

Sexual Harassment Prevention and Response Policy and Procedure – Students

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1. Purpose

- 1.1. Sexual harassment can have serious and detrimental impacts on individuals, teams, and communities. It can affect an individual's health and wellbeing, as well as impact academic performance. It creates a hostile learning environment for those who experience and witness it.
- 1.2. This policy aims to help us build a learning environment free from sexual harassment. It details the obligations of AFTRS, its students in relation to sexual harassment.
- 1.3. The procedure explains how students can seek support and make a report of sexual harassment and describes how AFTRS will respond to complaints or allegations of sexual harassment in AFTRS learning environment.
- 1.4. AFTRS aims to ensure a safe and healthy working, and learning environment that is free from sexual harassment as required under the Commonwealth and the NSW Anti-Discrimination Act 1977.
- 1.5. AFTRS does not tolerate sexual harassment under any circumstances and is committed to building a culture of mutual respect, inclusion, and collaboration. Sexual harassment is a serious violation of those values.
- 1.6. As a higher education provider, we must also provide a supportive and inclusive environment for people to study and learn that is consistent with the *Higher Education Standards Framework (Threshold Standards) 2021*

2. Scope

- 2.1. This policy and procedure apply to all AFTRS award course students. It applies to behaviours that occur:
 - in connection with study, even if it occurs outside normal hours.
 - during AFTRS activities, for example when in production or master classes.
 - at AFTRS events, for example at AFTRS-related social functions; on social media where students interact with each other, and their actions may affect them either directly or indirectly.
 - when students are studying from home or in another location.
 - In both the physical AFTRS space and AFTRS online space.
- 2.2. Staff should refer to the Sexual Harassment Prevention and Response Policy and Procedure – Employees, Contractors, and Volunteers.
- 2.3. For any matter involving interactions between AFTRS Staff and Students, both policies may be applied.

3. Policy Statement

- 3.1. AFTRS is committed to providing a safe and inclusive working and learning environment that is free from any forms of intimidation or harassment.
- 3.2. AFTRS Students must not engage in conduct that constitutes sexual harassment.
- 3.3. All Students need to play an active role in following this policy and helping to ensure that AFTRS is known as a safe, respectful, and collaborative learning environment where sexual harassment is not tolerated.
- 3.4. AFTRS will take steps to:
 - create a learning environment free from sexual harassment.
 - actively promote respectful and collaborative behaviours all the time.
 - provide support to students who raise concerns about sexual harassment.
 - encourage students to speak up about sexual harassment and report sexual harassment.
 - respond to reports of sexual harassment in a manner that is, to the extent possible, confidential, timely and fair.
 - protect students who raise concerns or make complaints from reprisal action.
 - hold students who engage in sexual harassment accountable for their behaviour; and
 - implement training and build organisational awareness of behaviours that constitute sexual harassment.

What is Sexual Harassment?

- 3.5. Sexual harassment is unlawful in workplaces, including AFTRS.
- 3.6. Sexual harassment can happen to anyone and can take many different forms. It can be obvious or indirect; it can be physical or verbal; it can be repeated or one-off; and it can be perpetrated by any person against any other person, irrespective of gender identity.

Examples of Sexual Harassment

- 3.7. Examples of sexual harassment include, but are not limited to:
 - staring or leering at a person or at parts of their body.
 - uninvited touching, kisses or embraces.
 - unnecessary familiarity, such as deliberately brushing up against someone or unwelcome touching.
 - suggestive comments or jokes, insults, teasing, or taunts of a sexual nature.
 - intrusive questions, insinuations, or statements about a person's private life.
 - sending sexually explicit or offensive messages through technologies such as mobile phone, social networking websites, emails, or SMS/MMS communications.
 - inappropriate advances on social networking sites.
 - accessing sexually explicit internet sites.
 - requests for sex or repeated unwanted requests to go out on dates, especially after prior refusal.
 - behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

- 3.8. Consensual sexual behaviour at AFTRS (such as discussing sex or kissing) might be sexual harassment if it offends someone else who sees or hears that behaviour.
- 3.9. Conduct may be sexual harassment even if the person did not intend to offend, humiliate, or intimidate another person.

