

Operational Procedure	
Sexual Assault and Sexual Harassment Disclosures and Reporting	
1. Purpose	To demonstrate a clear commitment to the receipt and proper processing of all disclosures, reports and subsequent appeals relating to sexual assault and sexual harassment at SAE Institute Pty Ltd trading as SAE Creative Media Institute (SAE). The Procedure for Sexual Assault and Sexual Harassment Disclosure and Reporting applies to all members of SAE including visitors engaged or appointed by SAE while on campus or engaged in an SAE-related activity. It sets out how staff must respond in the event of a sexual assault and/or sexual harassment incident.
2. Scope	This procedure applies in the context of SAE's operations in Australia and is applicable to all students, whether prospective, deferred current or graduands. Procedures for SAE campuses internationally may vary in compliance with statutory requirements in other countries of operation. Students enrolled with SAE who transfer their studies to a campus outside Australia and therefore have their enrolment with SAE in Australia terminated, are required to adhere to the guidelines, policies and procedures of the legal entity to whom they have transferred. This procedure is applicable to all SAE students or prospective students, irrespective of their place of residence, campus or mode of study.
3. Associated Documents	<ul style="list-style-type: none"> • Sexual Assault and Sexual Harassment Prevention and Response Policy • <u>Code of Conduct - Policy</u> • <u>Sexual Assault and Sexual Harassment Disclosures and Reporting Form</u> • <u>Student Grievance, Complaints and Appeals Policy</u> • <u>Student Grievance, Complaints and Appeals Procedure</u>
4. Procedure	<p>4.1 Introduction</p> <p>The guiding principles that underpin this Procedure are that they should be:</p> <ul style="list-style-type: none"> • Treated seriously and with fairness • Dealt with promptly, simply and at the level of the specific campus as far as is possible • Treated consistently across SAE • Subject to the principles of natural justice • Cognisant that sexual assault and harassment may be experienced or perpetrated by people regardless of their sexuality or gender identity • Progressed through informal and formal stages outlined in this Procedure • Dealt with and resolved wherever possible without recourse to the formal stage, and shall be without prejudice to a complainant's right to pursue external legal remedies after having exhausted all internal SAE grievance procedures • The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or any other law. • Instigated with a trauma-informed approach, mindful of: <ul style="list-style-type: none"> ○ the health, safety and wellbeing of the person making the report, including their access to specialist and appropriate services ○ avoiding causing further harm or any penalty to the reporting student, including minimising the number of times they need to

recount their experience and not imposing significant changes to their routine

- the health, safety and wellbeing of the SAE community
- outcomes sought by the person making the report
- whether there is a legal duty to report the incident
- assigning different staff to provide support to the person about whom the report is made and the person making the report to avoid any conflict of interest.

All parties allegedly involved in a SASH incident should be advised that SAE cannot determine whether a crime or a civil wrong has occurred; rather, it can only determine whether someone has, on the balance of probabilities, breached SAE's Code of Conduct or other relevant policy or agreement.

All parties allegedly involved in a SASH incident should be provided with information on potential sanctions that may be imposed should SAE determine that sexual misconduct has occurred.

Students are entitled to have a support person, or people, with them when they disclose, make a formal report or access SAE's counselling and support services.

4.2 Making a disclosure or report

Any member of SAE staff or any SAE student who experiences sexual harassment and/or sexual assault is encouraged to make a disclosure or report. There are three different levels of disclosure, and the decision about whether to do one, two or all three rests with the person making the disclosure. They may choose to:

- make an anonymous disclosure
- make a named disclosure
- make a formal report.

Anonymous or named disclosures may be investigated formally where the circumstances of the incident/s warrant it. There is no obligation to resolve complaints informally. Students have the option of making a formal report as a first step in disclosure. They may also wish to make a report to police or to the Human Rights Commission. Making a report to police will not stop SAE from acting on reports made to SAE or issuing an outcome to that report unless SAE are advised by police that an SAE investigation may impact police processes.

As a matter of natural justice, the reporting student is entitled to be kept informed of the progress of the investigation and its outcome. The rights of the person about whom the report is made must also be respected; the reporting student should be informed that while they have a right to know the outcome of their report and discuss this with their support network, the process is confidential and should not be shared publicly, including on social media.

The Sexual Assault and Sexual Harassment Disclosures and Reporting online form exists to allow students, or staff on behalf of students, to lodge anonymous or named disclosures, or formal reports.

4.3 Anonymous disclosures

Anonymous disclosures can be made by a student online via the Sexual Assault and Sexual Harassment Disclosures and Reporting form.

