



Sexual Assault and Sexual Harassment Policy and Procedure

1 Scope and Purpose

The purpose of this policy is to promote the safety of students, staff, contractors, visitors and the community at Russo Business School. This policy assists Russo Business School to meet its responsibilities and obligations under State and Federal sexual harassment, harassment, and anti-discrimination laws. It provides information and clear guidelines on understanding unlawful behaviour and outlines the processes for handling behaviour that breaches this policy.

This policy applies to all members of Russo Business School's higher education community.

Safety, emergencies and the handling of critical incidents are outlined in the Critical Incident Management Policy and Procedure.

2 Definitions

Consent broadly refers to the ability to freely and voluntarily give consent without the use of force, threat, intimidation, deceit, or any fraudulent means.

Emergency means an incident that becomes more serious and requires coordination to address the wider implications. An emergency usually involves intervention by Emergency Services.

Health refers to the state of being free from illness or injury.

Incident means an event (e.g. alarm, small chemical spill), which requires an immediate response, but can be managed relatively quickly using local resources, possibly with the assistance of the Emergency Services.

Sexual assault is any unwanted or forced sexual act or behaviour that occurs without consent. Sexual assault occurs when a person indecently assaults another person or procures another person, without their consent, to commit a sexual act (Section 352 of the Queensland Criminal Code Act 1899).

Consent must be freely and voluntarily given by a person with the cognitive capacity to do so. Consent is not freely and voluntarily given if a person is:

- forced to engage in the sexual act;
- unconscious or asleep
- under the influence of drugs or alcohol
- threatened or intimidated
- in fear of bodily harm, or
- under a mistaken belief that the person was their sexual partner.

Sexual harassment - the anti-discrimination commission of Queensland states that Sexual harassment is against the law in Queensland. It is prohibited by the Anti-Discrimination Act 1991. Sexual harassment is any unwelcome conduct of a sexual nature that is done either to offend, humiliate or intimidate another person, or where it is reasonable to expect the person might feel that way. It includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions, and remarks with sexual connotations. It has nothing to do with mutual attraction between people. Sexual harassment does not have to be deliberate or repeated to be illegal. Some sexual harassment, such as sexual assault, indecent exposure and stalking is also a criminal offence.

Wellbeing is defined as the state of being comfortable, healthy, or happy.

3 Policy Objectives

Russo Business School takes a zero-tolerance position in regard to sexual assault and sexual harassment. Russo Business School recognises the right of all students and staff to experience a safe and respectful education environment. Russo Business School will provide support for victims of sexual assault or sexual harassment in terms of their wellbeing and support to continue their studies.

Russo Business School will:

- a. Maintain regulatory compliance with relevant legislation
- b. Identify and act upon incidents as per the processes in the Critical Incident Management Policy and Procedures
- c. Monitor and report on health and safety risks via Russo Business School's risk register
- d. Distribute information to support the safety of all persons at Russo Business School.

4 Implementation

The Board of Directors hold the ultimate responsibility for the health, safety and wellbeing of members of Russo Business School's community. The CEO is responsible for promoting health, safety and wellbeing, and all staff are responsible for implementing this policy. The Executive, managers and supervisors are responsible for undertaking monitoring and other activities within their teams to ensure compliance with this policy.

All staff, academic staff, and students are required to engage at Russo Business School in a respectful way exhibiting a no tolerance approach sexual assault and sexual harassment.

4.1 Promoting awareness

Russo Business School will promote awareness of sexual assault and sexual harassment by providing:

- Orientation information and seminars
- Staff training
- Publication of policies and flyers
- Notices on the student management system

4.1.1 Sexual Assault

Sexual Assault is unwanted sexual acts or behaviours which an individual did not consent to, or was not able to consent to, using physical force, intimidation, or coercion, including but not limited to:

- Aggravated sexual assault (sexual assault with a weapon)
- Attempted rape
- Rape
- Indecent assault
- Penetration by objects and forced sexual activity that did not end in penetration
- Being forced to perform a sexual act on another person

Sexual violence involving a physically violent and/or coercive component, or threats of physical violence, such as physical molestation or assault, may constitute a criminal offence. Any individual who is subjected to such incidents should seek advice and support by reporting the matter to the police.

