

1. PURPOSE

To outline Holmesglen's:

- Commitment to ensuring an environment free from sexual harassment, sexual assault and gendered violence
- Processes for responding to complaints and disclosures of sexual harassment, sexual assault and gendered violence.

This policy is aligned with Holmesglen's Vision and ASPIRE values and operates in conjunction with Holmesglen's Code of Conduct.

2. SCOPE

Applies to all Holmesglen employees, learners, directors and other relevant persons.

3. POLICY STATEMENT

Holmesglen acknowledges that sexual harassment, sexual assault and gendered violence occurs within its community and that it is underreported and preventable. Holmesglen does not tolerate behaviour of this nature under any circumstances and is committed to:

- Providing a safe, inclusive and respectful environment for all members of the Holmesglen community
- Its Positive Duty and taking measures to eliminate sexual harassment, sexual assault and gendered violence so far as reasonably practicable
- Implementing a consistent process through its Sexual Harassment/Assault and Gendered Violence Prevention and Response Plan for managing incidents.

4. PRINCIPLES

Guiding prevention and action principles

- 4.1 Holmesglen respects intersectionality and is committed to maintaining safe and inclusive working and learning environments where all members are treated with dignity, courtesy and respect.
- 4.2 Holmesglen is committed to:
 - a) Fostering a culture free from sexual harassment, sexual assault and gendered violence
 - b) Proactively taking measures to eliminate sexual harassment, sexual assault and gendered violence, so far as reasonably practicable
 - c) Engaging with its community to develop and implement strategies to create awareness of and prevent sexual harassment, sexual assault and gendered violence.
- 4.3 Holmesglen's Sexual Harassment/Assault and Gendered Violence Prevention and Response Plan adheres to the Positive Duty Standards.
- 4.4 Holmesglen establishes appropriate standards of conduct for all members of the Holmesglen community. We provide education, training and communication on what constitutes sexual harassment, sexual assault and gendered violence and respectful behaviours to ensure an understanding of the rights and responsibilities of all.
- 4.5 Holmesglen encourages all members of its community to:
 - a) Report behaviour which breaches this policy. Refer [Appendix 1 - Reporting Disclosures or Complaints](#)

- b) Seek support if they experience or witness incidents or behaviour that may constitute sexual harassment, sexual assault and gendered violence
 - c) Make safe bystander interventions.
- 4.6 Holmesglen's procedures for handling complaints of sexual harassment, sexual assault and gendered violence are based on the principles of procedural fairness. Holmesglen:
- a) Handles all complaints in a sensitive, fair, timely and confidential manner
 - b) Prioritises the needs, values and preferences of complainants, listening, recognising and respecting their ability to make choices for themselves. Exceptions will apply for all mandatory reporting as required under law.

Disclosures and complaints

- 4.7 All members of Holmesglen's community can make a disclosure or complaint to Holmesglen about sexual harassment, sexual assault and/or gendered violence by any former or current member of the Holmesglen community that is related to their engagement with Holmesglen.
- 4.8 Holmesglen recognises the important role of bystanders in establishing a culture of trust and respect. Bystanders who witness or are aware of sexual harassment, sexual assault and/or gendered violence are encouraged to disclose this in accordance with this policy.
- 4.9 Individuals may make a complaint on behalf of another person (including a learner, employee, director or other relevant person) if the person:
- a) Is under 18 years of age.
 - b) Has a disability.
 - c) Has instructed such an individual to make a complaint on their behalf. Holmesglen may require evidence of these instructions.
- 4.10 The wellbeing and safety of persons making a disclosure or complaint will be prioritised. Holmesglen will support those making a disclosure or complaint using a trauma-informed approach as appropriate.
- 4.11 Holmesglen makes every effort to ensure that complainants do not experience any retaliation because they made a complaint.
- 4.12 A disclosure and/or complaint of a sexual harassment, sexual assault and/or gendered violence incident will be investigated, as far as is reasonably practicable.
- 4.13 Anonymous complaints about sexual harassment, sexual assault and/or gendered violence will be accepted by Holmesglen. However, Holmesglen's ability to investigate may be significantly impeded when a complaint is made anonymously.
- 4.14 A Sexual Harassment/Assault and Gendered Violence Committee may be established to consider appropriate actions for dealing with sexual harassment, sexual assault and/or gendered violence matters.
- 4.15 The choice of the complainant to report or to not report an allegation of a sexual offence to law enforcement will be respected unless Holmesglen is required by law to make such a report.
- 4.16 Mandatory reporting will apply for child safety incidents in accordance with the Child Safety and Wellbeing Policy.

