

 <p>S P Jain School of Global Management</p> <p>DUBAI • MUMBAI • SINGAPORE • SYDNEY</p>	Staff Sexual Assault and Sexual Harassment Policy and Procedures
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1. Purpose

- a. S P Jain School of Global Management (S P Jain / the School) has zero tolerance for all forms of sexual assault and sexual harassment (SASH) and is committed to achieving and maintaining safe workplaces.
- b. This Policy outlines S P Jain's commitment to provide staff with:
 - i. a safe physical and online workplace and teaching environment; and
 - ii. prevent and respond to sexual assault or sexual harassment in a just, compassionate, timely and effective.

2. Application

- a. This Policy applies to employees (full time and casual and sessional), agents and contractors (including temporary contractors) of S P Jain, collectively referred to in this Policy as 'workplace participants'.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, events, conferences, religious celebrations and client functions.

3. Laws and Standards

- a. Under the Australian Human Rights Commission Act 1986, the Sex Discrimination Act 1984, Australia and Anti-Discrimination Act 1977 (NSW), sexual harassment is unlawful and strictly prohibited.

- b. This Policy applies to every one of S P Jain's campuses and the laws as listed below but not limited to which apply in each jurisdiction:
- i. Australia
 - HESF2021: Standard 2.3/ 6.2.1/ 7.3.3,
 - Australian Human Rights Commission 2017
 - ii. Singapore- Protection from Harassment Act (CHAPTER 256A)
 - iii. UAE – Article 359 of the Penal Code (updated 2020)
 - iii. India - The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal Act, 2013
- c. Heads of Campuses (HoCs) of S P Jain's onshore and offshore campuses may supplement this *Student Sexual Assault and Sexual Harassment Policy and Procedures* with additional campus specific SASH procedures and processes to meet any additional local regulatory requirements. All such procedures and processes must be consistent with *this Student Sexual Assault and Sexual Harassment Policy and Procedures* and approved by Vice-President Administration in consultation with the Director – People and Culture and the Registrar.
- d. This policy also draws from the TEQSA Good Practice Note: sector July 2020 Preventing and responding to sexual assault and sexual harassment in the Australia¹.
- E. Under certain circumstances and if required statutorily designated staff at the School's campus may have to disclose staffs' information including the involvement of illegal activities according to the local law in accordance with the Privacy Policy.

4. What is Sexual Harassment?

- a. Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.
- b. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile learning environment for others can also be unlawful. Examples of sexual harassment include but not limited to:
 - i. physical contact such as pinching, touching, grabbing, kissing or hugging
 - ii. staring or leering at a person or at parts of their body
 - iii. sexual jokes or comments
 - iv. requests for sexual favours
 - v. persistent requests to go out, where they are refused
 - vi. sexually explicit conversations, emails, SMS or social media
 - vii. displays of offensive material such as posters, screen savers, internet material etc
 - viii. accessing or downloading sexually explicit material from the internet

¹ www.teqsa.gov.au/sites/default/files/good-practice-note-preventing-responding-sexual-assault-sexual_harassment-v2-0-web.pdf?v=1626668840

- ix. suggestive comments about a person's body or appearance
- x. sending rude or offensive emails, attachments or text messages
- xi. inappropriate advances through social media sites

5. What is Sexual Assault?

- a. Sexual assault can include but, is not limited to sexual act, sexual touching, sexual assault, aggravated sexual assault which are:
 - i. rape e.g. forced, unwanted sex or sexual acts.
 - ii. unwanted touching e.g. pinching, patting, embracing, rubbing, groping, flicking, kissing, fondling, etc
 - iii. Indecent assault: indecent behaviour before, during or after an assault
 - iv. obscene gestures e.g. simulating masturbation in front of a person
 - v. voyeurism e.g. being watched doing intimate things without permission
 - vi. pressuring for dates or demand for sex
 - vii. indecent exposure
 - viii. being forced to watch or participate in pornography
 - ix. child sexual abuse: using power over a child or young person to involve them in sexual activity