Anonymous disclosures made to a staff member will be recorded by that staff member using the Sexual Assault and Sexual Harassment Disclosures and Reporting form.

Anonymous disclosures will be triaged via the Tickit system to Director, Student Experience, National Manager of Student Experience and National Manager,

Counselling and Wellbeing. Anonymous disclosures will be recorded and monitored and may trigger:

- feedback to a staff member or student regarding their behaviour
- educative process such as training
- in the case of significant or multiple anonymous reports, further investigation or action.

4.4 Named disclosures

Students can make a disclosure giving their name using the Sexual Assault and Sexual Harassment Disclosures and Reporting form. In this instance, the student will be contacted by the National Manager of Student Experience who will discuss:

- options regarding resolving the disclosure informally, with the support of a range of local SAE staff or external experts as required
- reporting formally, including timeframes and processes
- how sexual assault and harassment are investigated at SAE, and potential outcomes of investigations
- support options available at SAE and in the community
- information about reporting to police or the Human Rights Commission.

Where a student feels safe to do so, they can inform the person whose behaviour they find unwelcome and harassing that this is the case, however, there is no obligation on a student to attempt to resolve a matter of sexual harassment or assault by discussing concerns or difficulties directly with the person(s) concerned.

The National Manager of Student Experience or delegate will coordinate the timely response to disclosures, and consider a student's:

- safety to participate in their study during investigation of matters and beyond
- wishes with regards to privacy, confidentiality and processes for investigation and resolution
- access to appropriate information, resources and urgent and ongoing specialist support
- access to information regarding formal report processes, and external options for reporting, such as to Police and the Human Rights Commission.

Directorate of Student Experience (DOSE) staff, First Responder Network(FRN) staff, Student Support Advisors, Student Counsellors, and Campus Managers are available to assist students to resolve their issues at this informal level.

4.5 Lodging a formal report

All formal reports must be lodged online using the Sexual Assault and Sexual Harassment Disclosures and Reporting form on the SAE website. A formal report should include a detailed breakdown of the incident/s and include any supporting materials or evidence that is relevant to the matter.

4.6 Formal investigations

All formal investigations will be resolved as quickly as possible, and in any event, within 60 days. If SAE requires more than 60 days to resolve any investigation, written notice will be given to all parties involved, with an explanation and expected resolution date.

4.6a Formal Investigations - possible outcomes

Investigations may result in a wide range of outcomes if a staff member, student or contractor is found, on the balance of probabilities, to have committed sexual

harassment or sexual assault. Outcomes for students and staff will be determined under the Code of Conduct and may include:

- for staff - a directed apology, formal reprimand, counselling, change of location, change of role or dismissal
- for students - a formal reprimand, suspension, exclusion from a course or campus for a specified period of time, exclusion from a residential facility or expulsion
- for contractors – a formal reprimand, or termination of engagement
- for visitors – a formal reprimand, a ban from all SAE campuses.

4.7 Stage 1 - Processing a Formal Report

Upon receipt of a Formal Report a repository will be created for the storage of all relevant material relating to the incident. All records should be treated as confidential in accordance with the SAE Privacy Policy.

The Formal Report will be considered by the National Manager of Student Experience, and Campus Manager and where appropriate, other SAE staff. If, in the opinion of the National Manager of Student Experience, Campus Manager or other SAE staff, there are insufficient grounds or cause to proceed with the Formal Report, the reasons will be communicated to the complainant in writing and the matter considered closed.

If, in the opinion of the National Manager of Student Experience, and Campus Manager, there are sufficient grounds or cause to proceed to investigate the Formal Report, a proposed investigation process and resolution will be provided to the complainant in writing within ten (10) working days of the report having been received.

An investigation of the Formal Report will then be conducted by the National Manager of Student Experience, Campus Manager or delegate in a timely, confidential manner, cognisant of formal obligations to all parties involved including:

- the right to know the details of any reports about them
- the opportunity to make representations to SAE
- the right to be treated without bias
- information about and assistance with navigating the formal report process and misconduct investigation processes
- referral to internal and external support services
- regular and timely communication about the process and its resolution.

Where necessary SAE will assign a different staff member as liaison to the person making the report (the complainant) and the person about whom the report is made.

In all cases, SAE will provide a written explanation to the complainant of the outcomes of Stage 1 of the Formal Report and the reasons for the decision. This notification must be given in writing within ten (10) working days of the Formal Report being received. The written response will also provide the complainant with details of the appeals process.

