

 <p>S P Jain School of Global Management DUBAI • MUMBAI • SINGAPORE • SYDNEY</p>	Student Sexual Assault and Sexual Harassment Policy
Document Type	Policy
Administering Entity	Director – Human Resources, Vice President – Academic, Vice President – Administration, Registrar, Heads of Campuses (HoCs) and Student Counsellors
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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 learning environments.
- b. Sexual harassment in any teaching and learning 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 S P Jain students at all campuses.
- b. This Policy is not limited to S P Jain campuses or teaching or study hours. This Policy extends to all functions and places where students interact.

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.
- b. 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.
- c. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile learning environment for other students 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. Students are responsible for:
 - modelling appropriate behaviour
 - reporting any incident of sexual harassment that they have experienced or witnessed
 - ensuring that a person is not victimised for making, or being involved in, a complaint of sexual harassment
- b. To ensure effective communication, education and enforcement of this Policy and students' understanding of their responsibilities, S P Jain includes SASH awareness modules in orientation presentations at each of its campuses.

7. Breach of Policy:

- a. If any student commits, condones or encourages any form of sexual harassment, they will be subject to disciplinary processes in accordance with Student Grievance and Mediation Policy and Procedures and may have their enrolment terminated as a result.

8. Procedure for handling Sexual Harassment complaints for students

- 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 Head of Campus.
- 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 student feels that they have been sexually harassed, the aggrieved person may make a complaint via the following Procedure:
 - i. If student 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 student is either not satisfied with the outcome of their discussions with the harasser or feels uncomfortable about approaching the harasser on their own, the student should seek the assistance of a Student Counsellor or in absence of the Student Counsellor the Head of Campus and request intervention on their behalf
 - iii. The Student Counsellor's and Head of Campus's contact will be available in each Student Campus handbook
 - iv. If the matter is not resolved, the student should make a formal written complaint of harassment to the Students' Counsellor or in absence of the Student Counsellor the Head of Campus in writing via email or letter. The student 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 student should provide as much of the following information as possible:
 - The name, department and position of the person or persons allegedly committing 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 student's ability to learn
 - The names of other individuals who might have witnessed the harassment or been subject to the same or similar harassment
 - Any other information the student believes to be relevant
 - All complaints will be investigated promptly, fairly and confidentially by the Student Counsellor.

- vi. The investigation will involve interviewing the person or persons about whom the complaint has been lodged
 - vii. Any person who has a complaint of harassment made against them must be provided with an opportunity to respond to the allegations
 - viii. 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
 - ix. Investigations may last between three days to maximum of three weeks
 - x. If the investigation finds that sexual harassment has occurred, the Head of Campus will be consulted, and an appropriate response approved. This may include the perpetrator's enrolment being terminated
 - xi. Following the investigation, the complainant will be informed by the Head of Campus 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 through the Student Mediation and Grievance Policy or with in case of Sydney campus refer the matter to the Equal Opportunity Commission
 - xii. All documentation in relation to the complaint, investigation and outcomes must be filed securely in the Complaints Register Folder by the Student Counsellor and a copy must be forwarded to Management upon completion of the investigation.
- e. The Student Counsellor or in absence of the Student Counsellor the Head of Campus 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 Head of Campus
 - 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.

9. Emergency Contact details:

Internal emergency and external emergency contacts will be detailed in each Student Campus Handbook

Related documents

- a. Critical Incident Policy
- b. Student Code of Conduct Policy

c. Student Grievance and Mediation Policy and Procedures