

STUDENT SEXUAL MISCONDUCT RESPONSE PROCEDURES 2018

Issued by: Deputy Vice-Chancellor (Education)
Dated: 1 August 2018
Last amended: 11 February 2019
1 August 2019 (administrative amendments)
Signature:
Name: Professor Philippa Pattison

1 Purpose and application

- (1) These procedures are to give effect to the *Student Sexual Misconduct Policy 2018* ('the Policy').
- (2) These procedures apply to all disclosures or complaints of sexual misconduct or sexual harassment made under the Policy.

Note: See clauses 12 and 13 of the Policy.

2 Commencement

These procedures commence on 1 August 2018.

3 Interpretation

Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the Policy.

Note: For definitions, see clause 6 of the *Student Sexual Misconduct Policy 2018*.

Workplace Relations means the specialist staff within Human Resources who assist managers to resolve workplace issues in accordance with the [University of Sydney Enterprise Agreement 2018-2021](#) or any successor or replacement agreement (where applicable) and University policies and procedures.

4 Responding to emergencies

Emergency contact information for students and former students who have experienced sexual misconduct or sexual harassment is set out in Schedule 1 to the Policy and Schedule 1 to these procedures.

5 Making a disclosure of sexual misconduct or sexual harassment

- (1) A student or former student can make a disclosure of any incident of sexual misconduct or sexual harassment to the University online anytime on [the University's 'Sexual Misconduct' web page](#) or by calling **1800 SYD HLP (1800 793 457)** from 9am to 5pm, Monday to Friday.

Note: Students who prefer to make a disclosure in person can call **1800 SYD HLP (1800 793 457)** to make an appointment.

- (2) Staff members and student caseworkers may assist a student or former student to make a disclosure.
- (3) Students and former students may make disclosures anonymously by asking a staff member or student caseworker to make a disclosure on their behalf, or by calling from a private number.
- (4) Students and former students should advise staff members and student caseworkers if they have already made a disclosure.

Note: A student or former student who chooses to make a disclosure of sexual misconduct or sexual harassment may later decide to make a complaint to the University about the same incident. See subclause 12(6) of the Policy.

Note: The University will not investigate a disclosure, except in certain limited circumstances. See subclause 12(7) of the Policy.

- (5) If the University needs to investigate a disclosure, a Student Liaison Officer may contact the person who made the disclosure to ask whether they would be prepared to make a complaint or to participate in an investigation process.

6 Making a complaint of sexual misconduct or sexual harassment

- (1) A student or former student who has experienced sexual misconduct or sexual harassment can make a complaint to the University online anytime on [the University's 'Sexual Misconduct' web page](#) or by calling **1800 SYD HLP (1800 793 457)** from 9am to 5pm, Monday to Friday.

Note: Students and former students who prefer to make a complaint in person can call **1800 SYD HLP (1800 793 457)** to make an appointment.

- (2) Complaints of sexual misconduct and sexual harassment will be referred to the Student Affairs Unit, for handling in accordance with the [Student Complaints Procedures 2015](#).
- (3) Students and former students will be supported in their dealings with the Student Affairs Unit by the Student Liaison Officers.
- (4) Staff members may assist a student or former student to make a complaint.
- (5) Student Liaison Officers, Student Affairs Officers and student caseworkers may make a complaint on behalf of a student or former student.
- (6) A student or former student who has made a complaint of sexual misconduct or sexual harassment is free to withdraw it at any time. However, if the University has already commenced misconduct proceedings against a student, staff member of affiliate as a result of the complaint, those proceedings will be completed.
- (7) The making, investigation or resolution of a complaint under these procedures must be in accordance with the principles set out in the Policy.

- (8) Complainants are required to engage with the complaints process, and to provide sufficient details of their complaint to permit the University to conduct a preliminary assessment and investigation, as appropriate.

Note: Complainants are not required to put their complaint in writing in the first instance. However, a written complaint will be required if an investigation is needed. See clause 7(4) of the [Student Complaints Procedures 2015](#).

7 Supporting students who have experienced sexual misconduct or sexual harassment

- (1) Contact details for ongoing support and assistance for students and former students who have experienced sexual misconduct or sexual harassment are set out in Schedule 2 to the Policy and Schedule 2 to these procedures.
- (2) Students, staff, affiliates and student caseworkers can seek advice and assistance with supporting a student or former student who has experienced sexual misconduct or sexual harassment by calling **1800 SYD HLP (1800 793 457)** from 9am to 5pm, Monday to Friday.
- (3) Students, staff, affiliates and student caseworkers should:
- refer students and former students who have experienced sexual misconduct or sexual harassment to the available support services, and to the online portal and **1800 SYD HLP (1800 793 457)**; and
 - advise students and former students of their right to make a disclosure or complaint.
- (4) Where appropriate, staff and affiliates should also seek advice from the University's Office of General Counsel on whether the matter should be reported to the NSW Police in accordance with clause 15 of the Policy.
- (5) Students, staff, and affiliates and student caseworkers can support a student or former student who has experienced sexual misconduct or sexual harassment by:
- listening without interrupting;
 - letting them express how they feel and respecting the words they use in reference to the incident;
 - letting the student know they believe what the student is telling them and acknowledging the student's distress;
 - letting the student know that the incident was not their fault;
 - respecting their decisions;
 - directing them to the available support services.