4.8 Stage 2 - Appeal

If the complainant is not satisfied with the outcome at Stage 1, they may appeal. The complainant shall submit the appeal in writing within ten (10) working days of receiving the written notification of the outcome from Stage 1. International

Students have the right to appeal within 20 working days of receiving the written notification of the outcome.

SAE will commence assessment of the appeal within 10 working days of it being made and finalise the outcome as soon as practicable.

The National Manager of Student Experience having received the appeal shall:

- Acknowledge its receipt within five (5) working days;
- Inform the Chair of the Academic Board and the General Manager that an appeal has been received;
- Inform the Director, Student Experience and the Campus Manager at the campus where the report was processed at Stage 1, that an appeal has been received;
- Decide to enforce the implementation of the recommendations made at the end of Stage 1; or
- Dismiss the appeal or change the result of Stage 1, giving reasons in writing or
- Determine whether there are sufficient grounds to convene a SASH Report Panel and, if so, shall establish a SASH Report Panel from the pool of approved SASH Report Panel members, as defined below, to hear the appeal.
- The National Manager of Student Experience or Campus Manager who processed the report at Stage 1 of the formal report, shall provide the Chair of the SASH Report Panel with copies of all evidence and materials as well as all formal documentation related to the incident, within five (5) days of receipt of notification of the appeal.

4.9 Convening a SASH Report Panel

A SASH Report Panel shall consist of no less than three (3) members, the Chair and two (2) others selected from the pool of approved SASH Report Panel members. The pool of approved SASH Report Panel members will usually include staff from the Directorate of Student Experience, senior management and may include members of the Academic Board. In selecting the Panel members, the Chair shall consider the nature of the formal report and the selected members shall have had no prior involvement in the formal report.

The SASH Report Panel will usually be chaired by the National Manager of Student Experience or Director, Student Experience.

The SASH Report Panel shall meet to hear the appeal within ten (10) working days of receipt in accordance with the procedures detailed below. The decision of the Panel is final. If necessary the Chair shall have a casting vote.

The Chair of the SASH Report Panel shall submit a written report to the General Manager within five (5) working days of the Panel meeting. The Chair shall provide the complainant with written confirmation of the outcome of Stage 2 (appeal) of the Formal Report.

The Chair of the SASH Report Panel shall seek to ensure that any actions arising from the decision of the Panel are taken within the timescale identified in the report and shall report any failure to complete actions to the General Manager.

4.9.1 Procedural Rules for the Conduct of National SASH Report Panel

The SASH Report Panel will examine the circumstances and evidence. Where necessary the Panel may ask the complainant, Campus Manager, and if deemed necessary, any other party involved, to provide further documentation and if necessary, participate in a hearing.

4.9.2 SASH Report Panel Meetings

The complainant, members of staff and other students concerned will be notified in writing at least seven (7) working days before the hearing regarding SASH Report Panel meetings dates and times. The Chair of the SASH Report Panel shall, at the same time as they notify the date of the meeting, indicate the names of any persons that the Panel intends to call to give evidence together with a copy of any statement obtained from those persons which will be referred to at the panel meeting. The Chair of the Panel will prioritise the safety and wellbeing of the complainant and ensure the complainant and any respondents are interviewed at different times, respectful of safety and wellbeing issues. The complainant and any respondents may be accompanied at the meeting of the Panel by a support person.

If the complainant, or any respondent intends to be accompanied, the name and contact details of the accompanying person shall be notified to the Chair not less than seventy-two (72) hours prior to the meeting of the Panel. Legal representation is not allowed at a hearing other than in exceptional circumstances and requires the prior approval of the SASH Report Panel Chair.

The complainant, and respondents directly involved in the Formal Report and persons accompanying them may seek permission to question persons providing information to the SASH Report Panel meeting. The SASH Report Panel can deny permission for this questioning contingent on the safety and wellbeing of those involved.

The complainant, and respondents directly involved in the Formal Report and persons accompanying them can directly address the SASH Report Panel.

If the complainant or any respondent wishes to introduce documents to the SASH Report Panel, they shall supply copies of all such documents to the Chair at least five (5) working days before the date of the Panel meeting. The Chair shall ensure these papers are circulated as soon as possible to the other party and to all members of the Panel. The Chair may decide to give time to examine the documents by adjourning or delaying the meeting of the Panel for a period of up to five (5) working days.

The SASH Report Panel shall meet and make their final deliberations in private. The Panel will decide and then inform all relevant parties how it will conduct the hearing, subject to the procedures being consistent with the principles of these procedures and of these procedural rules.

