

Prevention of Sexual Assault and Sexual Harassment Policy

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Scope

1. This policy applies to all students, employees, contractors, volunteers and associates of Nan Tien Institute (NTI) undertaking learning and other activities both at the Unanderra campus and online, to address unwelcome behaviour of a sexual nature. This policy applies to all individuals associated with NTI, specifically those:
 - a) attending NTI Unanderra campus or online classes;
 - b) using NTI equipment such as laptops and other learning technologies;
 - c) attending an NTI event or function;
 - d) participating in any activity as a representative of NTI;
 - e) attending related facilities of NTI, such as Nan Tien Pilgrim Lodge accommodation.
2. This policy applies to any form of contact or communication, including in person, email, phone, social media or any other application.

Purpose

3. NTI has a zero-tolerance approach regarding sexual assault or sexual harassment within or associated with the NTI community. In the event that an incident does occur, NTI will provide assistance to all individuals who seek support or lodge complaints.
4. NTI is committed to ensuring that the entire NTI facility and community is free from harassment and intimidation, to creating a safe and secure environment by promoting responsible and respectful behaviour, free from all forms of sexual harassment.

5. Any breach of this policy by:
- Students – will lead to disciplinary action that may include termination of study, and may include the involvement of police;
 - Staff – will lead to disciplinary action that may include termination of employment, and may include the involvement of police;
 - Public – will lead to disciplinary action that may include the involvement of the police;
 - Any other contractor, volunteer or associate – will lead to disciplinary action that may include termination of employment or contract, and may include the involvement of police.
6. NTI is committed to creating a safe and respectful environment for work and study and to responding compassionately and appropriately to report of sexual harassment and sexual assault.

Definitions

<p>Consent</p>	<p>In the context of sexual activity, consent is free and voluntary agreement to engage in the specific sexual activity undertaken. Consent does not exist when the person:</p> <ul style="list-style-type: none"> • is under the legal age of consent • is unable to understand what they are consenting to • agrees because of force, the threat of force or the threat of humiliation • has been coerced, pressured or manipulated • has cognitive impairment that prevents them from informed consent • is asleep or unconscious • is substantially intoxicated • is detained or held against their will • has a mistaken belief about the identity of the other person • is mistaken about the nature of the activity <p>The absence of “no” does not mean “yes”.</p> <p>Consent can be withdrawn at any time.</p> <p>Consent should not be assumed.</p> <p>Complex workplace dynamics, including power imbalances and concerns about reprisal or adverse treatment, may prevent the individual from expressly objecting to the conduct.</p>
<p>NTI Community</p>	<p>All students, employees, contractors, volunteers, associates and stakeholders of NTI at any location where NTI activities are undertaken including, but not limited to:</p> <ul style="list-style-type: none"> • NTI Unanderra campus • Digital learning platforms (e.g. Moodle) • Nan Tien Pilgrim Lodge and events • Any online environments, or events (e.g. video- or web-based events)
<p>Improper sexual conduct</p>	<p>Any unwelcome sexual behaviours, perpetrated via any type of contact or communication.</p>
<p>Work and study related activities</p>	<p>Any activities that relate to a person’s employment/work commitment, involvement with or status as a student, or other connection with NTI. This includes activities that take place away from NTI sites, such as conferences, work and study-related</p>

	social events and email, online messaging, participating in on-campus and online events, and social media activities.
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Policy Statement