Note: When a student or former student has experienced sexual misconduct or sexual harassment, they may express a range of emotional and physical symptoms. The [NSW Rape Crisis Service](#) website provides information on common impacts of sexual assault.

8 Supporting students who have been accused of sexual misconduct or sexual harassment

Contact details for ongoing support and assistance for students who have been accused of sexual misconduct or sexual harassment are set out in Schedule 3 to the Policy and Schedule 3 to these procedures.

9 Preliminary assessment of a complaint

- (1) Upon receiving a complaint of sexual misconduct or sexual harassment, the Student Affairs Unit will conduct a preliminary assessment in accordance with clause 8 of the [Student Complaints Procedures 2015](#).
Note: For details of timeframes, the information that will be recorded in the case management system and the process that will be undertaken, see clause 8 of the [Student Complaints Procedures 2015](#).
Note: Where the complaint relates to the conduct of a staff member or affiliate, the Student Affairs Unit must refer the complaint to Workplace Relations. See subclause 8(11) of the [Student Complaints Procedures 2015](#).
- (2) The Student Affairs Unit will consult with the complainant during the preliminary assessment process.
- (3) Sexual misconduct and most sexual harassment by students will constitute student misconduct.
 - (a) The Student Affairs Unit will not refer a complaint about a student to the Registrar, for handling in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#), without consulting the complainant.
 - (b) If a complaint about a student is referred to the Registrar, the Student Affairs Unit will update the complainant regularly on the progress of the misconduct proceedings.
- (4) The Student Affairs Unit will inform the complainant before referring a complaint to the Registrar.
- (5) If a complaint about a student is not referred to the Registrar:
 - (a) the University will be unable to take disciplinary action against the respondent; and
 - (b) the Student Affairs Unit will determine, in consultation with the complainant, whether the complaint is appropriate for investigation or assisted resolution.

10 Investigation of a complaint

- (1) Where the Student Affairs Unit determines that investigation of a complaint about a student is appropriate and the complaint has not been referred to the Registrar for handling in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#), the complaint will be investigated in accordance with the [Student Complaints Procedures 2015](#).
Note: Investigators must make findings of fact and may make recommendations for resolving complaints. See subclause 11(4) of the [Student Complaints Procedures 2015](#).
- (2) If an investigator recommends that a complaint about a student be referred to the Registrar for handling in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#), the Student Affairs Unit will not refer the complaint to the Registrar without consulting the complainant.
- (3) The Student Affairs Unit will inform the complainant before referring a complaint to the Registrar.
- (4) If the complaint is not referred to the Registrar:



- (a) the University will not take disciplinary action against the respondent; and
- (b) the Student Affairs Unit will take into account the investigator's findings of fact and any recommendations, and determine, in consultation with the complainant, whether the complaint is appropriate for assisted resolution.

Note: The Student Affairs Unit will provide the complainant and the respondent a written statement of the outcome of the complaint, including reasons and details of any right to an appeal. See subclause 11(1) of the [Student Complaints Procedures 2015](#).

- (5) Alleged misconduct by staff members may be investigated in accordance with clause 384 of the [University of Sydney Enterprise Agreement 2018-2021](#) or any successor or replacement agreement (where applicable).
- (6) Alleged misconduct by affiliates will be investigated by the University and may result in the revocation of a title and any accompanying privileges under the [Honorary Titles Policy 2013](#).

11 Outcome of a complaint

- (1) The outcome of a complaint of sexual misconduct or sexual harassment will be determined by the findings of any investigation, the seriousness of the complaint and the wishes of the complainant.
- (2) For complaints that result in misconduct proceedings:
 - (a) the [University of Sydney \(Student Discipline\) Rule 2016](#) sets out the process for establishing penalties for, and appeal rights from, findings of misconduct against a student.

Note: See sections 3.1 and 3.2 of the [University of Sydney \(Student Discipline\) Rule 2016](#).
 - (b) the [University of Sydney Enterprise Agreement 2018-2021](#) sets out the process for establishing penalties for, and appeal rights from, findings of misconduct against a staff member.

