

Sexual Assault and Sexual Harassment Response Policy

Section 1 - Audience

(1) This policy applies to all University of Newcastle (University) students, staff, conjoints, volunteers, Council members and external members of a University committees and should be read in conjunction with the University [Code of Conduct](#) and [Staff Code of Conduct](#).

Section 2 - Executive Summary

(2) This policy sets out the University's commitment to a timely and supportive response to allegations of sexual assault or sexual harassment that:

- a. occurs at a University Campus;
- b. occurs on a digital platform used for University endeavors;
- c. occurs while undertaking University business or representing The University; or
- d. is affiliated with the University.

(3) The University will not tolerate sexual assault or sexual harassment in any form. This includes incidents that are technology facilitated, or image based abuse.

(4) The University will not tolerate behaviour that compromises the safety or wellbeing of staff or students and is committed to providing safe environments that support individuals in their study, work or University endeavours.

(5) The University defines sexual assault, sexual harassment and consent in accordance with the relevant Australian state and federal legislation.

(6) The University can not determine whether a criminal act has been committed. However, the incident may be assessed under University misconduct processes.

(7) The process for supporting victim/survivors of sexual assault and sexual harassment is outlined in the [Sexual Assault and Sexual Harassment Response Procedure](#).

(8) The process for undertaking an assessment of fact for a sexual assault and sexual harassment report is detailed in the [Sexual Assault and Sexual Harassment Response Procedure](#).

(9) The University will refer to the [Code of Conduct](#), [Staff Code of Conduct](#), the applicable [Enterprise Agreement](#), or applicable individual employment contract or the [Student Conduct Rule](#) to determine if misconduct has occurred.

Section 3 - The University of Newcastle's

Commitment

(10) The University will provide a process for victim/survivors to report an incident involving sexual assault or sexual harassment for assessment by the University.

(11) The University will ensure accurate information and appropriate resources are available to victim/survivors and alleged offenders. This will include information on:

- a. reporting an incident;
- b. obtaining timely and appropriate support;
- c. the process of an assessment of fact; and
- d. potential outcomes and actions.

(12) Victim/survivors of sexual assault and sexual harassment will be supported in a survivor-led approach.

(13) The University will assist victim/survivors to seek appropriate support (from University or community health and support services) where requested, and support students through the process of seeking assistance with adjustment to their studies.

(14) The University will accept anonymous reports of sexual assault and sexual harassment. Anonymous reports, at the request of the victim/survivor, may at a later date progress to an identified report.

(15) The University will not tolerate victimisation of individuals involved in reported incidents, those supporting those involved or those providing information about a report of sexual assault and sexual harassment. A breach of this clause may result in disciplinary action.

(16) The University will support victim/survivors who choose to report incidents to an external agency, including the appropriate law enforcement body and Government agency. In instances where reports are made to an external agency the University will assist the external agency with all reasonable requests in accordance with the University's [Privacy Management Plan](#) and relevant legislation.

(17) If assessed under a misconduct process, the University will support an alleged offender, offering support that is separate from that of the victim/survivor.

(18) Any assessment of fact conducted under a University policy will be performed by appropriate University staff or when required an appropriate external agency. Communication about the outcome and any subsequent penalties will be managed in line with the [Privacy Management Plan](#).

Section 4 - Confidentiality and Record Keeping

(19) University staff receiving and assessing reports of sexual assault and sexual harassment will keep appropriate and confidential records. These records are to be kept in accordance with the [Records Governance Policy](#) and the [Privacy Management Plan](#).

(20) The privacy and confidentiality of all parties to a report will be respected to the extent that is appropriate. However, disclosure of the information may be required for the purposes of monitoring or reporting and/or to satisfy regulatory and legal obligations.

(21) The expectation of confidentiality extends to all correspondence in relation to an assessment of fact. Any correspondence provided by or to the University is to be kept in the strictest of confidence.

Section 5 - Review Process

(22) The Deputy Vice-Chancellor (Academic) and Vice President is responsible for the review of this policy at least annually and should be reviewed in conjunction with the [Sexual Assault and Sexual Harassment Response Procedure](#).

(23) Amendments to this policy require the approval of the Executive Leadership Team.

Status and Details

Status	Current
Effective Date	3rd December 2019
Review Date	3rd December 2020
Approval Authority	Vice-Chancellor
Approval Date	14th October 2019
Expiry Date	Not Applicable
Responsible Executive	Mark Hoffman Deputy Vice-Chancellor (Academic) and Vice President
Enquiries Contact	Office of the Deputy Vice-Chancellor Academic and Vice President

Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Campus" - means any place or premises owned or controlled by the University, but may also specifically refer to a designated operating location such as the Callaghan Campus.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"University business" - Work that the University has directed to be undertaken which is required, essential, and beneficial for the functions of the University. This includes, but is not limited to, attending meetings, conferences or fieldwork, but does not include activity that is not location specific, e.g. email management, writing papers. University business may be undertaken by staff and non-staff.