

How to disclose or report sexual assault, sex discrimination or sexual harassment connected to TAFE NSW

Approved by: Chief People Officer
Approval Date: 4 March 2024

1. Purpose and Scope

Sexual harassment, sex discrimination and sexual assault have no place at TAFE NSW and will be responded to most seriously.

TAFE NSW is required to ensure the health and safety of students, staff, and visitors on our premises and is committed to providing a safe environment for all.

This guide supports TAFE NSW staff to understand their options to disclose or report incidents of sexual assault, sex discrimination or sexual harassment and the support services available to them. It applies to incidents:

- on TAFE NSW campuses or other places where study, work or work-related learning is undertaken as part of a TAFE NSW activity (e.g. placements);
- in virtual spaces (e.g. online forums or platforms) arranged or facilitated by TAFE NSW; and
- where staff or students are representing or affiliated with TAFE NSW.

Please see:

Attachment 1 for definitions and examples of sexual harassment and sexual assault.

Attachment 2 for a list of support services.

TAFE NSW Anti-Discrimination Procedure for additional information on sex discrimination

2. Medical support

2.1 Ensuring your own safety

- 2.1.1 In emergency situations, if you are in immediate danger or need urgent medical attention that requires the police and/or ambulance, call 000 first.
- 2.1.2 If you are on campus and involved in an emergency situation, after calling 000, you can raise an alert using the SAFEZONE APP if you have downloaded it to your mobile phone, or contact TAFE Campus Security Control Room on (02) 7921 3333 or the WHS Incident Hotline on 1800 316 600 as soon as possible so they can arrange to meet and assist emergency services.
- 2.1.3 If you are on campus and do not require the police or ambulance but need assistance, contact the TAFE NSW Security Control on (02) 7921 3333.
- 2.1.4 If you are not on campus first call 000, then contact the TAFE NSW Security Control Room on (02) 7921 3333 or the WHS Incident Hotline on 1800 316 600 for further assistance if you need it.

2.2 Accessing medical support

- 2.2.1 Further medical support services and their contact details are outlined in Attachment 2.

- 2.2.2 If you require assistance to access medical support, please contact either your manager or People & Culture Business Partner.

3. Counselling services

3.1 Accessing specialist sexual assault counselling

- 3.1.1 There are a number of free and confidential specialist sexual assault counselling services available, details of which are outlined in Attachment 2.
- 3.1.2 If you require assistance to access specialist sexual assault counselling services, please contact your manager or People & Culture Business Partner.

3.2 Accessing other crisis counselling

- 3.2.1 There are also a number of other crisis counselling services available, which provide 24/7 advice and support. Details of those services are outlined in Attachment 2.
- 3.2.2 If you require assistance to access other crisis counselling services, please contact your manager or People & Culture Business Partner.

4. Disclosing or reporting sexual assault, sex discrimination or sexual harassment

4.1 Options for informing TAFE NSW of sexual assault or sexual harassment

- 4.1.1 Staff can disclose or report sexual assault, sex discrimination or sexual harassment to TAFE NSW. All disclosures and reports of sexual assault, sex discrimination or sexual harassment will be taken seriously, managed fairly, and dealt with in a confidential and timely manner.
- 4.1.2 When a disclosure of sexual assault, sex discrimination or sexual harassment is made to TAFE NSW, the member of staff will be informed of the support services available to them and the internal and external reporting options if they wish to take the matter further.
- 4.1.3 If a member of staff wants TAFE NSW to take specific action in relation to the matter and it concerns the conduct of another TAFE NSW staff member or student, the member of staff can make a complaint or formal report.
- 4.1.4 Disclosures and formal reports can also be made by any member of the TAFE NSW community who observes or becomes aware of an incident of sexual assault, sex discrimination or sexual harassment involving a TAFE NSW student or staff.

4.2 Making a disclosure of sexual assault, sex discrimination or sexual harassment

- 4.2.1 Staff can disclosure or report sexual assault, sex discrimination or sexual harassment by sharing information about the incident to their manager or People & Culture Business Partner.
- 4.2.2 When a disclosure is made, the staff member will:
- 4.2.2.1 be informed of the counselling and medical support services available and be provided assistance to access these services if required; and
- 4.2.2.2 be provided with information about the internal and external reporting options available to them and provided assistance to make a report if required.

- 4.2.3 The manager or People & Culture Business Partner who receives the disclosure will also consider whether there are any measures that need to be implemented to ensure the safety of the staff member.
- 4.2.4 The manager or People & Culture Business Partner will seek the staff member's permission to make notes during or immediately after the discussion. Any notes will be stored securely and remain confidential.

