Sexual Misconduct Procedure

Section 1 - Purpose

Emergency Contacts and Support Services

(1) Emergency contact and support service information is provided in Secctions 6 and 7 of this Procedure.

(2) The University undertakes to offer assistance and support to all parties impacted by an incident of Sexual Misconduct.

Section 2 - Purpose

(3) This Procedure:

a. establishes the process for making Complaints of Sexual Misconduct, including the process for providing anonymous Complaints;
b. outlines the investigation processes undertaken by the University following Complaints of Sexual Misconduct; and
c. identifies the support services available to Students, Staff and other members of the University Community impacted by an incident of Sexual Misconduct.

Section 3 - Policy

(4) This Procedure should be read in conjunction with the University of Canberra (University) Sexual Misconduct Policy (Policy).

Section 4 - Procedure

Sexual Misconduct Complaints

(5) The University is committed to supporting any member of the University Community making a Complaint about Sexual Misconduct. The available support services options are outlined in Section 6 and 7 of this Procedure.

(6) The University encourages making a Complaint of any incident of Sexual Misconduct to the University, whether recent or historical, and regardless of whether or not a report has been made to police.

(7) If a Complainant wants to make a report to Police, the University will provide support and/or assistance in this process.

(8) Any person can make a Complaint of Sexual Misconduct to the University on the UC Safe Community webpage on the University website: https://www.canberra.edu.au/safe-community/report-an-incident.

(9) All Complaints to the UC Safe Community webpage will be responded to within 24 business hours by specialist

University staff and will be treated with confidentiality, dignity and respect.

(10) Complainants will be kept regularly informed on the progression of their Complaint of Sexual Misconduct.

(11) Complaints of Sexual Misconduct to the UC Safe Community webpage can be made anonymously. However, an anonymous Complaint will limit the capacity of the University to investigate the incident and, where it is appropriate to involve police, it may impact their capacity to investigate the incident.

(12) A Complaint of Sexual Misconduct can be made on behalf of another person. Where possible a Complaint should be made with the consent or knowledge of the other person who has been impacted by the incident of Sexual Misconduct.

(13) Complainants can make one of the following Complaints of Sexual Misconduct:

a. a Report which is a formal account or statement about Sexual Misconduct to the University by a person who is seeking the University to undertake an investigation and take disciplinary action if necessary; or
b. a Disclosure in circumstances where a person is seeking support from the University but does not want the matter investigated or any other action taken.

(14) Complainants may not want the University to investigate or take specific action in relation to an incident. Other than those limited circumstances prescribed in clause 33 of the Policy, the University will respect any such decision made by the Complainant.

(15) Complainants who have filed an anonymous Report may later request that the University provide support. In such instances, the University commits to respond to the request and to provide support and assistance to the Complainant during this process.

(16) Complainants who have made a Disclosure with the sole purpose of accessing support services may later request that the University investigate and/or take action. In such instances, the University commits to respond to the request and to provide appropriate support and assistance to the Complainant during this process.

(17) All Complaints of Sexual Misconduct with be responded to confidentially, in accordance with the University's Privacy Policy and in accordance with clauses 32-35 of the Policy.

Investigations

(18) Investigations into Complaints of Sexual Misconduct where the Respondent is a Student will be overseen by the Director, Student Life.

(19) The investigation process into a Complaint mentioned in clause 18 and any determinations of wrongdoing will be informed by:

a. the Policy and these Procedures;
b. the University of Canberra (Student Conduct) Rules 2023; and
c. any other relevant Legal Instrument.

(20) Investigations into Complaints of Sexual Misconduct where the Respondent is a Staff member will be overseen by the Chief People Officer.

(21) The investigation process into a Complaint mentioned in clause 20 any determinations of wrongdoing will be informed by:

a. the Policy and these Procedures;

b. the University of Canberra Enterprise Agreement; and
c. any other relevant Legal Instrument.

(22) In instances where the Respondent of a Complaint is both a Staff member and a Student of the University, the Chief People Officer will confer with the Director, Student Life to determine the appropriate investigative oversight. The Complainant and Respondent will both be notified of this decision.

(23) If the Respondent is neither Student nor Staff, or a conflict of interest exists between the Complainant or the Respondent and the relevant investigator, as set out above, then the Vice-Chancellor, a Deputy Vice-Chancellor or Vice-President will determine a suitable and impartial person to investigate the Complaint.

(24) Investigations into Complaints mentioned in clause 22 and any determinations of wrongdoing will be informed by the Policy, this Procedure and any other relevant Legal Instrument (including the University of Canberra (Student Conduct) Rules 2023 or the University of Canberra Enterprise Agreement as applicable).

