

# Sexual Assault Response Procedure

## Section 1 - Summary

(1) This Procedure outlines the University's processes in its support and referral role when responding to an allegation of a sexual offence that has a connection with the University's students, staff, precincts, or with activities conducted by or on behalf of the University.

## Section 2 - HESF/ASQA/ESOS ALIGNMENT

(2) HESF: Standard 2.3 Wellbeing and Safety

(3) ESOS: Standard 5 Younger overseas students; Standard 6 Overseas student support services

(4) [Standards for Registered Training Organisations \(RTOs\) 2015 \(Cth\)](#)

## Section 3 - Scope

(5) This Procedure 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;
- b. all contractors and consultants performing work on University sites or on behalf of the University;
- c. 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 making of their allegation or disclosure under the Sexual Assault Policy, provided that the matter to which the allegation/disclosure relates occurred during the course of their enrolment;
  - iii. students undertaking work integrated learning activities outside of the University;
  - iv. while engaged in all student-related activities, including but not limited to representing the University at study related functions or events;
  - v. students from other academic institutions undertaking work integrated learning activities at VU;
- d. visiting academics, honorary, adjunct and exchange staff;
- e. the Council and its committees;
- f. any volunteer in the workplace and study environment.

(6) Persons who are not a staff member, contractor, student or former student (as defined under Clause 2 of the Sexual Assault Response Policy) are encouraged to refer their allegation to the Police.

(7) In all cases where a child is involved, the matter will be dealt with under the mandatory reporting obligations under section 327 of the [Crimes Act 1958 \(Vic\)](#) (Vic), the [Child Wellbeing and Safety Act 2005 \(Vic\)](#) (Vic) and Part 4.4 of the

[Children, Youth and Families Act 2005 \(Vic\)](#) (Vic), and those of other legislative schema such as the National Law under the [Health Practitioners Regulation National Law Act 2009 \(Vic\)](#) (Vic). The [Safety and Welfare of Children and Young People Policy](#) and [Safety and Welfare of Children and Young People Procedure](#) addresses sexual assault against a student under 18 years of age.

(8) This Procedure is intended to ensure appropriate support and referral of allegations of sexual offences. The investigation and determination of a sexual offence under the criminal justice system is beyond the University's capacity or jurisdiction. The University, through services such as the Safer Community Unit (SCU), will make appropriate referrals to external agencies who will provide individual support or investigation of offences (such as Police).

## Section 4 - Definitions

(9) Anonymous: the discloser is not known/identifiable.

(10) 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.

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

(12) Discloser: A person making a disclosure.

(13) False allegation: Includes statements that deliberately omit a material fact, as well as statements that the speaker/writer knows to be untrue.

(14) Frivolous allegations: Allegations that have no proper purpose and are otherwise groundless, and an investigation would not be warranted.

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

(16) Respondent: The person whose behaviour is the subject of a disclosure or report.

(17) Sexual Assault: A range of unwanted sexual behaviours, 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:

- a. Rape
- b. Indecent assault (sexual acts that involve touching but not penetration)
- c. Any sexual contact with a child
- d. Sexual servitude
- e. unwanted sexual behaviour not involving touching, e.g. forcing someone to witness a sex act.

(18) Support person: An independent person, who may not be a lawyer, that provides assistance and support to the Staff or Student.

(19) Vexatious allegations: Include allegations that are without merit and intended to cause inconvenience, annoyance, harassment or financial cost to the University and/or the person who is the subject of the allegations.

(20) Victimisation: To subject or threaten to subject a discloser or someone supporting a discloser to any detriment for

making a disclosure or supporting someone who has made a disclosure as the case may be.

## Section 5 - Policy Statement/Regulation

(21) [Sexual Assault Response Policy](#).

## Section 6 - Procedures

### Part A - Summary of Roles and Responsibilities

Roles	Responsibilities
All Staff and Students	To have due regard for the rights and dignity of others at all times in accordance with the <a href="#">Appropriate Workplace Behaviour Policy</a> (Staff) and <a href="#">Student Charter Policy</a> (Students) To respond respectfully, compassionately and appropriately if a disclosure of sexual assault is made to you by any person To provide any person who makes a disclosure to you with information or a referral to appropriate services for support, reporting and investigation If a disclosure is made by a person aged under 18 years, to report the matter using the <a href="#">Child Safety Reporting Process</a> in the <a href="#">Safety and Welfare of Children and Young People Procedure</a> (this is mandatory) To not retaliate in any way against a person who has made a disclosure of sexual assault
Managers/Supervisors	Lead a positive workplace culture. Model appropriate behaviour in the workplace.
Integrity Office	Provides relevant information to both staff and students in resolution of student matters.
Safer Community Unit (SCU)	Act as the University's centralised point of contact for students within the University community seeking support or referral as a result of sexual assault.
People and Culture	Act as the University's centralised point of contact for staff within the University community seeking support or referral as a result of sexual assault.

