

Sexual Assault and Sexual Harassment Response Procedure

Section 1 - Executive Summary

- (1) This Sexual Assault and Sexual Harassment Response Procedure applies to all University of Newcastle (University) students, staff, conjoints, volunteers, Council members and external members of University committees.
- (2) This procedure should be read in conjunction with the University [Code of Conduct](#), [Staff Code of Conduct](#) and the [Sexual Assault and Sexual Harassment Response Policy](#).
- (3) This procedure details the supportive mechanisms for person who report incidents of sexual assault and sexual harassment.

Section 2 - Reporting Options and Support

- (4) Reports can be made by those individuals who have witnessed or are aware of an incident, including:
- the victim/survivor;
 - a witness;
 - a support person; or
 - a University staff member who has received a disclosure, or is concerned for a student or staff member.
- (5) The University provides mechanisms for individuals to make identifiable and anonymous reports of incidents of sexual assault or sexual harassment to the University. These mechanisms are:
- online reporting to [Campus Care](#):
 - [Identified Report of Sexual Assault or Sexual Harassment](#) – this form is used to disclose an incident and seek support;
 - [Anonymous Report of Sexual Assault or Sexual Harassment](#) – this form is used to disclose an incident anonymously. If a report is made anonymously the University will not be able to provide direct support as the report will not identify the individual completing the form; or
 - self reporting to [Campus Care](#).
- (6) External reporting options are also available. Information can be found on the University [website](#) to support a person in making an:
- [Informal Report to NSW Police](#); or
 - [Formal Report to NSW Police](#).

Support Options

- (7) The University offers a number of free and confidential support options for all student, including face-to-face,

phone, and online counseling sessions; health services; after hours crisis support line; and campus security. Further information, including translation services is available on the University website.

(8) The University has in place an [Employee Assistance Program](#) that provides free and confidential support to staff.

(9) Staff and students can also seek support from external providers. Information about these support services is available on the University website.

(10) Alleged offenders will be offered support by the University independent of the support provided to the victim/survivor, witnesses or others who are aware of a report of sexual assault or sexual harassment.

Escalating Reports

(11) Reports of an incident made to the University will undergo an initial risk assessment by [Campus Care](#). This assessment is to determine if:

- a. there is any immediate or serious threat; or
- b. if the University may be required to provide information to a law enforcement agency or regulatory authority.

(12) The University will continue to assess the risk in consultation with the victim/survivor or the individual who made the report.

(13) To escalate a report under clause 20 of the [Sexual Assault and Sexual Harassment Response Policy](#), where there is an immediate or serious threat, or there is a requirement to inform a law enforcement agency or regulatory authority, the University will:

- a. review the report; and
- b. refer to:
 - i. the [Student Conduct Rule](#), where the alleged offender is a student; or
 - ii. the applicable Enterprise Agreement or applicable individual employment contract, where the alleged offender is a staff member.

Section 3 - Identified report of Sexual Assault and Sexual Harassment

(14) To make a report of an incident involving sexual assault and sexual harassment, an individual can:

- a. complete an online report;
 - i. you will receive an email notification that your report has been received by the University; or
- b. contact [Campus Care](#) at campuscare@newcastle.edu.au.

(15) After a report has been received, the University will assess the incident to ensure that it does not require escalation as required under clause 11 of this Procedure. Any escalation will not delay or detract from support provided to the individual.

(16) The University will provide support to the disclosing individual and:

- a. if they are the victim/survivor:
 - i. offer support services, which may include;
 - internal counselling;

- external counselling; and
 - medical treatment;
- ii. provide information on academic processes, if studies are impacted; and
 - iii. provide information on options for reporting under the relevant misconduct process, detailed in clauses 17-21 of this Procedure or to a relevant law enforcement agency.
- b. if they are a support person or witness:
 - i. provide information on appropriate support services;
 - ii. advise on academic processes, if studies are impacted; and
 - iii. may request consent to contact the victim/survivor of the incident.
 - c. if they are a University staff member and are not a victim/survivor:
 - i. provide information on the [Employee Assistance Program](#); and
 - ii. may request consent to contact the victim/survivor of the incident.

Misconduct Process

(17) The victim/survivor may, after being advised on the relevant misconduct process:

- a. proceed to misconduct process; or
- b. report to a relevant law enforcement agency; or
- c. decline to proceed with a misconduct process.

(18) A report of Sexual Assault and Sexual Harassment against a University student or staff member will be referred to:

- a. the Office of the Deputy Vice-Chancellor (Academic) and Vice President for assessment against the provisions of the [Student Conduct Rule](#), where the alleged offender is a University student; or
- b. the Chief People and Culture Officer or nominee for assessment in accordance with the applicable staff Enterprise Agreement, where the alleged offender is a University staff member.

(19) When a report of Sexual Assault and Sexual Harassment has been assessed and progresses to a misconduct process, the alleged offender will be provided with contact details of a person who can advise on support options available.

(20) If the victim/survivor chooses to make a formal report to a law enforcement agency, the University may suspend any misconduct process if they become aware.

(21) A victim/survivor can, at a future time, request an assessment of misconduct if they decline to proceed at the time of reporting an incident of Sexual Assault or Sexual Harassment. To do so the victim/survivor should contact [Campus Care](#) at campuscare@newcastle.edu.au. This may be restricted due to report retention periods as determined by the University [Records Governance Policy](#).

Section 4 - Anonymous Report

(22) Victim/survivors have the option to disclose an incident through an anonymous report. Such reports provide a point in time reference for the individual making the report, and cannot be identified by the University.

(23) An anonymous reports, can at a later time, be escalated to an identified report of sexual assault and sexual harassment by the victim/survivor. This may be restricted due to report retention periods as determined by the University [Records Governance Policy](#).

(24) Victim/survivors are encouraged to record the reference number provided after completing the report. This reference can be used to escalate the report to be actioned by the University. This report can be referred by contacting [Campus Care](#) on at campuscare@newcastle.edu.au.

(25) The University may assess an incident for any ongoing serious risk or threat of harm following the receipt of an anonymous report. This may result in the referral of the incident to a law enforcement agency.

Section 5 - Reporting Externally

(26) Victim/survivors can report incidents to a law enforcement agency in the jurisdiction in which the incident occurred. In NSW victim/survivors can report to the NSW Police. Information can be found on the University website regarding:

- a. an [Informal Report to NSW Police](#). University Support Services and [Campus Care](#) can assist with this process.
- b. a [Formal Report to NSW Police](#). University Support Services and [Campus Care](#) can assist with this:
 - i. If an investigation of sexual assault is undertaken by the Police, any assessment process that may be underway by the University into the incident may be placed on hold while the formal investigation is underway.

(27) The University will support Australian law enforcement agencies with their investigations, as lawfully required.

Status and Details

Status	Current
Effective Date	3rd December 2019
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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	

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.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"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.