

Sexual Harassment Response Procedure

Section 1 - Summary

(1) This Procedure guides Victoria University in its support, referral, and investigation when responding to an allegation of a sexual harassment that has a connection with the University's students, staff, precincts, or with activities conducted by or on behalf of the University. Formal complaints of sexual harassment are managed under the [Student Complaints Procedure](#) or [Staff Complaints Resolution Policy](#) as the case may be.

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 bringing of their Complaint under this Policy, provided that the matter to which the Complaint relates occurred during the course of their enrolment; and
 - 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 this policy) may make a complaint under the Public Complaints policy in these circumstances.

(7) This Procedure applies to students over the age of 18. The [Safety and Welfare of Children and Young People Policy](#) and [Safety and Welfare of Children and Young People Procedure](#) addresses sexual harassment against a student under 18 years of age.

Section 4 - Definitions

(8) Anonymous: the complainant is not known/identifiable.

(9) Complaint: A notification to the University that a person has been sexually harassed on university premises or otherwise in connection to the university, upon which the person making the report expects the University to act or respond or the University is required to respond, including provision of immediate and appropriate support.

(10) Complainant: A person making a Complaint.

(11) Disclosure: A statement that a person has been sexually harassed on university premises or otherwise in connection to the university, however communicated. A disclosure can only be made by a person who has experienced the sexual harassment, rather than a person who has heard about or is otherwise aware of the sexual harassment.

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

(16) Sexual harassment: Unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, and which a reasonable person having regard to all the circumstances would have anticipated as likely to cause offence, humiliate or intimidate.

(17) 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.

(18) Victimisation: 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/Regulation

(19) [Sexual Harassment Response Policy](#).

Section 6 - Procedures

Part A - Summary of Roles and Responsibilities

Roles	Responsibilities
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All Staff and Students	<p>To have due regard for the rights and dignity of others at all times in accordance with the Appropriate Workplace Behaviour Policy</p> <p>If it is brought to your attention that you have engaged in sexual harassment, to immediately desist from that behaviour</p> <p>To respond compassionately and appropriately if a disclosure of sexual harassment is made to you by any person</p> <p>To provide any person who makes a disclosure to you with information or a referral to appropriate services for support, reporting and investigation</p> <p>To speak out when witnessing incidents of sexual harassment (if you feel safe to do so)</p> <p>If a disclosure is made by a person aged under 18 years, to report the matter using the Child Safety Reporting Process outlined in the Safety and Welfare of Children and Young People Procedure (this is mandatory)</p> <p>To not victimise a person who has made a disclosure or Complaint of sexual harassment</p> <p>To report any observations or incidents of potential harassment</p> <p>Make reasonable efforts to resolve matters before making a complaint (if safe, reasonable and appropriate to do so)</p> <p>Cooperate with reasonable requests from staff involved under this Procedure</p>
Integrity Office	<p>Provides relevant information to both staff and students in resolution of student matters.</p> <p>Facilitates the handling of complaints and provides administrative oversight of the referral process to Senior Officers.</p>
Managers/Supervisors	<p>Lead a positive workplace culture.</p> <p>Model appropriate behaviour in the workplace.</p> <p>Take proactive steps to address any potential harassing behaviour.</p>
Safer Community Unit (SCU)	<p>Act as the University's centralised point of contact for students within the University community seeking support or other action as a result of sexual harassment.</p>
People & Culture	<p>Act as the University's centralised point of contact for staff within the University community seeking support or other action as a result of sexual harassment.</p>
Support person	<p>An independent person, who may not be a lawyer, that provides assistance and support to the Staff or Student.</p>

Part B - Procedural Principles

(20) 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 harassment by being compassionate, empathic and supportive. The University will respond respectfully and meaningfully to an individual making a disclosure or formal report.
- 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 to the complainant, 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 or formally reports sexual harassment needs to be protected in line with the University's Privacy Policy and other relevant University policies.
- d. Cultural Competence: the University recognises the need to respond to disclosures and formal reports in a culturally competent way.
- e. Procedural Fairness: The University recognises and respects the principles of natural justice and procedural fairness when considering any formal report stemming from this Procedure.

(21) Regular and timely communication about the process and its resolution will be provided to both parties to the Complaint.

(22) You are entitled to have a support person, or people, with you when you disclose; make a formal report; or access

VU services.

(23) The University can provide an interpreter service upon request.

Part C - Overview

(24) When a Staff or Student is sexually harassed, there are three key internal processes that may be employed to resolve the matter:

- a. Local level, self-managed resolution: Staff and students who feel able to do so are encouraged to attempt to resolve most problems at the local level (if reasonable, safe and appropriate to do so) before making a Complaint. Support in this process can be obtained from the Safer Community Unit (SCU) (students); or People & Culture (staff). Self-managed resolution is not a prerequisite for referring matters to a formal resolution process.
- b. University-managed resolution: When an issue cannot be resolved at the local level, the Staff or Student may lodge a complaint in writing to the Integrity Office (students) or People & Culture (staff). P&C and the Integrity Office will endeavour to resolve the complaint.
- c. Appeal: Students and Staff have access to Appeals procedures as detailed in the relevant Complaints Procedure.