4.3 Making an anonymous disclosure of sexual assault, sex discrimination or sexual harassment

- 4.3.1 Staff can submit anonymous disclosures of sexual assault, sex discrimination or sexual harassment by using the online complaint form. If a member of staff wishes to submit a disclosure anonymously, this may limit TAFE NSW's ability to address the matter and take action.

4.4 Making a complaint or formal report of sexual assault, sex discrimination or sexual harassment

- 4.4.1 Staff can make a complaint or formal report of sexual assault, sex discrimination or sexual harassment to their manager or a People and Culture Business Partner.
- 4.4.2 Once a complaint or formal report has been made, the matter will be investigated in accordance with the TAFE NSW Complaints Management Policy. TAFE NSW is only able to make findings in relation to whether a TAFE NSW staff member or student has committed misconduct in breach of TAFE NSW policies and procedures, not whether a criminal offence has occurred.
- 4.4.3 The investigation will determine whether, on the balance of probabilities, the reported sexual assault, sex discrimination or sexual harassment is substantiated. If the allegations are substantiated, TAFE NSW will determine whether the conduct amounts to a breach of the Code of Conduct or other TAFE NSW policies and procedures, including but not limited to breaches of the TAFE NSW Sexual Assault, Sex Discrimination and Sexual Harassment Policy.
- 4.4.4 Once the investigation of the reported sexual assault, sex discrimination or sexual harassment is complete, the complainant and respondent will be informed of the conclusion in writing.

4.5 Making an anonymous complaint or formal report of sexual assault, sex discrimination or sexual harassment

- 4.5.1 Staff can submit anonymous complaints or formal reports of sexual assault, sex discrimination or sexual harassment by using the online complaint form. If a staff member wishes to submit a complaint anonymously, this may limit TAFE NSW's ability to address and take action in relation to the matter.

4.6 Right to withdraw a disclosure or a report

- 4.6.1 Staff who make a disclosure or report of sexual assault, sex discrimination and/or sexual harassment can withdraw the disclosure or report at any stage of the process. However, TAFE NSW may continue to take action in relation to the disclosure or report to ensure the safety of those involved, including, for example, by continuing an investigation.

4.7 Potential outcomes of disclosures or reports of sexual assault, sex discrimination and sexual harassment

- 4.7.1 If a member of staff is found to have breached any TAFE NSW policies or procedures following a disclosure or report of sexual assault, sex discrimination and/or sexual harassment, disciplinary action may be taken depending on the severity of the conduct and its impact on the person who is the subject of the conduct. Examples may include:
 - 4.7.1.1 a caution, warning, or direction;
 - 4.7.1.2 mandatory completion of a relevant training program and/or meeting with a counsellor or relevant support service
 - 4.7.1.3 termination of their employment.
- 4.7.2 If it is appropriate in the circumstances and agreed to by the persons involved in the matter, one or more of the following actions may be taken:
 - 4.7.2.1 provision of a written apology by the respondent to the complainant;
 - 4.7.2.2 a facilitated discussion between the parties involved to provide an opportunity to express their thoughts and concerns in a safe and constructive environment and explore opportunities to find a positive way forward.

4.8 Review and appeal

- 4.8.1 If a member of staff is dissatisfied with the management or outcome of a disclosure or report, they can request a review or appeal a decision that has been made in accordance with the TAFE NSW Complaints Handling Policy.

5. Reporting the matter to the police or another external agency

5.1 Reporting the matter to the police

- 5.1.1 Any member of staff who has been sexually assaulted is encouraged to report the incident to the police.
- 5.1.2 Incidents can be reported directly to the NSW Police by calling 000 (emergency), calling the NSW Police Assistance Line on 131 444 (non-emergency), or in person at any police station. Incidents can also be reported to the police anonymously by completing the [Sexual Assault Reporting Option](#) (SARO).
- 5.1.3 If a member of staff decides to report an incident to the police, TAFE NSW will provide relevant information as required to assist police in their investigation.
- 5.1.4 In some circumstances, TAFE NSW is required by law to report disclosures or reports of sexual assault to the police. These include:
 - 5.1.4.1 under mandatory reporting obligations, TAFE NSW is required to report cases of suspected abuse of children and young people under the age of 18; and
 - 5.1.4.2 TAFE NSW has a legal duty to inform the police about a report concerning a serious indictable offence (which includes sexual assault).
- 5.1.5 If an incident has been reported to both TAFE NSW and the police, TAFE NSW may need to suspend any internal investigation of the incident until the police investigation is finalised to avoid the risk of either investigation process being compromised.

