

# Sexual Harassment and Sexual Assault Response Procedures

## Table of Contents

1. Governing Policy
2. Purpose
3. Procedures
  - 3.1. Reports of misconduct
  - 3.2. Third-party reports
  - 3.3. Making a report
  - 3.4. Complaints
  - 3.5. Interim action
  - 3.6. Records of misconduct
  - 3.7. Monitoring
4. Definitions
5. Forms
6. Support services

## 1. Governing Policy

[Sexual Harassment and Sexual Assault Prevention and Response Policy](#)

## 2. Purpose

- a. These procedures describe the University's processes for receiving and responding to reports by members of its community of:
  - i. sexual harassment and harassment on the ground of a person's sex
  - ii. a workplace environment that is hostile on the ground of sex
  - iii. sexual assault
  - iv. related acts of victimisation—collectively referred to in these procedures as **misconduct**.
- b. To understand the full context of the University's processes as set out in these procedures, members of the University Community are encouraged to read the [Sexual Harassment and Sexual Assault Prevention and Response Policy](#) and the Guidelines for implementing the Sexual Harassment and Sexual Assault Response Procedures.

## 3. Procedures

### 3.1. Reports of misconduct

- a. Any member of the University community who experiences misconduct is strongly encouraged to report the matter to the University, even if they are uncertain of whether they wish to make a formal complaint to the University or pursue other reporting options. A report is not a complaint and is not investigated as one.
- b. Reports can be made in person, over the phone or via the [online reporting form](#). Reports made in person or over the phone can be made to:
  - i. Student Equal Opportunity Advisor (for students)

- ii. relevant People and Culture officer e.g., Principal Adviser Employee Relations or People and Culture Business Partner (for employees)
- iii. People and Culture officer or officer of another appropriate area of the University (for other members of the University community)
- iv. Contact Officers, who can provide an alternative initial support mechanism for individuals to raise concerns. Contact Officers are available to listen and offer information to those affected by sexual assault, sexual harassment, or gender-based violence, to help navigate reporting options as detailed in i – iii above, and access available supports as detailed in s.6 of these procedures.

### **3.2. Third-party reports**

- a. Third-party reports are strongly encouraged to be made by people who believe they may have witnessed misconduct or who have received a report from another person that misconduct may have taken place. Reports can be made using one of the [reporting options above](#), preferably the [online reporting form](#).
- b. Third-party reports are mandatory where the person who experienced the misconduct is under 18 years of age.
- c. If a supervisor or other senior manager receives a report from an employee in their team or area that misconduct may have taken place, they must make a third-party report using one of the reporting options above, preferably the online reporting form.
- d. Employees who become aware of or witness misconduct must take all reasonable steps to refer the person who experienced the behaviour to the [Safety and Respect at Flinders](#) webpage where they can access information about the support services and reporting options available to them at the University and in the community.
- e. Where a third-party report is made, the person making the report will be asked to confirm:
  - i. whether they have spoken to the person that experienced the misconduct and communicated their intention to make a report
  - ii. whether the person that experienced the misconduct has given their permission to be named in the report.
- f. Where the person has not given their permission to be named, only a deidentified report can be made.
- g. Third-party reports can be made even if the details of the person who experienced the misconduct or the alleged perpetrator of the behaviour are not known to the person making the report.

### **3.3. Making a report**

- a. A report is a disclosure. It is not a complaint, and it is not investigated as one. A person who makes a report may or may not proceed to make a complaint.
- b. Unless they have indicated in their report that they do not wish to be contacted, the person who experienced the misconduct (and/or who made the third-party report) will be contacted to offer [support services](#) and discuss their options.
- c. Within one business day of receiving a report contact will be made by:
  - i. a University Counsellor or the Student Equal Opportunity Advisor if the person who made the report is a student or the report involves a student
  - ii. the relevant People and Culture officer, e.g., Principal Adviser Employee Relations or People and Culture Business Partner, if the person who made the report is an employee

