



# WENTWORTH INSTITUTE OF HIGHER EDUCATION

<b>Document: Non-academic Grievance Handling Policy and Procedure</b>		
<b>Approved by:</b> Wentworth Institute of Higher Education Pty Ltd Board of Directors	<b>Version: 1.0</b>	<b>Date: 05.20</b>

## 1. Overview

Wentworth Institute of Higher Education Pty Ltd (“WIN Higher Education”) is committed to developing and maintaining an effective, timely, fair and equitable grievance handling system which is easily accessible to all complainants.

WIN Higher Education aims to:

- Develop a culture that views grievances as an opportunity to improve the organisation and how it works;
- Set in place a grievance handling system that is client focussed and helps WIN Higher Education prevent grievances from recurring;
- Ensure that any grievances are resolved promptly, objectively and with sensitivity and in complete confidentiality;
- Ensure that the views of each complainant and respondent are respected and that any party to a grievance is not discriminated against nor victimised in any of the four stages set out in this policy; and
- Ensure that there is a consistent response to grievances.

A non-academic grievance can be defined as a person’s expression of dissatisfaction with the way they have been treated by another party, such as:

- Any incidents relating to sexual assault and/or sexual harassment (whether the incident occurred on campus or between parties off campus);
- Any incidents relating to bullying or any other form of intimidation (again whether the incident occurred on campus, online or in any other form); and
- Any other issue regarding student safety, health or wellbeing.

WIN Higher Education considers any incident of sexual harassment, sexual assault, bullying and intimidation as unacceptable behaviour, prohibited and in some circumstances, criminal. Any such behaviour will be considered a direct breach the Student Code of Conduct and will be dealt with in accordance with the Non-Academic Misconduct Policy for students.

## 2. Policy coverage

In relation to non-academic grievances, the term “complainant” applies to current students and past students of WIN Higher Education and persons seeking to enrol with WIN Higher Education.

Complainants are entitled to access the reporting and grievance procedures set out in this policy regardless of whereabouts in WIN Higher Education the incident has arisen, the mode in which they study or their place of residence.

## 3. Difference between disclosure and formal report

A disclosure is when a person tells somebody else about an incident that has happened to them, or that they have witnessed, or that they have become aware of. A person who discloses may not want to make a formal report but may just be looking for help with support and resources. A disclosure may or may not lead to a formal report and the student’s right to choose between a disclosure and a formal report will be respected.

A formal report is an official notification to WIN Higher Education for the purpose of investigation made by somebody affected by a particular incident, or by somebody on their behalf.

## 4. Definitions

**Sexual harassment** means any unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, and which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person would be offended, humiliated or intimidated.

Sexual harassment refers to a wide range of behaviours and includes behaviour which may be written, printed, verbal, non-verbal or physical, and also includes the transmission or display of inappropriate electronic communications or use of social media.

Examples include, but are not limited to:

- Physical intimacy or contact;
- Sexual jokes, images, emails, gestures, remarks or conversations;
- Intrusive personal questions;
- Spreading gossip about a person, such as sexual gossip;
- Requests for sexual acts or favours, or unwelcome or repeated gifts or requests for ‘dates’;
- Displays of sexually explicit images (for example; on electronic devices, social media, posters, or graffiti); and
- Offensive messages via social media, messenger apps, emails or SMS/MMS communications.

**Sexual assault:** is an offence under criminal law and may be referred to the police. It is a broad term describing all sexual offences against adults and children. It also describes a specific offence when a person has sexual intercourse with another person without their consent. Examples are:

- Rape;
- Physical molestation;
- Stalking;
- Indecent exposure;
- Sexual battery;
- Dating violence; and
- Incest.

Referral of a case to the police does not preclude WIN Higher Education from dealing with the matter through internal processes nor does the institution's processes substitute for a criminal process.

**Bullying** means an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

**Intimidation** means to frighten others, sometimes as a deliberate way of making them do something.

**First Responders** means the persons who provide appropriate support and information to anyone who has been subjected to an incident and who:

- Listen to the individual's complaint without judgement and guide the individual to the right services;
- Explain what a formal report involves and ask whether they would like to make a formal report;
- Explain that they can access support services without making a formal report; and
- Respect the individual's right to choose services and whether to make a formal report to the Institute or the police.