Relationships at AFTRS

- 3.10. AFTRS is a large and diverse community in which mutually beneficial and respectful relationships are fostered. It is common for people to develop personal relationships with people they engage with in the workplace or learning environment.
- 3.11. However, there are circumstances where romantic and/or sexual relationships with people at work, or between students and employees are not acceptable, due to the actual or perceived misuse of power or authority, a conflict of interest or the impact (or potential impact) on students, employees, contractor, volunteers, affiliates and AFTRS as a learning body. Employees, contractors, and volunteers are responsible for disclosing to HR actual or perceived conflicts of interest in relation to certain relationships at work.
- 3.12. Students need to be aware that actions in initiating or engaging in personal or sexual relationships may amount to sexual harassment if their actions constitute unwelcome conduct that could reasonably be anticipated to cause offence, humiliation, or intimidation.
- 3.13. It is completely unacceptable and constitutes unlawful sexual harassment for any Students, Employees, contractors, and volunteers to exploit or misuse the power of their position in a sexual way, for example seeking or accepting sexual favours or a sexual relationship in return for academic or professional progress, preference, or favourable treatment.

What is Not Sexual Harassment

- 3.14. Sexual harassment is not behaviour which is based on mutual attraction, friendship, or respect. If the interaction is consensual, welcome, and reciprocated it is not sexual harassment. However, students should refer to 3.8 as it may constitute sexual harassment if it offends someone who sees or hears this behaviour. Behaviour can become sexual harassment if the interaction changes from being based on mutual attraction, friendship, or respect to non-consensual, unwelcomed, and unreciprocated interactions.

What is Sexual Assault?

- 3.15. Sexual assault is a crime and is prohibited by the *Crimes Act 1900 (NSW)*.
- 3.16. Sexual assault occurs when a person is forced, coerced, or tricked into sexual acts against their will or without their consent, or if a child or young person under 18 is exposed to sexual activities. Some forms of sexual harassment can constitute sexual assault.
- 3.17. Examples of sexual assault which may be referred to the police includes:
 - sexual intercourse without a person's consent.
 - aggravated sexual assault.
 - sexual touching: unwanted touching or threatening to touch a person in a sexual way without their consent, for example unwanted kissing or touching of a person's breast, bottom, or genitals.
 - a sexual act: behaviour of a sexual nature with or towards another person, without consent, or when a person is made to do something of a sexual nature. For example, it can include masturbating in front of another person or a person sending another person an unwanted image of genitals, breasts, or bottom; and
 - recording or distributing an intimate image of another person without their consent.
- 3.18. Threatening to engage in these behaviours may also be considered sexual assault.

4. Procedure

Responsibilities and Required Actions

- 4.1. AFTRS strongly encourages students to report sexual harassment so that appropriate action can be taken to stop the conduct.
- 4.2. However, it needs to be acknowledged that making a report can be difficult and people need to make the decision to do so for themselves. Sometimes people who experience sexual harassment may want to seek confidential support, i.e. counselling, reassurance or the opportunity to talk about their experience. In such cases, various support options are available as detailed in 4.5 and 4.6.
- 4.3. In some cases, AFTRS will need to act even if the person seeking support does not wish to make a report, for example where a person seeks support and there is a serious and/or imminent risk to the health and safety of a person and/or there is evidence of unlawful behaviour.
- 4.4. When students wish to make a report of sexual harassment to AFTRS, so that appropriate procedures can be implemented to enquire into the matter, identify if sexual harassment is occurring or has occurred, and take appropriate action, students can access the reporting options in 4.5 and 4.6.

How to Seek Support if a Person has Concerns or Has Experienced Sexual Harassment

Internal Support

- 4.5. If a student has been, or is being, sexually harassed there are several things that they can do:
 - Speak or write directly to the harasser.
 - If possible and the person feels safe and able to do so, they should 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 the person feels they are not able to speak or write to the offender, they should seek advice from Student Centre or Safe Conversations Officers on possible strategies to resolve the issue. Students are also able to access the Student Counsellor through Student Centre.
 - Students may be directed to the Student Grievances and Complaints Policy & Procedure after seeking advice.
 - 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.
 - the names of witnesses.
- 4.6. Care and consideration for a person's wellbeing and safety is the primary focus when responding to any disclosure. When students or staff members disclose or report an incident and/or seek assistance, they will be:
 - treated fairly, with dignity and respect.
 - heard with compassion, not judgement or blame.
 - heard with the assumption that their report is genuine (this also applies to the alleged perpetrator)
 - afforded privacy for all conversations.
 - provided with information about options for reporting within, and external to AFTRS (including process where internal)
 - not discouraged from making a formal complaint
 - free to decide which, if any, disclosure, or report to make
 - provided with access to support.
 - responded to in a timely manner.
 - reassured of the confidentiality of their disclosure
 - assured that they and the alleged perpetrator will be interviewed by different staff members.
 - kept informed of any action the provider takes in relation to their disclosure, report or complaint and the expected timelines for resolutions of matters reported to the provider.

