



# **QUANTUM INSTITUTE OF HIGHER EDUCATION**

**Sexual Assault and Sexual Harassment Policy**

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# **Sexual Assault and Sexual Harassment Policy**

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## **Purpose**

The Sexual Assault and Sexual Harassment Policy ('the Policy') outlines Quantum Institute of Higher Education's ('QIHE' or 'the Institute') approach to preventing and responding to incidents of sexual assault and/or sexual harassment occurring at or connected to QIHE. This Policy supports QIHE's zero tolerance to sexual assault and sexual harassment and outlines behaviours that protect and support the safety and welfare of QIHE's students and staff. The Policy addresses the principles applicable to disclosures and complaints of sexual assault and sexual harassment and outlines the support options available.

## **Scope**

This Policy applies to all student and staff members of QIHE and applies to all QIHE associated premises and facilities, including but are not limited to libraries, teaching spaces, recreational spaces, online learning and teaching platforms. This Policy also applies to incidents occurring in off-campus environments that are connected to QIHE student or staff facilities, this includes private residence, residential accommodation, social settings (such as pubs or clubs), placements and other QIHE-related functions or events.

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## **I. Policy Principle**

QIHE takes a position of zero tolerance on sexual assault and sexual harassment. It is expected that QIHE's staff and students interact in ways that are responsible, respectful and safe. The Institute supports appropriate disclosure and reporting of incidents of sexual assault and sexual harassment. QIHE takes all reasonable measures to provide a safe learning and working environment that aims to prevent sexual assault and sexual harassment.

## **2. General Procedures and Strategies for Prevention**

QIHE aims to prevent and respond to sexual assault and sexual harassment by:

- i. Addressing the wellbeing and safety of staff and students through related policies and procedures. Please see *Equity and Diversity Policy, Staff Code of Conduct, Students Code of Conduct, Complaints and Appeal Policy and Procedure, Mental Health and Wellbeing Policy*;
- ii. Emphasising to students and staff this Policy, associated policies and measures and linked support services via a dedicated webpage and ensuring that the Policy and related activities are embedded within QIHE's culture;
- iii. Responding to all reports of sexual assault and sexual harassment, whether on campus or off campus, investigate and respond in ways that hold central the welfare of those impacted;

- iv. Having an appropriate and effective protocol to respond to reports of sexual assault and sexual harassment on campus and off campus. The focus of response will be the wellbeing and safety of students and staff who have experienced sexual assault or sexual harassment, including access to relevant counselling, medical, police and/or legal services as appropriate;
- v. Protecting the privacy and ensuring the respect and safety of any QIHE staff or student member reporting sexual misconduct, sexual assault and/or sexual harassment;
- vi. Collecting de-identified data regarding sexual assault and sexual harassment in quality assurance and continuous improvement processes;
- vii. QIHE will continue to develop and implement strategies that aim to raise awareness and address the risks of QIHE staff or student members experiencing sexual assault and sexual harassment. QIHE provides guidance on prevention via a range of policies that highlight best practice to avoid situations that may place students or staff members at risk. In addition to this Policy, please see *Equity and Diversity Policy*, *Staff Code of Conduct*, *Students Code of Conduct*, *Complaints and Appeal Policy and Procedure*, *Mental Health and Wellbeing Policy*;
- viii. The Student Services Team will be the dedicated student safety unit for matters regarding campus safety and wellness;
- ix. QIHE will provide a mandatory training and awareness programs for all students and staff on preventing and responding to sexual assault, sexual harassment and gender-based violence. Training will be trauma-informed, culturally sensitive and regularly refreshed to ensure ongoing awareness and compliance.

### **3. Emergency and Ongoing Support**

- i. Contact details for emergency assistance for QIHE staff or student members who have experienced sexual assault or sexual harassment are set out in **Appendix 1**.
- ii. Contact details for ongoing support and assistance for QIHE staff or student members who have experienced sexual assault or sexual harassment are set out in **Appendix 2**.
- iii. Contact details for support and assistance for QIHE staff or student members who are the subject of a report or complaint of sexual assault or sexual harassment are set out in **Appendix 3**.

