



Sexual Harassment and Sexual Assault Prevention and Response Policy

Scope

This policy applies to:

- **Students:** Enrolled in any Kaplan course, in-person or online.
- **Employees & Contractors:** Employees, consultants, contractors, and volunteers.
- **Visitors & Third Parties:** Including accommodation and integrated learning providers.
- **All Locations:** Including Kaplan campuses, online platforms where the conduct is in connection with employment or study, work integrated learning, and any situation where a Kaplan student or staff member represents the organisation.

Outside Scope

At times, sexual harassment may be disclosed or reported as occurring outside the scope of this Policy, including but not limited to occurrences at a third-party site such as a private venue, event or occasion not connected with or facilitated by Kaplan. In these cases, the matter will not be investigated by Kaplan, but support services and referrals will be offered as appropriate, including support through Kaplan's Wellbeing Program such as in-house student counsellors and Kaplan's Employee Assistance Provider through Sonder.

Purpose

- To establish clear standards of behaviour regarding sexual harassment and sexual assault for all Kaplan employees and students.
- To outline the processes for reporting and addressing complaints.
- Demonstrate Kaplan's commitment to a culture of respect, safety, and accountability in alignment with Australian and New Zealand laws as well as education regulator (TEQSA, ASQA and NZQA) guidelines.

Commitment

Kaplan maintains a **zero-tolerance position** to sexual harassment and sexual assault and is committed to:

- Proactive prevention, education, and response measures.
- Ensuring no victimisation or retaliation against individuals who report misconduct.
- Confidentiality and trauma-informed response when handling reports.
- Providing accessible reporting mechanisms and support services.

Kaplan recognises that some individuals - including international students, LGBTIQ+ individuals, and people with disabilities - may face additional barriers to reporting or seeking support. Kaplan commits to ensuring culturally safe, accessible, and inclusive reporting and support mechanisms to be accessible to these groups.



Kaplan also acknowledges its legal obligations under the Sex Discrimination Act, Australian and New Zealand WHS regulations, New Zealand Human Rights Act (1993) and New Zealand's Employment Relations Act 2000 to proactively take steps to eliminate risks of sexual harassment, sexual assault and discrimination, or where that is not reasonably practicable, minimise these risks. See section – *Prevention and Education*.

Definitions

First Responder is a trained staff member who provides initial support, guidance, and information to individuals disclosing sexual harassment, ensuring they feel heard and informed about their options.

Sexual harassment (as described in s 28A of the Sex Discrimination Act 1984 (Cth)) is any conduct:

- that is *unwelcome* behaviour that is not consensual or not wanted
- of a *sexual nature* (a sexual advance, request for sexual favours or other conduct of a sexual nature)
- that a *reasonable person* (aware of all the circumstances) would anticipate could possibly make the person subjected to the conduct feel *offended, humiliated or intimidated*.¹
- It can be physical, verbal or written, including through online and phone communication.

Examples of behaviour that could be sexual harassment in the workplace include:

- unwelcome or inappropriate touching, hugging, cornering or kissing.
- inappropriate staring or leering that makes the other person feel intimidated.
- sexually explicit or indecent physical contact.
- actual or attempted sexual assault.
- being followed or watched or having someone loitering nearby.
- sexual gestures, indecent exposure or inappropriate display of the body.
- displaying sexually explicit images or objects.
- intrusive or sexually suggestive questions, comments or jokes.
- comments or questions about a person's sexual activities or body.
- unwanted or repeated invitations to go out on dates, start a relationship or propositions for sex.
- emailing pornography or rude jokes.
- sending sexual text messages, including photos, videos or memes.
- communicating content of a sexual nature through social media.
- threatening to share or sharing intimate images/video of someone without consent.
- ongoing unwelcome contact (e.g. in person, by phone, via social media) following the end of a consensual relationship.

Sexual assault is:

- Any act in which a person is forced, coerced, or tricked into sexual acts without their consent.



- Includes a range of criminal offenses such as rape, attempted rape, and other forms of unwanted physical contact.

Consent In the context of sexual activity, consent is free and voluntary agreement to engage in the specific sexual activity undertaken. Consent does not exist when the person:

- is under the lawful age of consent as specified in the applicable criminal code or legislation (under the age of 16 for all Australian states, except South Australia and Tasmania where the age limit for consent is 17 years of age. The age limit for giving consent in New Zealand is 16 years of age).
- agrees because of force, the threat of force, or the threat of humiliation.
- is unlawfully detained.
- is asleep or unconscious.
- is intoxicated to the point of being unable to give meaningful consent.
- is incapable of understanding the nature of the activity.
- has a mistaken belief about the identity of the other person.
- is mistaken about the nature of the activity.
- lacks capacity to understand what is taking place due to a cognitive disability.

