Sexual Harm Response Procedure

Section 1 - Purpose

(1) Melbourne Polytechnic is committed to providing a safe, inclusive and respectful learning environment and workplace for all students, staff and external parties (eg contractors). It recognises that all forms of sexual harm (being a holistic term for all forms of sexual violence, including but not limited to sexual harassment and assault, stalking, indecent exposure, and technology-facilitated sexual violence) have serious and long-lasting impacts on victim-survivors. Therefore, it is committed to responding to sexual harm perpetrated by or against students, staff and external parties.

(2) The purpose of the procedure is to:

a. Define what constitutes sexual harm;
b. Provide students and staff with clear information about how to make a disclosure regarding sexual harm;
c. Provide information to staff on how to respond if a disclosure is made to them;
d. Provide referral information on internal and external support services; and
e. Describe record keeping requirements by Melbourne Polytechnic.

Section 2 - Scope

(3) This procedure 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 - Procedure

Making a disclosure

(4) Any individual (student, staff, or external party) can make a disclosure of sexual harm to Melbourne Polytechnic. A disclosure is defined as an individual telling their experience of or witnessing of sexual harm. Unlike raising a

complaint, disclosure does not trigger an investigation or action unless Melbourne Polytechnic has a duty of care to do so, or the person experiencing the sexual harm decides they want to escalate their disclosure to a complaint.

(5) Melbourne Polytechnic encourages people experiencing sexual harm to speak with a person that they trust about their experience. This can be to validate how they are feeling, or to test their thinking before making a disclosure. It also encourages people experiencing sexual harm who wish to make a disclosure to do so to whoever they feel most comfortable. For students, that may be a teacher or admin staff member; for staff, that may be a supervisor. Melbourne Polytechnic prioritises the wishes of the person experiencing the harm and does not require that the Contact Officers below are made aware of the disclosure, unless the Institute has a duty of care to respond.

(6) Where the person experiencing the harm wishes Melbourne Polytechnic to be aware of the disclosure, the Contact Officers for making a disclosure are:

a. Disclosures by students: Manager Student Services, phone 9269 1305, email studentsafety@melbournepolytechnic.edu.au
b. Disclosures by staff or external parties: Manager Human Resources, phone 9269 1229, email staffsupport@melbournepolytechnic.edu.au.

Making a complaint

(7) Complaints are made, investigated and determined following the processes outlined in the Student Complaints and Appeals Policy and/or Grievance Procedure.

(8) Any individual (student, staff, or external party) can make a complaint of sexual harm to Melbourne Polytechnic. A complaint is defined as an individual telling their experience of or witnessing of sexual harm where they want Melbourne Polytechnic to investigate or to take specific action in response to the incident. Where a complaint is made by a witness, unless Melbourne Polytechnic has a duty of care to the person experiencing sexual harm to respond, it will prioritise the wishes of the person experiencing the harm as to any course of action following the incident.

(9) Contact Officers for making a complaint:

a. Complaints by students: Manager Student Services, phone 9269 1305, email studentsafety@melbournepolytechnic.edu.au
b. Disclosures by staff or external parties: Manager Human Resources, phone 9269 1229, email staffsupport@melbournepolytechnic.edu.au.
c. For information on complaint options external to Melbourne Polytechnic, see External Complaints Options (clause 39).

Reporting to Victoria Police and/or specialist sexual harm services

(10) Many forms of sexual harm constitute criminal conduct. Anyone can report their experience of sexual harm to Victoria Police. Reporting to the police may not preclude Melbourne Polytechnic from responding to incidents of sexual harm, however internal procedures may be paused or suspended pending criminal justice processes.

(11) Melbourne Polytechnic strongly encourages people who have experienced sexual harm of a criminal nature to contact the police, Contact Officers and/or specialised sexual assault support agencies as soon as possible after the incident.

(12) Melbourne Polytechnic is committed to supporting individuals who have experienced sexual harm by supporting them to access specialised sexual assault support agencies in the community. Specialised sexual violence support agencies can also help individuals to decide whether they want to report the incident(s) to the police.