(25) Consistent with clauses 29-31 of the Policy, the University undertakes to provide procedural fairness during any investigation into a Complaint.

(26) The University will temporarily suspend an investigation until the completion of any related police investigation or criminal prosecution. A temporary suspension does not prevent the University from implementing any of the interim measures set out in clauses 24-28 of the Policy. The University will continue to provide support to the Complainant (including regular updates) and may seek advice on a case by case basis regarding appropriate measures to implement or actions to take in circumstances where a police investigation or any criminal proceeding remains ongoing.

(27) The University will keep secure records of the Complaint, investigation and any findings in accordance with applicable privacy and records retention law.

(28) Deidentified records may be used by the University to assess and mitigate risk, identify trends, improve support, improve proactive strategies, policies and responses to Sexual Misconduct.

Support Services

(29) The personal safety and recovery of the Complainant from the trauma of the experience of Sexual Misconduct is the priority of the University.

(30) Confidential medical, counselling and support services are available for all members of the University Community impacted by Sexual Misconduct. Details of this support is provided in Section 7 of this Procedure.

(31) The University may provide adjustments to a Student's academic program where their studies have been impacted by Sexual Misconduct.

(32) The University undertakes to provide independent support to the members of the University Community impacted by Sexual Misconduct.

Section 5 - Roles and Responsibilities

Who	Responsibilities
Vice-Chancellor	• oversees the implementation of this Procedure; • can determine a suitable and impartial investigator where the Respondent to a Complaint of Sexual Misconduct is neither a staff member or a student or there is a conflict of interest between the parties in accordance with clause 23 and 25 of this Procedure.

Who	Responsibilities
Deputy Vice-Chancellor	can determine a suitable and impartial investigator where the Respondent to a Complaint of Sexual Misconduct is neither a staff member or a student or there is a conflict of interest between the parties in accordance with clauses 23 and 25 of this Procedure.
Vice-President	can determine a suitable and impartial investigator where the Respondent to a Complaint of Sexual Misconduct is neither a staff member or a student or there is a conflict of interest between the parties in accordance with clauses 23 and 25 of this Procedure.
Chief People Officer	• oversees the investigation into Complaints of staff sexual Misconduct in accordance with clauses 18-28 of this Procedure; • in consultation with the Director, Student Life, determines the appropriate investigator when a Complaint is made about a person who is both a staff member and student in accordance with clause 22 of this Procedure.
Director, Student Life	• oversees the investigation into Complaints of Sexual Misconduct in accordance with clauses 18-28 of this Procedure; • in consultation with the Chief People Officer determines the appropriate investigator when a Complaint is made about a person who is both a staff member and student in accordance with clause 22 of these Procedures.
Governance and Legal	provides support to the Vice-Chancellor to oversee the implementation of this Procedure.
All staff and students and other members of the University Community	• familiarise themselves with this Procedure; • if they become aware of an incident of Sexual Misconduct against a complainant, promptly notify the incident in accordance with clause 13 of the Policy and in accordance with the process set out in clauses 5-17 of this Procedure.

Section 6 - External Support Services

(33) Canberra Rape Crisis Centre, crisis and support counselling phone line (including appointments and referrals) Phone: (02) 6247 2525, Text only: 0488 586 518 – https://crcc.org.au/

(34) Lifeline: 13 11 14 – https://www.lifeline.org.au/

(35) ACT Legal Aid: 1300 654 314– https://www.legalaidact.org.au/

(36) Aboriginal Legal Service: 02 6120 8800 – https://www.alsnswact.org.au/als_canberra

(37) Esafety Commissioner: 1800 737 732 – https://www.esafety.gov.au/

(38) Crime Stoppers ACT: 1800 333 000 – https://www.crimestoppersact.com.au/

(39) Translating and Interpreting Service: 131 450 – www.tisnational.gov.au

Section 7 - Emergency Services and Support Services Contacts

Emergency Services

In the event of immediate danger to yourself or others, call 000 for Police
If you or someone else requires urgent medical assistance, call 000 for Ambulance
On campus emergency support: University of Canberra Security Phone: 6201 2222 (24 hours/7 days a week)