Note: See clauses 3 and 384 of the [University of Sydney Enterprise Agreement 2018-2021](#).
- (3) The Student Affairs Unit will inform complainants of the outcome of misconduct proceedings against students, staff members or affiliates, on a confidential basis. Where possible, this information will be delivered in person, to allow the complainant to ask questions and seek clarification about the effect of the outcome.

Note: See subclause 14(2) of the Policy in relation to the confidentiality of complaint outcomes.
- (4) If the complainant does not provide sufficient detail or evidence of a complaint about a student, staff member or affiliate to enable the alleged conduct to be properly investigated, a finding of misconduct will not be made and the University will be unable to take disciplinary action against the respondent.
- (5) If a complaint about a student is not referred to the Registrar for handling in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#), or if a finding of misconduct is not made, the Student Affairs Unit will determine whether the complaint is appropriate for investigation or assisted resolution in accordance with the [Student Complaints Procedures 2015](#).

Note: Assisted resolution may include, an apology, mediation or conciliation, an agreed plan of action to avoid further incidents, and implementing awareness-raising or educational sessions about behaviour. See clause 9 of the [Student Complaints Procedures 2015](#).

- (6) If a complaint about a staff member or affiliate does not result in misconduct proceedings, or if a finding of misconduct is not made, Workplace Relations will determine whether the complaint is appropriate for mediation or an alternative form of dispute resolution.
- (7) In most circumstances, mediation and conciliation will be considered inappropriate for resolving complaints of sexual misconduct.

12 Interim measures

- (1) If the Registrar imposes interim measures against a student, they must provide a written notice to the student within 24 hours:
 - (a) specifying the terms of the interim measures;
 - (b) specifying the period of the interim measures;
 - (c) summarising the reasons for the interim measures; and
 - (d) providing a copy of, or an electronic link to, the Policy and these procedures.

Note: The University will keep confidential all information relating to a disclosure or complaint of sexual misconduct or sexual harassment, unless the student who made the disclosure or complaint consents to disclosure of part or all of the information. See subclause 14(1) of the Policy.

- (2) Applications for internal review of interim measures must be lodged:
 - (a) in writing to the Student Affairs Unit;
 - (b) within 20 working days of the date on which written notice of the interim measures was provided to the student.
- (3) Applications for internal review will be considered by the Deputy Vice-Chancellor (Education).
- (4) Any internal review will be:
 - (a) conducted on the basis of the written material; and
 - (b) limited to a review of the term, period and reasons for taking the interim measures.
- (5) Where reasonable, the Deputy Vice-Chancellor (Education) will review the interim measures within 20 working days of the application for review.
- (6) Where 20 days is not reasonable, the Student Affairs Unit will advise the student of the reasons for the delay, and the projected timeframe for completion of the internal review.
- (7) At the conclusion of the internal review, the Deputy Vice-Chancellor (Education) will provide the student with a written statement of the outcome of the review, including reasons.
- (8) Nothing in these procedures affects the power of:
 - (a) the Registrar to suspend a student in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#); or

- (b) a University representative to issue a Termination of License Notice in accordance with the [University of Sydney \(Campus Access\) Rule 2009](#).

13 Review

These procedures will be reviewed within one year of the date of commencement.

NOTES

Student Sexual Misconduct Response Procedures 2018

Date adopted:	1 August 2018
Date commenced:	1 August 2018
Last amended:	11 February 2019 1 August 2019 (administrative amendments)
Administrator:	Deputy Vice-Chancellor (Education)
Review date:	1 August 2023
Rescinded documents:	Nil
Related documents:	<i>Education Services for Overseas Students Act 2000 (Cth)</i> <i>Higher Education Support Act (Cth)</i> <i>Anti-Discrimination Act 1977 (NSW)</i> <i>Crimes Act 1900 (NSW)</i> <i>Privacy and Personal Protection Information Act 1988 (NSW)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (Cth)</i> <i>University of Sydney (Student Discipline) Rule 2016</i> <i>Student Sexual Misconduct Policy 2018</i> <i>Bullying, Harassment and Discrimination Prevention Policy 2015</i> <i>Resolution of Complaints Policy 2015</i> <i>Student Complaints Procedures 2015</i>

AMENDMENT HISTORY

Provision	Amendment	Commencing
4	Addition of 'and former students'	11 February 2019
5(4) Note	Addition of 'or former student'	11 February 2019
6 Note	Addition of 'and former students'	11 February 2019
7(2)	Addition of 'or former student'	11 February 2019
7(3)(a); 7(3)(b)	Addition of 'and former students'	11 February 2019
7(5); 7(5) Note	Addition of "or former student"	11 February 2019
9	Replace subclause 8(10) with 8(11)	11 February 2019
10(5)	Remove 'or affiliates'	11 February 2019
10(6)	Addition of new clause	11 February 2019
11(2)(b)	Remove 'or affiliate'	11 February 2019
Schedule 2	Addition of 'other than students of CCE and CET'	11 February 2019
Schedule 3	Addition of (for current students, other than students of CCE and CET, only)	11 February 2019
Title	Change 'Sexual Assault and Sexual Harassment' to 'Sexual Misconduct'	1 August 2019
Throughout	Change 'sexual assault' to 'sexual misconduct'	1 August 2019