Anonymous disclosures or complaints

(13) People experiencing sexual harm may make an anonymous disclosure or complaint to Contact Officers. These disclosures or complaints will be included in Melbourne Polytechnic's confidential register of sexual harm disclosures and complaints (refer Record-keeping and Privacy) and used in the monitoring of problematic trends. However, they will not be able to be fully investigated, as principles of natural justice and procedural fairness mean that those who have had a complaint made against them are entitled to know who has raised the complaint.

Support person

(14) At any point, a person making a disclosure or complaint of sexual harm, as well as witnesses, may have a support person accompany them. The support person's role is to provide emotional support, and not to advocate or speak on behalf of the person experiencing or witnessing sexual harm.

Managing disclosures and complaints

(15) Melbourne Polytechnic will take all reasonable steps to support the individual making a disclosure or complaint, recognising that this process may influence an individual's decision to escalate from a disclosure to a complaint or seek external specialised sexual assault support agencies in the community.

(16) Those making a disclosure or complaint will be treated in accordance with the guiding principles in the Sexual Harm Prevention and Response Policy (in development) (e.g., prioritising victim-survivors, protecting confidentiality and protection from reprisal).

(17) Those to whom a disclosure or complaint is made will:

a. Listen to and believe the account of the person making the disclosure or complaint;
b. Acknowledge the courage in making a disclosure or complaint and the trust placed in the person receiving it;
c. Ask the person making the disclosure or complaint what they would like to do and what support they need. Options include but are not limited to simply talking about the incident, accessing support services, and referring the matter to a Contact Officer, even anonymously; and
d. Support them to take any next steps (within the limits of their role at Melbourne Polytechnic).

(18) Where the disclosure or complaint has been referred to a Contact Officer, the Contact Officer will also:

a. Inform the person making the disclosure about support options and options to make a complaint to Melbourne Polytechnic (refer Making a Complaint: clauses 7-9) or with the appropriate Federal or State bodies (refer External Complaint Options: clause 39;
b. Discuss options for the resolution of the matter, including escalating a disclosure to a complaint, instigating an investigation, and implementing interim measures;
c. Inform the person making the disclosure or complaint that Melbourne Polytechnic may develop measures to prevent sexual harm informed by analysing disclosures, complaints and appeals data, and by reporting de-identified information to senior leadership;
d. Record the matter in Melbourne Polytechnic's confidential register of sexual harm disclosures and complaints (refer Recordkeeping and Privacy: clauses 41-46);
e. Ensure the implementation of the options for resolution of the matter as per the wishes of the person making the disclosure or complaint (unless Melbourne Polytechnic has a duty of care to respond);
f. Take all reasonable steps to ensure the person making the disclosure or complaint is kept updated of the progress of any investigation and/or any interim measures; and
g. Ensure the person making the disclosure or complaint continues to be offered support services.

(19) Melbourne Polytechnic will ensure that staff have the skills and knowledge to be able (within the limits of their role) to support students, staff and external parties who make a disclosure or complaint of sexual harm.

Resolution of the matter

(20) Melbourne Polytechnic treats disclosures and/or formal reports of sexual harassment and sexual assault as a priority with the safety and wellbeing of the person making the disclosure paramount to the Institute's response.

(21) Resolution options include but are not limited to self-resolution, informal resolution and formal investigation.

a. Self-resolution: In some cases, individuals who experience or witness sexual harm may choose to inform the person with the harmful sexual behaviour that is unacceptable and against Melbourne Polytechnic policy.
b. Informal resolution: In some cases, individuals who experience or witness sexual harm may choose to participate in a facilitated discussion or mediation with the respondent(s), facilitated by a Contact Officer or their delegate.
c. Melbourne Polytechnic recognises that in many instances of sexual harm, individuals may not feel safe or confident to engage in self-resolution or informal resolution, and encourages individuals to prioritise their safety. In these instances, other options like formal investigation may be more appropriate.

