

Sexual Harm Procedures

1. Governing policy

The *Sexual Harm Procedures* relate to the *Sexual Harm Policy* and outlines the steps to be taken in the event of an incident of sexual harm. The safety and wellbeing of the person disclosing or formally reporting an alleged incident of sexual harm, including the safety and wellbeing of the respondent and other members of the Institution's community is of equal priority to the Institution.

2. Scope

2.1 These procedures apply to all staff and students, including students that are both a student and a staff member, and students residing in accommodation both on and off campus regardless of whether that accommodation is managed by the Institution.

2.2 These procedures also apply to all activities where the Institution has a duty of care including, but not limited to, activities that are:

- a. on any of the physical and digital campuses;
- b. in any of its facilities;
- c. part of deployment of the Institution's business;
- d. representative (such as student placements, secondments and exchanges); and
- e. affiliated with the Institution, such as student clubs or study-related camps;
- f. functions that pertain to the external hire of the Institution's facilities which are attended by staff or students. However, this policy does not apply to members of the public who attend functions that pertain to external hire of the Institution's facilities. Sexual harm matters that might arise in this context should be referred to the NSW Police.

3. Procedures

3.1. Who to contact

Emergency assistance	
Emergency services (police and ambulance) (24 hours a day/seven days a week)	000
Specialist staff (trained on responding to sexual harm)	
Student Success Centre Manager (students)* (Monday-Friday, 9am - 5pm)	02 9466 1024
Vice President (People and Training) (staff) (Monday-Friday, 9am - 5pm)	02 9466 1195
Campus security	
Manager on Duty (24 hours a day/seven days a week)	0429 994 590
Other immediate support (24 hours a day/seven days a week)	
NSW Sexual Violence Helpline	1800 424 017
Sexual Abuse and Redress Support Service	1800 211 028
Sexual, Domestic and Family Violence Helpline	1800 943 539
Rainbow Sexual, Domestic and Family Violence Helpline	1800 497 212

**If the Student Success Centre Manager is unavailable students may contact the Senior Student Support Adviser (Wellbeing and ESL) ext. 1050, Vice President (Student Life) ext. 1025 or another senior staff member she/he is comfortable with.*

First responders explain that the individual can access support services without making a formal report.

3.2. Disclosing sexual harm

3.2.1 Disclosure means telling another person about an incident of sexual harm that happened either in the past or it may be ongoing. The person disclosing may not want to make a formal report. They may decide, or decide not to, reveal the person (or people) involved. The primary aim of disclosure is to offer information and support to the person sharing their experience. They may choose to disclose with a support person present.

3.2.2 The Institution aims to respond to all disclosures of sexual harm in a trauma-informed manner, acknowledging that sexual harm can have a devastating

and complex impact on a person's wellbeing. Appropriate staff are trained to take a victim-centred approach to individuals disclosing their alleged experience of sexual harm, and aim to respond in a manner that causes no further harm to that person. Individuals are treated with empathy and are encouraged to identify their needs. Regardless of whether they decide to formally report, or the avenue they decide to take, they are provided with appropriate support to do so and are advised about all reporting options available.

3.2.3 A person is encouraged to disclose to the Student Success Centre Manager (students) or the Vice President (People and Training) (staff) who have both been specially trained to respond sensitively, empathetically and in a supportive manner to reports of sexual harm and provide information and support to the person making the disclosure. Individuals are provided with clear and transparent information about the Institution's procedures for dealing with sexual harm and any privacy and confidentiality obligations.

3.2.4 Upon disclosure of an incident, staff members assess and ensure the immediate safety of the person making the disclosure and the other members of the Institution's community. If there is an immediate danger to the health, safety or security of any person, the staff member will seek immediate assistance and/or seek advice from executive management. Examples include but are not limited to, sexual harm allegations, incidents that relate to residential students, incidents that are likely to put others at risk, etc.

3.2.5 The Institution may take immediate safety measures to minimise the risk of harm of the person making the disclosure and other members of the Institution's community. The Institution reserves the right to immediately remove any alleged offender(s) from the Institution's residential accommodation and/or classes for the safety of others in advance of, or in parallel with, any misconduct proceedings that may be taken under the General Misconduct Policy. In determining these measures, the Institution considers the potential effects of the proposed precautionary measures, before deciding on measures to mitigate against the risk of ongoing harm and victimisation.

