

SWINBURNE STATEMENT OF PRACTICE ON THE PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (SEAH)

Title and Scope

The Swinburne Statement of Practice on the Prevention of Sexual Exploitation and Harassment (PSEAH) outlines Swinburne University of Technology's commitment to the prevention and reporting of sexual exploitation, abuse and harassment (SEAH).

The statement pertains to the engagement of Swinburne's students, staff and partners with vulnerable communities while on overseas student mobility programs. Overseas student mobility activities include semester and short-term exchange, overseas study tours and overseas internships.

The Statement of Practice (SOP) supports Swinburne's People Culture and Integrity Policy by providing guidance on additional reporting requirements specific to 'overseas student mobility programs' in line with the Australian Government's Department of Foreign Affairs and Trade (DFAT) Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) Policy. This SOP sets out expectations and requirements for delivery of all programs supported by the Australian Department of Foreign Affairs and Trade (DFAT).

Statement of Commitment

Swinburne University has a zero-tolerance approach to sexual exploitation, abuse or harassment (SEAH) in any form and is committed to providing a safe, respectful and inclusive environment to all students, staff and the overseas communities with which we engage.

Our commitment to preventing and addressing SEAH extends to all Swinburne's overseas student mobility programs.

Purpose of the Statement of Practice:

This Statement of Practice will assist in providing clear guidance to all Swinburne staff, students and partners involved in the delivery of overseas mobility programs relating to PSEAH, including expectations of behaviour and reporting obligations.

This Statement of Practice will also assist Swinburne to meet our compliance obligations with external and internal parties in respect to Sexual Exploitation, Abuse and Harassment.

Scope of Statement of Practice

This Statement of Practice applies to the following parties within an overseas student mobility program

- Swinburne students
- Swinburne staff (including ongoing, sessional and PHD students)
- Swinburne partners (including third party providers, community organisations/non-government organisations)

- Communities with whom our students/staff and partners engage through a program.

Principles underpinning the Statement of Practice

This Statement of Practice is underpinned by the following principles. These principles are adopted from DFAT's PSEAH Policy and reflect Swinburne's commitments to address SEAH.

1. Zero tolerance of inaction
2. Strong leadership to accelerate culture change
3. PSEAH is a shared responsibility
4. Victim/survivor needs are prioritised
5. Gender inequality and other power imbalances are addressed
6. Strong reporting to enhance accountability and transparency

Working with partners

Swinburne works closely with partners in-country during overseas student mobility programs. Swinburne's partners allow Swinburne to function at scale and act as a connection to the many communities our programs engage with.

Therefore, these partners are important in managing the risk of SEAH.

These partners assist in consultation with communities, ensuring awareness of expected behaviours, promoting access to complaints mechanisms, managing the behaviours of their staff and responding to complaints or incidents.

Swinburne partners are required to have their own PSEAH policy and procedures (or have them embedded in their policy framework) including how SEAH incidents will be managed, reported and investigated.

These should align to Swinburne's PSEAH Statement of Practice and DFAT's PSEAH Policy.

Swinburne ensures that its approach to SEAH is reflected in all partnership agreements and monitors associated risk, actively reducing risk where necessary with joint compliance training.

Swinburne works with its partners to:

- Conduct risk assessments of all mobility programs, including risks of SEAH
- Develop relevant mitigation strategies as deemed appropriate that are compliant with DFAT PSEAH minimum standards
- Ensure that risk identification and any mitigation strategies that are deemed appropriate are incorporated into the design of mobility programs and are reviewed through ongoing monitoring

Statement of Practice linkages

The Swinburne SEAH Statement of Practice links to the following Swinburne policies and procedures

- <https://www.swinburne.edu.au/about/jobs/why-work-at-swinburne/our-workplace/>
- <https://www.swinburne.edu.au/intranet/your-employment/health-safety-wellbeing/safety/staying-safe/preventing-sexual-assault-harassment/>
- <https://www.swinburne.edu.au/about/strategy-initiatives/safety-equity/sexual-assault/>
- <https://www.swinburne.edu.au/about/leadership-governance/policies-regulations/policies/people-culture-integrity/unacceptable-behaviour/#Anchor3>
- <https://www.swinburne.edu.au/about/leadership-governance/policies-regulations/procedures-guidelines/improper-conduct-whistleblowing/>

Standards of Conduct

Mandatory standards of conduct for all staff, students, partners and community members engaged on overseas student mobility programs include:

- Prohibition of any form of sexual exploitation, abuse and harassment
- Mandatory reporting of any suspected or alleged cases of SEAH perpetrated by anyone within scope of the Statement of Practice in connection with any overseas student mobility program
- Establishing and maintaining an environment in which students, staff, partners and communities understand expected behaviours and how to raise complaints and concerns
- Strictly no transactional sex or fraternisation by any Swinburne student or staff

The Swinburne SEAH Statement of Practice standards of conduct are included in all student, staff and partner agreements and in training.