Support Services

Internal Support	
Student Wellbeing A team of social workers and wellbeing support workers providing individualised support, confidential advice, referrals, and general information.	02 6206 8841 Wellbeing@canberra.edu.au
UC Medical and Counselling Centre A multidisciplinary health clinic providing confidential health and wellbeing support. Bulk-billed GP, psychology and nursing services	02 6201 2351 UCMCC@canberra.edu.au
UC Crisis Support Line Delivered by Lifeline, the Crisis Line is available to students for counselling and general wellbeing support.	T: 1300 271 790 Text: 0488 884 227
Unilodge The Residential Life Manager is the primary contact for residents living on campus at UC.	0455 776 648 (UniLodge) 0466 329 079 (Campus West)
Report an Incident If you have experienced any form of violence or harassment, sustained an injury or identified a potential hazard on campus, we encourage you to reach out to us and let us help.	Report an Incident - University of Canberra

External Support	
Domestic Violence Crisis Service (DVCS) An inclusive service supporting people impacted by domestic and family violence.	02 6280 0900 (24/7) Text: 0421 268 492 admin@dvcs.org.au
Canberra Rape Crisis Centre (CRCC) CRCC provides crisis lines, counselling and advocacy for anyone who has experience sexual assault and/or violence.	02 6247 2525 0488 586 518 (text only)
National Domestic Family and Sexual Violence Counselling Service 1800Respect Counselling support for people experiencing violence and abuse.	1800 RESPECT (1800 737 732)
Legal Aid ACT Free Legal Support for all students. (On campus at the University in 1C70 Tue & Wed 9-5)	1300 654 314 legalaid@legalaidact.org.au
Beryl Women Inc. Therapeutic support and safe housing to women and children escaping violence.	02 6230 6900 admin@beryl.org.au
Women's Services Network WESNET Relief and support to women and children experiencing gender-based violence	1800 937 638 Online form
ACT Police ACT Policing is responsible for providing policing services to the Australian Capital Territory (ACT).	000 (Emergency) 131 444 (Police Assistance Line)
Access Mental Health Access Mental Health is the central point of entry to access mental health services.	1800 629 354 (24/7) (02) 6205 1065
Forensic and Medical Sexual Assault Care (FAMSAC) A safe and caring environment for victims of sexual assault. Address: Canberra Hospital, 5, Gilmore Cres, Garran ACT 2605	02 6244 2184 (Monday to Friday 9am-5pm) (02) 6244 2222 (after hours)

External Support	
Women's Legal Centre ACT Legal assistance & support for women.	02 6257 4377 1800 634 669 (free call) admin@wlc.org.au
Lifeline 24 hour crisis support and suicide prevention services	13 11 14 (24/7)
Service Assisting Male Survivors of Sexual Assault (SAMSSA) Counselling and support to men over the age of 16 in the ACT who have experienced sexual assault or childhood sexual abuse.	02 6287 3935 samssa@crcc.org.au
The Nguru Program Support for Aboriginal and Torres Strait Islander individuals who have experienced sexual assault.	02 6247 2525

Additional Support for Students

Additional UC Support Services for Students	
University of Canberra Security Chaperone Service Students can contact the Security Team to escort them to their vehicle or a nearby bus stop at any time of the day. Students should remain where they are, and a member of the friendly security team will meet them at their destination.	02 6201 2222
Inclusion & Engagement If you are a student with a disability and/or ongoing health condition, the I&E team can provide you with specialized support and information to help mitigate the impact this may have on your journey at the University.	02 6201 5233 inclusion@canberra.edu.au
Ngunnawal Centre The Ngunnawal Centre is a focal point for Aboriginal and Torres Strait Islander students at the University. The Centre is dedicated to helping students achieve academic and career goals, offering educational programs and support services.	02 6201 2998 ngunnawal@canberra.edu.au
International Student Support Services The International Student Support Services (ISSS) team at the University assists international students with enquiries and processes related to your student visa, as well as providing advice to maximise your study experience and referral to other support areas within the University.	1300 301 727 InternationalStudent@canberra.edu.au
University of Canberra College UC College is here to provide you the support, information, and guidance to ensure you make the most of your time with us, and successfully transition to your destination degree at the University of Canberra.	02 6201 2961 ucc.studentservices@canberra.edu.au
Student Centre The Student Centre is your one-stop-shop for all your administrative questions and needs	1300 301 727 student.centre@canberra.edu.au

ADDITIONAL UC STAFF SUPPORT SERVICES	
Converge International Employee Assistance Program Confidential counselling service available to all staff and their immediate families.	1300 687 327 https://www.convergeinternational.com.au

Section 8 - Definitions

(40) Terms defined in this Procedure have the same meaning given in the Policy.

Status and Details

Status	Current
Effective Date	30th November 2023
Review Date	22nd March 2025
Approval Authority	Vice-Chancellor
Approval Date	30th November 2023
Expiry Date	To Be Advised
Custodian	Bill Shorten Vice-Chancellor
Responsible Manager	Lauren Polis Chief Legal Counsel
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