3.2.6 If there is no immediate danger, the staff member promptly:

- responds with compassion, understanding and discretion;
- provides clear and transparent information on and access to appropriate

emergency health, counselling, security, accommodation providers and external support services if they would like assistance;

- provides the Sexual Harm Policy and the Sexual Harm Procedures;
- provides information about all formal reporting options including within, and external to, the Institution;
- for students, information on academic support options, academic adjustments, leave of absences and accommodation options if they reside on campus. Students who have made a disclosure are not required to make a formal report to apply for these options. If the staff member to whom an allegation is disclosed does not have the authority to approve or support any enrolment or administrative related requirements that may be needed, they provide details of staff who can approve these requests, or obtain the student's consent for that staff member to contact the student;
- for staff, help arrange employment support options;
- referral to internal and external support services;
- regular and timely communication about the process and its resolution, where possible;
- any mandatory reporting obligations if the person is under the age of 18 or aware of information about sexual harm that may lead to the apprehension, prosecution, or conviction of an individual; and
- information about, and support navigating the Institution's special consideration process if necessary.

3.3 Confidentiality

3.3.1 All disclosures of sexual harm are treated confidentially. Staff members do not disclose personal information or any other identifying information about the disclosure unless:

- consent has been obtained from the person making the disclosure;
- the conduct disclosed is of a nature that the law imposes an obligation on the Institution to report the information.

3.3.2 The Institution protects the confidentiality and privacy of the student by limiting the circulation of any information about the nature of any formal report.

3.3.3 There may be circumstances in which the Institution's ability to maintain a

student's confidentiality and privacy are limited. For example, if the Institution assesses that there is a risk to the safety of the person making the disclosure or formal report, or a risk of harm to others, executive management may need to know information about the alleged incident to establish risk management or critical incident response as required.

3.3.4 In the event of a disclosure or formal report, there may also be occasional circumstances where the Institution is obliged to notify concerns or information to the NSW Police, to protect the interests of the Institution's community and broader public safety. For example, in New South Wales, if a person is aware of information about sexual harm that may lead to the apprehension, prosecution, or conviction of an individual, then they are obligated to report it to the New South Wales Police. The individual can request to have their identity withheld, however the Institution may be obliged to disclose their identity following an instruction from the police.

3.3.5 The Student Success Centre Manager (students) and the Vice President (People and Training) (staff) maintain a confidential central registers and provide regular, informal updates to the President and Managing Director when incidents occur. No personal or identifying information regarding the person making the disclosure, or the alleged offender, is included.

3.4. Formal report and internal investigation

3.4.1. The Institution aims to respond to all formal reports of sexual harm in a trauma-informed manner, acknowledging that sexual harm can have a devastating and complex impact on a person's wellbeing. Staff are trained to take a victim-centred approach to students formally reporting their alleged experience of sexual harm, and aim to respond in a manner that causes no further harm to the individual. Individuals are treated with empathy and are encouraged to identify their needs. They are provided with appropriate support to do so and are advised about all reporting options available.

3.4.2 Lodging a formal report is the process for providing a formal account of the alleged incident. All formal reports must be made in accordance with the process outlined in the *Complaints and Appeals Policy* and *Complaints and Appeals Procedures* (students) or via the grievance procedures outlined in the Employee Handbook (staff). If a person wishes to submit a formal report in an alternative

method (e.g. email, phone or in-person), they are encouraged to seek the support of the Student Success Centre Manager or the Vice President (People and Training), or other trusted staff member, to help document the allegation on the person's behalf. Upon receipt of a formal report, the Institution acknowledges receipt of the formal report and appoints a single point of contact for the student or staff member making the allegation. For formal reports that are made anonymously, action the Institution can take may be limited.

3.4.3 A person may wish to formally report (i.e. lodge a complaint) an incident of sexual harm if the allegation is against a member of the Institution's community. A formal report leads to an internal investigation and may require the student to provide further information about the incident.

3.4.4 Student formal reports relating to sexual harm are referred to the Student Success Centre Manager and the Vice President (Student Life) for investigation in accordance with the *Complaints and Appeals Policy* and *Complaints and Appeals Procedures*.

3.4.5 In addition to safety considerations, the Institution discusses with the individual about measures that may be taken to maximise their psychological safety by minimising their distress or anxiety (e.g. moving to another class). Precautionary measures of this nature do not presume the outcome of any investigation or action.

