

 <p>S P Jain School of Global Management DUBAI • MUMBAI • SINGAPORE • SYDNEY</p>	Staff Sexual Assault and Sexual Harassment Policy
Document Type	Policy
Administering Entity	Director – Human Resources, Vice President – Administration, Registrar and Heads of Campuses (HoCs)
Latest Approval/ Amendment Date	July 10, 2019
Last Approval/ Amendment Date	New Policy
Approval Authority	Board of Directors
Indicative time of Review	July 9, 2021

1. Purpose

- a. S P Jain School of Global Management (S P Jain) has zero tolerance for all forms of sexual assault and sexual harassment (SASH) and is committed to achieving and maintaining safe workplaces.
- b. Sexual harassment in any work-related context will not be tolerated under any circumstances. This Policy outlines S P Jain’s stance and general approach to matters of sexual misconduct.

2. Application

- a. This Policy applies to employees, agents and contractors (including temporary contractors) of S P Jain, collectively referred to in this Policy as ‘workplace participants’.
- b. 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

- a. Under the Australian Human Rights Commission Act 1986 (Cwlth), the Sex Discrimination Act 1984, Australia (CWLTH) 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 that apply in each jurisdiction.

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.

However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful. Examples of sexual harassment include:

- 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
- vii. displays of offensive material such as posters, screen savers, internet material etc
- viii. accessing or downloading sexually explicit material from the internet
- ix. suggestive comments about a person's body or appearance
- x. sending rude or offensive emails, attachments or text messages.

5. What is not sexual harassment?

- a. Behaviour which is consensual, welcome and reciprocated, and based on mutual attraction, friendship and respect is not sexual harassment.

6. Responsibilities of Workplace Participants:

- 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 harassment is not tolerated
 - iii. treating complaints and behaviour which may constitute sexual harassment seriously and taking immediate action at their level.
 - iv. treating complaints of sexual harassment with appropriate confidentiality
 - v. ensuring that a person is not victimised for making, or being involved in, a complaint of sexual harassment
 - vi. report any incident of sexual harassment that they have experienced or witnessed
 - vii. participate in any training provided on SASH
- b. To ensure effective communication, education and enforcement of the Policy and understanding of the responsibilities of workplace participants, S P Jain conducts training and awareness sessions on SASH at each of its campuses on a regular basis.

7. 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 Policy and Procedures and may have their employment terminated as a result.

8. 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 of Campus (HoCs).
- c. Management will ensure that all complaints of sexual harassment are investigated quickly and fairly and treated with complete confidentiality. Any student or staff member found guilty of perpetrating or condoning sexual harassment will be disciplined accordingly. This may include having their employment or enrolment terminated.
- d. If a staff member feels that they have been sexually harassed, the aggrieved person may make a complaint via the following procedure:
 - i. If a staff member believes or perceives that they are been sexually harassed, they should 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 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 harassment complaint, the staff member should provide as much of the following information as possible:
 - vi. The name, department and position of the person or persons allegedly committing harassment.
 - vii. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
 - viii. The effect of the incident(s) on the staff member's ability to work.
 - ix. The names of other individuals who might have witnessed the harassment or been subject to the same or similar harassment.
 - x. Any other information the staff member believes to be relevant.
 - xi. All complaints will be investigated promptly, fairly and confidentially by Human Resources.
 - xii. The investigation will involve interviewing the person or persons about whom the complaint has been lodged

- xiii. Any person who has a complaint of harassment made against them must be provided with an opportunity to respond to the allegations.
- xiv. 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.
- xv. Investigations may last between three days to maximum of three weeks.
- xvi. If the investigation finds that 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.
- xvii. 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.
- xviii. All documentation in relation to the complaint, investigation and outcomes must be filed securely in the Complaints Register Folder by Human Resources and a copy must be forwarded to Management upon completion of the investigation.

e. Human Resources is responsible for:

- i. Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint.
- ii. Explaining S P Jain's Sexual Harassment Policy and investigation procedures to all parties involved.
- iii. Exploring informal means of resolving sexual harassment complaints if appropriate.
- iv. Notifying the police if criminal activities are alleged.
- v. Arranging for an investigation of the alleged harassment and the preparation of a written report.
- vi. Submitting a written report summarising the results of the investigation and making recommendations to the Director - Human Resources.
- vii. Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.
- viii. Determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation. All complaints involving senior management at the vice-president level or above will be handled by an external third party.

9. Emergency Contact details:

- a. Internal emergency and external emergency contacts will be detailed in each Staff Campus Handbook

Related documents

- a. Critical Incident Policy
- b. Staff Campus Handbook
- c. Staff Code of Conduct Policy
- d. Staff Grievance and Compliant Policy and Procedures