### **4. Response to Reports of Sexual Misconduct**

- i. QIHE staff or students who have experienced sexual assault or sexual harassment maintain the right to decide whether or not they will disclose the incident to QIHE.
- ii. A flowchart of responding to a report of sexual assault or sexual harassment is set out in **Appendix 4**.
- iii. A report of sexual assault or sexual harassment can be done at any time and can be made anonymously. However, it is important to recognise that QIHE's capacity to investigate and respond appropriately will diminish over time. A time delay of reporting that is more than 12 months may mean that QIHE is not able to respond as effectively as possible.

- iv. QIHE is committed to supporting any staff or student member who discloses or reports sexual assault or sexual harassment. Any person reporting sexual assault or sexual harassment will be heard and treated respectfully, will not be victimised or otherwise subject to detrimental treatment as a consequence of reporting. Details of inclusive and non-discriminatory support services for QIHE are set out in **Appendix 2**.
- v. Except as required under the law and as detailed elsewhere in the Policy, QIHE will keep confidential all information revealed in a report of a sexual assault or sexual harassment in the Institute's database. This includes the identity of the parties (the complainant and the respondent) and those involved in the investigation or resolution of a complaint. The information provided or collected during the investigation and/or resolution of a complaint and any report, outcome or determination of a complaint will be distributed only to those parties involved and the proper authorities at QIHE. All records kept will be kept confidential under the provisions of the *Records Retention Policy*.
- vi. QIHE supports the right of the Institute's staff or student member, who has experienced sexual assault or sexual harassment, to decide whether or not they want to report the incident to the police.
- vii. Any QIHE staff or student member retains the right to contact the NSW Anti-Discrimination Board or the Australian Human Rights Commission to make a complaint of sexual harassment under anti-discrimination legislation.

## 5. QIHE's Response Procedure

- i. A flowchart of responding to a report of a sexual assault or sexual harassment is set out in **Appendix 4**. Detailed information regarding the handling of informal and formal complaints, including complaints of sexual assault and sexual harassment, is provided in the *Complaints and Appeal Policy and Procedure*.
- ii. QIHE will do all that is reasonably possible to resolve complaints of sexual assault and sexual harassment in a timely manner having regard to the sensitivities of the matter and ensuring a fair, confidential and due process.
- iii. Complainants and respondents will have a reasonable opportunity to state or respond to a complaint orally and in writing, and to provide any documents relevant to the complaint.
- iv. Complainants and respondents may choose to be accompanied to any meeting by a support person.
- v. At no time will the complainant and respondent be required to meet with or to participate in negotiated activity with one another, unless they have both given their prior informed consent in writing.
- vi. While any investigation is on-going in relation to any sexual assault or sexual harassment matter, interim measures may be taken including:
  - a. suspending or restricting a person's access to QIHE building or facilities;

- b. restricting a person's access to particular classes (including online activities)/offices or areas;
- c. suspending or restricting a person's access to online facilities including Moodle or prohibiting a person from speaking to or approaching another person (including by social media, email, letter or through a third party);
- d. for such period, and on such terms, as QIHE considers necessary for the safety and wellbeing of all parties.

## **6. QIHE's Regular Reporting Procedures**

The Dean will submit regular reports to the Governing Council regarding campus safety trends, including reports of sexual assault and harassments, to ensure accountability and proactive risk mitigation. Wherever is required, QIHE will publish a summary of de-identified data and trends relating to sexual assault and sexual harassment, including information on prevention initiatives, support measures, while ensuring that confidentiality and privacy are strictly maintained. QIHE commits to promote transparency, accountability and continuous improvement through this practice.