3.4.6 Allegations of misconduct against another student are fully investigated and afforded principles of procedural fairness outlined in the General Misconduct Policy and General Misconduct Procedures. These principles dictate that any investigation is undertaken in a fair, impartial and equitable way. The respondent is provided with appropriate details of the allegation against them, and an opportunity to respond, and with the right to be treated without bias in any investigation. Respondents are provided with support and assistance as needed.

3.4.7 Wherever possible, the Institution assigns a different support staff member to the person about whom the report is made, and to the person making the formal report.

3.4.8 As part of the formal reporting process, the Institution makes it clear to the person making the formal report what interaction it needs to have with the person against whom the allegation is made, and what action, if any, the Institution may

take against that person throughout the process.

3.4.9 Wherever possible, disruptions to the reporting person and to any person who may be the subject of an allegation (e.g. where possible allow them to remain in their course of study).

3.4.10 An internal investigation utilises the balance of probabilities standard of proof (specifically the Briginshaw principle) in misconduct proceedings . This means that the Institution considers whether the alleged misconduct is more likely to have occurred than not. If found to be proven, the respondent is subject to an appropriate penalty as determined by the Institution in accordance with the General Misconduct Policy and related procedures.

3.4.11 The reporter is advised whether their report needs to be referred to another person, internally or externally, if the Institution is required to share details of the incident and with whom, and they are provided with a realistic timeframe for the resolution of the formal report. At times, it may not be possible to provide an accurate timeframe for the matter to be resolved, which case the reporting person is provided with regular progress updates.

3.4.11 There is no timeframe for making a formal report. However, a person making a formal report is advised that a delay in reporting can affect the Institution's ability to investigate the matter.

3.2.12 On receiving a formal report of alleged sexual harm, the Institution considers several issues to determine next steps. These include but are not limited to:

- the health, safety and wellbeing of the person making the report.
- ensuring the person reporting is not victimised for making a report.
- the health, safety and wellbeing of the university community, including the respondent.
- outcomes sought by the person making the report.
- whether there is a legal duty to report the incident.

3.2.13 An internal investigation is unable to determine whether a crime has occurred, but instead focusses on whether there has been a breach of the Institution's policies, procedures and Student Code of Conduct. The internal investigation process is not a substitute for a criminal investigation conducted by

the police.

3.2.14 Where a student makes a formal report about a person at a work integrated learning placement the Institution may be limited in its ability to undertake an investigation. However, the Institution offers appropriate support in such circumstances, including supporting the student should they decide to formally report through the third-party's workplace formal reporting process and/or to the NSW Police.

3.5. Reporting to the police

3.5.1. A person who has experienced sexual harm is encouraged to report it to the police. The Institution's recognises that a person who is the victim-survivor of sexual harm may not wish to report it to the police. The Institution respects a person's decision in this regard and will continue to provide information and support as required.

3.5.2 Reporting an incident to the police does not preclude the Institution from dealing with the matter under its own General Misconduct Policy. The criminal process seeks to determine whether a crime has been committed to the standard of proof of beyond reasonable doubt. The Institution ensures that it carefully considers the impact of any internal process on a possible criminal investigation, and obtains appropriate advice (including legal advice and advice from the police) about whether its own process may prejudice a criminal investigation.

3.5.3 The Student Success Centre Manager (students) or the Vice President (People and Training) (staff) can provide support and assistance to any person who chooses to report an incident to the police.

3.5.4 Reports to the police can be made in person at a local police station.

3.5.5 If a person decides not to formally report an incident to the police or have the matter investigated, she/he may choose to complete a Sexual Assault Reporting Option (SARO). A SARO questionnaire is not the same as making a formal report to police and will not initiate a criminal investigation. The primary purposes of a SARO is to record what occurred, in addition to allowing the NSW Police Force to gather information on sexual offences and offending..

<https://portal.police.nsw.gov.au/adultsexualassault/s/sexualassaultreportingoption>

3.5.6 If a report is made to both the Institution and the police, the Institution may suspend any internal investigation pending the outcome of the police investigation. Temporary measures may be put in place against a student, in accordance with the provisions outlined in the *General Misconduct Procedures*, to protect the wellbeing of any member of the Institution's community, until the outcome of police investigation has been determined.

3.5.7 The Institution may rely on the outcome of the police investigation in order to determine the outcome of any internal misconduct investigation against a student.

3.5.8 It is mandatory in New South Wales, if a person is aware of information about sexual harm that may lead to the apprehension, prosecution, or conviction of an individual, then they are obligated to report it to the New South Wales police.

Approved by the Board of Directors on 25 June 2024