1. **Scope**

The Procedure for Disclosing Sexual Assault and Sexual Harassment applies to all members of the Torrens University Australia community and visitors engaged or appointed by the University while on campus or engaged in a University-related activity. It sets out how staff must respond in the event of a sexual assault and/or sexual harassment incident.

This procedure should be read in conjunction with the University’s Sexual Harassment and Sexual Assault Prevention Policy.

2. **Definition** (in addition to terms already defined in the policy)

**Consent:** Consent occurs when a person freely and voluntarily agrees to engage in a sexual act. Consent cannot be given by people who are:

- incapacitated due to intoxication or the influence of drugs
- incapacitated due to their age or intellectual capacity
- unconscious or asleep
- under threat of or actual force
- intimidated, coerced or threatened
- unlawfully detained or held against their will, or
- tricked or manipulated into providing consent by a person in a position of trust.

3. **Responding to disclosures of sexual harassment and/or sexual assault**

Any member of the University community who experiences sexual harassment and/or sexual assault is encouraged to come forward and make a disclosure to the University.

There are three different levels of disclosure, and the decision about whether to do one, two or all three of the following rests with the person making the disclosure. They may choose to:
• make a disclosure to the University
• make a formal complaint to the University
• make a police report.

The University will work with the person concerned to minimise the number of times they are required to recount a traumatic experience, irrespective of which form(s) of reporting or disclosure is chosen.

4. Disclosures of sexual harassment and/or sexual assault

Disclosure of sexual assault and/or sexual harassment can be made to any member of the University community. Some members of the University community have more knowledge about responding, and are referred to as ‘first responders’, listed in this procedure and other documents associated with the Sexual Harassment and Sexual Assault Prevention Policy. They include staff in roles such as the Campus Counsellor, Senior Student Services Advisor, Campus Director and HR Business Partner. In addition to these first responders, students and staff may also choose to disclose to another staff member that they trust.

When a disclosure is made, the safety and wellbeing of the person making the disclosure will be the University’s priority. By making a disclosure to the University, a student or staff member will be able to access support in the form of culturally appropriate and accessible resources and services, both within the University and within the local community. They will also be able to access adjustments as appropriate, such as changes to assessment deadlines, enrolment records, timetabled classes or campus location.

A disclosure will not be treated as a formal complaint, and information will not be provided to other parties unless either agreed to by the person making the disclosure, or as required by mandatory reporting requirements under legislation, particularly for those under 18.

Disclosures will be recorded in a way that does not identify the person or persons involved, purely as a means of tracking incidents under the Sexual Harassment and Sexual Assault Prevention Policy.

5. Proceeding with a formal complaint (Internally)

If the sexual assault or sexual harassment involved other members of the University community, the person making the disclosure may choose to make a formal complaint, which will require a written statement. That statement may be written by the person making the disclosure, or by the first responder. The first responder may help by drafting the statement for the person making the disclosure to check and agree to.

• If the person making the disclosure is a student, making a formal complaint will result in the University taking action under the Student Complaints Policy.
• For all other staff, contractors or visitors making a formal complaint will result in the University taking action under the Staff Grievance Management Policy.
The formal complaint will prompt an investigation, which may result in a wide range of outcomes if a staff member, student or contractor is found, on the balance of probabilities, to have committed sexual harassment or sexual assault.

- Outcomes for students will be determined under the Student Conduct Policy
- Outcomes for staff or contractors will be determined under the Staff Misconduct Policy and Staff Fair Treatment and Equal Opportunity Policy.

Outcomes may include:

- for staff - a directed apology, formal reprimand, counselling, change of location, change of role or dismissal
- for students - a formal reprimand, suspension, exclusion from a course or campus for a specified period of time, exclusion from a residential facility or expulsion
- for contractors – a formal reprimand, or termination of engagement
- for visitors – a formal reprimand, a ban from all University campuses.

6. Proceeding with a police report (externally)

A student or staff member may choose to make a police report at any time, whether or not a disclosure or formal complaint is made to the University. The choice to make a police report is that of the student or staff member alone.

The University cannot and will not make a report to the police on a person’s behalf, but can provide support for a student or staff member if they choose to do so. This includes attending an interview with them. The police may ask the University for other kinds of assistance, for example providing a room on campus for interviews.

Making a police report will not stop the University from acting on a formal complaint, or issuing an outcome to that complaint.

7. Roles and responsibilities

7.1 University community

All University community members are responsible for ensuring that they:

- respect all members of the University community and refrain from any behaviour that constitutes sexual harassment or sexual content.
- familiarise themselves with, and comply with the Sexual Harassment and Sexual Assault Prevention Policy and other relevant policies
  o for students: Student Conduct Policy
  o for staff, contractors and visitors: Staff Code of Conduct, Staff Fair Treatment Policy and Equal Opportunity Policy, Staff Grievance Management Policy and relevant legislation
- complete any training provided on preventing sexual harassment or sexual assault
Procedure for disclosing sexual assault and sexual harassment

- for students and staff: completing the online Consent Matters training course
- for students: attending orientation
- for staff: completing the online Laureate Harassment Prevention Training

- support the University in other initiatives that aim to prevent sexual assault and sexual harassment
- comply with an investigation, active with honesty and integrity.

7.2 First Responders

Staff designated as first responders are responsible for ensuring that they:

- act with care and compassion to provide a supportive, culturally sensitive and confidential service
- prioritise the needs of the person disclosing, specifically their safety and wellbeing, and respect their wishes regarding making a formal complaint or a police report
- document information required for record keeping.

7.3 National Student Support Manager (for students)

The National Manager of Student Support will work to ensure that:

- First Responders for students are trained and supported to carry out their responsibilities
- campus and online environments foster a respectfully and inclusive environment
- data regarding student cases of sexual assault and sexual harassment is collected and monitored, while respecting the privacy of the individuals concerned
- formal complaints involving students are conducted in accordance with the Student Complaints Policy, and outcomes are aligned with the Student Conduct Policy.

7.4 Vice President: People & Culture (for staff, contractors and visitors)

The Vice President: People & Culture will work with leaders across the business to ensure that:

- First responders for staff are trained and supported to carry out their responsibilities
- team environments foster a respectful and inclusive environment
- data regarding staff cases of sexual assault and sexual harassment is collected and monitored, while respecting the privacy of the individuals concerned
- formal complaints involving staff are conducted in accordance with the Staff Grievance Management Policy, and outcomes are aligned with the Staff Misconduct Policy.
8. Contacts and Resources

8.1 Internal

- Emergency Contacts: Consult your campus Critical Incident reporting process (posted on each level of building, near lifts) (Student Hub page under development)
- Counselling Office (https://studenthub.torrens.edu.au/Hub/counselling)
- First Responders (forthcoming)
- Disability Support (disabilityservices@laureate.edu.au) (Student Hub page under development)
- Student Complaints (academicservices@laureate.net.au)

8.2 External

- Police (https://www.triplezero.gov.au/Pages/default.aspx)