Confidentiality and use of information

- 4.17 Holmesglen keeps all information regarding disclosures, reports, complaints and investigations confidential in accordance with Holmesglen's Privacy Policy. Holmesglen will disclose information to external agencies in accordance with its Privacy Policy or where it is required by law.
- 4.18 Holmesglen will maintain the anonymity of parties to disclosures or complaints of sexual harassment, sexual assault and/or gendered violence when reported to the Holmesglen Board.

- 4.19 The complainant and respondent must not disclose information about the matter, including the identity of the complainant or respondent, unless disclosure is for the purposes of seeking support. Disclosure may also be made to a lawyer, a police officer or a representative of another relevant statutory body.

Principles of investigation

- 4.20 All allegations of sexual harassment, sexual assault and/or gendered violence will be taken seriously and assessed using consistent, fair procedures regardless of circumstances.
- 4.21 Holmesglen investigations will be carried out in accordance with the principles of natural justice.
- 4.22 All investigations will be completed as expeditiously as possible in accordance with the Complaints Policy (Learners) or the Conduct, Complaints and Discipline Policy (Employees) as relevant.
- 4.23 Complainants and respondents may request updates about the investigation at any time.
- 4.24 At no time will the complainant and the respondent be required to meet with one another during any Holmesglen investigation process.
- 4.25 The occurrences of a person recounting traumatic experiences will be minimised in the investigation, as far as possible.
- 4.26 Holmesglen is unable to investigate instances of sexual harassment, sexual assault and/or gendered violence for the purposes of determining if a crime has occurred.
- 4.27 Holmesglen will pause all internal investigations into a disclosure or complaint where a law enforcement investigation is ongoing. Holmesglen employees are required to cooperate with law enforcement.

Determinations and interim measures made under this policy

- 4.28 The Institute may take interim measures to minimise the potential for harm to any person while a disclosure or complaint is investigated.
- 4.29 If Holmesglen finds that sexual harassment, sexual assault and/or gendered violence has occurred, any action will be proportionate to the nature of the incident and will consider the safety and wellbeing of the Holmesglen community. Respondents will be dealt with and sanctions implemented in accordance with the Conduct, Complaints and Discipline Policy (Employees) or Conduct and Discipline Policy (Learners) as relevant.
- 4.30 All records relating to a disclosure or complaint are held centrally and securely in accordance with Holmesglen's Information Security, Privacy and Records Management policies.
- 4.31 Complainants and respondents will be notified in writing of the outcome of an investigation including their options for further action if they are not satisfied with Holmesglen's response.

Risk assessment and reporting

- 4.32 Holmesglen implements risk assessment processes to further enhance organisational understanding and accountabilities to identify, assess and mitigate the risks associated with sexual harassment, sexual assault and gendered violence.
- 4.33 Reporting occurs in accordance with Holmesglen's Compliance Plan and Risk Management Plan, and its legislative and regulatory obligations.

5. ACCOUNTABILITIES

ACTION	ACCOUNTABILITY
<ul style="list-style-type: none"> Oversee the implementation of this policy. Report to the Board on disclosures and complaints of sexual harassment, sexual assault and gendered violence, and investigation outcomes. Take appropriate action where a complaint is found to have substance. 	Chief Executive
<p>Oversee the:</p> <ul style="list-style-type: none"> education, training and communication on what constitutes sexual harassment, sexual assault, gendered violence and respectful behaviours disclosure process and points of contact to make a disclosure of any incident of sexual harassment, sexual assault and/or gendered violence or to seek support and advice complaints process and initial review and assessment to determine risk to the complainant and support measures required implementation of required support measures. 	<p>Executive Director People, Global Relations and Industry Engagement</p> <p>Executive Director Engagement and Support</p>
<ul style="list-style-type: none"> Model respectful behaviour and report any behaviour which breaches this policy. Ensure confidentiality of all information regarding disclosures, reports, complaints and investigations at all times. 	<p>Employees</p> <p>Learners</p> <p>Directors</p> <p>Relevant persons</p>
<ul style="list-style-type: none"> Develop and implement the Sexual Harassment/Assault and Gendered Violence Prevention and Response Plan. Review and assess the effectiveness of measures to eliminate sexual harassment, sexual assault and gendered violence. Provide an annual report to the Board of actions and outcomes of the Sexual Harassment/Assault and Gendered Violence Prevention and Response Plan and recommend updates or improvements as relevant. 	Associate Director People
<ul style="list-style-type: none"> Ensure reporting obligations to Holmesglen's governing bodies and regulatory agencies are met. 	<p>Chief Executive</p> <p>Associate Director People</p> <p>Executive Director Education and Applied Research</p> <p>Executive Director Engagement and Support</p> <p>Child Safety Officer (as relevant)</p>
<ul style="list-style-type: none"> Manage disclosures and complaints under this policy including the complaints investigation processes and escalate complaints of alleged sexual harassment, sexual assault or gendered violence to the Sexual Harassment/Assault and Gendered Violence Committee, as applicable. Refer complainant(s) and the respondent(s) to appropriate support services. 	<p>Associate Director People</p> <p>Lead Investigator, Student Complaints and Appeals</p> <p>Executive Director Engagement and Support</p>

