

SEXUAL HARM POLICY

Printed copies are for reference only. Please refer to the electronic copy in the Policy and Procedure Manager (PPM), the electronic policy management system (EPMS), to ensure you are referring to the latest version.

Audience:

University Community, public

Objectives:

- To foster a safe and respectful environment for the University Community.
- To encourage Disclosures and Reports of Sexual Harm to the University.
- For the University to take a Trauma-Informed approach to Sexual Harm.

Scope:

This policy applies to all members of the University Community at any location.

This includes, but is not limited to, all physical and digital University environments, University facilities, practicum placements, student accommodation, conferences, field research, secondments, exchanges, transport, sport and recreational clubs, parties and other social functions on and off campus.

The University provides support and care for all students and staff affected by Sexual Harm, but will only investigate Disclosures or Reports within the parameters set by this policy and supporting procedures.

Policy:

Safety and wellbeing

1. The University does not tolerate Sexual Harm.
2. Sexual Harm behaviours constitute misconduct and, in some cases, can constitute criminal offences.
3. All members of the University Community must take reasonable steps to prevent, identify and respond to Sexual Harm.
4. The University prioritises the safety and wellbeing of students and staff who Disclose, Report, or experience Sexual Harm and will treat all Disclosures as being genuine and as having purpose and value.
5. The University takes a Trauma-Informed approach to Sexual Harm.
6. The University takes prompt and appropriate action where allegations of Sexual Harm are raised.

7. Where a person has experienced Sexual Harm, the University will not inhibit that person's ability to share information about the incident for the purposes of seeking information and support.
8. The University does not victim-blame people who experience Sexual Harm. Victimisation of, or retaliation against, a person associated with alleged Sexual Harm constitutes misconduct.

Disclosures and Reports

9. The [Sexual Harm Procedure](#) and [Sexual Harm Procedure - Dubai](#) explain how to make a Disclosure or Report.
10. Anyone in the University Community can Disclose instances of Sexual Harm, including anonymously, regardless of when or where the incident happened, whether the incident is minor or serious, or who the alleged perpetrator is.
11. The University will only investigate a Disclosure if the person who experienced Sexual Harm agrees to it being investigated or there is a serious risk of harm to the University Community, and there is sufficient information.
12. Anyone in the University Community can Report instances of Sexual Harm, including anonymously, where the incident occurred within the University's Jurisdiction, regardless of the date of the incident, whether the incident is minor or serious, or who the alleged perpetrator is.
13. The University investigates Reports of Sexual Harm within its Jurisdiction where it has permission from the person who experienced Sexual Harm or there is a serious risk of harm to the University Community, unless there is insufficient information.
14. The University ensures a team of appropriately trained staff are allocated to respond to Disclosures and Reports, and other staff are appropriately trained and allocated to conduct investigations.
15. The University provides appropriate resources for any other members of the University Community most likely to receive Disclosures and ensures they have access to adequate training and support.
16. All Disclosures and Reports are treated with respect and sensitivity. The University does not downplay Disclosures or Reports.
17. There is no burden of proof on the person making a Disclosure or Report.

Support and assistance

18. The University provides support and care for all students and staff affected by Sexual Harm.
19. The University's processes minimise the number of times and depth of detail to which a person needs to recount a potentially traumatic experience.
20. The University provides timely information and contacts for local support where appropriate, including information about emergency service, health, counselling, legal, advocacy, security, welfare and accommodation providers.
21. The University provides age and culturally appropriate information on seeking assistance and reporting Sexual Harm, including information about and

assistance with navigating the University's Report and misconduct investigation procedures.

22. Where there has been a Disclosure, the University supports the person who experienced Sexual Harm to determine whether an incident should be reported to police and respects any decision.
23. The University may be required by law to report information about a Sexual Harm incident to police and/or other government organisations.

Individualised approach

24. The University provides an individualised approach as far as practical.
25. The University identifies the specific support needs of student and staff cohorts, then ensures that those support services are offered. Examples of such cohorts are Aboriginal and Torres Strait Islander people, international students, and people with variation in mental health, race, gender, sexual orientation, religion, ethnicity, cultural beliefs, linguistic preference, ability, age and wellbeing.

Confidentiality and privacy

26. To the greatest extent possible, the University keeps a Disclosure or Report confidential.
27. The University complies with relevant privacy legislation.