5.2 Reporting the matter to another external agency

- 5.2.1 A member of staff who has experienced sex discrimination can choose to report the matter to Anti-Discrimination New South Wales or to the Australian Human Rights Commission.
- 5.2.2 TAFE NSW will respect a staff member's choice as to whether or not they report the matter to the police or another external agency and will provide support and assistance to the staff member regardless of their decision.

6. Contacts

Accountable Officer Director of Workplace Relations
Responsible Officer Manager Professional Standards & Ethics

7. Document History

No	Date	Approved by	Amendment
1	4 March 2024	Chief People Officer	Version 1

ATTACHMENT 1 – WHAT IS SEXUAL ASSAULT AND SEXUAL HARRASMENT?

What is sexual and sex-based assault?

The term 'sex-based assault' is used to describe a range of sexual offences, from showing indecent images to another person, to kissing or touching them, as well as penetration of the person's body with a body part or object.

Sex-based assault is grouped into different types of offences:

Sexual acts: doing an act of a sexual nature with or towards another person without their consent, or making another person do an unwanted act of a sexual nature. This includes:

- a person showing another person their genitals ('flashing');
- a person sending another person an unwanted still or moving image of their own or someone else's genitals;
- making a person show another person their breasts, bottom, or genitals;
- masturbating in front of another person;
- pretending to masturbate in front of another person.

Sexual touching: kissing or touching a person's body in a sexual manner, without their consent. This includes unwanted touching of a person's breast, bottom, or genitals over the top of or under clothing that does not penetrate in any way.

Sexual assault: sexual intercourse (any form of penetration of the vagina, anus or mouth with another person's body part or object) without consent.

Aggravated sexual assault: is sexual intercourse without consent in circumstances of aggravation, for example if:

- They physically hurt or threaten to hurt the person;
- The victim-survivor is under 16 years of age;
- They use a weapon during the sexual assault;
- Other people are present and/or involved in the sexual assault;
- The victim-survivor has a severe disability;
- The abuser is an authority figure like a teacher, carer, or religious leader.

Consent: Sexual consent is when a person freely and voluntarily agrees to have sex or engage in any kind of sexual activity. A person cannot consent if they lack the capacity to understand what is taking place because of a cognitive disability, or because they are under 16. A person also cannot consent if they are:

- asleep or unconscious;
- significantly affected by drugs or alcohol;
- intimidated, coerced, or threatened;
- held against their will; or
- tricked, or under a mistaken belief, about the identity of the other person involved.

The [Sexual Assault Factsheet \(Your body, your choice\)](#) resource has been developed by the City of Sydney, Redfern Legal Centre and Study NSW in consultation with Rape Crisis NSW, NSW Health Sexual Assault Service and NSW Police and it has been translated into 11 different languages: [Arabic](#), [Chinese-Simplified](#), [ChineseTraditional](#), [Hindi](#), [Indonesian](#), [Korean](#), [Nepalese](#), [Portuguese](#), [Spanish](#), [Thai](#), [Vietnamese](#).

What is sexual harassment?

In the context of certain activities and relationships, sexual harassment is unlawful under anti-discrimination legislation. For example, sexual harassment of students by staff of TAFE NSW is unlawful, as is sexual harassment of staff by students. It is also unlawful for a staff member of TAFE NSW to sexually harass another staff member.

Sexual harassment: is when a person makes an unwelcome sexual advance, request for sexual favours or other unwelcome sexual conduct where a person is offended, humiliated, or intimidated. It includes:

- Unwelcome hugging, touching, kissing;
- Inappropriate staring or leering;
- Sexual gestures, indecent exposure, or pictures;
- Sending sexually explicit texts, emails, or other social media messages;
- Sexually suggestive comments or jokes;
- Repeated or inappropriate invitations to go out on dates or 'hook up';
- Intrusive questions about your personal life or physical appearance;
- Requests or pressure to have sex.

ATTACHMENT 2 – SUPPORT SERVICES

MEDICAL SUPPORT

[NSW Health Sexual Assault Services](#) provide free information, counselling, court support, medical treatment, and forensic examinations. They operate 24 hours a day in locations across NSW. For a full list, please visit [NSW Health](#).

For after-hours care or emergencies, go to the local hospital or call an ambulance.