SCHEDULE 1 – Emergency contacts

- (1) In an emergency, students should contact **emergency services** by dialling triple zero (**000**).
- (2) Students who feel unsafe on campus or are concerned for someone else's safety can also contact **Campus Security** on **9351 3333**, 24 hours a day.
- (3) Students and former students who have experienced sexual misconduct can contact:
 - (a) **NSW Rape Crisis Service** on **1800 424 017**, 24 hours a day;
 - (b) **1800RESPECT** on **1800 737 732** or online via www.1800respect.org.au, **24 hours a day**;
 - (c) **Royal Prince Alfred (RPA) Hospital Sexual Assault Service** on **9515 9040** (Monday to Friday) or **9515 6111** (after hours). Counselling and medical services are available for anyone who has been sexually assaulted. Campus Security can arrange transport to RPA.

SCHEDULE 2 – University support for students and former students who have experienced sexual misconduct or sexual harassment

- (1) A student or former student who has experienced sexual misconduct or sexual harassment can make a disclosure or a complaint to the University online on [the University's 'Sexual Misconduct' web page](#) or by calling **1800 SYD HLP (1800 793 457)** from 9am to 5pm, Monday to Friday.
- (2) Students who have experienced sexual misconduct or sexual harassment have access to a range of University [support services and assistance](#), including:
 - **Student Liaison Officers** – contact **8627 6808** or email safer-communities.officer@sydney.edu.au, 8.30am-5.30pm, Monday to Friday;
 - **on campus emergency accommodation** - contact Student Accommodation Services on **9351 3322**, 10am to 4pm, Monday to Friday. For after hours emergency accommodation, contact Campus Security on **9351 3333**;
 - **security services** - contact Campus Security on **9351 3333**, 24 hours a day;
 - **health services** (for current students only) - contact the University Health Service on **9351 3484**, 8:30am to 5pm, Monday to Friday;
 - **counselling services** (for current students, other than students of CCE and CET, only) – contact Counselling and Psychological Services (CAPS) on **8627 8433**, 9am to 4:30pm, Monday to Friday;
 - **disability support** - contact Disability Services on **8627 7422**, 9am-4pm, Monday to Friday;
 - **academic support** - [special consideration](#) for examinations and assessments; and
 - **student representative associations** – undergraduate students: contact the [Student Representative Council](#) (SRC) on **9660 5222**, 9am-5pm, Monday to Friday; postgraduate students - contact the [Sydney University Postgraduate Representative Association](#) (SUPRA) on **9351 3715**, 9am to 5pm (closed 12-1pm), Monday to Friday.
- (3) Former students who have experienced sexual misconduct or sexual harassment have access to a range of University [support services and assistance, which may include](#):
 - **Student Liaison Officers** – contact **8627 6808** or email safer-communities.officer@sydney.edu.au, 8.30am-5.30pm, Monday to Friday;
 - **security services** - contact Campus Security on **9351 3333**, 24 hours a day;
 - **student representative associations** – undergraduate students: contact the [Student Representative Council](#) (SRC) on **9660 5222**, 9am-5pm, Monday to Friday; postgraduate students: contact the [Sydney University Postgraduate Representative Association](#) (SUPRA) on **9351 3715**, 9am to 5pm (closed 12-1pm), Monday to Friday.

SCHEDULE 3 – University support for students who have been accused of sexual misconduct or sexual harassment

Students who are accused of sexual misconduct or sexual harassment have access to a range of University support services and assistance, including:

- **health services** - contact the University Health Service on **9351 3484**, 8:30am to 5pm, Monday to Friday;
- **counselling services** - (for current students, other than students of CCE and CET, only) contact Counselling and Psychological Services (CAPS) on **8627 8433**, 9am to 4:30pm, Monday to Friday;
- **on campus emergency accommodation** - contact Student Accommodation Services on **9351 3322**, 10am to 4pm, Monday to Friday. For after hours emergency accommodation, contact Campus Security on **9351 3333**;
- **disability support** - contact Disability Services on **8627 7422**, 9am-4pm, Monday to Friday
- **academic support** - [special consideration](#) for examinations and assessments; and
- **student representative associations** – undergraduate students: contact the [Student Representative Council](#) (SRC) on **9660 5222**, 9am-5pm, Monday to Friday; postgraduate students: contact the [Sydney University Postgraduate Representative Association](#) (SUPRA) on **9351 3715**, 9am to 5pm (closed 12-1pm), Monday to Friday.