6. What is Technology-facilitated Sexual Harassment or abuse?

- a. Technology-facilitated Sexual Harassment or abuse is when technology is used to threaten, intimidate, harass or humiliate someone – with the intent to hurt them socially, psychologically or even physically. Also known as cyber-abuse, it includes a range of behaviours such as but not limited to:
 - i. sending abusive or obscene text messages or emails
 - ii. making continuous threatening phone calls
 - iii. stalking a person online and hacking into their accounts, such as social media, banking or email accounts (cyberstalking)
 - iv. spying on and monitoring victims through the use of tracking systems
 - v. personal attacks through social media sites
 - vi. posting someone's personal information online along with offensive and/or sexual comments
 - vii. sharing intimate images of someone without their consent (image-based abuse)
 - viii. using technology to control or manipulate home appliances, locks and other connected devices

7. What is Consent?

- a. Sexual consent is a free, voluntary and informed agreement between people to participate in a sexual act. This agreement is only present when these people mutually and genuinely feel they want to engage in that sexual act and actively make sure their partner does too.

This means there is only consent to a sexual activity if everyone involved:

- agrees with each other to take part
- really wants to take part – they don't feel they have to
- checks in with each other to make sure everyone wants to take part

- shows or says they want to take part in a clear and open way.

Sexual consent relates to sexual activities, such as:

- sexual intercourse
- touching someone in a sexual way
- sharing sexual images
- online sexual activities.

It doesn't matter if you're in a relationship or not. There must be consent to engage in sexual activity that is free from violence, pressure and control.²

Therefore, sexual consent is behaviour, which is consensual, welcome and reciprocated, and based on mutual attraction, friendship and respect.

- b. Australian Commonwealth Legislation states the factors not involving consent:
- i. lack of capacity to consent, eg., person is unconscious, affected by alcohol or drugs
 - ii. threat to or use of force, against another person, which need not involve physical violence or physical harm
 - iii. unlawful detention
 - iv. mistaken identity and mistakes as to the nature of the act
 - v. position of authority or power, intimidation or forceful conduct

8. Who is First Responder?

- a. The first person or team to whom the disclosure or report of sexual assault or harassment is made.
- b. The School provides reputed first responder training to all first responders at all the campuses to ensure they are well trained and equipped for their roles.

9. Who is an active bystander or witness?

- a. A person who witnesses and or intervenes or says something when they see the sexual assault or sexual harassment.
- b. Bystanders have a responsibility to report all instances of sexual assault and sexual harassment that they have witnessed.

10. Responsibilities:

- a. **Workplace participants** are responsible for:
 - i. modelling appropriate behaviour
 - ii. monitoring the working environment to ensure as far as practicable that acceptable standards of conduct are maintained at all times and that sexual assault and sexual harassment is not tolerated.
 - iii. treating complaints and behaviour which may constitute sexual assault and sexual harassment seriously and taking immediate action at their level.
 - iv. treating complaints of sexual assault and sexual harassment with appropriate confidentiality.

² Department of Social Services, Australian Government: <https://www.dss.gov.au/sexual-consent>

- v. ensuring that a person is not victimised for making, or being involved in, a complaint of sexual assault or sexual harassment.
- vi. report any incident of sexual assault or sexual harassment that they have experienced or witnessed.
- vii. participate in any training provided on SASH.

11. SASH Awareness and Orientation

- a. The School provides online education and awareness module (by Epigean, Division of Oxford University) which must be successfully undertaken by all staff full time and part time (sessional). All new staff must undergo this training and are awarded a certification of completion when they complete the module.
- b. To ensure effective communication and re-enforcement of this Policy and staffs' understanding of their responsibilities, the School also conducts additional periodic training and awareness sessions on SASH at each of its campuses.
- c. The School's website also has a dedicated webpage titled "SASH Support and Services" which provides comprehensive and easily accessible information on SASH information, policies and support.

12. Breach of Policy:

- a. If any employee fails to abide by the stated policy and commits, condones or encourages any form of sexual harassment, that employee will be subject to disciplinary processes in accordance with Staff Grievance and Complaints Policy and Procedures and may have their employment terminated as a result.