Recruitment

This Statement of Practice commits to the recruitment and screening of students, staff and partners to ensure a strong commitment to assist in the prevention of SEAH for all Swinburne overseas student mobility programs

Swinburne's expressed values and approaches include the following

- <https://www.swinburne.edu.au/about/jobs/why-work-at-swinburne/our-workplace/>
- <https://www.swinburne.edu.au/about/strategy-initiatives/safety-equity/sexual-assault/>

New staff and student inductions to Swinburne raise awareness of the risks associated with SEAH in an effort to assist in the prevention of SEAH.

All students and staff will be advised before applying for overseas student mobility programs that they must adhere to standards of conduct for the prevention of SEAH.

All new partners will be advised before being appointed that they must adhere to standards of conduct for the prevention of SEAH.

Communicating the Statement of Practice

The Swinburne SEAH Statement of Practice is available to all internal and external stakeholders on the Swinburne website.

The Swinburne SEAH Statement of Practice is disseminated to relevant staff and partners.

The Swinburne SEAH Statement of Practice is communicated to students seeking to participate in a Swinburne overseas program.

The Global Mobility team as part of Swinburne International ensures ongoing training for all staff and students involved in the delivery of overseas student mobility programs and ensure partners are in receipt of the SEAH Statement of Practice.

The SEAH Statement of Practice is included in student, staff and partner agreements as well as training sessions such as pre-departure sessions for both students and staff.

Reporting

Swinburne has one official Swinburne PSEAH contact for reporting any SEAH incidents in mobility programs to DFAT. The Swinburne PSEAH contact handles all reporting sensitively.

The Associate Director, Global Mobility (ADGM) is the Swinburne PSEAH contact for all SEAH reporting to DFAT.

Stewart Collins

Associate Director, Global Mobility

Email - sjcollins@swin.edu.au

Responsibilities to Report

All students, staff, partners and communities within the scope of this Statement of Practice are obliged to report

- Any suspected or alleged incidents of sexual exploitation, abuse or harassment
- Any non-compliance with this Statement of Practice

The Swinburne PSEAH contact must report any incident of SEAH to the Pro-Vice Chancellor (International) and the Swinburne Safer Community team. In the case of a New Colombo Plan program, Swinburne must also report to DFAT. In terms of reporting time frames, the following will apply there are mandatory reporting rules.

- Any suspected or alleged incidents of SEAH to be reported to Pro-Vice Chancellor (International), the Swinburne Safer Community team and (if New Colombo Plan program) DFAT, within 2 days of incident
- Any non-compliance with this Statement of Practice to be reported to Pro-Vice Chancellor (International), the Swinburne Safer Community team and (if New Colombo Plan program) DFAT, within 5 days of incident

Swinburne also has a whistleblowing policy that staff can refer to when reporting a SEAH incident

<https://www.swinburne.edu.au/about/leadership-governance/policies-regulations/procedures-guidelines/improper-conduct-whistleblowing/>

Swinburne has a commitment to report alleged SEAH incidents that involve a criminal aspect to the correct local law enforcement agency where it is safe to do so and is in accordance with the wishes of the victims/survivors.

Managing Incident reporting

For any DFAT programs, Swinburne is obliged to report to DFAT directly any SEAH incidents. In addition, all SEAH incidents and incidents of non-compliance must be subject to an internal process.

Swinburne's internal SEAH incident reporting process includes the following steps.

- Incident notification form to be completed
- Time that incident form must be lodged
- Referral to official authorities as deemed applicable
- Support offered for PSEAH victims/survivors
- Record details of internal investigation process of incident.

All incidents must be reported to the Swinburne PSEAH contact. The Swinburne PSEAH contact will then report to the Pro-Vice Chancellor (International) and the Safer Community unit. In the case of a New Colombo Plan programs, the incident will also need to be sent to seah.reports@dfat.gov.au

Responsibilities for DFAT programs are listed on www.dfat.gov.au/pseah

If an alleged SEAH incident has a criminal aspect, when safe to do so and in accordance with the wishes of victims/survivors or whistle blowers, the incident should be reported to law enforcement authorities

Risk Assessment

A risk assessment must be completed for all program types. This risk assessment must seek to ensure the protection and safeguarding of vulnerable people.

Each risk assessment involves the completion of a risk matrix that considers the DFAT PSEAH minimum risk requirements. Each risk assessment must be completed by Swinburne International with input from relevant academic program leaders. This risk assessment will be in place before an overseas student mobility program is confirmed to run. There must also be due diligence undertaken for all partners and assessment of the partners PSEAH management.

All risk assessment procedures and due diligence of partners must be documented as a record and kept in Swinburne TRIM

Definition of Terms*

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual harassment: Unwanted physical, verbal or non-verbal conduct of a sexual nature that can include indecent remarks or sexual demands.

Transactional sex: The exchange of money, employment, goods, services or other benefit for sex, including sexual favours.

Safeguarding: Actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds.

*(Source: the UN Secretary General's Bulletin on protection from sexual exploitation and abuse.)

Statement of Practice Management

This Statement of Practice is Version 1, July 2020.

This Statement of Practice will be reviewed again in June 2021.

S Collins, Swinburne International