- iii. a People and Culture officer or officer of another appropriate area of the University if the person who made the report is another member of the University community (i.e., not an employee or a student).
- d. Reports made by any person are always treated with appropriate confidentiality. This means that they are not shared with anyone unless required by law or professional registration requirements or required for the University to take necessary protective or supportive action.
- e. Reports are not shared with the individual about whom the report is made, unless the University proposes to take some action about the report that will affect that individual.
- f. The person who experienced the misconduct has the following options:
  - i. take **informal action** – this is more likely to be an appropriate option, as a first step, if a person has experienced sexual harassment. However, it is always up to the person making the report to determine if this is an appropriate option for them, whether they have experienced sexual harassment or sexual assault – and/or
  - ii. ask the University to take **protective or supportive action**, where reasonable, without prejudice – the type of protective or supportive actions taken may include, but are not limited to:
    - providing health, counselling and/or wellbeing services e.g. access to EAP or MetLife 360
    - implementing a 'Safety Plan'
    - providing the option to study at a different location e.g. a different lecture, class, or study off-campus
    - making temporary changes to the work environment e.g. adjusting reporting lines or working in a different location
    - exploring access to paid or unpaid leave to attend medical appointments or legal proceedings, if required
    - supporting the person with their study commitments
    - where appropriate, help the person relocate to other accommodation – and/or
  - iii. make a **formal complaint** to the University, and/or
  - iv. make an **external complaint** (e.g. a police report for sexual assault, to the relevant state, territory or Commonwealth Anti-discrimination or Equal Opportunity Commission for sexual harassment), or
  - v. take no further action.
- g. If a person chooses to make an external complaint, it is strongly advised that they also make a report to the University to enable the University to take any necessary supportive and protective action while the external matter is underway.
- h. The University will support the person who experienced the misconduct in their preferred course of action, and may assist the person to lodge a complaint if this is what they choose to do (noting that a complaint must always be in the person's own words).
- i. The University may make an information report about an incident to the police. This report will not include information about the identity of the person who experienced the misconduct.

### 3.4. Complaints

- a. If a person who has experienced misconduct decides, after reporting, that they wish to make a formal complaint to the University, their complaint will be managed in accordance with the following:

i. if the complainant is a student	<a href="#">Student Complaints Policy</a> and <a href="#">Student Complaints Procedures</a> , with the exception of the process for the lodgement of the complaint. Upon confirmation from the student that they wish to make a formal complaint, the Student Equal Opportunity Advisor will assist the student to prepare the complaint in their own words and will manage the lodgement of the complaint to Student Policy and Integrity Services on the student's behalf. The principles and processes of the Student Complaints Policy and procedures apply thereafter.
ii. if the complainant is not a student, but the respondent is a student	<a href="#">Student Conduct (Statute 6.4)</a> and associated policy and procedures
iii. if the complainant and respondent are both employees	relevant provisions in the University's Enterprise Agreement and associated policy and procedures
iv. if the complainant or respondent is another member of the University community (i.e., not an employee or a student)	it may be referred to the Director, People & Culture or another appropriate area of the University, who may nominate another member of People & Culture or the area to manage the complaint

- b. Where the person about whom a complaint is made is not a member of the University community, the University will advise the complainant of the limitations of any sanctions that the University can impose.
- c. In matters where the misconduct is sexual assault, the University will advise the complainant of the limitations involved in making a University complaint without also making a police report and ensure that they understand their options as fully as possible.
- d. In the case that a complainant does not wish to take further action, the University may at its discretion determine that it is necessary to act to protect the safety and wellbeing of the University community. This action and the reasons for it will be explained to the person who made the complaint.
- e. Where a matter is reported to police or any other external agency, the University will cooperate fully with any external inquiry. Any internal action being undertaken in relation to a complaint may be paused if such action could compromise a police investigation of a criminal matter, prejudice the prosecution or defence in a criminal process, or compromise any other external inquiry.

