

Sexual Harm Prevention and Response Policy

Section 1 - Purpose

(1) The purpose of the policy is to:

- a. emphasise that any type of sexual harm will not be tolerated;
- b. emphasise Melbourne Polytechnic's commitment to take positive action to both prevent and respond to sexual harm;
- c. define what constitutes sexual harm; and
- d. describe responsibilities for prevention and response to sexual harm.

Section 2 - Scope

(2) This policy applies to all Melbourne Polytechnic:

- a. Students undertaking:
 - i. any Melbourne Polytechnic activity, whether on campus, off campus, after hours or Institute-related social functions; or online internet-based, on social media, on email or via phone-based messaging such as text;
 - ii. Workplace based training where the breach of this policy relates to the student's academic study rather than the employment conditions of the placement/traineeship; and
 - iii. Study abroad or exchange programs, where a student must also comply with the policies, rules and procedures of the host institution where they are studying.
- b. Employees: all aspects of employment, and to all places and times where staff are required to attend or are undertaking Institute duties whether they are on-site, off-site, or after hours or work-related social functions; or online internet-based, on social media, on email or via phone-based messaging such as text.
- c. Visitors, external stakeholders, and contractors and suppliers and their employees.

Section 3 - Policy

Policy Statement

(3) Melbourne Polytechnic is committed to providing a safe, inclusive and respectful learning environment and workplace for all students, staff and external parties (eg contractors). This contributes to student success, satisfaction and wellbeing, and employee commitment, job satisfaction and wellbeing.

(4) Melbourne Polytechnic recognises that all forms of sexual harm (being a holistic term for all forms of sexual violence, including sexual harassment and assault, stalking, indecent exposure, and technology-facilitated sexual violence) have serious and long-lasting impacts on victim-survivors.

(5) Therefore, it is committed to preventing and responding to sexual harm perpetrated by or against students, staff and external parties.

Policy Principles

Prevention of sexual harm

(6) Melbourne Polytechnic will take all reasonable steps to prevent sexual harm for students, staff and external parties. It is committed to maintaining a safe, inclusive and respectful culture through: training for relevant staff on responding to disclosures; education about sexual harm and relevant policies; and encouraging positive action to promote safe and respectful Institute settings. It is also committed to identifying and managing risk of sexual harm through design and fit out of campus spaces, provision of security and supervision of student placements.

Prioritising victim-survivors

(7) Melbourne Polytechnic will take all disclosures or complaints of sexual harm seriously. It will prioritise the safety and wellbeing of the person disclosing or complaining of sexual harm by supporting, listening to and validating their experience/s, and ensuring their access to appropriate supports.

Protecting Confidentiality and Privacy

(8) The confidentiality and privacy of an individual who makes a disclosure or complaint of sexual harm, and that of the respondents and parties involved in the disclosure or complaint, will be protected and respected at all times.

Protection from reprisal

(9) Complainants and witnesses will not experience negative repercussions for making complaints or providing statements.

Monitoring and evaluation

(10) Melbourne Polytechnic is committed to identifying and implementing appropriate ways of monitoring experiences of sexual harm among students and staff, and to evaluating the effectiveness of this policy. It is committed to the continuous improvement of prevention initiatives and response procedures and their alignment with best practices.

Natural justice and procedural fairness

(11) Melbourne Polytechnic is committed to principles of natural justice and procedural fairness: fully informing a person of any allegation(s) made against them; giving the person the opportunity to respond, state their case or provide an explanation or put forward a defence; ensuring that all parties are heard and relevant submissions are considered; and ensuring that decisions made are fair and without bias. It focuses on the process used and not the outcome achieved.

Policy Topics

Gender inequality

(12) Melbourne Polytechnic recognises that sexual harm, including sexual harassment and sexual assault, is driven by gender inequality, and may be compounded by other forms of intersecting disadvantage or discrimination relating to attributes including, but not limited to, cultural background, age, disability, gender identity, race, religion and sexual orientation. As such, Melbourne Polytechnic is committed to promoting gender equality in the learning environment and workplace, taking positive action to prevent sexual harm, and supporting consideration of these intersectionalities in any investigation, or policy, program or service implementation.

Importance of culture

(13) Melbourne Polytechnic recognises the powerful role that students, staff and others in the Melbourne Polytechnic community play by demonstrating inclusive and respectful behaviours, and thereby creating an educational and

workplace culture that supports the prevention of and response to sexual harm. As such, Melbourne Polytechnic is committed to fostering these behaviours through raising awareness, providing training and information, communicating its policies, and encouraging students and staff to safely speak up or take action when they encounter attitudes or behaviours that run counter to that culture.

Protecting Confidentiality and Privacy

(14) Complainants, respondents, witnesses and others involved in a disclosure or complaint are expected to keep information relating to that disclosure or complaint confidential while it is determined whether an investigation will be undertaken and during the course of any such investigation. This will support the privacy of all involved and support procedural fairness. Information collected by Melbourne Polytechnic will not be shared with any external parties except for government authorities and agencies in order to comply with legislation. Unless required, information will be de-identified.