(22) A respondent may have a support person accompany them; the role of that person is to provide emotional support and not to advocate or speak on behalf of the respondent.

Formal investigation

(23) Where a formal investigation is undertaken, Melbourne Polytechnic will appoint an investigator, and ensure investigations are impartial and that the complainant is not disadvantaged on the basis of gender or inequality compounded by other forms of disadvantage or discrimination.

(24) The investigator will:

a. Review any relevant information e.g., evidence and/or statement(s) of complaint;
b. Interview complainant(s), respondent(s) and relevant individuals e.g., witnesses; and
c. Make appropriate recommendations for outcome(s) in a written report.

(25) Complainants and respondents will be kept informed about the progress of the complaint, including:

a. The investigation process and what to expect;
b. Expected timeframe;
c. Name and contact details of the investigator;
d. Progress, including explanations for delay;
e. Outcomes and reasons for decisions made; and
f. Right of review if the parties are not satisfied with the outcome.

Interim measures

(26) Melbourne Polytechnic may implement interim measures at any point to ensure the safety and wellbeing of a person making a disclosure or complaint, a respondent to a complaint, and/or, where relevant, the integrity of an investigation. Complainants and respondents may also request interim measures at any point to ensure their safety and wellbeing. Melbourne Polytechnic will consider all requests and take all reasonable steps to accommodate them, accounting for procedural fairness.

(27) Interim measures may be requested whether a disclosure has been escalated to a complaint or not, or whether

the resolution process is informal or formal. Where implemented, they are not a penalty or a sanction and do not imply that a resolution process will reach or has reached a particular outcome.

(28) Interim measures may include but are not limited to:

a. For students, academic support, changes to timetables, temporary remote learning arrangements or no-contact orders;
b. For staff, adjustments to working arrangements, temporarily being stood down, or any measures listed in the employee's contract or relevant Enterprise Agreement; and
c. For external parties, no-contact orders or temporarily being stood down.

Determining actions

(29) Following an investigation and the provision of a written report, Melbourne Polytechnic will consider the findings and make a determination on potential disciplinary/other outcomes where it is determined that sexual harm took place. Any disciplinary action will be imposed under the powers as set out in the Student Discipline Policy, Disciplinary Procedure or through management of relationships and contracts relating to individuals external to Melbourne Polytechnic.

(30) The Executive Director Finance, Reporting, Assurance and Marketing will consider the investigation report and make a final decision on outcome(s) relating to complaints where a staff member or external party is the respondent.

(31) The Executive Director People and Student Success will consider the investigation report and make a final decision on outcome(s) relating to complaints where a student is the respondent.

(32) Following the conclusion of the investigation, the affected parties will be notified of the outcome(s) as per the relevant complaints and appeals policy.

(33) If it is determined that the complaint was made in a frivolous or vexatious manner, this may also lead to disciplinary action including but not limited to those listed in the Student Discipline Policy or the Disciplinary Procedure.

(34) A complaint is considered closed if one of the following takes place:

a. It is withdrawn by the complainant
b. The parties concerned reach agreement
c. The manager leading Melbourne Polytechnic's response, as per the Accountability and Resonsibility section, makes a determination that the matter is to be closed
d. Melbourne Polytechnic determines that the matter requires investigation by an external agency: e.g Victoria Police.

Timeframes

(35) Complaints will be managed in a timely manner and ideally closed within 30 days.

Reviewing a decision

(36) Students can appeal a decision regarding sexual harm made against them under the Student Complaints and Appeals Policy.

(37) Employees can appeal a decision regarding sexual harm made against them under the Grievance Procedure.

(38) External parties can appeal a decision regarding sexual harm made against them with the Chief Executive.

External complaint options

(39) Students, staff or external parties may also lodge a formal complaint with the Victorian Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission, the Fair work Commission, Worksafe or the Victorian Civil and Administrative Tribunal at any stage in the process. Complaints can also be made to the Australian Cybersecurity Centre or the Australian eSafety Commissioner if the incident(s) took place online.