Kaplan Australia Pty Ltd ACN 117 262 165 (KA) and its subsidiaries (as defined in section 46 of the Corporations Act 2001 (Cth)).

Responsibilities

Kaplan

- Provide a safe, respectful and inclusive work and study environment.
- Maintain clear and legally compliant policies and procedures.
- Provide Sexual Harassment training for employees and students.
- Offer counselling and other appropriate resources to support affected individuals.
- Promptly and fairly investigate all reports while ensuring confidentiality.

Leaders and Academic Leaders

- Ensure a respectful, safe environment for employees and students.
- Implement policies and procedures.
- Address any inappropriate behaviour immediately.
- Handle complaints in a timely and confidential manner.
- Are committed to taking all reasonable steps to prevent and respond to any retaliation against complainants or witnesses.

Employees, Students, and Affiliates

- Treat others with dignity and respect.
- Report any concerns regarding sexual harassment or assault.
- Cooperate with investigations while maintaining confidentiality.



Prevention and Education

Training and Awareness

- Kaplan will provide regular training for employees and students about identifying, preventing, and reporting sexual harassment and sexual assault.
- Sexual assault and sexual harassment preventative measures, reporting options and support services will be communicated during student orientation and staff induction processes, and on a regular ongoing basis.

Risk Management

- Kaplan takes a risk-based approach to preventing sexual assault and sexual harassment.
- This includes regularly taking steps to identify hazards that may increase the risk of these behaviours occurring, implementing control measures to address identified risks, and regularly reviewing the effectiveness of control measures.

Safe and Inclusive Culture

- Selected Kaplan employees will be trained as first responders who will assist persons who have reported sexual assault or sexual harassment. The role of a first responder is to provide guidance about support services available and outline reporting options and processes.
- Kaplan promotes active bystander intervention, respectful communication, and healthy relationships.
- Everyone is encouraged to speak up against unacceptable behaviour.
- Kaplan's Health and Safety Champion Group (HSCG) leads efforts to prevent and respond to sexual assault and sexual harassment connected to Kaplan. The consultative group will help to review identified risks and de-identified incident data, and consider controls and initiatives.

Policy Accessibility

- This policy and details of support services will be readily available on Kaplan's intranet sites, websites and student platforms.

Reporting and Support

Reporting Channels

Any member of the Kaplan community who experiences or has knowledge of sexual harassment or sexual assault occurring at or engaged in work or study related activities is strongly encouraged to report it.

Reporting options for Employees:

- Complete an online report through [Donesafe](#).



- Reports can be made anonymously through Donesafe, however Kaplan will not be able to provide direct support to the complainant as the report will not identify the individual completing the form.
- Alternatively, employees can speak with their Leader, HR representative, or a trusted leader if they have questions or concerns before lodging a report.

Reporting options for Students:

- Incidents can be reported through the student inappropriate behaviour form [here](#) or via **QR Code** below. Student inappropriate behaviour posters (with QR code) are available on campus.



- Reports can be made anonymously through the student inappropriate behaviour form. Note, Kaplan will not be able to provide direct support to the complainant as the report will not identify the individual completing the form. Kaplan's ability to investigate an incident may also be limited if we are unable to contact the complainant, should additional information be needed.
- Students can also disclose an incident to an onsite counsellor, a member of the Student Experience team, College Service Adviser, or a [First Responder](#). A list of First Responders can be accessed by scanning the QR code on the Student Inappropriate Behaviour posters located on each campus.

Support Services

Internal:

- Kaplan onsite Counselling or Student Experience teams for students.
- The People and Culture team for employees.
- Trained First Responders.

External:

- **Sonder** – 24/7 support and assistance service
- Other external counselling, legal advocacy, and medical services as appropriate. Some of these services are outlined at the end of this policy in Appendix 1.

Confidentiality & Privacy

- Kaplan will handle all complaints with discretion, respecting privacy as far as legally permissible.
- Information will only be shared on a need-to-know basis for investigation and resolution as far as legally permissible.



Investigation & Resolution

1. Initial Assessment

- A designated officer (e.g., an HR representative or Student Experience lead) will review complaints to determine the appropriate process (informal resolution or formal investigation).
- Mandatory reporting to Police is required if a persons under 18 (under 16 in NSW or Under 17 in VIC). Other persons not meeting this requirement will need to provide consent to report to Police.

2. Formal Investigation

- An internal or external investigator may be appointed.
- The investigation may include interviews, documentation review, and gathering relevant evidence.

3. Outcome & Remedies

Kaplan will apply proportionate disciplinary measures based on the severity of misconduct, ranging from mandatory training to immediate termination or expulsion. Serious breaches and alleged criminal offences may be referred to law enforcement.

