

# Sexual Assault Response Policy

## Section 1 - Summary

(1) This Policy affirms Victoria University's (VU) commitment to:

- a. Providing a safe and respectful environment for work and study for all members of the VU community.
- b. Proactively addressing any environmental factors within the University's control which may contribute to sexual assaults involving members of the VU community.
- c. Responding compassionately, appropriately and quickly to disclosures made by victims of sexual assault.

## Section 2 - Accountability

Accountable/Responsible Officer	Role
Accountable Officer	Vice-President, People and Culture
Responsible Officer	Senior Manager, Respect and Responsibility

## Section 3 - Scope

(2) This Policy applies to:

- a. all staff across the University, in all domestic and offshore locations, including but not limited to student residences, and while engaged in all work-related activities including but not limited to conferences and work-sponsored social occasions;
- a. all contractors and consultants performing work on University sites or on behalf of the University;
- b. all onshore and offshore students enrolled or registered in any University program, whether Award or Non-Award, including:
  - i. students with provisional enrolment status;
  - ii. people whose studies were completed or terminated within the six months prior to the bringing of their Complaint under this policy, provided that the matter to which the Complaint relates occurred during the course of their enrolment;
  - iii. students undertaking field placements outside of the University;
  - iv. while engaged in all student related activities, including but not limited to representing VU at study related functions or events; and,
  - v. students from other academic institutions undertaking field placement at VU.
- c. visiting academics, honorary, adjunct and exchange staff;
- d. the Council and its committees;
- e. any volunteer in the workplace and study environment.

(3) This Policy only applies to a complaint by a person who is a staff member, contractor, student, or former

student (as defined under section 2(c) of this Policy) of the University. Persons who are not a staff member, contractor, student or former student (as defined under section 2(c) of this Policy) may make a complaint under the [Public Complaints Policy](#) in these circumstances.

(4) In all cases where a child is involved, the University is mindful of the mandatory reporting obligations under section 327 of the Crimes Act 1958 (Vic), the Child Wellbeing and Safety Act 2005 (Vic) and Part 4.4 of the Children, Youth and Families Act 2005 (Vic), and those of other legislative schema such as the National Law under the Health Practitioners Regulation National Law Act 2009 (Vic).

## Section 4 - Definitions

(5) Complaint: A notification to VU that a person has been sexually assaulted on university premises or otherwise in connection to the university, upon which the person making the report expects VU to act or respond or VU is required to respond.

(6) Complainant: A person making a Complaint.

(7) Consent: Free agreement, made without coercion or as the result of deceit, by a person who is legally capable to give such agreement. Consent to sexual contact cannot be given by children, by people with an impairment which prevents them from providing legal consent (eg. Relevant medical condition). Consent can be withdrawn at any time during the act(s) in question, and only applies to each specific act and must be obtained in each instance.

(8) Discloser: A person making a disclosure.

(9) Disclosure: A statement that a person has been sexually assaulted on university premises or otherwise in connection to the university, however communicated.

(10) Report: A report to police of behaviour which may constitute a criminal offence.

(11) Respondent: The person whose behaviour is the subject of a Complaint.

(12) Sexual Assault

(13) Victimization: To subject or threaten to subject a complainant or someone supporting a complainant to any detriment for making a complaint or supporting someone who has made a complaint as the case may be.

## Section 5 - Policy Statement

(14) Sexual assault is a crime and is not tolerated at VU.

(15) VU will work to create an environment free of sexual assault as reasonably practicable. This includes, but is not limited to:

- a. providing training and awareness raising programs for both staff and students;
- b. addressing identified safety issues associated with particular locations on campuses;
- c. seeking to establish, and disrupt, common patterns in these crimes on campus or otherwise associated with VU.

(16) All member's of the VU community have the right:

- a. To be treated with respect, compassion and dignity by all other VU community members if you have been sexually assaulted.

- b. To be provided with any support services that you need to help you with the aftermath of the sexual assault.
- c. To make your own decision about how you wish to progress the matter (ie if you wish to proceed to a formal Complaint and/or a police report, or not) except in very unusual circumstances including where VU is required to notify the appropriate authorities, and as indicated in Clause 32 below.
- d. To expect that VU will take action with regard to your Complaint in a timely and appropriate manner.
- e. To participate in a Complaints process that minimises further disruption to you.
- f. To not be victimised by any person, because you have made a disclosure, Complaint or police report of sexual assault or supported a person who has made a disclosure, Complaint or police report of sexual assault.

(17) As a member of the VU community, you have the responsibility:

- a. To never sexually assault another person.
- b. To respond respectfully, compassionately and appropriately if a disclosure of sexual assault is made to you by any person.
- c. If the disclosure is made by a person aged under 18 years, report the matter to the [Safety and Welfare of Children and Young People Procedure](#) (this is mandatory).
- d. To not retaliate in any way against a person who has made a disclosure or Complaint of sexual assault.

(18) The University acknowledges the experiences, needs and perspectives of distinct population groups, including, but not limited to:

- a. those who identify as transgender or gender diverse;
- b. those who identify as LGBTIQ+;
- c. Aboriginal and Torres Strait Islander staff and students;
- d. staff and students with a disability;
- e. culturally and linguistically diverse staff and students; and,
- f. international students.