4.1.2 Sexual Harassment

Sexual harassment may be a single incident or a persistent pattern of unwelcome behaviour. Sexual harassment may include (depending on state law), but is not limited to:

- Leering or staring
- Persistent following or stalking
- Persistent unwelcome invitations, telephone calls or emails
- Sexually suggestive words, gestures, or sounds
- Unwanted ongoing declarations of affection or approaches for affection, including gifts
- Sending of sexually explicit emails or text messages
- Obscene sexual communications in any media including social networking
- Displays of sexually suggestive material and/or the retention and distribution of sexually explicit material
- Unwelcome behaviour or contact of a sexual nature which offends, intimidates, embarrasses, or humiliates an individual
- Unwelcome physical touching or familiarity, including deliberately brushing against someone, patting, kissing, and embracing
- Requesting sex or other sexual favours
- Asking intrusive questions or making explicit comments about someone's private life or body.

Sexual harassment does not include:

- Mutual attraction
- Consensual romantic involvement or friendship.

Other considerations are:

- That behaviour, words, and gestures have different meanings in different cultures. What may be considered suitable in one culture may not be in another
- That abuse of power or trust may occur such that sexual harassment may be directed at a person who is unable to stop the behaviour.

Sexual harassment involving persistent following or stalking, and indecent exposure, may be considered sexual assault and potentially a criminal offence. Any individual who is subjected to such incidents should seek advice and support from staff and consider reporting the matter to the police.

4.1.3 Consent

Consent has to be freely and voluntarily given. Depending on state laws, consent may not be able to be given if a person is:

- Being forced, threatened or intimidated
- Being misled
- Unconscious or asleep
- Under the influence of drugs or alcohol
- Under 16 years of age.

5 Procedure

Russo Business School encourages individuals to report incidents of sexual assault and sexual harassment. Victimisation of complainants will not be tolerated.

If a criminal act has potentially occurred (sexual assault) the police should be contacted on 000. Other reporting options include contacting one of Russo Business School's staff. The Critical Incident Management Policy and Procedure provides details of emergency and critical incident processes and contact details.

5.1 Responsibilities

All staff and students contribute to the creation of a safe teaching and learning environment for students and to a safe working environment for Russo Business School's staff.

Staff are responsible for:

- a. Promoting and supporting safety amongst staff and students
- b. Distributing this policy as part of staff induction processes
- c. Acting in accordance with the purpose and objectives in this policy
- d. Treating complaints seriously and taking prompt and appropriate action
- e. Organising, monitoring and undertaking training for themselves and their teams
- f. Reporting any safety concerns and seeking expert assistance if necessary.

Students are responsible for:

- a. Undertaking activities in a manner that complies with health and safety requirements, and that do not adversely affect the wellbeing of others
- b. Acting in accordance with the purpose and objectives in this policy and procedure
- c. Reporting safety concerns.

5.2 Handling of Allegations

Russo Business School takes allegations of sexual assault and sexual harassment extremely seriously. Allegations of any sexual assault or sexual harassment will be handled with sensitivity and impartiality in

accordance with the complaint process outlined in this policy. Where Russo Business School believes sexual assault or harassment may have occurred, Russo Business School will act promptly to eliminate the improper conduct and take corrective action as necessary, including disciplinary action where appropriate. It must be understood by students and staff that Australian law prohibits any form of sexual assault and/or sexual harassment, or harassment based on sexual orientation, potential beliefs and/or gender orientation.

The processes for dealing with sexual assault and sexual harassment at Russo Business School are separate to any criminal processes that may arise by reporting matters to the Police or Corruption and Crime Commission.

5.3 Reporting sexual misconduct

In accordance with the Russo Business School Critical Incident Management Policy and Procedures any person who believes that they have been the subject of sexual assault or harassment, or believes that they have witnessed sexual assault or harassment should immediately report the situation:

- To Emergency services on 000 as appropriate
- To your Lecturer or Manager or a staff member as listed on the Sarina Russo Group Contact Card.