ACTION	ACCOUNTABILITY
<ul style="list-style-type: none"> ▪ Maintain all records relating to the management of a disclosure or complaint dealt with under this policy. ▪ Advise the complainant(s) and the respondent(s) in writing that a matter will lapse when judged by the Committee as not having substance. ▪ Report on incidents, complaints and investigation outcomes of alleged sexual harassment, sexual assault, and gendered violence. 	
<p>Convene the Sexual Harassment/Assault and Gendered Violence Committee when required to consider appropriate actions for dealing with sexual harassment, sexual assault and/or gendered violence matters.</p>	<p>Chief Executive Associate Director People Executive Director Engagement and Support</p>
<ul style="list-style-type: none"> ▪ Understand Holmesglen's positive duty obligations and have an up-to-date knowledge of the obligations. ▪ Ensure appropriate measures for preventing and responding to sexual harassment, sexual assault and gendered violence are developed, recorded, communicated and implemented. ▪ Review the effectiveness of measures to eliminate sexual harassment, sexual assault and gendered violence. ▪ Consider and adopt appropriate procedures in dealing with any complaints of alleged sexual harassment, sexual assault and/or gendered violence against any member of the Sexual Harassment/Assault and Gendered Violence Committee. ▪ Regularly review the risks associated with sexual harassment, sexual assault and gendered violence. ▪ Review and endorse the Sexual Harassment/Assault and Gendered Violence Prevention and Response Plan annual report. 	<p>Chair Directors Executive Directors Associate Director People</p>
<ul style="list-style-type: none"> ▪ Understand the obligations under the Sexual Harassment/Assault and Gendered Violence Prevention and Response Plan. ▪ Ensure the implementation of Sexual Harassment/Assault and Gendered Violence Prevention and Response Plan. 	<p>Executive Directors Associate Director People</p>
<ul style="list-style-type: none"> ▪ Understand the obligations under Sexual Harassment/Assault and Gendered Violence Prevention and Response Plan. ▪ Ensure effective implementation of processes under this policy. 	<p>Managers</p>
<p>Review complaints and consider the evidence provided through the initial investigation, where appropriate, and:</p> <ul style="list-style-type: none"> ▪ Determine the appropriate course of action based on the complaint ▪ Maintain all documentation relating to the committee's activities. 	<p>Sexual Harassment/Assault and Gendered Violence Committee (as established)</p>