SASH Report Panel meetings may be conducted via telephone conference where it is impractical to have all persons concerned present in one location. Any person unable to be present for the meeting, may, subject to the approval of the Chair, submit a written statement to the Panel. Where all reasonable attempts have been made to contact the complainant, or respondents, the SASH Report Panel may proceed with the hearing with the complainant or respondent in absentia, if in the view of the Panel there is sufficient documentation and evidence available to make a determination on the Formal Report.

The SASH Report Panel will establish the exact nature of the report, establish the facts as far as it is possible to do so, consider the facts, determine its decision and report its decision in writing within five (5) working days to the General Manager and copied to all parties involved in hearing the appeal.

4.10 Stage 3 – Appeal to General Manager

If the complainant is not satisfied with the outcome of their appeal in Stage 2, they may lodge a written appeal to the General Manager. The complainant shall submit the appeal in writing within ten (10) working days of receiving the written notification of the outcome from Stage 2. International Student have the right to access SAE's Sexual Assault and Sexual Harassment appeals process within 20 working days of receiving the written notification of the outcome.

The General Manager having received the appeal shall:

- Acknowledge its receipt within five (5) working days;
- Decide to enforce the implementation of the recommendations made at the end of Stage 2;
- Dismiss the case, giving reasons in writing to the complainant; or
- Seek agreement to an alternative set of recommendations and
- Provide details on how to appeal the decision.

In reaching a determination, the General Manager may meet with the complainant and the Chair of the SASH Report Panel. Further evidence and documentation may also be requested from any of the parties. Such documentation must be submitted to the General Manager within five (5) business days of the meeting.

4.11 Stage 4 - External Mediation and Dispute Resolution (Domestic Students)

If the complainant is not satisfied with the outcome of the appeal to the General Manager in Stage 3, they may make a written request to the General Manager that they wish the matter be dealt with through an external dispute resolution process. An external mediation and dispute resolution process will be facilitated by The Resolution Institute, which is an independent national association of dispute resolvers.

The General Manager will contact The Resolution Institute to notify them that a request has been made for external mediation and dispute resolution, within five (5) working days of the request. The Resolution Institute will appoint a suitably qualified mediator and arrange for a mediation to be held between SAE and the complainant as soon as practicably possible after receiving notification from SAE.

The Resolution Institute contact details:

The Resolution Institute
Level 2, 13-15 Bridge Street
Sydney NSW 2000
Phone: (+61 2) 9251 3366
Fax: (+61 2) 9251 3733
Freecall: 1800 651 650
Email: infoaus@resolution.institute
Website: <http://www.resolution.institute/>

The complainant, or any respondent to the formal report may ask another person to accompany them to the external mediation. This support person is not the primary negotiator and is only able to speak at the mediator's discretion.

The mediator will undertake the mediation in line with the approved Mediation Model and Rules of The Resolution Institute. This includes the mediator assisting SAE and the complainant to identify the issues between them, and to explore options for, and if possible, achieve the expeditious resolution of the dispute, by agreement between SAE and the complainant or reported student.

If a grievance still remains unresolved after the external mediation and dispute resolution process, the complainant may decide to refer the matter to an external agency, such as the Anti-Discrimination Board or Human Rights Commission.

	<p>SAE will bear all reasonable costs associated with the external mediation and dispute resolution process. This procedure will be executed at minimal or no cost to the student. In the absence (e.g. vacation or illness) of the person holding a named post in the procedure, the person deputising for them during the time of their absence shall substitute. In cases when the grievance involves the nominated deputy, a member of Executive Management shall be consulted and shall determine who shall be responsible for handling the grievance.</p> <p>4.12 Stage 4 - External Mediation and Dispute Resolution (International Students)</p> <p>Upon determining the outcome of Stage 3, the complainant will be notified within 10 days this decision, and their right to access an external complaints handling and appeals process. If the complainant is not satisfied with the outcome of the appeal to the General Manager in Stage 3, they may lodge an external appeal or complain about this decision, by contacting the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider (except in South Australia).</p> <p>Contact Details for the Overseas Students Ombudsman: Overseas Students Ombudsman GPO Box 442, Canberra ACT 2601 Phone: 1300 362 072 (calls from mobile phones at mobile phone rates) or +61 2 6276 0111 for call from outside Australia Fax: +61 2 6276 0123 Complaints form: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ococomplaint-form Web: www.oso.gov.au</p>
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Administrative Information & Version Control

Date	Summary of Changes	Approved by
TBA	New procedure	Academic Board