



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

PROCEDURE:

DISCLOSING SEXUAL ASSAULT AND SEXUAL HARASSMENT

Purpose: To clearly set out The University of Notre Dame Australia's (University) process in relation to disclosures of Sexual Assault and Sexual Harassment.

Responsible Executive: Chief Operating Officer

Responsible Office: Professional Standards and Conduct

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1 PURPOSE

The purpose of this Disclosing Sexual Assault and Sexual Harassment Procedure (**Procedure**) is to set out what to do in the event of an incident of Sexual Assault or Sexual Harassment.

This Procedure should be read together with the University's Sexual Assault and Sexual Harassment Policy (**Policy**).

2 DEFINITIONS

Consent:

Consent occurs when a person freely and voluntarily agrees to engage in a sexual act. Consent cannot be given by people who are:

- a) incapacitated due to intoxication or the influence of drugs;
- b) incapacitated due to their age or intellectual capacity;
- c) unconscious or asleep;
- d) under threat of or actual force;
- e) intimidated, coerced or threatened;
- f) unlawfully detained or held against their will; or
- g) tricked or manipulated due to the person being in a position of trust into providing consent.

Sexual Assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent.

Sexual Harassment is any unwelcome sexual behaviour that causes a person to feel offended, humiliated or intimidated. Sexual Harassment may include:

- Staring or leering;
- Unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching;
- Suggestive comments or jokes;
- Insults or taunts of a sexual nature;
- Intrusive questions or statements about someone's private life;
- Displaying posters, magazines or screen savers of a sexual nature;
- Sending sexually explicit emails or text messages;
- Inappropriate advances on social networking sites;
- Requests for sex or repeated unwanted requests to go out on dates; and
- Behaviour that may also be considered to be an offense under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Disclosure means the disclosure by a student or staff member of Sexual Assault or Sexual Harassment.

Formal Report means a formal allegation of Sexual Assault or Sexual Harassment under the University's misconduct or disciplinary processes.

Support Officer is the University staff member responsible for managing Disclosures of Sexual Assault or Sexual Harassment.

3 DISCLOSURE OF AN INCIDENT

- 3.1 If any member of the University community has experienced Sexual Assault or Sexual Harassment, they are encouraged to Disclose the matter to a Support Officer.
- 3.2 The role of the Support Officer is to:
- a) provide co-ordinated support for the person making the Disclosure;
 - b) ensure the person making the Disclosure is treated with compassion, empathy, understanding and respect; and
 - c) act in accordance with the University's Policies and Procedures;
- 3.3 If a Disclosure is made to a Support Officer, the Support Officer will:
- a) assess and ensure the immediate safety and security of the person making the report and/or any other members of the University Community;
 - b) encourage and assist the person to contact the University's Counselling Service;
 - c) provide information about other internal support options (including Campus Ministry and academic support options);
 - d) provide information about external support and reporting options (including Police, Health and Emergency Services);
 - e) provide information regarding the making of a Formal Report of Sexual Assault or Sexual Harassment under the University's misconduct and/or disciplinary processes;
 - f) for international students, provide information regarding the Overseas Student Ombudsman;
 - g) Provide the person with a copy of the *Sexual Assault & Harassment Policy* and a copy of the *Procedure: Disclosing Sexual Assault or Sexual Harassment*.

4 FORMAL REPORT OF AN INCIDENT

- 4.1 If a Formal Report of Sexual Assault or Sexual Harassment is made, the University will investigate and act in accordance with its policies and procedures and any applicable Commonwealth and State legislation and take action against any alleged perpetrator of Sexual Assault or Sexual Harassment in accordance with the University's disciplinary and misconduct procedures. The principles of natural justice will apply to all allegations.¹

¹ When a Formal Report of Sexual Assault is made against a student in accordance with this policy and process, the allegation shall not be dealt with by the Dean or School Discipline Committee but will be immediately referred to a University Disciplinary Committee in accordance with General Regulation 8.8.

When a Formal Report of Sexual Assault is made against a staff member in accordance with this policy and process, the allegation shall not be dealt with at the Local Level but will be immediately referred under Clause 24.3.6 of the Enterprise Agreement and/or Clause 4.6 of the Policy: Managing Misconduct, to the Vice Chancellor for formal investigation under 24.3.7 of the Enterprise Agreement/Clause 4.7 of the Policy: Managing Misconduct.