### Part B - Procedural Principles

(22) These Procedures are informed by Universities Australia '[Guidelines for University Responses to Sexual Assault and Sexual Harassment](#)', and are guided by the following principles:

- a. Compassion: The University's response will validate the experiences and feelings of an individual subjected to sexual assault by being compassionate, empathic and supportive. The University will respond respectfully and meaningfully to an individual making a disclosure.
- b. Support and Assistance: the University commits to providing support and assistance to the individual and to ensuring their safety and wellbeing. Procedures will avoid causing further harm or any penalty to the victim/survivor, including minimising the number of times they need to recount their experience.
- c. Confidentiality and Privacy: The confidentiality and privacy of the individual who discloses sexual assault needs to be protected. In addition, they have the right to decide if they want to make a report to the police (noting that the University may be obliged to report incidents to external agencies in certain circumstances, as per Clause 26).
- d. Cultural Competence: The University recognises the need to respond to disclosures in a culturally competent way.
- e. Procedural Fairness: The University recognises and respects the principles of natural justice and procedural

fairness when considering any actions stemming from this Procedure.

- f. Allegations of sexual offences are complex, serious and sensitive matters that have far reaching implications for everyone involved. They require careful consideration by the University in regard to the appropriate steps to be taken. Each instance requires a tailored response, including consideration of any urgent time constraints.
- g. You are entitled to have a support person, or people, with you when you disclose; or access University services.
- h. The University can provide an interpreter service if required.

## Part C - University Response

### Immediate Assistance

(23) Staff or Students who experience, witness, or are affected by sexual assault and/or need immediate assistance should contact the following:

- a. On Campus: Security (24/7): 9919 6666
- b. Police and Ambulance: 000 (triple zero)

### Disclosure and Referrals

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

- a. Make a police report immediately;
- b. Disclose the matter to a member of staff or fellow student whom you trust, and ask them to help you make contact or to come with you to report;
- c. Disclose the matter to the following relevant area:
  - i. People and Culture (staff)
    - Email: [employeerelations@vu.edu.au](mailto:employeerelations@vu.edu.au); and,
  - ii. Safer Community Unit (SCU) (students):
    - Email [safer.community@vu.edu.au](mailto:safer.community@vu.edu.au);
    - Phone +61 3 9919 5707;
    - [online](#);
    - In person (Footscray Park Campus, Building M); OR,
- d. Make a police report subsequent to making a disclosure.

(25) The initial response by the P&C or the SCU may include:

- a. Providing assistance to you, or any other person involved to ensure your safety and wellbeing and ameliorate any immediate and/or ongoing risk.
- b. Gathering information to facilitate any appropriate immediate response (security, emergency services etc.).
- c. With consent and where appropriate, referring you to the Wyndham Multidisciplinary Centre (MDC) or another Centre Against Sexual Assault (CASA) in the area where you are located for counselling and advocacy support, and/or the Sexual Offences and Child Abuse Investigation teams of the Victoria Police (Police). With the agreement of you, staff will facilitate initial contact with and transport to a CASA.

(26) The SCU or P&C will be mindful that they may be the first person you speak to about an alleged offence, and will take actions to minimise the number of times you need to recount the experience.

(27) In addition, the SCU or P&C will encourage you to seek advice and support from [Counselling Services](#) (students)

or the [Employee Assistance Program \(EAP\)](#) (Staff).

## Reporting Options

(28) After making a disclosure, you may choose:

- a. Referral to a CASA: The SCU or P&C will refer you to a CASA who will assist you in determining whether you wish to report the offence to the Police. As well as providing support during the police reporting process and forensic examination process, the CASA also provides longer term support and advocacy on your behalf. In referring you to the CASA, the SCU or P&C will advise you to raise any issues with the CASA that you would like the University to address. The CASA will then liaise with VU on your behalf where action is required.
- b. Reporting to Police: The SCU or P&C will provide information to you about the options available to you to report the matter to the Police. If you request, the SCU or the P&C will assist you to contact the Police; accompany you; and provide transport for you to attend a police station.

## Reporting matters to the Police

(29) The University will respect an individual's decision NOT to make a report to the Police. However, the University will:

- a. Consider advising the Police of relevant non-identifiable information if the University has information that indicates non-reporting to the Police may place members of the University or general community at serious and imminent risk. Wherever possible the University will refrain from providing personal information of the victim/survivor.
- b. In rare cases, where 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, the University may still proceed to make a police report.
- c. Make a report to Police or other regulatory body when mandatory reporting is required.
- d. If the University 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.

(30) The University may assist an individual to report the incident to Police, however cannot make a report on behalf of the individual other than as detailed above in Clause 26.

## Anonymous reports

(31) The University's ability to respond to anonymous reports is limited. If possible, the University may contact those disclosing an instance of sexual assault to provide advice about options and referrals to support services.