### 3.5. Interim action

- a. The Student Equal Opportunity Advisor or relevant People and Culture officer may recommend that interim action is taken in accordance with s.3.9 of the [policy](#) to assist with the safety and wellbeing of the person who experienced the misconduct or any other impacted person.
- b. The use of any interim measures will be determined, after consideration of all the factors, by:
- the Pro Vice-Chancellor (Academic Quality and Enhancement) where the alleged perpetrator is a student
  - the Director, People and Culture where the alleged perpetrator is an employee or other non-employee worker.

- c. If it is determined that it is necessary to take interim action arising from a report, in the first instance, where practical and depending on the risk to the safety and wellbeing of the person who experienced the misconduct or any other member of the University community, the action and the reasons for it will be explained to the person who experienced the behaviour.

### 3.6. Records of misconduct

- a. The University maintains a record of all reports of misconduct. Information recorded includes:
- i. the alleged behaviour
  - ii. the location and circumstances of the behaviour
  - iii. steps taken to respond to the incident
  - iv. support or assistance offered and received
  - v. the time taken to respond
  - vi. the outcome of the report or complaint
  - vii. any feedback from the person who reported the incident or was the subject of a report, and
  - viii. only if consent has been given, the name of the person who made the report.
- b. If the matter has proceeded to a complaint, records relating to the investigation of the complaint, and any sanctions imposed, will also be maintained within the relevant complaints management framework.
- c. All records of misconduct will be managed in accordance with the [Privacy Policy](#) and [Digital Security Policy](#).

### 3.7. Monitoring

Bi-annual reporting on the implementation and effectiveness of actions under the Respect. Now. Always. (RNA) – Safety and Respect at Flinders Action Plan, including deidentified data on reports of misconduct, will occur as follows:

<b>Health, Counselling and Disability Services in consultation with People and Culture</b>	a. Compile the report and present it to the Chair, Respect. Now. Always. (RNA) Advisory Group.
<b>Chair, RNA Advisory Group</b>	<p>b. Present the action plan, report, and any recommendations to:</p> <ul style="list-style-type: none"> <li>i. the sub-group of the RNA Advisory Group responsible for reviewing reports</li> <li>ii. the Deputy Vice Chancellor (Students)</li> <li>iii. the Senior Executive Team</li> <li>iv. University Council via the Audit and Risk Committee.</li> </ul> <p>c. Oversee the implementation of actions and publicly communicate actions taken, where appropriate.</p>

## 4. Definitions

### Sexual harassment

Sexual harassment is unwelcome advances or conduct of a sexual nature which a reasonable person having regard to all the circumstances would have anticipated as likely to cause offence, humiliate or intimidate.

Examples of sexual harassment include:

- non-consensual physical contact, such as pinching, touching, grabbing, kissing, or hugging
- sexual assault
- staring or leering at a person or at parts of their body
- persistent requests to go on dates that are refused
- suggestive comments about a person's body or appearance to or in the vicinity of a person
- sexual jokes or comments and sexually explicit conversations to or in the vicinity of a person
- displays of offensive material
- accessing or downloading sexually explicit or inappropriate material from the Internet
- sending rude or offensive emails, attachments, or text messages (including pictures of body parts)
- advances via online platforms
- intrusive questions about a person's private life or physical appearance
- disclosure of a person's private personal information without their permission
- sexually explicit gifts.

Sexual harassment can be explicit or implicit. Conduct which, when considered in isolation, appears to have no sexual connotation may still amount to conduct of a sexual nature when assessed in its context. Behaviour such as gifts, offers of assistance, declarations of love or affection can give rise to sexual harassment if they are unwelcome and would cause a reasonable person to consider that the recipient would have felt offended, humiliated or intimidated due to receiving them e.g. due to a power imbalance and/or the frequency of the occurrence.

### Harassment on the ground of sex

Harassment on the ground of sex is where a person is subjected to unwelcome conduct of a demeaning nature because of the person's sex (or a characteristic that generally applies or is imputed to apply to their sex), which a reasonable person having regard to all the circumstances would have anticipated as likely to cause offence, humiliate or intimidate the person.