For matters regarding students, the existing Non-Academic misconduct policy and process will be referenced when undertaking the investigation and determining appropriate penalties.

4. Monitoring, Review & Continuous Improvement

Regular Review

Kaplan will review this policy at least every two years or sooner if there are significant legal or regulatory changes or gaps identified proactively.

Data Use

- De-identified data on complaints, outcomes, and systemic issues will be reviewed to identify trends and areas for improvement.
- Aggregate data will be provided to the Health and Safety Champion Group and the Kaplan higher education Corporate Boards.

Continuous Improvement

- Lessons from investigations, feedback, and changing best practices will inform updates to training, policy, and support services.



Relevant Legislation

This policy is guided by, and operates in conjunction with, applicable legislation, including but not limited to:

Australia:

- Sex Discrimination Act 1984 (Cth)
- Fair Work Act 2009 (Cth)
- Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)
- Work Health and Safety Act 2011 (Cth) and equivalent state/territory WHS/OHS legislation
- Tertiary Education Quality and Standards Agency Act 2011 (Cth)
- Higher Education Standards Framework (Threshold Standards) 2021
- Relevant state/territory anti-discrimination legislation (e.g., Equal Opportunity Act 2010 (Vic), Anti-Discrimination Act 1977 (NSW), etc.)
- Applicable criminal laws in each state/territory addressing sexual assault.

New Zealand:

- New Zealand Human Rights Act 1993
- Employment Relations Act 2000
- Health and Safety at Work Act 2015
- Education and Training Act 2020

Where there is any inconsistency between this Policy and legislation, the legislation takes precedence.

Amendments

Kaplan Australia reserves the right to amend this policy at its discretion. All changes and amendments to our policies are published on Kaplan Australia website.

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officers to ensure compliance with this policy.

Policy Category		Corporate		
Responsible Officers		Executive Director People and Culture, Vice President Academic		
Implementation Officers		School Executive, College Director or equivalent, P&C		
Review Date		February 2027		
Approved by:		Endorsed by:		
Corporate Board		Academic Board		
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
1.0	Kaplan Australia Quality, Regulations and Standards Team.	New policy.	17.09.2019	23.09.2019
1.1	Kaplan Australia Quality, Regulations and Standards Team.	In the "Reporting Sexual Misconduct" section added information on the reporting process, including a process diagram.	30.01.2020	01.02.2020

1.2	Kaplan Australia Quality, Regulations and Standards Team.	Major review and rewrite Removal of duplication and refinement of terms for readability. • Reporting process diagram updated to state consent required from Under 18s to inform parents. • Added State and Territory based OHS Acts as reference	27.07.2021	01.08.2021
1.3	Kaplan Australia, People and Culture team.	• Conduct a major policy review and rewrite to ensure compliance with recent legislative changes. • Eliminate duplications and refine terminology for improved clarity and readability. • Update the policy to reflect the latest Kaplan reporting mechanisms. • Adopt a practical, trauma-centred approach that prioritises the well-being of affected individuals.	01.03.2025	01.03.2025



Appendix 1: Support services

If you are in immediate danger, call [000](#) for help from Police and Ambulance. Please see links below for further information and support.

Sonder: Safety, Health and Wellbeing provider

Sonder connects you with safety, medical and mental health professionals, and resources at the tap of a button, making it easier than ever to access the care you need, when you need it.

How do I activate Sonder?

Watch the video [here](#)

- Download the Sonder App from your preferred App Store
- Enter your work email address (Kaplan, KBS or Murdochcollege domains only)
- You'll be directed through our single-sign-on process, enter your associated details
- Once completed, you'll be ready to log into your account
- If you are having difficulty logging in, reach out to Sonder's tech team via hello@sonder.io

External services

Service Provider	Contact Details
Community Legal Centres Australia	www.nacclc.org.au/directory Phone: (02) 9160 9500
Fair Work Commission	https://www.fwc.gov.au/about-us/contact-us Phone: 1300 799 675
Lifeline Australia	https://www.lifeline.org.au/ Phone: 13 11 14 (24-hour crisis support)
1800 RESPECT	https://www.1800respect.org.au/ Phone: 1800 737 732 (24-hour support for those experiencing or at risk of experiencing domestic, family or sexual violence)
Rainbow Sexual, Domestic and Family Violence Helpline	https://fullstop.org.au/contact-us Phone: 1800 497 212 (24-hour support for anyone from the LGBTIQ+ community whose life has been affected by sexual domestic and/or family violence)
QLife	https://qlife.org.au/ Phone: 1800 184 527 (3pm – midnight – provides anonymous and free LGBTIQ+ peer support and referral for people in Australia wanting to talk about sexuality, identity, gender, bodies, feelings or relationships)