WHAT IS SEXUAL HARASSMENT

7. Sexual harassment is any unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, in circumstances in which a reasonable person, having regard to all of the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.
8. Sexual harassment can be obvious or indirect, repeated or one-off.
9. Sexual harassment can be experienced by any individual or group regardless of their characteristics, including age, race, sexual orientation, gender identity, gender expressions, intersex status, marital or relationship status, family or carer's responsibilities, pregnancy, religion, political opinions, national identity, social origin, physical or mental disability.
10. Some forms of sexual harassment also constitute a criminal offence and should be reported to the Police.
11. Examples of sexual harassment include but are not limited to:
 - a) unwelcome and uninvited touching, hugging, cornering or kissing;
 - b) staring or leering at a person or at parts of their body;
 - c) suggestive comments or jokes;
 - d) repeated or inappropriate invitations to go out, especially after prior refusal;
 - e) sexual gestures, indecent exposure or inappropriate display of the body;
 - f) intrusive questions about a person's private life or physical appearance that make a person feel offended;
 - g) unnecessary familiarity, such as massaging a person without invitation or deliberately brushing up against a person;
 - h) sexually explicit comments made in person, via emails, text messages, social media or other electronic platforms or systems;
 - i) requests or pressure for sex;
 - j) sexual humiliation;
 - k) stalking behaviour which includes being followed, watched or someone loitering nearby.
12. Consensual sexual behaviour (such as discussing sex or kissing) might be sexual harassment if it offends someone else who sees or hears that behaviour.
13. Sexual harassment is unlawful in educational institutions under the *Anti-Discrimination Act, 1977 (NSW)* and the *Sex Discrimination Act, 1984*.
14. Sexual harassment that is also an offence under criminal law and will be referred to the Police includes matters involving:
 - a) sexual assault;
 - b) physical molestation or indecent assault;

- c) indecent exposure;
 - d) stalking (including online); and
 - e) obscene communications.
15. Referral of a case to the Police does not preclude NTI from dealing with the matter through internal procedures.

WHAT IS SEXUAL ASSAULT

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 years of age is exposed to sexual activities.
17. Sexual assault is a crime and is not the victim's fault.
18. Anyone can be a victim of sexual assault.
19. Sexual assault includes:
- a) rape;
 - b) indecent assault (sexual acts that involve touching);
 - c) any sexual contact with a child;
 - d) sexual servitude;
 - e) forcing someone to witness a sex act;
 - f) a sexual act or touching that occurs after consent has been withdrawn.

WHAT IS NOT SEXUAL HARASSMENT

20. Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.
21. The existence of close personal relationships between staff, students and associates may give rise to actual, potential or perceived conflicts of interest. Where close personal relationships exist or arise, staff, students and associates are strongly encouraged to disclose this to NTI so that any professional and study related aspects of the relationship can be appropriately managed.

Systems and Procedures

REPORTING SEXUAL HARASSMENT AND SEXUAL ASSAULT

22. The entire NTI community is responsible for maintaining an environment free from sexual harassment.
23. Any member of the NTI community who experiences sexual harassment or sexual assault when engaged in work or study related activities is strongly encouraged to make a report to NTI. NTI community members are also strongly encouraged to report any incident that they witness or become aware of.
24. NTI will provide support and assistance to NTI community members who experience or witness sexual harassment or sexual assault.
25. NTI provides a way to report an incident of sexual harassment or sexual assault through the Sexual Assault/Sexual Harassment (SASH) Incident Form located on the NTI website or available through the

Student Services Office. Reports can also be made in person or over the phone to the Director - Student Services or to any other NTI staff member who will then pass the report onto the Director - Student Services.

26. A report is considered to be a disclosure and is not treated as a complaint unless the person proceeds to make a complaint, as per the NTI Grievance and Complaint Policy.
27. Reports by any person are treated with appropriate confidentiality at all times. The reports are not shared with anyone unless required by law, or required in order for NTI to take necessary action.
28. Reports are not shared with the individual about whom the report is made, unless NTI proposes to take an action with regard to the report that will affect that individual.
29. The person who experienced the sexual harassment or sexual assault will be contacted to offer support (including potential ensuing issues with their academic progress) and to discuss their options, unless they have indicated in their report that they do not wish to be contacted.
30. The person who experienced the sexual harassment or sexual assault has four options:
 - a) request NTI take protective or supportive action, where reasonable; and/or
 - b) make a formal complaint to NTI; and/or
 - c) make an external complaint (e.g. police report); or
 - d) take no further action.
31. The Director - Student Services may recommend that interim action (as described below) is taken to assist with the safety and wellbeing of the person who experienced sexual harassment or sexual assault or any other person. The use of any interim action measures will be determined, after consideration of all the disclosed factors, by NTI President or NTI Dean of Studies.

INTERIM ACTION

32. If NTI judges it necessary to protect the safety and wellbeing of the NTI community, any person may be subject to measures once a report is made or while an internal or police investigation is ongoing, including but not limited to:
 - a) suspension from NTI (students);
 - b) suspension from employment (employees); or
 - c) a temporary ban on attending campus or particular parts of campus (although students may be enabled to continue studies online if practical).