External Support

4.7. They can also make a complaint about sexual harassment to:

- the [Anti-Discrimination Board of NSW](#);
- the [Australian Human Rights Commission](#).

Crisis Support

If someone is at immediate risk or needs urgent medical assistance contact AFTRS Security on 0424053323.

External Support Services

- Lifeline 13 11 14
- NSW Rape Crisis is a 24/7 telephone (1800 424 017) and online <https://nswrapecrisis.com.au/crisis> counselling service for anyone in NSW—men and women—who have experienced or is at risk of sexual assault.
- 13YARN (13 92 76) is a 24/7 telephone service offering a confidential one-on-one yarning opportunity with a Lifeline-trained Aboriginal & Torres Strait Islander Crisis Supporter who can provide crisis support.
- ACON have a range of resources and support services for LGBTIQ people (9206 2000) and at ‘Say it out Loud’ <http://sayitoutloud.org.au/>
- NSW Health has a network of specialist Sexual Assault Services (SAS) delivered by local health districts.
- Police – Contact 000 in an emergency. Police are well trained to aid people who have been sexually assaulted. Anyone can report a sexual assault at their nearest Police station. AFTRS and 1800RESPECT can also help facilitate this process.

Making a Complaint via AFTRS Complaint Handling Policy and Procedure

- 4.8. If someone wishes to make a complaint, the AFTRS procedures for dealing with complaints, including complaints of sexual harassment are set out in the Student Grievances and Complaints Policy and Procedure.
- 4.9. All complaints of sexual harassment will be treated seriously, investigated promptly, impartially, and confidentially.
- 4.10. If sexual harassment is found to have occurred, action will be taken to stop the behaviour and appropriate disciplinary action may be taken against the offender(s) under the relevant provisions related to student misconduct.

5. Responsibilities

Responsibilities of AFTRS Employees

- 5.1. All employees have a responsibility to:
- monitor the learning environment to ensure that acceptable standards of conduct are observed at all times.
 - model appropriate behaviour themselves and, if required, seek advice and assistance from Student Centre in managing students respectively where behaviour may be in breach of this policy.
 - promote this policy within the learning environment.
 - treat all complaints seriously and confidentially and take immediate action to refer complaints to Student Centre.

Responsibilities of Students

- 5.2. All students have a responsibility to:
- treat others with dignity and respect.
 - follow the standards of behaviour, set out in this policy at all times.
 - not engage in sexual harassment.
 - offer support to anyone who is being sexually harassed and let them know where they can get help and advice if they feel safe to do so.
 - report incidences of sexual harassment that they witness to Student Centre and Safe Conversations Officers.
 - not victimise or retaliate in any way against any person who seeks support or reports sexual harassment or who is involved in any procedure in response to a sexual harassment complaint.
 - maintain confidentiality, which means that information about a concern or complaint is only provided to those people who need to know for the complaint to be properly actioned. Individuals need to be aware that spreading gossip or rumours may expose them to misconduct proceedings.
 - cooperate during any process; and
 - undertake training in relation to workplace sexual harassment prevention and response and contributing to a respectful learning environment culture.
- 5.3. If any students witness 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.
 - Referring the person to the support services available, outlined in 4.5 and 4.6.

Responsibilities of Student Centre

- 5.4. It is the responsibility of Student Centre to ensure that:
- they act in a confidential and professional manner to anyone raising a complaint or providing information about a matter pertaining to sexual harassment.
 - they are trained in this policy and provide accurate information.
 - policies and procedures are regularly reviewed and (if necessary) amended.
 - policies and procedures are complied with.
 - regular guidance, education and training is provided to students regarding sexual harassment and inappropriate behaviour at AFTRS.
 - students are aware of their obligations and responsibilities in relation to sexual harassment, and the rights and entitlements of their students.
 - ongoing support and guidance are provided in relation to the prevention of sexual harassment.
 - all complaints are fully investigated and where responses and outcomes are provided within reasonable timeframes.
 - ensuring that individual disclosures and reports of sexual assault or sexual harassment are collected and stored confidentially, accessible only by key staff responsible for the student's safety.
 - Ongoing evaluation and improvement of the efficacy of this policy, including:
 - Monitoring and analysing de-identified data on disclosures and formal reports of sexual assault and sexual harassment to determine the effectiveness of the AFTRS response procedures.
 - Regularly reporting to the Executive on trends and making recommendations for actions to mitigate future risks.