## **7. Breaches**

QIHE may take disciplinary action against any person who is investigated and found to have breached this policy. Disciplinary action may include an apology, counselling, suspension or exclusion depending on the severity and persistence of the behaviour. For further information, refer to *Equity and Diversity Policy, Staff Code of Conduct, Students Code of Conduct, Complaints and Appeal Policy and Procedure, Mental Health and Wellbeing Policy*.

QIHE recognises that breaches of this Policy may also trigger enforcement action under the National Code to Prevent and Respond to Gender-Based Violence (2025) and relevant Work Health and Safety legislation, which include regulatory sanctions. These regulatory sanctions may involve financial penalties of up to \$330,000 for institutions and \$3,600 for individuals and in severe cases, suspension or closure of institutional operations. This reinforces QIHE's strict commitment to compliance and accountability.

## **8. Privacy and Records Management**

QIHE will take steps to protect the security and confidentiality of any personal information, disclosure or complaint regarding sexual assault and sexual harassment reports or complaints. All records and information in relation to the matter will remain confidential within QIHE's database. All records will be kept in accordance with the *Records Retention Policy*. Only approved and relevant staff and authorities are allowed access to the records, if required in order to carry out their responsibilities as outlined in this Policy or by the investigation process.

# Glossary

**Consent** refers to an agreement between people to engage in sexual activity where that agreement is mutual, freely given, informed, certain and clear, enthusiastic, reversible, specific and required throughout the activity.

For the purpose of this Policy, sexual consent holds the same meaning as is legally defined in NSW legislation. That is, a person must freely and voluntarily consent to the sexual act. A person is unable to consent if they are:

- asleep or unconscious or significantly intoxicated or affected by drugs;
- tricked, intimidated, pressured, coerced or threatened;
- unable to understand that they are consenting to or unclear of the identity of the person performing the act;
- the person is pressured to engage in the sexual act by another person, who is in a position of power or authority over them or detained or held against their will; or
- under the age of consent.

**Governing Body** refers to all the functional bodies QIHE.

**Members of the Committee** refers to all members of QIHE's Governing Body, including members of the Governing Council, Academic Board, Course and Industry Advisory Committee, Teaching and Learning Committee, Risk Committee, and Executive Management Team.

**NSW** refers to New South Wales, Australia.

**Sexual Assault** refers to a range of behaviours, all of which are unacceptable and constitute a crime. Sexual assault occurs 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.

Examples of sexual assault may include (but are not limited to):

- Two people in a relationship start engaging in sexual activity but person A changes their mind and asks to stop. Person B refuses to stop and forces sexual activity;
- A student taking advantage of another intoxicated student by engaging in sexual activity when the student is unable to give consent due to being affected by alcohol;
- A staff member forces themselves onto another staff member while they are alone in a meeting room, attempting to engage in sexual activity.

**Sexual Harassment** refers to an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of sexual nature, which in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated or intimidated. Sexual harassment is not limited to the physical sphere and can occur through phone, email, social media posts and other forms of electronic communication. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. However, it must be noted that a person may withdraw their consent at any time.

Examples of sexual harassment may include (but are not limited to):

- Staring or leering at a person in a sexual manner;
- Standing deliberately too close to someone or deliberately brushing against someone as you walk past;
- Displaying pornographic or sexually explicit emails, SMS messages;
- Inappropriate advances on social networking sites;
- Sexual insults or taunting;
- Requests for sex or repeated unwanted requests to go out on dates;
- Making promises or threats in return for sexual favours;
- Intrusive questions or remarks about a person's sexual activities.

**TEQSA (Tertiary Education Quality and Standards Agency)** refers to the independent national regulator for the higher education sector in Australia.

