

Sexual Misconduct

The Institute is committed to providing students with a safe learning environment free from sexual assault and sexual harassment and has zero tolerance for these behaviours.

In accordance with the Health, Safety and Wellbeing of Students Policy, the Institute provides access to support for students who have experienced, or been threatened with, sexual assault or sexual harassment, and provides students with options for disclosing and reporting incidents.

If you are in immediate danger or require urgent medical attention, call emergency services on 000 or contact the highest manager on site, such as the Branch Manager or Program Leader.

Sexual Assault

Sexual assault is unlawful and constitutes serious misconduct. It includes any unwanted or forced sexual act or behaviour that occurs without consent. Sexual assault occurs when a person indecently assaults another person or procures another person, without their consent, to commit a sexual act (Section 352, Criminal Code Act 1899 (Qld)).

Consent must be freely and voluntarily given by a person with the cognitive capacity to provide consent and can be withdrawn at any time. Consent cannot be given by a person who is unconscious, asleep or under the influence of drugs or alcohol.

Consent is not freely and voluntarily given where it is obtained by force, threat or intimidation, fear of bodily harm, exercise of authority, false or fraudulent representations about the nature or purpose of the act, or a mistaken belief induced by the other person that they were the person's sexual partner.

Sexual assault is:	Sexual assault is not:
> sexual intercourse without consent > oral sex without consent > anal sex without consent > groping or inappropriate touching of a sexual nature without consent	> a consensual sexual act or behaviour

Sexual Harassment

Sexual harassment is unlawful under the Anti-Discrimination Act 1991 (Qld) and the Sex Discrimination Act 1984 (Cth) and constitutes misconduct. It includes unwelcome or unsolicited conduct of a sexual nature that is offensive, humiliating, intimidating or threatening. The behaviour does not need to be repeated to constitute sexual harassment.

Conduct of a sexual nature can include statements made to or in the presence of a person, whether verbally or in writing. Whether conduct constitutes sexual harassment is considered having regard to whether a reasonable person would have anticipated the possibility that the person would be offended, humiliated or intimidated.

Sexual harassment is:	Sexual harassment is not:
One-off or repeated incidents of: › unwanted physical contact such as patting, pinching or touching in a sexual way › deliberately brushing against a person › sexual propositions › unwelcome remarks or insinuations about a person's sex or private life › suggestive comments about a person's appearance or body › offensive calls, texts, emails or social media posts of a sexual nature › subjecting a person to sexually offensive images	› sexual contact where consent has been freely given and has not been obtained through fear, intimidation, threats, force or a power imbalance › flirting that is invited and not unwelcome › attraction or friendship that is invited and not unwelcome › conduct of a non-sexual nature, although this may constitute harassment or bullying

Reporting and Disclosure

The Institute encourages students to report incidents of sexual assault or sexual harassment. An incident may be reported by the person affected, a bystander or another person with the affected person's consent.

A report or complaint can be made at any time following an incident, regardless of whether the incident has been reported to police.

The Institute supports people affected by sexual assault or sexual harassment to manage their response on their own terms and when they feel safe and confident to do so. There are, however, limits to confidentiality where child sexual abuse or assault is involved, or where there is a continued or immediate threat to the safety of the person or others.

A student may disclose an incident to a staff member or fellow student of their choice. The health, safety and wellbeing of the person making the disclosure is the priority.

When responding to a disclosure, students and staff should:

- › ensure privacy;
- › listen and respond with empathy and respect;
- › recommend or refer the person to specialised support;
- › recognise that the person may or may not wish to formally report the incident; and
- › look after their own wellbeing.

Students and staff who receive a disclosure and do not feel equipped to respond can refer the matter to the Program Leader or seek information from:

Liaison Officer – Hayley Wood
Email: hayley@aipc.net.au

The Institute does not tolerate victimisation and will take reasonable steps to ensure that people involved in a disclosure, report or complaint are not victimised.

Self-Help

Where a person feels confident and safe to do so, they may choose to address certain behaviour directly with the alleged perpetrator, verbally or in writing, by explaining that the behaviour is unwelcome and asking that it stop.

If the behaviour continues, the person may make an informal disclosure or lodge a formal complaint.

Self-help is not an option for incidents involving violence or sexual violence.

Informal Disclosure

A student may make an informal disclosure where they do not wish to take action against the alleged perpetrator but want to inform the Institute of the incident, understand their options or access support.

An informal disclosure will not result in an investigation or referral of the alleged perpetrator. A student may provide a verbal account to a staff member or fellow student or may have their disclosure recorded by emailing the Program Leader with relevant details about the incident.

The Program Leader will notify the Liaison Officer, who will contact the student to discuss the incident and provide appropriate support and referrals to external agencies where required. The Institute's response to an informal disclosure will be guided by the wishes of the person making the disclosure.

A record of the informal disclosure will be retained in case the person chooses to make a formal complaint in the future, where the alleged perpetrator remains a student of the Institute.

Formal Complaint

A formal complaint may be made at any time to the Program Leader and/or:

Liaison Officer – Hayley Wood
Email: hayley@aipc.net.au

The Liaison Officer will discuss the incident with the student, provide appropriate support and referrals to external agencies where required, and follow up with the student to help ensure they are receiving appropriate care and support.

What Happens After a Formal Complaint?

The Program Leader and Liaison Officer will consider the complaint and determine how the matter should be investigated. Information obtained through the investigation and options for addressing the matter are discussed with the Chief Executive Officer, with resulting actions managed under the relevant conduct policies.

The Institute's investigation considers whether a person has breached the Institute's Code of Conduct or another relevant policy or agreement. The Institute cannot determine whether a civil wrong or criminal offence has occurred, and an Institute investigation does not replace a criminal process.

Where a report concerns someone external to the Institute, the Institute may have limited ability to investigate the matter. Where there are serious allegations of criminal behaviour, the people involved should consider making a report to police.