6. DEFINITIONS

TERM	MEANING
Bystander	Someone who witnesses an incident.
Complaint	A report of sexual harassment, sexual assault and/or gendered violence made by an individual.
Complainant	Any person who makes a complaint of sexual harassment, sexual assault and/or gendered violence to Holmesglen.
Consent	In the context of sexual activities, a free and voluntary agreement between people to engage in sexual activities. Other important elements of consent are that it is mutual, informed, certain and clear, reversible, specific and required throughout the activity (TEQSA, Good Practice Note).
Discloser	Any person who discloses information about alleged sexual harassment, sexual assault and/or gendered violence.
Disclosure	Information provided to Holmesglen about alleged sexual harassment, sexual assault and/or gendered violence.
Employees	All full-time, part-time, and casual employees of Holmesglen Institute.
Gendered violence	<p>Gendered violence (or gender-based violence) is any physical or non-physical behaviour directed at, or affecting, a person or group because:</p> <ul style="list-style-type: none"> ▪ of their: <ul style="list-style-type: none"> – sex – sexual orientation – gender – gender identity ▪ they do not adhere to socially prescribed gender roles. <p>Gendered violence comes in many forms including:</p> <ul style="list-style-type: none"> ▪ sexual harassment and assault ▪ physical assault ▪ offensive language and imagery ▪ verbal abuse ▪ innuendo, insinuations and put-downs ▪ stalking, intimidation or threats ▪ sexually explicit gestures ▪ ‘deadnaming’ someone by deliberately: <ul style="list-style-type: none"> – misgendering them – using incorrect pronouns – not using their preferred name ▪ ostracism, exclusion, discrimination or victimisation. <p>Gendered violence can be a one-off incident or repeated behaviour.</p>
Incident	In the context of this policy means all disclosures and / or complaints of sexual harassment, sexual assault and/or gendered violence.
Intersectionality	Refers to the ways in which different aspects of a person’s identity can expose them to overlapping forms of discrimination and marginalisation.

TERM	MEANING
Learners	Any person enrolled in a course offered by Holmesglen including secondary courses, vocational education and training, higher education courses, microcredentials and short courses.
Positive Duty	Introduced under the Sex Discrimination Act in December 2022 to move organisational accountability from being reactive to reports of sexual harassment and related unlawful behaviours to proactive prevention.
Reasonable and proportionate	As defined by the Equal Opportunity Act 2010, the following factors must be considered. <ul style="list-style-type: none"> ▪ Size of the person's business or operations. ▪ Nature and circumstances of the person's business or operations. ▪ Person's resources. ▪ Person's business and operational priorities. ▪ Practicability and the cost of the measures.
Relevant persons	Includes external members of governing bodies, committees and panels, labour hire/agency workers, contractors, visitors, volunteers and suppliers within the Holmesglen community.
Sexual harassment	Unwelcome sexual behaviour that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances. Sexual harassment can be a one-off incident or a pattern of behaviour. It can involve unwanted or unwelcome: <ul style="list-style-type: none"> ▪ touching ▪ staring or leering ▪ suggestive comments or jokes ▪ sexually explicit pictures or posters ▪ repeated invitations to go out on dates ▪ requests for sex ▪ intrusive questions about a person's private life or body ▪ unnecessary contact, such as deliberately brushing up against a person ▪ insults or taunts based on sex or gender ▪ sexually explicit physical contact ▪ sexually explicit emails, text messages or social media activity ▪ any other unwelcome conduct of a sexual nature. Sexual harassment is not sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated.
Sexual assault	As defined by the Crime Act 1958 (Vic) (section 40) means a person intentionally touching another person who does not consent to the touching; and the touching is sexual; and the person touching does not reasonably believe that the other person consents to the touching. This includes sexual abuse, rape, indecent behaviour, indecent assault, sexual molestation, incest, child sexual abuse, child sexual assault and/or touching.
Sexual Harassment/Assault and	Must include at least three members. Members must not have a conflict of interest and ensure balanced representation.

TERM	MEANING
Gendered Violence Committee	<p>For employee complaints</p> <p>Consists of the Chief Executive or nominee (Committee Chair), Associate Director People and at least one other co-opted member.</p> <p>For learner complaints</p> <p>Consists of the Chief Executive or nominee (Committee Chair), Executive Director Engagement and Support, Lead Investigator Student Complaints and Appeals and/or Manager Student Wellbeing and/or other co-opted members, as required.</p>
Positive Duty Standards	The standards as prescribed by the Victorian Equal Opportunity & Human Rights Commission and the Australian Human Rights Commission.
Trauma-informed	<p>Being 'trauma-informed' means:</p> <ul style="list-style-type: none"> ▪ understanding trauma and its impacts ▪ promoting safety ▪ supporting choice and control for the individual affected ▪ fostering safe and trusting relationships where disclosures of trauma are possible and are responded to appropriately ▪ understanding that recovery is possible for everyone. <p>Being trauma-informed also involves understanding how the individual's whole identity and cultural context influences perception of, and response to, traumatic events and the recovery process.</p>