# Version Control

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|------------------------|---|
| Version                | 1.1   |
| Last Review            | 28 August 2025  |
| Policy Category        | Governing Council   |
| Related Documents      | <i>Equity and Diversity Policy</i><br><i>Complaints and Appeal Policy and Procedure</i><br><i>Staff Code of Conduct</i><br><i>Students Code of Conduct</i><br><i>Mental Health and Wellbeing Policy</i>   |
| Legislation References | TEQSA Higher Education Standards Framework (Threshold Standards) 2021<br>Sex Discrimination Act 1984 (Cth)<br>Crimes Act 1900 (NSW)<br>Respect. Now. Always. Guidelines<br>National Code to Prevent and Respond to Gender-Based Violence (2025)<br>Work Health and Safety Act 2011 (NSW)<br>Work Health and Safety Regulation 2011 (NSW)<br>Work Health and Safety (Sexual and Gender-Based Harassment) Code of Practice 2025 |
| References             |   |

# Appendix I – Emergency Contacts

1. In an emergency, staff or students should contact **emergency services** by dialling triple zero (000).
2. A QIHE staff or student member who feels unsafe on campus or are concerned for their own or someone else's safety can also contact **Campus Security** on (02) 8660 0040 during operational hours.
3. QIHE staff or student member who has experienced sexual assault or sexual harassment should seek support as soon as possible. The following community services are recommended:
  - a. **NSW Rape Crisis Service** on 1800 424 017, 24 hours a day and also available online at [NSW Rape Crisis](#)
  - b. **1800RESPECT** on 1800 737 732 or online via [www.1800respect.org.au](http://www.1800respect.org.au), 24 hours a day confidential advice
  - c. **Lifeline Crisis Support** on 131144
  - d. **Royal Prince Alfred (RPA) Hospital Sexual Assault Service** on 02 9515 9040 (Monday to Friday) or 02 9515 6111 (after hours). Counselling and medical services are available for anyone who has been sexually assaulted. Campus Security can arrange transport to RPA.
  - e. **Violence, Abuse and Neglect Service (VAN)** for crisis, medical and counselling support (1300 792 755)
  - f. **NSW Domestic Violence Line** – 24/7 service for women and persons who identify as female (1800 656 463)

## **Appendix 2 – QIHE Support for Staff or Students who have Experienced Sexual Assault or Sexual Harassment**

1. QIHE staff or student members who have experienced sexual assault or sexual harassment can make a report by telephone, email or in person to Student Services at any time. Disclosures may also be made by a person witnessing or having been told of the incident.
2. QIHE staff or student members who have experienced sexual assault or sexual harassment has access to a range of support services and assistance, including:
  - a. Go to or contact Student Services – contact (02) 8660 0040 or email [studentservices@quantum.edu.au](mailto:studentservices@quantum.edu.au), 8.30am-5.30pm, Monday to Friday. Student Services will give advice regarding complaint procedures and have the Student Services Manager to assess the case;
  - b. A formal complaint may be lodged via [complaints@quantum.edu.au](mailto:complaints@quantum.edu.au);
  - c. QIHE Counselling Support – contact (02) 8660 0040 or email [counselling@quantum.edu.au](mailto:counselling@quantum.edu.au);
  - d. QIHE's Campus Security Services – Phone: (02) 8660 0040 available during operational hours;
  - e. Quantum's emergency contact – Student Services Officer – Emergency: (02) 8660 0040 during operational hours;
  - f. Academic support arranged by the Student Services Team – including special consideration for examinations and assessments.

## **Appendix 3 – QIHE Support for Staff or Students who have been Accused of Sexual Assault or Sexual Harassment**

1. Staff or students who are accused of sexual assault or sexual harassment have access to a range of support services and assistance, including:
  - a. Counselling Services – contact Student Services Office on (02) 8660 0040 9am to 5pm, Monday to Friday or email [counselling@quantum.edu.au](mailto:counselling@quantum.edu.au);
  - b. Academic support arranged by the Student Services Team – including special consideration for examinations and assessments.

# Appendix 4 – Responding to a Report of Sexual Harassment or Sexual Assault