Russo Business School staff will:

- Immediately contact the Chief Executive Officer
- Submit an Incident Report to incident2@sarinarusso.com.au in accordance with the Critical Incident Management Policy and Procedures
- Record details of the alleged misconduct in the Critical Incident Register
- Act promptly and maintain confidentiality to the extent practical in the circumstances
- Not tolerate victimisation of any party
- Provide options about minimal contact with the person allegedly involved
- Provide assistance with making a Police report
- Provide contact details and assistance in booking a free appointment with Sexual Assault Resource Centre
 - <https://qsan.org.au/contact-us/>
- Ensure that each situation will be assessed on a case-by-case basis in accordance with the Student Complaints and Appeals Policy and Procedure
- Russo Business School may also initiate urgent interim measures, such as restricting a person's access to campus buildings and electronic platforms where there is an immediate threat to the safety of any person.

5.4 Confidentiality and Privacy

Russo Business School will take reasonable steps to ensure confidentiality for all parties concerned except where disclosure of relevant information is necessary to meet Russo Business School's duty of care to those affected or to meet legal requirements. Russo Business School's prime concern is to meet its duty of care to all members of its community in terms of safety, security and wellbeing, and cannot be ignored even if a person does not wish to lodge a formal complaint.

All personal information collected by Russo Business School is protected under the Privacy Act 1988 (Commonwealth of Australia). All information will be treated with the utmost care, being kept strictly confidential within the confines of the educational program. It will not be sold, re-used, rented, loaned or otherwise disclosed to a third part, except where prior written permission is obtained from the individual who supplied the information and to whom the information refers.

5.5 Appeals

If a student is not satisfied with an action or decision related to this policy and procedure, they may seek an appeal as outlined in the Student Complaints and Appeals Policy and Procedure.

If a staff member is not satisfied with a decision related to this policy, they may seek an appeal as outlined in the Staff Grievance Policy and Procedure.

6 Related documents

The following policies and procedures are related to this policy:

- a. Diversity and Equity Policy and Procedure
- b. Health and Wellbeing Policy and Procedure
- c. Privacy Policy and Procedure
- d. Records Management Policy and Procedure
- e. Critical Incident Management Policy and Procedures
- f. Staff Development and Scholarship Policy and Procedure
- g. TSRG Human Resources Grievance and Dispute Resolution Policy and Procedure
- h. Student Code of Conduct Policy
- i. Student Complaints and Appeals Policy and Procedure
- j. Student Support Policy and Procedure

Legislation and Standards

The following legislation is relevant to this policy, however not all are mandatory for HEPs:

[NB: replace any state-based legislation with that relevant to your State]

- a. Anti-Discrimination Act 1991
- b. Queensland Criminal Code Act 1899
- c. Tertiary Education Quality and Standards Agency Act 2011 (Commonwealth)
- d. Higher Education Standards Framework (Threshold Standards) 2021 (Commonwealth)
- e. Sex Discrimination Act 1984 (Commonwealth)
- f. Australian Human Rights Commission Act 1986 (Commonwealth)
- g. Educational Services for Overseas Students Act 2000 (ESOS Act)
- h. Fair Work Act (2009) (Commonwealth)
- i. Sex Discrimination Act (1984) (Commonwealth)

7 Review

Three years from commencement.

8 Accountabilities

The Board of Directors is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and Russo Business School's higher education community via the website and other publications.

Delegated Authority	Delegation
Governance	
Board of Directors	Refer to the Terms of Reference
Executives	
Chief Executive Officer	Relevant to Accountability Statement
Management	
All RBS Staff	Relevant to Accountability Statement

9 Revision history

Policy & Procedure Version No	Policy & Procedure Sponsor	Approval Authority	Date of Approval	Date for next review
1/2022	Chief Operating Officer	Board of Directors	13/07/2022	13/07/2024