Part D - University Response

Immediate Assistance

(25) Staff or Students who fear for their own safety should contact the following:

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

Disclosure and Referrals

(26) If you experience sexual harassment at the University or in connection to VU, you are strongly encouraged to disclose the matter. You may choose to:

- a. Address the issue directly with the person who you believe has harassed you (if you feel safe, comfortable and confident to do so);
- 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 the matter;
- c. Disclose the matter to the following relevant area:
 - i. People & Culture (staff). P&C may appoint a relevant expert within or outside the University to support and provide assistance.
 - Email: employeerelations@vu.edu.au; and,
 - ii. Safer Community Unit (SCU) (students):
 - Email safer.community@vu.edu.au;
 - Phone +61 3 9919 5707;
 - [online](#); or
 - In person (Footscray Park Campus, Building M)
- d. Make a Complaint subsequent to making a disclosure.

(27) P&C or the SCU may take the following steps initially:

- a. Provide assistance to the student, staff member or any other person involved to ensure the complainant's safety and wellbeing and ameliorate any immediate and/or ongoing risk.
- b. Gather information to facilitate any appropriate immediate response (counselling, security etc.).

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

(29) The SCU or P&C will encourage you to seek support, advice and information from [Counselling Services](#) (students) or the [Employee Assistance Program \(EAP\)](#) (Staff).

Lodging a Complaint

(30) After making a disclosure, you may also choose to proceed to lodge a Complaint. The SCU or P&C will provide information to you about the option of reporting the allegation under the [Student Complaints Procedure](#) or [Staff Complaints Resolution Policy](#).

(31) With your consent, the SCU (for students) or P&C (for staff) may assist you to prepare a report regarding the alleged sexual harassment and provide this to the Integrity Office (Students) or People & Culture (Staff) for further management.

Investigation

(32) The status of the respondent will guide which procedure each investigation follows:

- a. Matters where both parties are Students will be handled by the SCU. SCU may appoint a relevant independent expert within or outside the University to conduct the investigation.
- b. Matters where both parties are Staff will be handled by People & Culture (P&C). P&C may appoint a relevant independent expert within or outside the University to conduct the investigation.
- c. Where the complainant is a Student who identifies the respondent as a VU Staff member, the matter will be investigated and dealt with by P&C, under the [Staff Complaints Resolution Procedure](#).
- d. Where the complainant is a Staff member who identifies the respondent as a VU student, the matter will be investigated and dealt with by the Integrity Office, under the [Student Complaints Procedure](#).
- e. Where the respondent is from an organisation affiliated with the University, the University may, with the complainant's consent, refer the matter to the affiliated or associated organisation for the organisation to investigate.
- f. Where the respondent is a member of the public and is not affiliated or associated with the University in any way, the University has no basis to investigate the allegations and determine if they are substantiated. Support and referral services will still be available.

Anonymous reports or 'complaints'

(33) The University's ability to respond to anonymous reports or complaints is limited. If possible, the University may contact those disclosing experiences of sexual harassment to provide advice about your options and referrals to support services.

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

(35) VU will consider what, if any, reasonable action is necessary to protect the wellbeing of the University community.

If an allegation is made that you have sexually harassed someone

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

- a. Investigate the matter under the relevant [Student Complaints Procedure](#) or [Staff Complaints Resolution Policy](#);
- b. Exercise procedural fairness. You will be given an opportunity to know the case against you and have the opportunity to respond to allegations made. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially; and / or
- c. provide you with support and assistance, including:
 - i. information about the university's formal report process and complaints procedure; and
 - ii. referral to internal and external support services.

(37) You may be subject to the following measures while an investigation is ongoing to protect the safety and wellbeing of the complainant, 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 complaint.

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 (in consultation with relevant parties, such as Student Wellbeing), are responsible for identifying risk and implementing appropriate actions to ameliorate that risk and to provide a safe work and study environment. This is separate to any measures taken under Clause 34 of this Procedure.

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 sexual harassment, such as support or counselling from an appropriate health practitioner, or any academic support where the alleged sexual harassment adversely impacts on a student's studies.

Student Special Consideration Arrangements

(41) In some cases, students who have experienced sexual harassment may require access to VU's [Assessment for Learning - Adjustments to Assessment Procedure \(HE\)](#) and [Assessment for Learning - Assessment Procedure \(VET\)](#). Students do not need to make a formal report or complaint of their experience to apply for special consideration. At the time of disclosure or making a formal report, 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 harassment 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 & 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 sexual harassment may be subject to disciplinary action in accordance with VU regulations, policies and procedures.

After a matter is completed

(45) After finalisation of any investigative or disciplinary action, 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 harassed.

Privacy and Record Retention

(46) For all matters handled under these Procedures, the University will consider and respect the privacy of the persons concerned (as far as legally possible). Any use or disclosure of information gathered by the University in the process of reporting, investigating, and determining an allegation of sexual harassment 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.

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

Further Support

(48) 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](#).

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

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

Section 7 - Guidelines

(50) Nil.

Status and Details

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