



WENTWORTH INSTITUTE OF HIGHER EDUCATION

Document: Sexual Assault and Sexual Harassment Procedure		
Approved by: Wentworth Institute of Higher Education Pty Ltd Board of Directors	Version: 1.0	Date: 02.2024

Emergency Assistance

If someone is in immediate danger or requires medical attention, use the emergency assistance contacts:

- For immediate help – Call 000
- For on campus security assistance call 8252 9999 Sydney or 6112 8839 Canberra.

1. Purpose

This procedure supports the Sexual Assault and Sexual Harassment Policy and Non-academic grievance policy by providing:

- options and support available to people disclosing or formally reporting student related instances of sexual harm to Wentworth Institute of Higher Education (WIN)
- how WIN will respond to disclosures or reports of sexual assault or sexual misconduct
- information to support investigations of formal reports through the Institutes complaints management and misconduct processes.

2. Scope

This procedure applies to current and past students and staff of WIN Higher Education. WIN takes a whole of institution approach to Sexual Harassment and Sexual Assault.

Reports may also be managed under the Critical Incident Policy and Procedures and the Privacy and Confidentiality Policy.

Reports regarding staff may result in Staff being subject to Misconduct Proceedings.

3. Procedure

Anyone who has experienced, witnessed, been involved in, or become aware of student related incidents of sexual assault or sexual harassment can make a report to seek advice and/or support.

Seeking advice or support may lead to an investigation or other response by WIN. Students and past students or staff who have experienced sexual assault or sexual harassment can decide whether to share information anonymously.

The Registrar can provide advice on:

- a. how to access internal and external support services
- b. information about making a police report
- c. options for making a formal report
- d. support that will be available to the student
- e. what to do in the case of witnessing or becoming aware of an incident of sexual assault or sexual harassment.

WIN provides accessible support for students affected by sexual assault and/or sexual harassment. This support is available regardless of:

- a. whether the incident occurred on the premises or elsewhere
- b. whether the student decides to formally report sexual assault or sexual harassment or not
- c. when the incident occurred – there are no time limits on seeking help or advice.

Support may include but is not limited to helping a student to access adjustment to their studies to support their safety, wellbeing, or academic progress.

4. Reports

WIN Higher Education will investigate and respond to incidents of sexual assault or sexual harassment when a formal report is made.

A formal report is made via the WIN Website at www.win.edu.au/safey-and-wellbeing or phoning (02) 8252 9982.

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Anyone who is affected by sexual assault or sexual harassment in circumstances related to the WIN Higher Education is encouraged to make a report to WIN.

There are no time limits on making a formal report of sexual assault or sexual harassment to the WIN Higher Education and ideally the report should be recent to allow for WIN to investigate.

Reports of sexual assault and sexual harassment can be:

- a. made anonymously or a person making a report can choose to provide their contact details.
- b. made by the person who experienced the behaviour or by someone who witnessed the behaviour.

Formal reports will be investigated following the processes set out in the Student Sexual Assault and Harassment Policy and/or Non-Academic Grievance Policy, as relevant.

This Procedure describes how information and outcomes will be communicated to parties, steps to ensure procedural fairness, and opportunities for review of decisions.

5. WIN Higher Educations Response to a Report

The following table sets out how WIN will normally respond, based on the nature and type of report received:

<p>Anonymous reports</p>	<p>The information provided in an anonymous report will be used to investigate an incident. However, WIN may not be able to act on an anonymous report.</p> <p>The Register will make an initial determination as to the seriousness of the incident and convene a meeting of the Sexual Assault and Sexual Harassment Committee to discuss and determine any action/s.</p> <p>WIN will use the information in the report to monitor the incidence of sexual assault or sexual harassment at WIN and to identify potential improvements to safety on campus.</p> <p>The assessment of an anonymous report may lead to information being shared with NSW Police or other relevant government agencies.</p>
<p>Report with contact details</p>	<p>Includes reports with the name and contact information of the person(s) who experienced the sexual assault or sexual harassment, or the name and contact information of the person who submitted the report.</p> <p>The Register will make an initial determination as to the seriousness of the incident and convene a meeting of the Sexual Assault and Sexual Harassment Committee to discuss and determine any action/s.</p>
<p>Reports on behalf of another person</p>	<p>WIN will accept reports made by a person who has witnessed another person experiencing sexual assault or sexual harassment.</p> <p>Reports may also be made on behalf of another person who chooses to remain anonymous, however:</p> <ol style="list-style-type: none"> 1. the person reporting must disclose their own identity to enable WIN to meet its responsibilities appropriately. 2. WIN may not be able to investigate a report or may be limited in its response if the person directly affected does not share their identity and contact details with WIN. <p>The Register will make an initial determination as to the seriousness of the incident and convene a meeting of the Sexual Assault and Sexual Harassment Committee to discuss and determine any action/s.</p>
<p>Reports to external organisations</p>	<p>Students and Staff can report to external organisations. Any person who experiences sexual assault or sexual harassment has the right to report to an external organisation, as well as the right to decide not to report.</p> <p>If a report is made to an external organisation, such as NSW Police, WIN's response may need to be delayed. However, WIN may still implement precautionary or interim measures.</p>

	A staff member of WIN may have legal and professional obligations to report information to relevant authorities.
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Any investigation of a formal report by WIN is not a substitute for a criminal investigation conducted by the NSW Police.

6. Investigations and Penalties

Police Investigations

A person who discloses or formally reports an incident of sexual assault to WIN will be provided with information about reporting the incident to the police, including that they may be obliged to do so under the Crimes Act 1900.

