



Sexual Harm Response procedure

Section 1 - Preamble

(1) This Procedure is effective from 6 December 2019.

Section 2 - Purpose

(2) This Procedure guides and informs the way in which the University will support and respond to any matter involving sexual harm.

Section 3 - Scope

(3) This Procedure applies to students, staff and associates of the University.

(4) This Procedure does not apply to sexual harm relating to children. Reports of sexual harm relating to children are managed through the [Child Safety policy](#).

(5) Sexual harm that occurs in the context of family violence will be responded to in accordance with the [Domestic and Family Violence \(Student Support\) procedure](#) and [Domestic and Family Violence \(Staff Support\) procedure](#).

Section 4 - Policy

(6) This Procedure is pursuant to the [Sexual Harm Prevention and Response policy](#).

Section 5 - Procedure

What is Sexual Harm?

(7) The University defines sexual harm as sexual assault (including rape), any other behavior of a sexual nature which is a crime in Victoria, sexual harassment, and any behavior of a sexual nature that may constitute student or staff misconduct. Examples of behavior and actions that cause sexual harm are in section 6 of this Procedure.

Internal and External Support Services

(8) In an emergency or in circumstances of immediate danger the following resources are available to students, staff or associates who are experiencing, have experienced or witnessed, sexual harm:

- a. Police and emergency services (24 hours) call 000
- b. Deakin Security (24 hours) call 1800 062 579; on-campus.

(9) Students, staff or associates who have experienced sexual harm can also obtain specialist support and advice from the following services:

- a. [Sexual Assault Crisis Line](#) (24 hours): call 1800 806 292
- b. [National Hotline for Sexual Assault, Domestic or Family Violence](#) (24 hours): call 1800RESPECT (1800 737 732).

(10) [Safer Community Services](#) is an internal University service available to provide support to all Deakin students, staff or associates who are experiencing, or have experienced, any form of sexual harm. [Safer Community Services](#) are available from 9am to 4pm Monday to Friday and can be contacted on 03 9244 3734 or at safercommunity@deakin.edu.au. For emergencies or after hours contact:

- a. Police and emergency services (24 hours): call 000
- b. Deakin Security (24 hours): call 1800 062 579 on-campus
- c. [Sexual Assault Crisis Line](#) (24 hours): call 1800 806 292
- d. [National Hotline for Sexual Assault, Domestic or Family Violence](#) (24 hours): call 1800RESPECT (1800 737 732).

Disclosures for the purpose of seeking advice and support

(11) Students, staff and associates may contact [Safer Community Services](#) for the purpose of seeking advice and support and/or to enable precautionary measures to be put in place to promote safety and wellbeing. Students, staff and associates who have experienced sexual harm may choose not to identify themselves or the other person/s involved. The University supports the rights of students, staff and associates to decide what information they disclose in response to instances of sexual harm, including whether to make a disclosure anonymously. The University's ability to respond to a disclosure may however be impacted if the information provided is incomplete.

(12) [Safer Community Services](#) will guide and coordinate the University's support for the student, staff member or associate including:

- a. providing, facilitating or coordinating timely support, referrals and advice.
- b. being the ongoing contact point for the student, staff member or associate (if requested)
- c. assessing the need for, recommending and facilitating the implementation of reasonable precautionary measures to protect the safety and wellbeing of members of the University community where necessary
- d. if requested, assisting the individual to make a report to Police
- e. assisting the individual to make a report or complaint pursuant to the [Student Complaints Resolution policy and procedure](#), the [Student General Misconduct procedure](#) or the Staff Complaint Resolution procedure.

(13) Students or staff members who have experienced sexual harm may choose to seek advice and support from [Safer Community Services](#) and/or from any other person or service, including but not limited to:

- a. [University Medical Services](#)
- b. [Harassment and Discrimination Contact Officers](#)
- c. any member of staff that they feel comfortable speaking with.

(14) Students may also contact:

- a. [University Counselling and Psychological Support Services](#)
- b. [Deakin University Student Association \(DUSA\)](#)
- c. [Student Conduct team](#)
- d. [Student Complaints team](#)
- e. [Deakin Residential Services staff](#).

(15) Staff may also contact:

- a. [Diversity and Inclusion](#) at eeo@deakin.edu.au
- b. [Employee Wellbeing Support \(EWS\)](#)
- c. their manager, supervisor or [HR Partner](#).