Examples of harassment on the ground of sex include:

- asking intrusive personal questions based on a person's sex
- making inappropriate comments and jokes to a person based on their sex
- displaying images or materials that are sexist, misogynistic or misandrist
- making sexist, misogynistic or misandrist remarks about a specific person

	<ul style="list-style-type: none"> <li>requesting a person to engage in degrading conduct based on their sex.</li> </ul> <p>Harassment on the ground of sex and sexual harassment can occur in combination, but the behaviours constituting each differ in nature.</p>
<b>Workplace or study environment that is hostile on the ground of sex</b>	<p>A workplace or study environment is hostile on the ground of sex if conduct is engaged in which a reasonable person, having regard to all the circumstances, would have anticipated as likely to cause offence, humiliate or intimidate a person because of the sex of that person (or a characteristic that generally applies or is imputed to apply to their sex).</p> <p>Hostile conduct may include displaying obscene or pornographic materials and using offensive language, offensive jokes, offensive banter or sexual innuendo, verbally or in writing, which a reasonable person would consider would feel hostile to the members of one sex.</p>
<b>Sexual assault</b>	<p>Sexual assault is a range of behaviours, all of which are unacceptable and constitute a crime, when a person is forced, coerced, or tricked into sexual acts against their will or without their free and voluntary consent, including when they have withdrawn their consent. This includes:</p> <ul style="list-style-type: none"> <li>rape</li> <li>indecent assault (sexual acts that involve touching)</li> <li>any sexual contact with a child</li> <li>sexual servitude</li> <li>forcing someone to witness a sex act.</li> </ul>
<b>Victimisation</b>	<p>It is unlawful to treat people unfairly because they have used equal opportunity laws including, but not limited to, the Sex Discrimination Act 1984 (Cth). Unlawful victimisation is unfair treatment for complaining about discrimination or harassment. It is also unlawful to be victimised for helping another person to make such a complaint or appearing as a witness when a complaint is being investigated. It is against the law because victimisation punishes people for speaking out and stops them from complaining.</p>
<b>Deidentified data</b>	<p>Deidentified data does not contain any personal details that could identify the person who experienced the misconduct.</p>
<b>Disclosure</b>	<p>A disclosure is the sharing of information regarding any incident(s) of misconduct with another person.</p>
<b>Report</b>	<p>A report under this policy has the same meaning as a disclosure.</p>
<b>Complaint</b>	<p>A complaint under this policy means a formal complaint to the University.</p> <p>A complaint may lead to an investigation and the need for the person who experienced the misconduct to provide further information about their alleged experience.</p>

## 5. Forms

[Online reporting form](#) for reports of sexual harassment and sexual assault.

## 6. Support services

Students can access information about support services from the [Safety and Respect at Flinders](#) webpage.

Staff can access information about support services from the [Safety on Campus staff webpage](#). Other supports available to staff include:

[EAP](#)

[P&C Business Partners](#)

[Contact Officers](#)

Principal Adviser, Workplace Relations

[equal.opportunity@flinders.edu.au](mailto:equal.opportunity@flinders.edu.au)

External supports available to students and staff include:

Yarrow Place (1800 817 421) offers counselling, information and a forensic medical service.

1800 RESPECT (1800 737 732) is a national 24/7 sexual assault, domestic and family violence counselling service. It is free and confidential.

<b>Approval Authority</b>	Deputy Vice-Chancellor (Students) Vice-President (Corporate Services)
<b>Responsible Officer</b>	Director, Student Life Director, People and Culture
<b>Approval Date</b>	20 May 2025
<b>Effective Date</b>	20 May 2025
<b>Review Date*</b>	2028
<b>Last amended</b>	
<b>CM file number</b>	CF20/39

\* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

Printed versions of this document are not controlled. Please refer to the [Flinders Policy Library](#) for the latest version.