

## Sexual Harassment and Sexual Assault Response Procedures

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### 1. Governing Policy

[Sexual Harassment and Sexual Assault Prevention and Response Policy](#)

### 2. Purpose

These procedures describe the University's processes for receiving and responding to reports of sexual harassment and sexual assault by members of its community.

### 3. Procedures

#### 3.1. Sexual harassment and sexual assault reports

- a. Any member of the University community who experiences sexual harassment or sexual assault is strongly encouraged to report the matter to the University, even if they are uncertain of whether they wish to make a complaint.
- b. Reports can be made in person, over the phone or via the [online reporting form](#). Reports made in person or over the phone may be made to:
  - i. Student Equal Opportunity Advisors (for students)
  - ii. relevant People and Culture officer e.g. Manager, Equal Opportunity and Diversity or People and Culture Business Partner (for staff members)

#### 3.2. Third-party reports

- a. Reports may also be made by people who believe they may have witnessed sexual harassment or sexual assault, or have received reports from another person that sexual harassment or sexual assault may have taken place using the [online reporting form](#).

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- b. Third-party reports are not mandatory (except where the person who experienced the behaviour is under 18 years of age), but staff are strongly encouraged to report any incident that they witness or become aware of.
  - c. Where a report is made by a third party, the person making the report will be asked to confirm:
    - i. whether they have spoken to the person that experienced the sexual harassment or sexual assault and communicated their intention to make a report
    - ii. whether the person that experienced the sexual harassment or sexual assault has given their permission to be named in the report.
  - d. Where the person has not given their permission to be named, only a deidentified report can be made.

### **3.3. Making a report**

- a. When a report is first made, it is considered to be a disclosure.
- b. A report is not a complaint and is not investigated as one. A person who makes a report may or may not proceed to make a complaint.
- c. Reports by any person are treated with appropriate confidentiality at all times. This means that they are not shared with anyone unless required by law or professional registration requirements, or required in order for the University to take necessary action.
- d. Reports are not shared with the individual about whom the report is made, unless the University proposes to take some action with regard to the report that will affect that individual.
- e. The person who experienced the sexual harassment or sexual assault will be contacted to offer support and discuss options, unless they have indicated in their report that they do not wish to be contacted. Contact will be made by a:
  - i. Student Equal Opportunity Advisor (if the person who made the report is a student or the report involves a student)
  - ii. relevant People and Culture officer e.g. Manager, Equal Opportunity and Diversity or People and Culture Business Partner (if the person who made the report is a staff member)
- f. The person who experienced the sexual harassment or sexual assault has four options:
  - i. request the University take protective or supportive action, where reasonable, without prejudice, and/or
  - ii. make a formal complaint to the University, and/or
  - iii. make an external complaint (e.g. police report), or
  - iv. take no further action.
- g. People may choose to both make a University complaint and also make an external complaint. If they opt to make a police report, it is strongly advised that they also make a University complaint to enable the University to take protective action while the police matter is underway.
- h. The University will support the person who experienced sexual harassment or sexual assault in their preferred course of action, and will provide assistance in lodging a complaint if this is helpful to and wanted by the person (while noting that a complaint must always be presented in the person's own words).
- i. The Student Equal Opportunity Advisor or relevant People and Culture officer may recommend that interim action is taken in accordance with s.3.6 of the policy to assist with the safety and wellbeing of the person who experienced sexual harassment or sexual assault or any other person.
- j. The use of any interim measures will be determined, after consideration of all the factors, by:
  - i. the Deputy Vice Chancellor (Students) where the affected individual is a student
  - ii. the Director, People and Culture where the affected individual is an employee or other non-employee worker.

- k. If the Deputy Vice Chancellor (Students) or the Director, People and Culture determines that it is necessary to take any action arising from a report in order to protect the safety and wellbeing of the University community, this action and the reasons for it will be explained to the person who made the report.

### 3.4. Complaints

- a. If a person who has experienced sexual harassment or sexual assault decides, after reporting, that they wish to make a formal complaint to the University, their complaint will be managed in accordance with the:

<p>i. If the complainant is a student</p>	<p><a href="#">Student Complaints Policy</a> and <a href="#">Student Complaints Procedures</a>, with the exception of the process for the lodgement of the complaint. Upon confirmation from the student that they wish to make a formal complaint, the Student Equal Opportunity Advisor will assist the student to prepare the complaint in their own words and will manage the lodgement of the complaint to Student Policy and Integrity Services on the student's behalf. The principles and processes of the Student Complaints Policy and procedures apply thereafter.</p>
<p>ii. If the complainant is not a student, but the respondent is a student</p>	<p><a href="#">Student Conduct (Statute 6.4)</a> and associated policy and procedures</p>
<p>iii. If the complainant and respondent are both staff</p>	<p>Relevant provisions in the University's Enterprise Agreement and associated policy and procedures</p>
<p>iv. If the complainant is another member of the University community (i.e. not an employee or a student)</p>	<p>Report is to be referred to the Director, People &amp; Culture</p>

- b. Where the person about whom a complaint is made is not an employee or student, the University will advise the complainant of the limitations of any sanctions that the University can impose.
- c. With sexual assault matters, the University will advise the complainant of the limitations involved in making a University complaint without also making a police report, and ensure that they understand their options as fully as possible.
- d. In the case that a complainant does not wish to take further action, the University may at its discretion determine that it is necessary to take action in order to protect the safety and wellbeing of the University community. This action and the reasons for it will be explained to the person who made the complaint.
- e. Where a matter is reported to police or any other external agency, the University will cooperate fully with the external inquiry. Any internal action being undertaken in relation to a complaint may be paused if such action could compromise a police investigation of a criminal matter, or prejudice the prosecution or defence in a criminal process.

### 3.5. Records of sexual harassment and sexual assault

- a. The University maintains a record of all reports of sexual harassment and sexual assault. Information recorded includes:
- i. the alleged behaviour
  - ii. the location and circumstances of the behaviour
  - iii. steps taken to respond to the incident
  - iv. support or assistance offered and received

- v. the time taken to respond
  - vi. any feedback from the discloser / complainant or respondent, and
  - vii. only if consent has been given, the name of the discloser / complainant.
- b. If the matter has proceeded to a complaint, records relating to the investigation of the complaint, and any sanctions imposed, will also be maintained within the relevant complaints management framework and managed in accordance with the [Privacy Policy](#).

### 3.6. Taking action

Bi-annual reporting of deidentified data on reports of sexual harassment and sexual assault will occur as follows:

<b>Health, Counselling and Disability Services</b>	a. Compile the report and present it to the Chair, Respect. Now. Always. (RNA) Advisory Group
<b>Chair, RNA Advisory Group</b>	<p>b. In consultation with the relevant sub-committee of the RNA Advisory Group, creates recommendations and an action plan in response to the report.</p> <p>c. Presents the report, recommendations and proposed action plan to:</p> <ul style="list-style-type: none"> <li>i. the RNA Advisory Group</li> <li>ii. the Deputy Vice Chancellor (Students)</li> <li>iii. the Director, People and Culture.</li> </ul> <p>d. Implements agreed actions and publicly communicates actions taken, where appropriate.</p>

## 4. Forms

[Online reporting form](#) for reports of sexual harassment and sexual assault

<b>Approval Authority</b>	Deputy Vice-Chancellor (Students) Vice-President (Corporate Services)
<b>Responsible Officer</b>	Director, Student Services Director, People and Culture
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\* Unless otherwise indicated, this procedure will still apply beyond the review date.

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