



## Sexual Assault and Sexual Harassment Prevention Policy

### 1. STRATEGIC PLAN THEME AND COMPLIANCE OBLIGATION SUPPORTED

Strategic Plan Theme: [People and Culture](#)

### 2. PURPOSE

Curtin is committed to fostering a culture of respect and safety. This policy outlines what constitutes sexual assault and sexual harassment and provides links to relevant Statutes, policies, procedures and other related documents.

### 3. POLICY STATEMENT

**3.1** Sexual assault and sexual harassment are unacceptable and will not be tolerated.

**3.2** Curtin aims to foster a culture of respect and safety which will help reduce incidents of sexual assault or sexual harassment.

**3.3** If we become aware of sexual assault or sexual harassment affecting members of the University Community, we will:

- (a) support victims and survivors, in terms of both their physical and emotional wellbeing and their study or work responsibilities;
- (b) follow due process when addressing any allegations of sexual assault or sexual harassment to ensure such matters are resolved in a timely, proper and fair manner;
- (c) monitor our responses to continuously improve our support for victims and survivors, and to ensure consistency in our approach;
- (d) protect and support our students, staff, and other members of the Curtin community, regardless of where or when an incident occurred; and
- (e) consistent with our values, encourage and model respectful relationships at our campuses to ensure there is a shared understanding of the behaviours expected at Curtin University.

#### **3.4 Fostering a culture of respect and safety and preventing sexual assault and sexual harassment**

**3.4.1** Members of the University Community will foster behaviours that enable an environment free from sexual assault and sexual harassment. These behaviours are expected in all University-related activities, whether physical or digital, on campus or off (including work integrated learning, secondments, exchanges and field research, and other such activities).

**3.4.2** All staff and students will undertake relevant training as required.

See also:

- [Curtin Values and Signature Behaviours](#)
- [Curtin University Academic, Professional and General Staff Agreement 2017-2021](#)
- [Code of Conduct](#)
- [Statute 10 - Student Discipline and General Misconduct Rules](#)
- [Compliance Procedures](#)
- [Diversity and Equity Policy](#)
- [Discrimination and Harassment Prevention Procedures](#)
- [Information and Communication Technology \(ICT\) Appropriate Use Policy](#)
- [Fieldwork Policy](#) and [Procedures](#)
- [Physical Security Policy](#)
- [Health and Safety Policy](#) and [related procedures](#)
- [Conflict of Interest Procedures](#)

- [Working with Children Procedures](#)
- [Children on Campus Procedures](#)
- [Criminal Record Screening Procedures](#)
- [Privacy Statement](#)

### 3.5 Addressing sexual assault and sexual harassment

#### Emergencies, support and reporting

3.5.1 Anyone on the Bentley Campus can use the SafeZone Security App to trigger an immediate response from the Safer Community Team without alerting an alleged assailant, or call 4444. In emergencies, people can call 000.

Global campuses will provide appropriate contact numbers for help and support.

Anyone on University-supported activities interstate or overseas can ring International SOS on +61 2 9372 2469 and quote Membership No. 12AYCA656047.

3.5.2 Safety and wellbeing will be the primary focus of any immediate action.

3.5.3 Individuals who experience sexual assault may report their experience to the police or to the University (via the [Safety at Curtin webpage or other available channel such as the Integrity and Standards Unit or Counselling Services](#)) or to both, and may lodge such reports at the same time or at different times.

3.5.4 Allegations of sexual assault and sexual harassment, if proven, will constitute staff or student misconduct.

3.5.5 Allegations of sexual assault and sexual harassment where the respondent to the allegations is:

- a staff member or any other party to the Curtin Code of Conduct (which includes contractors) will be dealt with in accordance with the *Complaints Procedures* and associated guidelines, and, where appropriate, in accordance with the relevant Staff Agreement or contract of employment or engagement; and
- a student will be dealt with in accordance with *Statute 10 - Student Discipline and General Misconduct Rules*.

3.5.6 The University's reporting and investigations processes for dealing with sexual assault matters is separate to any criminal processes that may arise as a result of such matters being notified to the Police or Corruption and Crime Commission.

3.5.7 The University will take reasonable steps to ensure confidentiality for all parties concerned throughout these processes, except where disclosure of relevant information on a "need to know" basis is necessary to meet Curtin's duty of care to those affected or to meet legal requirements.

3.5.8 The University's obligation to meet its duty of care to all members of the University community in terms of their safety, security and wellbeing will always be of prime concern and cannot be ignored even in circumstances where the victim and survivor does not wish to lodge a formal complaint.

3.5.9 This policy does not limit the University's right to address and take action with respect to conduct pursuant to its *Code of Conduct*, the relevant Staff Agreement, Statutes and Rules, or relevant contractual provisions obligations.

See also:

- [Incident Alert Matrix](#)
- Safer Community Reporting flow chart
- Victims and Respondents flow chart
- [Travel Procedures](#)

### 3.6 Support for the safety and wellbeing of a person disclosing or formally reporting sexual assault or sexual harassment and for bystanders

The safety and wellbeing of a person disclosing or formally reporting sexual assault or sexual harassment will be a priority of the University. Support will also extend to bystanders.

Support is available from University Counselling.

See also:

- [Family and Domestic Violence Leave Support Procedures](#)
- Line Managers Guide - how to effectively deal with complaints

#### 4. SCOPE OF POLICY

This policy applies to the University community, including Council members, students, staff, University Associates, Curtin controlled entities, and all persons participating in University business or activities, including whether as a visitor, adjunct appointee, service provider, contractor or volunteer. This policy applies to the University's overseas campuses, to the extent that it is compatible with that campus' local laws.

#### 5. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

##### **Consent**

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

##### **Sexual assault**

Sexual assault is when a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent. Sexual assault:

- Is behaviour that the survivor has not invited or chosen
- Can be one-off events, or part of a pattern of violence
- May have a range of effects, including physical, emotional and psychological Sexual assault and other sexual offences are criminal offences.

##### **Sexual harassment**

Sexual harassment is:

- Any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated.
- Interaction, flirtation or friendship which is not mutual or consensual.

Sexual harassment is as defined by the *Sex Discrimination Act 1984 (Cth)* and the *Equal Opportunity Act 1984 (WA)*, and includes behaviour of an unwelcome sexual advance, or an unwelcome request for sexual favours; or engagement in other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated. Sexual harassment may in certain circumstances in employment also be considered bullying and subject to the jurisdiction of the Fair Work Commission.

#### 6. RELATED DOCUMENTS/LINKS

- [Safety at Curtin webpage](#)
- [Complaints Portal](#)
- [Curtin Values and Signature Behaviours](#)
- [Code of Conduct](#)
- [Line Manager Guidelines – How to effectively deal with complaints](#)
- [Complaint Handling Checklist](#)
- [Integrity & Standards Unit](#)
- [Student Charter](#)
- [Privacy Statement](#)
- [Curtin University Academic, Professional and General Staff Agreement 2017-2021](#)
- [Incident Alert Matrix](#)
- [Safer Community Reporting flow chart](#)
- [Victims and Respondents flow chart](#)
- [ISOS Alert](#)
- [Statutes, rules and by-laws](#)
- [Statute 10 and General Misconduct Rules](#)

<b>Policy Compliance Officer</b>	<a href="#">Jon Yorke</a> , Associate DVC Academic & Academic Registrar
<b>Policy Manager</b>	Deputy Vice-Chancellor, Academic
<b>Approval Authority</b>	Senior Executive Team
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#### REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes & Notes
New	Approved	17/09/2019	Planning and Management Committee	PMC 65/19	Attachment A to Item 9.1