(16) Where a student or staff member contacts anyone identified in clauses 13,14 or 15 this individual must respond in accordance with the training, [Receiving a sexual harm disclosure webpage](#) and other resources provided by the University. They should support the student or staff member to contact [Safer Community Services](#) and/or seek advice from [Safer Community Services](#). In the event the disclosing student or staff member does not wish to contact or seek advice from [Safer Community Services](#) the staff or associate must refer the matter to [Safer Community Services](#) as soon as practicable but may withhold the identify of the person making the disclosure if that person does not wish their identify to be shared.

Precautionary Measures

(17) [Safer Community Services](#) may recommend, facilitate, negotiate and put in place temporary or permanent precautionary measures in response to an incident of sexual harm to protect the wellbeing and safety of all students, staff and associates. [Safer Community Services](#) will consult with Deakin Security, Faculties and Portfolios in implementing appropriate precautionary measures.

(18) Precautionary measures are not a penalty or sanction and do not indicate that the University has concluded that a breach of the [Student Code of Conduct](#) or Staff [Code of Conduct](#) has occurred.

(19) In highly complex or contentious circumstances, [Safer Community Services](#) will advise the Critical Incident Management Team's Threat Assessment and Management Group, who will determine whether precautionary measures are reasonable and should be implemented.

Report or Complaint Options - incident/s involving students

(20) Students, staff or associates can make a report or complaint with or without the support of [Safer Community Services](#).

(21) Where the behavior of a student may constitute sexual harm:

- a. a student may make a complaint in accordance with the [Student Complaints Resolution policy](#) and [procedure](#) and a student misconduct report in accordance with the [Student General Misconduct procedure](#)
- b. a staff member may make a student misconduct report in accordance with the [Student General Misconduct procedure](#).

(22) Making a complaint via the [Student Complaints team](#) may result in an internal or external investigation or alternative dispute resolution. Possible outcomes include an apology, training or a change in practice, in addition to, disciplinary action if the alleged perpetrator is a staff member or cessation of engagement if the alleged perpetrator is an associate.

(23) Reporting the alleged misconduct to [Student Conduct team](#) may result in an internal investigation into the allegation. Possible outcome include sanctions being placed on the person against whom a report is made (in accordance with [Regulation 4.1\(1\) - General Misconduct](#) and the [Student General Misconduct procedure](#)). A report can only be made to the [Student Conduct team](#) where the person accused of perpetrating the sexual harm is a student.

(24) Where a student or staff member wants to proceed with a report (which may include a student misconduct allegation) or complaint, [Safer Community Services](#) will liaise with and provide all relevant information to the [Student Complaints team](#) and/or the [Student Conduct team](#).

(25) A student or staff member may withdraw their report or complaint at any time and may seek the support of [Safer Community Services](#) to do so.

Report or Complaint Options - Incident/s involving only staff

(26) A staff member who has experienced sexual harm by another staff member can make a complaint with or without the support of [Safer Community Services](#).

(27) A staff member can make a complaint against another staff member by contacting [Diversity and Inclusion](#) at eeo@deakin.edu.au.

(28) Complaints involving only staff will be dealt with in accordance with the Staff Complaints Resolution procedure and the [Staff Discipline policy](#).

(29) Making a complaint may result in an internal or external investigation. Possible outcomes include an apology, training, cessation of engagement, and/or other disciplinary action in accordance with the [Staff Discipline policy](#).

(30) A staff member may withdraw their complaint at any time and may seek the support of [Diversity and Inclusion](#) to do so.

Reporting to Police

(31) If a student, staff member or associate wishes to make a report to Police, or to any other third party, [Safer Community Services](#) will assist them to do so. [Safer Community Services](#) is not able to make a report to Police or to a third party on behalf of the individual.

(32) There are circumstances where the University will consider reporting the matter to Police, when a student, staff member or associate does not want to report the matter to the Police themselves. A report to the Police by the University may be made by the University General Counsel following consideration of:

- a. evidence of a clear and unacceptable risk to the University or general community
- b. multiple disclosures, reports or complaints about the same person
- c. advice from Office of the Dean of Students
- d. advice from [Safer Community Services](#)
- e. the wishes of the person who has experienced the sexual harm.