NTI'S OBLIGATION TO REPORT TO POLICE

33. An individual who has experienced improper sexual conduct has the right to choose not to report the matter to police, but may wish to make a report or lodge a complaint with NTI only. NTI supports the right of individuals in deciding not to report to police. However, NTI may be obliged to report the matter to police in accordance with the provision of the *Crimes Act 1900 (NSW)*. NTI is obliged to report to police when NTI:
 - a) knows or believes that an offence punishable by imprisonment has been committed by another person; and
 - b) knows or believes that the information it holds may be of material assistance in securing the apprehension or prosecution of a person who NTI believes may have committed a serious indictable offence.

RECORD KEEPING

34. NTI will maintain a Register of all reports of sexual harassment and sexual assault. Information recorded will include:
- the alleged behaviour;
 - the location and circumstances of the behaviour;
 - steps taken to respond to the incident;
 - support and assistance offered;
 - the time taken to respond;
 - any feedback from the discloser; and
 - only if consent has been given, the name of the discloser.
35. If the matter proceeds to a complaint, records relating to the investigation of the complaint, and any sanctions imposed, will be recorded in accordance with the NTI Grievance and Complaint Policy.

SEXUAL HARASSMENT PREVENTION STRATEGIES

36. NTI is committed to awareness strategies to prevent sexual harassment from occurring. Examples of preventative strategies include:
- providing training and awareness to staff via induction programs;
 - staff online training modules on harassment awareness;
 - communication of this policy to all members of the NTI community, where possible.

SECURITY

Physical Patrols

37. A dedicated security guard is based on-site at the Nan Tien Temple from 4.30pm to 4.30am 7 days per week. The security guard undertakes regular patrols at NTI during this time period and particularly during special events.
38. The security guard has access to all areas of NTI and has direct contact with local Police and the NTI maintenance contractor (for emergencies and after-hours works).
39. Outside this time period, the security contractor patrol car can be contacted directly for emergencies.

Access Control System

40. NTI has a comprehensive access control system in place. This system configures all user access cards and profiles and is audited on a regular basis.
41. The access control system also provides schedules for specific doors as well as lifts and roller shutters (underground staff carpark) to remain secure to align with NTI operational requirements.

CCTV

42. NTI has a CCTV system in place that provides dedicated camera coverage to key internal and external areas. Camera footage is recorded on a dedicated hard drive and data is stored for up to 30 days of continuous recording.
43. During normal business hours (Monday to Friday, 9am to 5pm), the CCTV cameras are monitored on a regular basis by the responsible NTI staff member.

Lighting Controls

44. NTI has a comprehensive lighting control system in place.
45. The lighting control system is set up to automatically turn on/off internal lighting to align with NTI operational hours and also includes weekends, as required.
46. External lighting, particularly in the outside carpark area, aligns with dusk to dawn lighting sensors.
47. Certain areas at NTI (e.g. basement corridor) have 24/7 lighting to satisfy general ambient and security requirements.

Legislation and Regulation

Anti-Discrimination Act, 1977 (NSW)

Sex Discrimination Act, 1984 (Commonwealth)

Crimes Act, 1900 (NSW)

Fair Work Act 2009 (Commonwealth)

National Plan to End Violence against Women and Children 2022-2032

Attachments

Sexual Assault/Sexual Harassment (SASH) Incident Form

Contacts

Police	000
Insight Security Guard (4.30pm to 4.30am)	0402 776 712
Insight Patrol Car (24/7)	0416 276 313
Insight Security Head Office (24/7)	02 4297 6313
NTI LifeWorks Counselling Support	1300 361 008
Student Wellbeing Support / Director - Student Services	02 4258 0741
Student Services Office	02 4258 0740
	enquiry@nantien.edu.au
National Sexual Assault, Domestic and Family Violence Counselling Service	1800 RESPECT (1800 737 732)
	https://www.1800respect.org.au/
Australian Human Rights Commission	1300 369 711
	https://www.humanrights.gov.au

Anti-Discrimination NSW	02 8688 7980
	https://www.antidiscrimination.justice.nsw.gov.au
Lifeline	13 11 14
Crisis Care	(+61 8) 9223 1111
QLife (LGBTI)	1800 184 527
Beyond Blue	1300 224 636
Student Wellbeing Hub Education Services Australia	https://studentwellbeinghub.edu.au/