COUNSELLING

Specialist sexual assault counselling

[NSW Rape Crisis Centre](#) provides free, confidential 24/7 telephone and online counselling for anyone who is experiencing, or has experienced sexual, domestic, or family violence, and help for their supporters and those experiencing vicarious trauma.

Phone: 1800 424 017

[1800RESPECT](#) is the national sexual assault, domestic and family violence counselling service and provides free, confidential 24/7 telephone and online counselling to:

- People experiencing, or at risk of experiencing, sexual assault, domestic or family violence
- Their friends and family
- Workers and professionals supporting someone experiencing, or at risk of experiencing sexual assault, domestic or family violence

Phone: 1800RESPECT (1800 737 732)

[Women's Health Centres NSW](#) are state-wide and provide free counselling for women, and free child sexual assault counselling for women, teens, boys, and girls.

Phone: 02 9560 086

[LGBTIQ+ Violence Counselling Service](#) provides 24/7 telephone counselling for anyone from the LGBTIQ+ community who is experiencing, or has experienced sexual, domestic, or family violence, and help for their supporters and those experiencing vicarious trauma.

Phone: 1800 497 212

Other crisis counselling

Lifeline provides 24/7 crisis support and suicide prevention. The telephone call service is available 24/7. Lifeline also offers a [Lifeline Crisis Chat](#) service between 12pm–2am (AEDT) and texting option between 12pm–2am (AEDT) at 0477 13 11 14

Phone: 13 11 14

Beyond Blue provides advice and support via telephone 24/7 (call 1300 22 4636), [daily web chat](#) (between 3pm–12am) and [email](#) (with a response provided within 24 hours).

Phone: 1300 224 636

Suicide Call Back Service provides free 24/7 telephone counselling support to people at risk of suicide, concerned about someone at risk, bereaved by suicide and people experiencing emotional or mental health issues.

Phone: 1300 659 467

TAFE NSW counselling and support

TAFE NSW Personal Counselling and Wellbeing Services

Students can drop into the counselling unit at their campus and make an appointment time or contact them via phone or email. Students have the ability to access TAFE Counsellors for urgent same day assistance. However, TAFE NSW counselling services have limited hours of operation and so it is important to know who to call in an emergency, particularly after hours. Find out more information about this by contacting your [local TAFE NSW](#).

TAFE NSW Employee Assistance Program for staff, a free and confidential counselling service is available through the TAFE NSW Employee Assistance Program, 0up-l/j8.

LEGAL ADVICE

LawAccess NSW is a free government telephone service that provides legal information, advice and referrals for people who have a legal problem in NSW. LawAccess NSW can refer you to a community legal centre that's most appropriate for your legal issue. Hours: 9am to 5pm, Monday to Friday.

Phone: 1300 888 529

Women's Legal Service NSW provides free confidential legal information, advice, and referrals for women in NSW with a focus on family law, domestic violence, sexual assault, and discrimination. Open Monday and Thursday: 9:30am–12:30pm, and Tuesday: 1:30pm–4:30pm.

Phone: 1800 801 501 or 02 8745 6988

Community Legal Centres (CLCs) are independent non-government organisations that provide free legal services to people and communities, at time when that help is needed most. CLCs can be contacted by telephone or email. To find the most appropriate CLC in NSW that may be able to assist you with a legal problem, please [answer a few short questions via the CLC online directory app](#).

[Legal Aid NSW](#) provides legal advice to disadvantaged clients across NSW in most areas of criminal, family, and civil law. Legal Aid NSW also assists people experiencing domestic and family violence. If you need legal help call LawAccess NSW on 1300 888 529 or [contact your local Legal Aid office](#).

[Witness Assistance Service](#) (WAS) assists and supports both victims of crime and vulnerable prosecution witnesses and is part of the Office of the Director of Public Prosecutions. The WAS assists victims and witnesses in the following ways:

- providing information about the legal process.
- providing information about victims' rights and special provisions for giving evidence.
- supporting victims and witnesses throughout the prosecution.

Phone: 1800 814 534

RELAY CALL OPTIONS AND INTERPRETING

[National Relay Services](#) provides a phone service for people who are deaf, have hearing impairment and/or speech impairment and people wanting to communicate with them. There are a number of call options:

- TTY users - phone 133 677 then ask for the phone number you wish to contact
- Speak and Listen (speech-to-speech relay) users - phone 1300 555 727 then ask for the phone number you wish to contact
- Internet relay users - visit the [National Relay Service website](#) and ask for the phone number you wish to contact.

[Translating and Interpreting Service](#) (TIS National) provides a 24/7 phone interpreting service.

Phone: 131 450