

Sexually Based Assault or Harassment Response Procedure

Section 1 - Audience

(1) This procedure is to support staff responsible for or assisting in supporting survivors of sexually based assault or harassment on University's campus.

Section 2 - Principles

(2) The University supports a survivor-led approach to managing allegations of sexually based assault or harassment.

(3) There may, however, be times when the University is required to report allegations to third parties, including the police. The survivor will be made aware of these obligations at the time of disclosure or reporting.

Section 3 - Confidentiality

(4) The University will support survivors to raise concerns or report incidents involving sexually based assault and harassment, will investigate in a timely, responsible and sensitive manner, and will ensure that survivors have access to appropriate support.

(5) The University will also support staff or students accused of sexually based assault or harassment in the context of their work or enrolment at the University, to ensure that they have access to appropriate support during an investigation.

(6) Information provided to, or collected by, approved University staff in performing a review or investigation will remain confidential and managed in accordance with the University's [Privacy Management Plan](#) and [Privacy and Information Access Policy](#). In certain circumstances, personal information may be provided to external parties.

(7) Communication about the outcome and penalties applied will be managed in line with the University's obligation to comply with Privacy Legislation.

Section 4 - Reporting Sexually Based Assault or Harassment

(8) A disclosure or allegation of sexually based assault or harassment can be made internally to the University or externally to other parties such as the Police. This disclosure can be made informally or formally as outlined [here](#).

Section 5 - Investigation - Outline

(9) The University will determine the approach to undertaking investigations and will take all reasonable steps to

ensure that all parties to an alleged incident are provided with support.

(10) Investigations will be undertaken by appropriately trained and skilled persons. On receipt of a formal report of sexually based assault or harassment, a written report will be provided to the Office of the Deputy Vice-Chancellor Academic (ODVCA).

(11) The Deputy Vice-Chancellor (Academic) (DVCA) will determine the appropriate staff to undertake the investigation.

Section 6 - Investigation - Engaging External Party

(12) In certain circumstances, the investigation may be performed by an external party. The determination to engage an external party will be made by the DVCA.

(13) The DVCA, or their nominated representative, will receive all reports, documents, correspondence from the external party when making the consideration as to any penalties or actions to be imposed.

Section 7 - Investigation - Process

(14) Prior to the commencement of the investigation, Campus care and/or the ODVCA will contact the survivor and the accused party/ies regarding the allegation/s.

(15) All parties will be reminded of their obligations to maintain confidentiality and advised that the matter is not to be discussed beyond obtaining support from appropriate individuals such as counsellors and legal representatives.

(16) On commencement of an investigation, the investigator will provide a Preliminary Assessment Report to the DVCA outlining the details of the incident. The DVCA will investigate the allegation in line with the [Student Conduct Rule](#) when the allegation concerns a student, and in consultation with Human Resource Services, when the allegation involves a staff member. All parties will have the opportunity to provide input into the investigation.

Section 8 - Investigation - Communication

(17) During the investigation process, Campus care and/or the ODVCA will provide information, subject to appropriate confidentiality, regarding the status of the investigation process and anticipated timeframes.

Section 9 - Investigation - Outcomes

(18) A report with recommendations and any other relevant information obtained as part of an investigation will be considered by the DVCA prior to making a determination regarding any action/s or penalties to apply. Penalties which may be imposed on students are outlined in the [Student Conduct Rule](#).

(19) Communication about the outcome and penalties applied will be managed in line with the University's obligation to comply with Privacy Legislation.

Section 10 - Reports that are Made to External

Agencies

(20) The University will assist, as required, external investigations undertaken by appropriate authorities.

Section 11 - Supporting Students

(21) Specific information to support survivors in making a disclosure or reporting an incident are included [here](#).

(22) Specific information to assist survivors and alleged perpetrator/s in obtaining timely and appropriate support are included [here](#).

(23) Specific information to support survivors and alleged perpetrator/s with respect to the investigation process are included [here](#).

(24) Specific information to assist survivors and alleged perpetrator/s regarding potential outcomes and actions are included [here](#).

Section 12 - Supporting Request for Adverse Circumstances

(25) The University understands that making a disclosure or report of sexually based assault or harassment may be distressing for those involved. On request, Campus care will assist the student in seeking consideration and applying for and submitting an application for adverse circumstances as outlined in the [Adverse Circumstances Affecting Assessment Items Policy](#).

Section 13 - University Policy

(26) Investigations will be undertaken in consideration of relevant Policies and Guidelines, including but not limited to the [Student Conduct Rule](#), [Promoting a Respectful and Collaborative University: Diversity and Inclusiveness Policy](#), [Conflict of Interest Policy](#) and the [Privacy and Information Access Policy](#).

Status and Details

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Effective Date	28th July 2017
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Approval Authority	Deputy Vice-Chancellor (Academic) and Vice President
Approval Date	28th July 2017
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Responsible Executive	Karen Blackmore Pro Vice-Chancellor Education Innovation
Enquiries Contact	

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.

"Campus Care" - The program which has been set up as a central point of enquiry for information, advice and support in managing inappropriate, concerning or threatening behaviours.

"Personal information" - Has the same meaning as in the Privacy and Personal Information Protection Act 1998 (NSW).

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

"External parties" - Any individual or organisation external to the University.

"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.