(40) Where a complaint is made against the Chief Executive, an Executive Director or a Director the matter will be referred to an independent investigator with the authority to do all that is necessary to resolve the matter.

Recordkeeping and Privacy

(41) Melbourne Polytechnic maintains a register of sexual harm disclosures, complaints and appeals of decisions. Access to this register is restricted to staff members who need to view and/or utilise the information contained within the register as part of their work for Melbourne Polytechnic.

(42) The use or disclosure of information gathered by Melbourne Polytechnic will be undertaken by relevant staff and for the purpose for which the information was collected.

(43) Information held in this register 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.

(44) Melbourne Polytechnic monitors and analyses information held in the register for trends related to disclosures or complaints. Where required, appropriate action will be instigated based on the results of this analysis.

(45) Melbourne Polytechnic periodically reports to its senior leadership de-identified information about sexual harm disclosures, complaints and appeals of decisions, for the purpose of ensuring the effective prevention of, and response to, sexual harm.

(46) All records related to a disclosure, complaint or appeal will be managed in accordance with the Melbourne Polytechnic's Privacy Policy and Records Management policy.

Support Options

(47) Support options for Students and Staff.

Section 4 - Accountability and Responsibility

(48) The Manager(s) listed here, or their delegate(s), are responsible to lead the resolution of complaints and to collaborate with the other managers if required:

a. The Manager Student Services leads where a student makes the disclosure or complaint, and collaborates where students are otherwise involved
b. The Manager Human Resources leads where an employee makes the disclosure or complaint, and collaborates where employees are otherwise involved
c. The Manager responsible for the external program or relationship leads where an external party makes the disclosure or complaint, and collaborates where external parties are otherwise involved.

(49) The officers listed here are responsible to maintain a confidential register of sexual harm disclosures, complaints and appeals of decisions, and ensure that monitoring and analysis are conducted and appropriate actions instigated as a result:

a. The Executive Director People and Student Success for the register pertaining to students

b. The Director People and Culture for the register pertaining to employees and external parties.

(50) The Manager Organisational Development is responsible to ensure that that all staff are aware of this procedure, and have the skills and knowledge to be able (within the limits of their role) to support students, staff and external parties who make a disclosure or complaint of sexual harm.

(51) All staff who receive a disclosure or complaint of sexual harm are responsible to make all reasonable efforts within the limits of their role to support the person making the disclosure or complaint as per this procedure.

(52) All staff who are involved in matters related to this procedure are responsible to maintain confidentiality.

Section 5 - Policy

(53) This Procedure is pursuant to the Sexual Harm Prevention and Response Policy.

Section 6 - Definitions

(54) For the purpose of this Procedure, the following definitions apply:

a. Complainant: person making the complaint or disclosure.
b. 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.
c. 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.
d. Duty of care: Melbourne Polytechnic is required to respond to disclosures and complaints of sexual harm in circumstances including but not limited to where:
    i. There is a risk to the health and safety of the individual making the disclosure or complaint, or other individuals
    ii. The disclosure or complaint involves a child under the age of 18, in which case Melbourne Polytechnic will treat the matter as per the Child Wellbeing and Safety Policy
    iii. The disclosure or complaint involves allegations of criminal activity, such as sexual assault or rape
    iv. More than one disclosure or complaint of sexual harm is made about an individual or individuals, which may constitute a pattern of harmful sexual behaviour.
e. Natural justice and procedural fairness: fully informing a person of any allegations(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.
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;
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

Status	Current
Effective Date	2nd June 2026
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Approval Authority	Executive Director People and Student Success
Approval Date	11th May 2026
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Policy Owner	Cathy Frazer Executive Director People and Student Success
Policy Implementation Officer	Karen Cook Manager Student Services
Author	Virginia Matthews Director Organisational Development
Enquiries Contact	Karen Cook Manager Student Services Student Services