Investigations and outcomes

28. The University promptly undertakes efficient, effective and fair investigations.
29. If an investigation determines that, on the balance of probabilities, a student has breached University policy through Sexual Harm, the University may apply a range of actions which could include:
 - 29.1 with the permission of the person who experienced Sexual Harm and the person who has engaged in Sexual Harm, a Restorative Justice approach;
 - 29.2 a requirement to undergo counselling;
 - 29.3 a requirement to undergo appropriate training;
 - 29.4 a caution;
 - 29.5 a requirement for a student to have no or limited contact with any particular staff member(s) or student(s);
 - 29.6 suspension (of up to 12 months) of, or placing conditions on the exercise of, any or all of the student's rights and privileges, including: attendance at classes, participation in assessments and examinations, use of or attendance at facilities, access to assessment results, graduation, and re-enrolment;
 - 29.7 suspension of the student's enrolment for one or more teaching periods to a maximum equivalent of one year, including the cancellation of current enrolments in all units at the University;
 - 29.8 expulsion from the University, including the cancellation of current enrolments in all units at Murdoch; and/or

- 29.9 reporting information about the Sexual Harm to police or another government organisation, where required by law.
30. If an investigation determines that, on the balance of probabilities, a staff member has breached University policy through Sexual Harm, then disciplinary action and other appropriate action may be taken in accordance with the terms of the relevant policy(ies) and/or industrial instrument(s).
 31. The University will ensure an investigation and/or disciplinary procedures does not prejudice a police investigation or legal proceeding. The University maintains its responsibility and commitment to support the safety and wellbeing of the person who experienced the Sexual Harm during this process.
 32. The University is limited in how it can mandate requirements for a person external to the University, a person who is a past student or staff member, or a person located outside of the University's Jurisdiction.

Prevention

33. The University identifies risks, conducts risk assessments and anticipates issues. It aims to prevent incidents and mitigate risks identified.
34. The University supports affiliated entities including student accommodation, third-party providers and other partners to promote and foster a safe environment for the University Community.
35. Close personal relationships between staff or between staff and students are covered by the [Conflict of Interest Policy](#).
36. The University takes measures to address gender inequality and other power imbalances.
37. University leaders set clear expectations, model respectful behaviour, and take measures to improve diversity and inclusion.
38. The University provides regular training to staff and students on appropriate conduct, local culture and laws relating to Sexual Harm.

Accommodations

39. The University may provide any Murdoch staff member who has experienced Sexual Harm with additional support and/or temporary reasonable adjustments.
40. The University may provide a person who has experienced Sexual Harm with academic accommodation(s) to support academic performance, progression, and assessment. This applies regardless of whether the person has Reported the incident, and the University ensures these processes are confidential and efficient.

Monitoring and accountability

41. The University ensures that records of Sexual Harm Disclosures and Reports remain confidential and information provided to internal committees and external regulatory bodies is de-identified wherever possible.
42. The University monitors Disclosures and Reports of incidents and identifies any trends, themes, and patterns of recurring incidents.
43. This analysis of de-identified information, and action taken to mitigate risk, is reported as appropriate to responsible managers and governance committees.

The University uses this information to inform enhancements to safety, security, policy, procedure and practice.

Appeals

44. Students can provide feedback via the University website or appeal a decision in accordance with the [Student Appeals Policy](#).

Definitions:

Any defined terms below are specific to this document. The definition of common terms appears in the Murdoch University Dictionary of Terms.

- **“Consent”** is fully informed, active choice to engage in an activity or action, where all parties have the freedom and capacity to make that choice. People who cannot give consent are those who are unconscious, asleep, intoxicated, drugged, otherwise unable to say ‘yes’, are under the age of 16, or have a psychological or decision-making disability that impacts on their ability to understand what they are consenting to. Consent can change at any time before or during an incident, and this may be communicated verbally or non-verbally. Examples of non-verbal signs include turning away, pushing a hand away, or not responding to touch.
- **“Disclosure”** is an initial sharing of confidential information regarding any incident of Sexual Harm.
- **“Jurisdiction”** includes University grounds or residences; locations of activities run by the University and any students’ clubs and associations; locations outside University grounds but where activities are run, sponsored or funded by the University; locations online where activities are created, authorised, sponsored, or funded by the University; and/or locations where activities are conducted as part of deployment on University business or as a representative of the University (such as field research, student placements, secondments or exchanges).
- **“Report”** is a formal statement regarding an incident of Sexual Harm given to the University.
- **“Restorative Justice”** is an umbrella term for a range of processes bringing together the person who experienced Sexual Harm, the person who has engaged in Sexual Harm and perhaps other members of the University Community, with the aim of understanding the impact of the wrongdoing and resolving collectively how the accused can make amends to the person who experienced Sexual Harm and the wider community. It may take the form of a face-to-face meeting, facilitated by a trained practitioner with specialist expertise in sexual harm.
- **“Sexual Abuse”** is when someone in a position of power or authority attempts to, or takes advantage of a person’s trust and respect to involve them in a sexual activity or behaviour, or where there is significant disparity in the developmental function or maturity of a child and another person involved in sexual behaviour. For example, Sexual Abuse can occur between a student and a teacher, a child and an adult, a child and an older child, a family member and a young person, or a staff member and their superior. Sexual Abuse