(32) The allegation will be cross-referenced with other information to determine whether the report may be related to other matters already known to the University.

(33) The University will consider what, if any, reasonable action is necessary to protect the wellbeing or safety of the University community.

(34) After making reasonable enquiries, the University may, where necessary, refer the report to the Police.

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

(35) If a formal allegation is made against you, the University will:

- a. provide you with support and assistance, including:
  - i. access to information about appropriate emergency health and counselling; and,

ii. referral to internal and external support services.

(36) Where a matter is referred to Victoria Police, the University will cooperate fully with the police inquiry.

(37) If the University determines it necessary to protect the safety and wellbeing of the victim/survivor, you may be subject to measures while a police investigation is ongoing, and/or upon advice from the CASA, including:

- a. Suspension or exclusion from the University in accordance with section 41 of the [Governance, Academic and Student Affairs Statute 2013](#).
- b. Imposing restrictions on your presence on University premises in accordance with section 51 of the [Governance, Academic and Student Affairs Statute 2013](#).

(38) Disciplinary action will also be taken against anyone who retaliates against or victimises a person who has made a disclosure or police report.

### **Informing Colleges and Departments on introduction of safety measures and considerations**

(39) Where there may be an ongoing risk to the broader University community, the SCU and P&C are responsible for identifying risk and implementing appropriate actions to ameliorate that risk and to provide a safe work and study environment. This may include providing safe places to work/study at the University for both the complainant and the alleged perpetrator.

### **Ongoing Support and Assistance**

(40) In consultation with the relevant College/Department, ongoing support may be offered to any individual involved in and impacted by an alleged sexual offence, such as support or counselling from an appropriate health practitioner, or any academic support where the alleged sexual offence adversely impacts on a student's studies.

### **Student Special Consideration Arrangements**

(41) In some cases, students who have experienced sexual violence may require access to the University's special consideration procedures (please refer to the [Assessment for Learning - Adjustments to Assessment Procedure \(HE\)](#), [Assessment for Learning - Assessment Procedure \(VET\)](#) or [Assessment for Learning - Resulting Procedure \(VET\)](#)). Students do not need to make a formal report of their experience to apply for special consideration. At the time of disclosure, the student will be provided with details of the relevant procedure to support special consideration. The Safer Communities Unit will be required to endorse the special consideration application.

(42) As a general principle, where special consideration is sought or granted the University will endeavour to protect the confidentiality and privacy of the student by limiting the circulation of any information about the nature of the special consideration as much as the circumstances allow.

### **Staff Leave Provisions**

(43) In some cases, staff who have experienced sexual violence may require access to the University's leave provisions. At the time of disclosure, the Staff member will be provided with details of the relevant procedure to support such leave. People and Culture will be required to endorse such an application.

### **False, vexatious or frivolous allegations**

(44) Any person who knowingly makes a false, vexatious or frivolous allegation in connection with an allegation of a sexual offence may be subject to disciplinary action in accordance with the University regulations, [policies and procedures](#).

## After a matter is completed

(45) After finalisation of any police action or advice from the CASA, the University 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.

(46) If you are charged and found guilty of committing a sexual assault and/or the University determines there is a continuing risk to the victim/survivor and/or others, you may be subject to disciplinary action under the relevant University Policy.

## Privacy and Record Retention

(47) Any use or disclosure of information gathered by the University in the process of managing an allegation or disclosure of a sexual offence will be on a 'need to know' basis, in compliance with the University's privacy obligations and will be kept confidential to the extent possible.

(48) All records related to a disclosure will be used and retained in accordance with the University's [Privacy Policy](#) and [Records Management Policy](#).

## Further Support

(49) Further support for students is available from the following services:

- a. [VUSafe](#) (App);
- b. [VUHQ](#) (Student Services Centre);
- c. [Student Counselling](#);
- d. [Safer Community](#);
- e. [Student Advocacy](#);
- f. [International Student Support](#);
- g. [Welfare Services](#);
- h. [Security](#)

(50) Further support for staff is available from the following services:

- a. [VUSafe](#) (App);
- b. [EAP](#);
- c. [Security](#)

(51) Further support off campus is available from the following services:

- a. [Sexual Offence and Child Abuse Investigation Teams](#) (SOCIT);
- b. [Centre against Sexual Assault](#) (CASA);
- c. [Sexual Assault Crisis Line](#);
- d. [National Sexual Assault Domestic Violence Service](#);
- e. [Men's Referral Service](#);
- f. [WestCASA](#)
- g. 1800 RESPECT (1800 737 732)
- h. [inTouch](#) Call 1800 755 988

- i. [Q Life](#) Call 1800 184 527
- j. [Djirra](#) Call 1800 105 303
- k. [Women's Information & Referral Exchange](#) (WIRE) Call 1300 134 130

## Section 7 - Guidelines

(52) Nil.



## Status and Details

<b>Status</b>	Current
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