## Part A - What is Sexual Assault?

(19) Sexual assault is a crime which carries serious penalties if proven. It covers a range of sexual behaviours which take place without a person's consent, or where their consent has been obtained through deception or coercion, or where consent is withdrawn. This includes:

- a. Rape;
- b. Indecent assault (sexual acts that involve touching but not penetration);
- c. Any sexual contact with a child;
- d. Sexual servitude;
- e. Forcing someone to witness a sex act.

## Part B - When Sexual Assault Occurs

(20) VU treats all disclosures of sexual assault seriously.

(21) In addressing disclosures of sexual assault:

- a. VU will exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially.
- b. Confidentiality will be maintained wherever possible in the handling of disclosures.

(22) People making complaints should not suffer adverse consequences or reprisals from VU or any of its staff as the result of making a complaint. If victimisation occurs, VU will take steps to address it.

## **Disclosures and complaints**

(23) Disclosures may arise anywhere within the organisation. A disclosure is made by a person who has experienced the assault, rather than a person who has heard about the assault.

(24) If someone makes a disclosure of sexual assault to you, you must, to the best of your ability:

- a. assist the discloser to contact security and/or police if they choose to do so;
- b. assist the discloser to access and understand University [policies and procedures](#);
- c. advise the discloser of counselling and support services available;
- d. refer the discloser to the relevant area for help and advice:
  - i. Senior Employee Relations Adviser, People & Culture (staff); and,
  - ii. Safer Community Unit (students).

(25) A disclosure is not a complaint and is not investigated as one. A person who makes a disclosure may or may not proceed to make a complaint or a police report.

(26) Complaints are made, investigated and determined following the processes outlined in the [Discrimination, Sexual Harassment and Bullying Prevention and Management Procedure](#).

## **Disclosures by witnesses or people who have heard of assaults**

(27) If you have witnessed a sexual assault or possible sexual assault, or have heard credible reports from others that a sexual assault may have taken place, you should discuss your concern with the relevant area as detailed in Clause 24(d).

(28) Your discussion will be treated with the same degree of appropriate confidentiality as a disclosure from an individual who has been sexually harassed would be.

## **If you have been sexually assaulted**

(29) If you are sexually assaulted at VU, you are strongly encouraged to disclose the matter. You may choose to:

- a. Make a University complaint and/or a police report in the first instance.
- b. Disclose the matter to a member of staff or fellow student whom you trust.
- c. Disclose the matter with the relevant area as detailed in Clause 24(d).
- d. Make a complaint and/or a police report subsequent to making a disclosure.

(30) After making a disclosure, you may also choose to proceed to lodge a complaint or a police report.

(31) VU will advise you of the limitations involved in making a University complaint instead of a police report, and ensure that you understand your options as fully as possible.

(32) In rare cases, in the event that you do not wish to make a police report but there is a strong concern that a report is required in order to prevent a further crime from occurring or to prevent harm to you or to others, VU may still proceed to make a police report.

- a. If VU determines that it is necessary to report an alleged crime to police against your wishes, this action and the reasons for it will be explained to you. Such action will only be taken in extreme situations.

(33) The processes for lodging a complaint, and the methods through which matters are explored and resolved, are detailed in the [Discrimination, Sexual Harassment and Bullying Prevention and Management Procedure](#).

### **If an allegation is made that you have sexually assaulted someone**

(34) If an allegation is made against you, VU will:

- a. Investigate the matter as a Complaint if the complainant has chosen not to pursue a police report;
- b. Exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially; and/or
- c. Assist the police investigation in whatever way is requested.

(35) Where a matter is referred to Victoria Police, VU will cooperate fully with the police inquiry. VU may suspend any internal action being undertaken in relation to a complaint if such action will compromise a police investigation of a criminal matter, or prejudice the prosecution or defence in a criminal process.

(36) If VU determines it necessary to protect the safety and wellbeing of the complainant, you may be subject to measures while an internal or police investigation is ongoing, including:

- a. Suspension from VU under the [Exclusion for Safety Reasons Regulations 2014](#) ;
- b. Reassignment of your work or study location;
- c. A temporary ban on attending campus (although you may be enabled to continue your studies online in some cases).

(37) Disciplinary action will also be taken against anyone who retaliates against or victimises a person who has made a complaint.

### **After a matter is completed**

(38) After finalisation of any investigative, disciplinary or police action, VU will continue to provide assistance and support measures as required to:

- a. protect the safety and welfare of all parties, and
- b. facilitate the recovery of any person who has been sexually assaulted.

(39) If you are charged and found guilty of committing a sexual assault and VU determines there is a continuing risk to the Complainant, you may be subject to sanctions.

## **Section 6 - Procedures**

(40) [Discrimination, Sexual Harassment and Bullying Prevention and Management Procedure](#)

## **Section 7 - Guidelines**

(41) Nil.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	18th October 2018
<b>Review Date</b>	18th October 2021
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	10th October 2018
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<b>Accountable Officer</b>	Lisa Line Deputy Vice-Chancellor Enterprise and Digital Lisa.Line@vu.edu.au
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## Glossary Terms and Definitions

**"Sexual Assault"** - A range of unwanted sexual behaviors, which constitute a crime, whereby a person is forced, coerced or tricked into sexual acts without their consent, including when they have withdrawn their consent. This includes: Rape Indecent assault (sexual acts that involve touching but not penetration) Any sexual contact with a child Sexual servitude unwanted sexual behaviour not involving touching, eg. forcing someone to witness a sex act