13. Procedure for handling Sexual Harassment complaints:

- a. S P Jain's procedures for handling complaints are based on confidentiality, impartiality, procedural fairness, protection from victimisation and prompt resolution.
- b. Where necessary, the procedures set out in the School's Critical Incident Policy will be implemented by the Heads/Directors of Campus (HoCs).
- c. Management will ensure that all complaints of sexual assault and sexual harassment are investigated quickly and fairly and treated with complete confidentiality. Any student or staff member found guilty of perpetrating or condoning sexual assault and sexual harassment will be disciplined accordingly. This may include having their employment or enrolment terminated.
- d. A staff who experiences sexual assault or harassment, staff/s who witnesses sexual assault or harassment on another staff may choose to disclose the incident, which involves sharing information about the incident to seek support and/or resources.
- e. If a staff member feels that they have been sexually assaulted or sexually harassed, the aggrieved staff may make a complaint via the following procedure:
 - i. approach the harasser, if they feel comfortable to do so, and tell them to stop the offending behaviour immediately.
 - ii. If the staff member is either not satisfied with the outcome of their discussions with the harasser or feels uncomfortable about approaching the harasser on their own,

- the staff member should seek the assistance of a member of Human Resources and request intervention on their behalf.
- iii. Human Resources contact details will be detailed in each Staff Campus HR handbook.
 - iv. If the matter is not resolved, the staff member should make a formal written complaint of harassment to the Director - Human Resources in writing via email or letter. The staff member may elect to make such a complaint as an initial step without approaching the harasser.
 - v. To ensure the prompt and thorough investigation of a sexual assault or sexual harassment complaint, the staff member should provide as much of the following information as possible:
 - The name, department and position of the person or persons allegedly committing sexual assault or sexual harassment.
 - A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
 - The effect of the incident(s) on the staff member's ability to work.
 - The names of other individuals who might have witnessed the sexual assault or sexual harassment or been subject to the same or similar harassment.
 - Any other information the staff member believes to be relevant.
 - vi. All complaints will be investigated promptly, fairly and confidentially by Human Resources.
 - vii. The investigation will involve interviewing the person or persons about whom the complaint has been lodged
 - viii. Any person who has a complaint of sexual assault or sexual harassment made against them must be provided with an opportunity to respond to the allegations.
 - ix. Any other person(s) who may have been involved or who may have witnessed the incident(s) will be interviewed as part of the investigation.
 - x. Investigations may last between three days to maximum of three weeks.
 - xi. If the investigation finds that sexual assault or sexual harassment has occurred, the Director - Human Resources will be consulted, and an appropriate response approved. This may include the perpetrator's employment being terminated.
 - xii. Following the investigation, the complainant will be informed by the Director – Human Resources in writing about what action (if any) is proposed to be taken. If the complainant is not satisfied with the way the complaint has been handled they have the right to appeal the decision as detailed in the Staff Grievance and Complaint Policy and Procedures or Sydney campus staff could refer the matter to the Equal Opportunity Commission.
- f. A bystander staff should report the incident and seek assistance of the Head of Campus and in absence of the Head of Campus to the Student Counsellor and request intervention on their behalf. The process for handling a bystander student or staff report will be managed by the Head of Campus jointly with the Student Counsellor jointly on a case to case basis.
 - g. All documentation in relation to the complaint, investigation and outcomes must be filed securely in the Complaints Register by Human Resources and a copy must be forwarded to Management upon completion of the investigation.

14. Emergency Contact details:

- a. Internal emergency and external emergency contacts will be detailed in Staff Handbooks provided

Related documents

- a. AHRC's "Change the Course" National Report 2017
- b. Critical Incident Policy
- c. Esafety.gov.au toolkit
- d. Higher Education Standards Framework 2021
- e. Housing and Accommodation Policy
- f. India - The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal Act, 2013)
- f. Privacy Policy
- g. Singapore's- Protection from Harassment Act: POHA (CHAPTER 256A)
- h. Staff Code of Conduct Policy
- i. Staff Grievance and Complaints Policy and Procedures
- j. Terms of Reference of the Sexual Assault and Sexual Harassment (SASH) Taskforce
- k. Third Party Arrangements and Policy
- L. UAE – Article 359 of the Penal Code (updated 2020)
- m. Work Integrated Learning Policy