Students or staff reporting will be advised of the differences between a criminal process and WIN misconduct investigations:

- a. WIN investigations seek to determine whether misconduct has occurred, based on a standard of proof of balance of probabilities.
- b. Criminal processes undertaken by police seek to determine whether a crime has been committed, based on a standard of proof of beyond reasonable doubt.

Where a person has advised WIN that they have also reported an incident to police, the WIN will communicate with Police to determine course of action.

If WIN does not receive formal advice from the police that an internal investigation may affect criminal process, WIN will consider pursuing a misconduct investigation, taking into consideration the safety of staff and students and the reporting person/person who has been harmed.

WIN may decide to pursue a misconduct investigation once criminal investigations are complete, irrespective of the outcome of the criminal process.

WIN may implement processes or interim measures to minimise the potential of harm to parties involved or others until the criminal process has concluded.

Involved persons will be advised that the outcome of a criminal process may inform WIN's response to the report, including internal investigations.

Internal Investigations

Reports made against a student or staff member will be investigated and, where misconduct is found to have occurred, penalties applied in accordance with the following documents as relevant:

Reports made against	Investigation	Penalties
Staff including contractors, tenants, work placements, internships, clubs and societies, etc.	Sexual Assault and Harassment Policy and Non- Academic Grievance Policy	As described in the Code of Conduct, and/or in Individual employment contracts and /or as described in the Acceptable use of IT Policy

Reports made against	Investigation	Penalties
Students		As described in the Code of Conduct, and /or as described in the Acceptable use of IT Policy

Where reports relate to parties external to WIN, there are limits on penalties that can be imposed.

However, actions may include those available under contracts and agreements, through external parties' complaints and grievance processes, and/or internal measures to minimise further risks and harm.

Reports and investigations of sexual assault or sexual harassment incidents are serious matters with potentially serious consequences for those involved. Persons who make vexatious or frivolous reports, or who lie or deliberately mislead in connection with a report or investigation, may be subject to misconduct proceedings.

Role of Sexual Assault and Harassment Committee

The Registrar in their capacity as Chair of the Sexual Assault and Harassment Committee will conduct the investigation of the report and determine any penalties.

The Committee will include the Registrar, Deputy Dean, and a minimum of 2 other staff members who are selected on a voluntary basis. The committee should endeavour to be diverse and should where possible be gender equal.

Should a conflict of interest arise, the Deputy Dean will lead the investigation and the Registrar will be excused.

The Registrar will be solely responsible for all communications with students, staff, and committee members and will report the outcomes and prepare a report for the Board at regular intervals.

The student and/or staff members involved in the report will be given an appropriate Support person appointed by the Registrar, up to an including, Psychologist, Counsellor, Senior staff member, etc.

The Registrar will provide access to confidential counselling for all involved parties, including the members of the SASH Committee if required.

Other Outcomes of Reports

When a formal report of sexual assault is received, WIN will consider if urgent precautionary or interim measures should be put in place, pending investigation or other processes.

WIN will communicate with the reporting person regarding measures that may be taken to support their psychological safety and to minimise stress and anxiety. These measures may include moving one or both of the parties to alternative campus, classes, workspaces, etc.

Both parties will be advised that any precautionary or interim measures that are proposed or adopted do not presume guilt and are intended to offer protection to both parties.

Penalties

All Penalties will be in accordance with the Code of Conduct and Individual Staff employment agreements.

Privacy

When WIN responds to a report, students and staff involved in the response or any investigation must keep all information about the report, the investigation and the response confidential. Including the investigation, finding or penalty.

WIN reports will only be accessed by staff who need the information to provide support and/or investigate an incident in accordance with procedures.

WIN will endeavour to keep disclosures and reports about sexual assault and sexual harassment confidential, however, may be required to share information or take other actions in the following situations:

- a. The person making the report has given consent for the information from a disclosure or report to be disclosed for a specific purpose.
- b. WIN is required to report serious crimes, as defined in section 316 of the [Crimes Act 1900](#). These reporting obligations apply to all employees.
- c. WIN is required, whether by law or otherwise, to provide information to the NSW Police and relevant government agencies in order to protect student and staff safety and safeguard the community, even if the provision of this information is inconsistent with the wishes of the person impacted.
- d. It is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- e. Information about sexual assault or sexual harassment that involves individuals under 18 years old (whether as victim, perpetrator, or witness) must be reported to relevant government agencies, which may include the NSW Police.
- f. It is necessary to enact the Critical Incident Policy and Procedures.
- g. WIN may be lawfully obliged to disclose information if a subpoena or warrant is issued.
- h. An individual whose personal information is stored on WIN systems is entitled, subject to certain exceptions prescribed by the Privacy and Personal Information Act 1998, to ascertain if WIN holds personal information about them and may request access to that information.
- i. WIN has mandatory legislative reporting requirements such as those under the Work Health and Safety Act 2011, reporting material changes obligations under TEQSA and ESOS obligations, and other obligations at law.

Students involved in any report, investigation or response must only disclose information if seeking support or advice from:

- a. confidential communication to immediate family members
- b. a registered health professional (such as a general practitioner or psychologist)
- c. a spiritual leader or Elder
- d. a registered legal practitioner
- e. NSW Police
- f. staff from relevant government agencies, including the Anti-Discrimination Board of NSW, Australian Human Rights Commission, Tertiary Education Quality and Standards Agency or NSW Ombudsman Office.

