



Document: Student Sexual Harassment Prevention Policy		
Approved by: Board of Directors WIN Higher Education	Version: 1.0	Date: 12.2018

1. Purpose and scope

Wentworth Institute of Higher Education ("WIN Higher Education") is committed to ensuring a safe and healthy learning environment that is free from sexual harassment as required under the Commonwealth Sex Discrimination Act 1984 and the NSW Anti-Discrimination Act 1977, and where all students are treated with dignity, courtesy and respect.

In this regard, WIN Higher Education aims to:

- Implement training and awareness raising strategies to ensure that all students know their rights and responsibilities.
- Provide an effective procedure for complaints based on the principles of natural justice.
- Treat all complaints in a sensitive, fair, timely and confidential manner.
- Protect the health and wellbeing of complainants by ensuring any acts of victimisation or retaliation are investigated and dealt with promptly
- Encourage the reporting of behaviour which breaches the sexual harassment policy.
- Promote appropriate standards of conduct at all times.

2. Definition

Sexual harassment is any unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, and which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person would be offended, humiliated or intimidated.

Sexual harassment refers to a wide range of behaviours and includes behaviour which may be written, printed, verbal, non-verbal or physical, and also includes the transmission or display of inappropriate electronic communications or use of social media.

Examples include, but are not limited to:

- Physical intimacy or contact
- Sexual jokes, images, emails, gestures, remarks or conversations
- Intrusive personal questions
- Spreading gossip about a person, such as sexual gossip
- Requests for sexual acts or favours, or unwelcome or repeated gifts or requests for 'dates'.
- Displays of sexually explicit images (for example; on electronic devices, social media, posters, or graffiti)
- Offensive messages via social media, messenger apps, emails or SMS/MMS communications.

3. When sexual harassment is a criminal offence

Sexual harassment that is also an offence under criminal law may be referred to the police; this includes matters involving:

- Sexual assault
- Physical molestation
- Obscene communications
- Stalking
- Indecent exposure

Referral of a case to the police does not preclude WIN Higher Education from dealing with the matter through internal processes.

4. Procedures

Responsibilities of staff and students

All staff and students have a responsibility to:

- comply with WIN Higher Education's Student Sexual Harassment Prevention Policy;
- report incidences of sexual harassment that they witness;
- offer support to anyone who is being harassed and advise them on where to seek assistance and support; and
- maintain confidentiality of information provided during an investigation of a complaint. Students and staff need to be aware that spreading gossip or rumours may expose them to misconduct proceedings and/or defamation action.

If a staff member or student witnesses a person being sexually harassed they can help by offering support to the person being harassed. This can be done by:

- refusing to join in with any sexually harassing behaviour;
- offering to act as a witness if the person being sexually harassed decides to report the incident;
- backing them up or supporting the person to say no to the harassment.

What can you do if you are being sexually harassed?

If you think you have been, or are being, sexually harassed there are a number of things that you can do:

- Speak or write directly to the harasser.
If possible and you feel able, promptly tell the offender directly or in writing that their behaviour is offensive and unacceptable and request that it stop immediately; or
- Seek advice.
If you feel you are not able to speak or write to the offender yourself, seek advice from the Student Services Manager at WIN Higher Education who may refer you to a confidential counselling service or specialist help.
- Keep confidential records about the harassment.
- Always keep a record of or a diary of incidents noting what happened; when and where the harassing occurred; and the names of witnesses.

Make a complaint

If you wish to make a complaint, WIN Higher Education's procedures for dealing with instances of sexual harassment are set out in the "Student Academic and Non-Academic Misconduct Policy" and the "Academic and Non-academic Grievance Handling Policy & Procedure".

You may seek advice from the Student Services Manager at WIN Higher Education for guidance on how to proceed.

All complaints of sexual harassment will be treated seriously, investigated promptly, impartially and confidentially.

If sexual harassment is found to have occurred, action will be taken to stop the behaviour and appropriate disciplinary action will be taken against the offender(s) under the relevant WIN Higher Education policy provisions.

External complaints

You can make a complaint about sexual harassment to:

- The [NSW Anti Discrimination Board](#);
- The [Australian Human Rights Commission](#)