Reporting

- 5.5. No additional reporting is required.

Records management

- 5.6. All records relevant to administering this policy and procedure will be maintained by the Policy and Governance Officer.
- 5.7. Records specific to the administering of complaints of sexual harassment are as per the Student Grievances and Complaints Policy & Procedure.

6. Definitions

- AFTRS:** means the Australian Film, Television and Radio School.
- Employee:** means any person employed by the AFTRS.
- Students:** refers to anyone currently enrolled in an AFTRS Award Course Offering.
- Sexual harassment:** is defined as:
- unwanted sexual advances or unwelcome requests for sexual favours; or
 - 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.
- Safe Conversation Officers:** are specially trained staff with Mental Health First Aid training, who listen to students and employees and help them access information about available supports. They can also provide an appropriate initial response to students and employees and guide them to the right services.
- Victimisation:** refers to less favourable treatment of a person or people for making, supporting, or resolving a complaint, whether that participation was actual, intended or presumed.

7. Related Legislation and Documents

- *Sex Discrimination Act 1984 (Cth)*
- *Crimes Act 1900 (NSW)*
- *Fair Work Act 2009*
- *NSW Anti-Discrimination Act 1977*
- AFTRS Student Handbook 2024
- AFTRS Code of Conduct
- AFTRS Enterprise Agreement 2017
- Higher Education Provider Guidelines 2023
- Higher Education Standards Framework (Threshold Standards) 2021
- *Higher Education Support (HESA) Act 2003*
- Good practice note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector.

8. Approval and Review Details

Approval and Review	Details
Approval Authority	CEO
Responsible Officer	Director, People & Culture
Contact Officer	Head of Student Centre
Distribution	BaseCamp and AFTRS website Staff and Student facing
Next Review Date	01/04/2027 The Policy documents will be reviewed every three years from the effective date, or earlier or later, dependant on external factors such as legislative reform, unless another review schedule is required. For example, documents that align with Student Handbook, which are reviewed annually.

Approval and Amendment History	Details
Original Approval Authority and Date and relevant amendments details	CEO (Jo Herron – Acting CEO), 15/04/2024 —Amendment detail N/A as document is a new Pol & Procedure The ‘Original’ date refers to the approval of either, (1) a new policy doc, i.e., v1.0, or (2) the comprehensive/scheduled review of an existing policy and procedure This section does not capture Minor Amendment approval dates. They are recorded below] Format <<Include brief detail of this amendment>> [For example: “v1.1 includes updates on roles of responsibility, use of the new template, updated to reflect COVIDSafe practises, and aligned to meet the obligation of competitive neutrality.”]
Amendments History and Dates	N/A <<DD/MM/YYYY —Amendment detail; DD/MM/YYYY—Amendment detail >> [Include the previous approval authority approval dates and corresponding amendment detail. This section ill will expand over time. In the case of a brand-new policy doc, insert N/A]
Notes	N/A <<Xxxxx>> [If relevant, add special notes to alert readers about the document/s this one replaces. For example: “This document consolidates and replaces X Policy, Y Procedure and the Z Procedure”; or “This document replaces X Policy, X Procedure.”]
Minor Amendment Approval and History	N/A <<DD/MM/20YY — Xxxxx>> [A minor amendment consists of an administrative edit made to the document or a change that is not material to the document. The Responsible Officer can approve a minor amendment. Insert the date that the Responsible Officer approved the minor amendment along with the details of the amendment (E.g., “01/12/2020 —administrative amendment: update of role titles aligned to restructure” or insert, if not relevant, N/A [If making a minor amendment, <u>do not</u> amend details in the Original Approval Authority section nor amend the version number, only replace the new minor amendment approval date to the file]

AFTRS acknowledges its reference to the University of Melbourne’s Guidelines for Drafting Policy (June 2013) in developing this template.