[Safer Community Services](#) will advise the person who has disclosed the sexual harm of the University's decision to report the matter to the Police.

Procedural Fairness and Natural Justice

(33) Reports or complaints of sexual harm will be responded to impartially, fairly and equitably following the principles of natural justice and in accordance with the relevant University Regulation or Policy.

Potential Actions and Outcomes

(34) Where any process results in recommendations for University-wide or systemic changes, the Dean of Students and the Executive Director, Student Life will determine the appropriate actions to implement any recommendations.

(35) [Safer Community Services](#) will be provided with a copy of the outcome of a report or complaint for the purpose of ensuring any precautionary measures are reviewed and amended if necessary.

(36) Where there are findings in relation to the conduct of a staff member, the matter may be referred to the Human Resources Division for action in accordance with the [Staff Discipline policy](#).

(37) Where there are findings in relation to the conduct of a University associate, the matter may be referred to the Human Resources Division, DeakinLegal or other appropriate area of the University to assess whether cessation of engagement is appropriate.

Third Party and Bystander Disclosures

(38) Any student or staff member who witnesses or knows of an incident of sexual harm should refer the incident to [Safer Community Services](#). Where there is a need for urgent care or action to protect safety, students, staff members or associates should immediately contact:

- a. Police and emergency services (24 hours) call 000
- b. Deakin Security (24 hours) call 1800 062 579: on campus.

(39) [Safer Community Services](#) will assess whether appropriate action can be taken without reporting the incident further, and, if so, take action in accordance with clause 17.

(40) With the agreement of the affected individual, a third party may initiate a report or complaint.

Victimisation

(41) Students and staff must not be victimised as a result of making a report or complaint or being involved in a report or complaints process. Any individual who considers they have been subject to any form of victimisation should contact:

- a. For students – [Student Complaints team](#)
- b. For staff – [Diversity and Inclusion](#) at eeo@deakin.edu.au.

Reporting

(42) [Safer Community Services](#) will report de-identifiable data every six months, or as required, to the Vice-Chancellor's Sexual Harm Prevention Advisory Group and other areas as required to identify trends and systemic issues, contribute to evaluation of prevention programs and aid the University to identify opportunities for improvements, remedies and preventative actions. Access to this information will be in accordance with the University [Privacy policy](#).

(43) The University may report information to a third party, such as for the purpose of conducting an investigation in accordance with the [Student Complaints Resolution procedure](#) or Staff Complaints Resolution procedure. Where a requirement to make a report to a third party exists and this information is not able to be provided in a de-identified format, the individual will be consulted prior to the report being made and every effort taken to respect privacy and minimise trauma.

(44) If disclosed or reported incidents indicate material breaches in safety or preventative controls, including recurring incidents of sexual assault or sexual harassment [Safer Community Services](#) will notify the Director, Academic Governance and Standards who will determine if it is appropriate to notify [Tertiary Education Quality and Standards Agency](#) (TEQSA). If deemed appropriate, a recommendation will be made to the Deputy Vice-Chancellor Education that TEQSA be notified.

Section 6 - Definitions

(45) For the purpose of this Procedure:

- a. Associate: as defined in the [Sexual Harm Prevention and Response policy](#).

- b. Behaviour of a sexual nature which is a crime in Victoria: as defined in the [Sexual Harm Prevention and Response policy](#).
- c. Child: as defined in the [Sexual Harm Prevention and Response policy](#).
- d. Consent: as defined in the [Sexual Harm Prevention and Response policy](#).
- e. Disclosure A disclosure involves sharing of information about an incident for the purpose of receiving support and advice. Anyone making a disclosure is not obliged or required to make a report (which may include a student misconduct allegation) or complaint.
- f. Precautionary measures: as defined in the [Sexual Harm Prevention and Response policy](#).
- g. Rape: as defined in the [Sexual Harm Prevention and Response policy](#).
- h. Report or complaint: as defined in the [Sexual Harm Prevention and Response policy](#).
- i. Sexual Assault: as defined in the [Sexual Harm Prevention and Response policy](#).
- j. Sexual Harassment: as defined in the [Sexual Harm Prevention and Response policy](#).
- k. Sexual Harm: as defined in the [Sexual Harm Prevention and Response policy](#).

Status and Details

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Effective Date	6th December 2019
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