- 4.2 If a person does not wish to make a Formal Report, the University will nevertheless provide support and guidance as outlined in clause 3 of this Procedure.
- 4.3 If the University becomes aware of an incident of Sexual Assault or Sexual Harassment that has occurred on campus, at a University event, or involving an alleged perpetrator who is a member of the University community, the University may instigate its own action in accordance clause 4.1 above.

5 CONFIDENTIALITY

- 5.1 Any Disclosure or Formal Report of Sexual Assault or Sexual Harassment will be treated confidentially.
- 5.2 However, information Disclosed or Reported may be shared on a confidential basis with relevant University staff, as necessary, to ensure the safety of the person making the report as well as the broader University community, and to ensure that coordinated support is provided.

6 EXTERNAL REPORTING

- 6.1 A person who has experienced Sexual Assault is encouraged to report the matter directly to the Police.
- 6.2 The University is required to report information externally if there is a threat or physical harm or danger to any person.
- 6.3 If a report is made to both the University and the Police, the University may be required to suspend any internal investigation pending the outcome of the Police investigation.
- 6.4 In the case of a student or staff member visiting the University from another university, the University may be required to comply with reporting obligations established by the 'home' University. Before a report is made, the University will work with the student or staff member to determine how the required report should be made.

7 CONTACTS and RESOURCES

Internal

- a) Emergency Contacts (<http://www.nd.edu.au/current-students/emergency-and-security>)
- b) Campus Security Office
(<http://www.nd.edu.au/current-students/emergency-and-security>)
- c) Counselling Office (<http://www.nd.edu.au/nav-current-students/counselling-service>)
- d) Support Officers (<http://www.nd.edu.au/university/projects/respect-now-always>)
- e) Disability Support (<http://www.nd.edu.au/nav-future-students/disability-support/disability-services>)

- f) Academic Enabling Support Centre (<http://www.nd.edu.au/nav-current-students/academic-enabling-and-support-centre>)
- g) Campus Ministry Office (<http://www.nd.edu.au/nav-current-students/campus-ministry>)
- h) Grievance Officers (http://www.nd.edu.au/grievances/grievance_officers)
- i) Respect. Now. Always. (<http://www.nd.edu.au/university/projects/respect-now-always>)

External

- a) Police (<https://www.triplezero.gov.au/Pages/default.aspx>)
 - a. Fremantle Police Station, 88 High Street, Fremantle WA 6160
 - b. Broome Police Station, 7 Frederick Street, Broome WA 6725
 - c. Sydney:
 - i. Broadway (Redfern Police Station, 1 Lawson Street, Redfern NSW 2016)
 - ii. Darlinghurst (Kings Cross Police Station, 1-15 Elizabeth Bay Road, Elizabeth Bay NSW 2011)
 - d. Clinical Schools:
 - i. Auburn Police Station, Queen St, Auburn NSW 2144
 - ii. Ballarat Police Station, 10/20 Dana St, Ballarat Central VIC 3350
 - iii. Hawkesbury (Windsor Police Station, Mileham St, Windsor NSW 2756)
 - iv. Lithgow Police Station, 244-270 Mort St, Lithgow NSW 2790
 - v. Wagga Wagga Police Station, 217-219 Tarcutta St, Wagga Wagga NSW 2650
 - vi. Werribee Police Station, 134 Princes Hwy., Werribee VIC 3030
- b) Sexual Assault Referral Centre (SARC) (www.kemh.health.wa.gov.au/services/sarc/index.htm)
- c) National Sexual Assault, Domestic Family Violence Counselling Service (www.1800respect.org.au)
- d) Lifeline 13 11 14 (<https://www.lifeline.org.au/>)
- e) Overseas Students Ombudsman (<http://www.ombudsman.gov.au/about/overseas-student-ombudsman-landing-page>)

8 RELATED POLICIES, PROCEDURES & GUIDELINES

Sexual Assault and Sexual Harassment Policy

Procedure: Responding to Disclosure of Sexual Assault and Sexual Harassment (for Staff)

Sexual Assault and Sexual Harassment: Checklist & Incident Report Form (for Staff)

Version	Date of approval	Approved by	Amendment
1	27 July 2017	Vice Chancellor	N/A
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