Disclosures and complaints

(15) Melbourne Polytechnic recognises that sexual harm may occur, and encourages students, staff and others in the Melbourne Polytechnic community who experience sexual harm to make disclosures or raise complaints. All disclosures and complaints of sexual harm will be approached sensitively, while prioritising confidentiality and protection from reprisal or retaliation. Where a person under 18 years is involved, Melbourne Polytechnic responds as per the [Child Wellbeing and Safety Policy](#).

Due process

(16) Melbourne Polytechnic will provide a timely, structured, and just process for resolving disclosures or complaints of sexual harm at the local level wherever possible. However, Melbourne Polytechnic recognises that some types of sexual harm may require the involvement of external agencies, such as Victoria Police.

Disciplinary action

(17) Appropriate disciplinary action will be taken, (as per the policies under the Associated Information Tab), against students, employees or others in the Melbourne Polytechnic community who are found to breach this policy in relation to any complaint, up to and including expulsion (students), dismissal (employees) and termination of contract or engagement with Melbourne Polytechnic (external parties).

Communication and promotion

(18) Melbourne Polytechnic communicates and promotes this policy and relevant procedures to:

- a. Students via induction, student publications and the Student Portal;
- b. Employees via induction, training and the Staff Portal;
- c. External parties via the Melbourne Polytechnic website.

Legal representation

(19) Melbourne Polytechnic will not fund legal representation for students or employees who are found to have contravened this policy.

Section 4 - Accountability and Responsibility

(20) The Chief Executive and Executive Directors are responsible for and oversee the communication of their commitment to the prevention of, and response to, sexual harm to students, staff and external parties.

(21) The Executive Director People and Student Success is responsible for ensuring that adequate resources, systems and structures are provided to prevent and respond to student experiences of sexual harm.

(22) The Executive Director Finance, Reporting, Assurance and Marketing is responsible for ensuring that adequate resources, systems and structures are provided to prevent and respond to staff experiences of sexual harm.

(23) The Executive Director Commercial, Sustainability and Infrastructure is responsible for ensuring that adequate resources, systems and structures are provided to identify and manage risks of sexual harm associated with the built environment.

(24) All students and staff students are responsible for acting in ways that maintain and strengthen a safe and respectful learning environment and workplace culture.

Section 5 - Procedure

(25) The [Sexual Harm Response Procedure](#) documents how this policy is implemented.

Section 6 - Definitions

(26) For the purpose of this policy, the following definitions apply:

- a. Consent: Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be ascertained through verbal and non-verbal body language, can be specific to certain acts and exclude others, and can be withdrawn at any time. There is no consent if an individual is forced, pressured or otherwise coerced, intoxicated by drugs or alcohol, unconscious or asleep, or if they lack the ability to knowingly choose to participate in sexual activity.
- b. Complainant: person making a complaint or disclosure.
- c. Complaint: a complaint of sexual harm relating to Melbourne Polytechnic matters by an individual who wants Melbourne Polytechnic to investigate or to take specific action in response to the incident.
- d. Disciplinary action: consequences as a result of behaviours covered in this policy. For information on these consequences, refer to the [Student Discipline Policy](#) for students and the [Disciplinary Procedure](#) for staff.
- e. Disclosure: an individual telling their experience or witnessing of sexual harm. Unlike a complaint, disclosure does not trigger an investigation or action unless Melbourne Polytechnic has a duty of care to do so. It may also be the first step prior to a complaint being made.
- f. Respondent: person(s) against whom a complaint is made.
- g. Sexual harm: harmful non-consensual sexual acts, or the threat of, including but not limited to:
 - i. Rape, which involves the penetration of orifices of any person with any part of the body of another person, or with an object, without consent;
 - ii. Sexual assault, an umbrella term that encompasses rape, indecent assault and behaviour that may also be considered to be an offence under criminal law, including but not limited to indecent exposure or stalking;
 - iii. Sexual harassment, see below;
 - iv. Indecent assault, being unwelcome touching, hugging, kissing, fondling or brushing against someone without consent;
 - v. Indecent exposure, which is exposing genitals or sexual gestures without consent; and
 - vi. Technology-facilitated sexual violence, which includes but is not limited to explicit sexual messages and calls, and the creation, obtaining and/or distribution of sexual images or videos of another person without consent.

- h. Sexual harassment: any unwanted or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. A single incident can constitute sexual harassment – it does not have to be repeated. Sexual harassment can take many different forms and may include:
- i. Sexually suggestive behaviour, such as leering or staring
 - ii. Sexually suggestive comments or jokes
 - iii. Displaying offensive screen savers, photos, calendars or objects
 - iv. Sexually explicit emails, text messages or posts on social networking sites
 - v. Requests for sex or even subtle pressures for sexual favours
 - vi. Requests for sexual acts in exchange for perceived favours or avoidance of sanction (quid quo pro).

Status and Details

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Policy Owner	Cathy Frazer Executive Director People and Student Success
Policy Implementation Officer	Karen Cook Manager Student Services
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