## 5. Procedure

### 5.1. What can you do if you are being sexually harassed, bullied, intimidated or feel unsafe at WIN Higher Education?

If you think you have been, or are being, exposed to any of the above there are several things you can do:

- Speak or write directly to the individual causing the concern;
- If possible and you feel able, promptly tell the offender directly or in writing that their behaviour is unsafe or unacceptable and request that it stop immediately;
- Seek advice;
- If you feel you are not able to speak or write to the offender yourself, seek advice from the Registrar at WIN Higher Education who may refer you to a confidential counselling service or specialist help; and
- Keep confidential records about the incident or a diary of incidents noting:
  - what happened;
  - when and where the harassing occurred; and
  - the names of witnesses.

### 5.2. How to lodge a disclosure or formal report

If you wish to make a **disclosure**, you can:

- Discuss your concerns in person with the Registrar or at the Student Success and Wellbeing Centre located on level 3 of the Elizabeth Street campus; or
- Contact the Student Success and Wellbeing Centre by phone (send an email to [info@win.edu.au](mailto:info@win.edu.au) for the current phone numbers of the Student Success and Wellbeing Centre); or
- Go online to advise the Student Success and Wellbeing Centre of your issue or concern. (send an email to [info@win.edu.au](mailto:info@win.edu.au) for the current online link to the Student Success and Wellbeing Centre).

If you wish to make a **formal report** about an alleged incident you (or your nominated first responder) may seek advice from the Registrar at WIN Higher Education for guidance on how to

proceed with making a formal complaint in accordance with the Non-academic Grievance Handling Policy and Procedure.

The Registrar at WIN Higher Education is a single point of contact to ensure that any formal reports are assessed in a compassionate, consistent and robust manner.

Students who have experienced sexual assault or sexual harassment may also choose to lodge a complaint with an external party such as the:

- NSW Police;
- NSW Anti-Discrimination Board; or
- Australian Human Rights Commission

WIN Higher Education is committed to supporting the student in their decision.

### **5.3. How do we manage the complaint?**

All complaints of sexual harassment, sexual assault, bullying and intimidation will be treated seriously, investigated promptly, impartially and confidentially.

Where the outcome of complaint investigation affirms that the claim is substantiated, WIN Higher Education will take appropriate disciplinary action against the offender(s) under the Student Non-Academic Misconduct Policy and/or other applicable relevant WIN Higher Education policy and procedure provisions.

WIN Higher Education considers the health, safety and wellbeing of our students who have experienced any incidents of this nature and we are committed to prevent any repeat behavior across the institution.

All complaints will be dealt with in accordance with the principles of natural justice, which means that:

- All parties involved are given an opportunity to present their case;
- The respondent is provided with notice and information about allegations made against them and information about their rights to advocacy ;
- The respondent is given a reasonable timeframe to respond;
- The person who makes a decision acts fairly and without bias, declares any possible conflict of interest, considers all the relevant evidence and bases any decision on evidence that supports it; and
- All parties are informed of the outcome and the reasons.

## **6. Support services**

WIN Higher Education is committed to ensuring the immediate safety, protection and wellbeing of any student who has experienced an incident as prescribed by this policy. This includes:

- Ensuring the individual has access to information regarding:
  - emergency health information;
  - counselling;
  - assistance with choosing whom to report the incident to (internally or externally) and the right to choose between making a disclosure versus a formal report;
  - referral to internal and external support services; and
- Endeavouring to minimise the number of times a student is asked to recount the experience.

## **7. Confidentiality and privacy**

WIN Higher Education ensures that information provided by any student who has lodged a formal complaint or disclosed an incident in relation to this policy is managed in a confidential way in accordance with the Privacy Policy. However, to ensure the safety of our students and staff, we may need to disclose information about the incident with key personnel within the institution to devise appropriate mechanisms of preventing any such incident occurring at the institution.

As part of our obligations, in certain cases, WIN Higher Education may be required to report an incident of sexual assault or sexual harassment to the police. We ensure that the circumstances have been explained to the student or staff member prior to making the disclosure.

## **8. Links to other policies and procedures**

This policy should be used in conjunction with the following related policies and procedures:

- *Student Non-Academic Misconduct Policy;*
- *Sexual Assault and Sexual Harassment Policy;* and
- *Privacy and Confidentiality Policy.*