7. CONTEXT AND/OR REFERENCED DOCUMENTS

Internal

Code of Conduct
Conduct Rule
Conduct, Complaints and Discipline Policy (Employees)
Conduct and Discipline Policy (Learners)
Complaints Policy (Learners)
Compliance Plan
Child Safety and Wellbeing Policy
Diversity Equity and Inclusion Policy
Information Security Policy
Occupational Health and Safety Policy
Privacy Policy
Records Management Policy
Risk Management Rule
Risk Management Plan

External

Charter of Human Rights and Responsibilities Act 2006 (Vic)
Child Wellbeing and Safety Act 2005 (Vic)
Crimes Act 1958 (Vic)
Education Services for Overseas Students (ESOS) Act 2000 (Cth)
Equal Opportunity Act 2010 (Vic)
Fair Work Act 2009 (Cth)

Gender Equality Act 2020 (Vic)

Good Practice Note: Preventing And Responding to Sexual Assault and Sexual Harassment in the Australian Higher Education Sector (TEQSA)

Guideline: Preventing and Responding to Workplace Sexual Harassment (Victorian Equal Opportunity & Human Rights Commission)

Guidelines for non-school providers: Minimum standards for registration to provide an accredited senior secondary or foundation secondary course

Higher Education Standards Framework (Threshold Standards) 2021 (Cth)

Independent Broad-based Anti-Corruption Commission Act 2011 (Vic)

Occupational Health and Safety Act 2004 (Vic)

Positive Duty Standards under the Sex Discrimination Act 1984 (Cth)

Positive Duty Standards under the Equal Opportunity Act 2010 (Vic)

Protected Disclosure Act 2012 (Vic)

Sex Discrimination Act 1984 (Cth)

Standards for Registered Training Organisations 2025

Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)

8. REVIEW

8.1 This policy must be reviewed no later than three years from the date of approval.

8.2 The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

9. VERSION HISTORY

VERSION NUMBER	DATE	SUMMARY OF CHANGES
1	July 2019	Updated into new format
2	February 2020	Minor update to the purpose of the policy.
3	August 2025	Updated for positive duty obligations under the Equal Opportunity Act (Vic) and Sex Discrimination Act (Cth), obligations in relation to gendered violence, and accountabilities in alignment with the organisational chart.

APPENDIX 1 – REPORTING DISCLOSURES OR COMPLAINTS

All disclosures and complaints of sexual harassment, assault and/or gendered violence are handled in accordance with the Complaints Policy (Learners), Conduct, Complaints and Discipline Policy (Employees) and Child Safety and Wellbeing Policy as relevant. The following table outlines who to submit a disclosure or complaint to and the position or function that will be notified of the disclosure or complaint.

Person lodging a disclosure or complaint	Respondent of a disclosure or complaint	Submit disclosure or complaint to	Position or function to be notified on submission
Learner	Learner	Learner complaints process at complaints@holmesglen.edu.au	Associate Director People Executive Director Engagement and Support Child Safety Officer (as relevant)
Learner	Employee or relevant person	Learner complaints process at complaints@holmesglen.edu.au	Associate Director People Executive Director Engagement and Support Child Safety Officer (as relevant)
Learner	Lead Investigator or Student Complaints and Appeals Coordinator	Executive Director Engagement and Support	Associate Director People Chief Executive Child Safety Officer (as relevant)
Employee	Learner	Lead Investigator Student Complaints and Appeals or Executive Director Engagement and Support Alternatively, submit via learner complaints process at complaints@holmesglen.edu.au	Associate Director People Child Safety Officer (as relevant)
Employee	Employee or relevant person	Associate Director People	Chief Executive
Relevant person	Employee	Associate Director People	Chief Executive
Relevant person	Learner	Lead Investigator Student Complaints and Appeals or Executive Director Engagement and Support Alternatively, submit via learner complaints process at complaints@holmesglen.edu.au	Associate Director People Child Safety Officer (as relevant)
Employee, relevant person or learner	Board Chair or Director	Chief Executive	Associate Director People

Person lodging a disclosure or complaint	Respondent of a disclosure or complaint	Submit disclosure or complaint to	Position or function to be notified on submission
Board Chair or Director	Employee	Associate Director People	Chief Executive
Board Chair or Director	Learner	Executive Director Engagement and Support Alternatively, submit via learner complaints process at complaints@holmesglen.edu.au	Associate Director People Child Safety Officer (as relevant)
Learner, employee, Board Chair, Director or other relevant person	Associate Director People Executive Director	Chief Executive	
Learner, employee, director or other relevant person	Chief Executive	Board Chair	