notified instead of the Dean of Students should the complainant be a staff member.

5.4. Tabor will provide initial support and may, with consent escalate the matter and contact other support services where necessary.

5.4.1. Where an allegation of sexual harassment has been made that includes behaviour that may also be considered to be sexual assault victims are encouraged to contact [Yarrow Place](#) rape and sexual assault service in South Australia (08 8226 8787) or [Sexual Assault Resource Centre](#) in Western Australia (08 6458 1828) or [National sexual assault](#), domestic family violence counselling service, Australia wide - 24 hours: 1800 737 732 (1800 RESPECT)

5.4.2. Where an allegation of sexual harassment has been made that includes behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent assault, sexual assault, stalking or obscene communications, Tabor strongly encourages the complainant report the incident directly to local Police, but this remains within their discretion.

5.4.3. There may be times where Tabor is required by an act of legislation to report an offence to the Police.

5.5. Tabor will take timely and appropriate action to investigate any sexual assault or harassment allegations.

5.5.1. Complaints about sexual assault or harassment will be managed in accordance with Tabor's Student Grievance Policy or Staff Discrimination and Harassment Policy, as appropriate.

5.6. Tabor will implement, to the best of its ability, measures to protect the reporting staff member, student or affiliate and facilitate their continued access to Tabor study programs and activities.

5.7. Tabor will provide support to members of the Student Support Team upon the Team being convened by the Dean of Students, as a consequence of the receipt of an online report form.

5.8. If Tabor staff, students or affiliates make any allegations against each other, the principles of procedural fairness/natural justice apply; this means that the person accused of potential misconduct has the right to:

- be informed about the nature and content of the issue
- be heard
- have an unbiased decision maker
- receive a summary of the allegations prior to any meeting with Tabor staff

- have a Support Person accompany them to any meeting with Tabor staff that occurs as part of this process

5.9 Tabor will treat all information associated with sexual assault or harassment investigations as confidential, including any outcomes of allegations, and will not release this information to any third party or external agency unless required by law, or the Tabor staff member, student or affiliate expressly consents to its release in writing.

5.10 The Dean of Students or HR Manager will provide a confidential briefing to the CEO on the allegations that are the subject of the investigation, should the matter have the potential to significantly impact Tabor's reputation.

5.11 The Dean of Students or HR Manager, having overseen the process and ensured appropriate levels of support have been given, concludes the process by providing a final report to the Board of Governors and Senior Executive that will include recommendations for change in structural environment to help reduce the likelihood of repeat incidences, if appropriate.

5.12 A written record of the steps taken in the investigation must be maintained. This record must include details of all the enquiries made and critical decisions taken.

6. Communication

- 6.1. The Tabor website will contain a "[Respect. Now. Always.](#)" page which will list up to date references on where people can go for help. Each Orientation Week, Student Services will email all students, reminding them of their right to study in a safe environment, encouraging them to report instances of offensive behaviour, and pointing them to the "[Respect. Now. Always.](#)" page and this policy.
- 6.2. A Student Wellbeing link has been created on Tabor Online, to ensure this information is displayed prominently to students.
- 6.3. Information on SASH will be distributed at ongoing training and orientation events.
- 6.4. See also Tabor's [SASH Mind Map](#)