includes a person having a sexual relationship with someone under 18 years of age if that person has a relationship of power or authority with them, for example, they are their teacher, employer or sports coach. It also includes profiting monetarily, socially, or politically from sexual abuse of another.

- **“Sexual Assault”** is any unwanted, unwelcome or uninvited sexual act or behaviour of a sexual nature which is threatening, violent, forced, bribed or coercive. This includes any act or behaviour of a sexual nature to which a person has not given Consent or was not able to give Consent, including sexual intercourse without Consent, and indecent assault.
- **“Sexual Harassment”** is any unwanted, unwelcome or uninvited conduct of a sexual nature which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be likely to be offended, humiliated or intimidated. Examples include, but are not limited to unwanted, unwelcome or uninvited:
 - requests for sexual favours;
 - making sexual advances;
 - staring, leering or whistling;
 - intrusive questions about a person’s private life or appearance;
 - suggestive comments or jokes;
 - physical touching or cornering;
 - requests to go on dates;
 - requests for sex or other sexual acts;
 - emailing or exposure to pornography or rude jokes;
 - sexual gestures, indecent exposure or display of the body;
 - sending sexually explicit emails or messages;
 - distributing commentary, images or film of a person;
 - witnessing Sexual Harm; or
 - displaying posters, magazines, screen savers or sending gifts of a sexual nature.
- **“Sexual Harm”** is Sexual Assault, Sexual Harassment, Sexual Abuse, or any other act or behaviour of a sexual nature which is a crime or breach of legislation at the location where the incident occurred. Anyone can be a person who experienced Sexual Harm, regardless of their gender identity or sexuality.
- **“Trauma-Informed”** is an approach that realises the widespread impact of trauma and understands potential paths for recovery; recognises the signs and symptoms of trauma; responds by fully integrating knowledge about trauma into policies, procedures and practices; and seeks to actively resist re-traumatisation. A trauma-informed approach follows the principles of safety, trust, choice, collaboration, empowerment and respect for diversity.
- **“University Community”** is University staff, students, volunteers, consultants, contractors and their staff, members of University boards and committees, subsidiaries of the University and their staff, visitors to University grounds,

University guests, University function attendees, and any other people or organisations appointed or engaged by the University to perform duties or functions on its behalf.

Related Documents:

[Complaints Management Policy](#)

[Conflict of Interest Policy](#)

[Murdoch University Critical Incident Management Plan \(CIMP\)](#)

[Managing Unsatisfactory Performance and Misconduct Policy](#)

[Murdoch University Enterprise Agreement 2023](#)

[Privacy Policy](#)

[Sexual Harm Procedure](#)

[Sexual Harm Procedure - Dubai](#)

[Social Media Policy](#)

[Student Appeals Policy](#)

[Student Code of Conduct](#)

[Student Integrity Regulations](#)

[Security, Safety and Wellbeing Guidelines](#)

Approval and Implementation:

Approval Authority:	Vice Chancellor
Responsible Officer(s):	Deputy Vice Chancellor Education and Equity Director People and Culture
Committee with oversight:	Student Wellbeing Committee
Approval Authority for supporting procedures:	Senior Manager Access, Wellbeing and Equity and/or Director People and Culture and/or Pro Vice Chancellor Transnational Education
Approval Authority for supporting guidelines:	Senior Manager Access, Wellbeing and Equity and/or Director People and Culture and/or Pro Vice Chancellor Transnational Education
Approval Authority for supporting standards:	There are no supporting standards.
Contact Officer:	Senior Manager Access, Wellbeing and Equity

Revision History:

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