

# GUIDING PRINCIPLES FOR RESPONDING TO CLAIMS OF HISTORICAL SEXUAL ABUSE

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Dated: 16 September 2020 (commencing 6 October 2020)

## 1 Statement of commitment

The University of Sydney acknowledges the vulnerable position of survivors of sexual abuse, and recognises that making a claim of historical sexual abuse involves disclosing highly personal information and has the potential to be a traumatic experience.

The University is committed to resolving claims of historical sexual abuse in a compassionate, transparent and fair manner, in an environment that promotes respect and dignity for claimants and which treats people accused of sexual abuse fairly.

## 2 Application

- (1) These guiding principles underpin the University's handling of all claims of historical sexual abuse. They should be applied flexibly, as appropriate to the particular circumstances of each claim.
- (2) The University may, in its absolute discretion, also apply these principles to identified claims of recent sexual abuse.

## 3 Definitions

In these guiding principles:

<b>claim</b>	means a claim of sexual abuse, including internal reports, litigated claims, and non-litigated claims, made in circumstances where the claimant expressly or impliedly alleges that the University: <ul style="list-style-type: none"><li>• knew about or should have known about the sexual abuse;</li><li>• could have intervened to prevent the sexual abuse;</li><li>• could have directed the behaviour of the alleged perpetrator;</li><li>• could have controlled the environment where the sexual abuse occurred; or</li><li>• could have prevented the sexual abuse by other reasonable means.</li></ul>
<b>claimant</b>	means any person who makes a claim of sexual abuse.
<b>historical sexual abuse</b>	means sexual abuse alleged to have occurred on or before 1 July 2018.
<b>protected information</b>	means information provided by the claimant or obtained by the University for the purposes of responding to a claim.
<b>recent sexual abuse</b>	means sexual abuse alleged to have occurred after 1 July 2018.

**sexual abuse** means any sexual act that a person does not consent to, and which is contrary to accepted community standards, having regard to the year in which the conduct is alleged to have occurred.

## **4 Principles**

- (1) The University seeks to minimise the potential for its handling of claims of sexual abuse to cause further trauma to survivors.
- (2) The University's response to claims of sexual abuse will, wherever possible:
  - (a) be non-adversarial;
  - (b) be equitable, as between claimants in similar circumstances; and
  - (c) take account of the particular circumstances of each individual claim.
- (3) The University will regularly make training available to employees who deal with sexual abuse matters. The training will include information on the psychological effects of sexual abuse on survivors, and the use of a trauma-informed framework when working on sexual abuse matters.
- (4) The University will consider any requests from claimants for monetary reparation, and for alternative forms of acknowledgement or redress, such as:
  - (a) a site visit;
  - (b) an apology from the University;
  - (c) a direct personal response from a member of the University's senior management; or
  - (d) counselling or other psychological support services.
- (5) The University will acknowledge claims in a timely manner, and provide:
  - (a) information about initial steps needed to resolve the claim, such as:
    - (i) what, if any, information will be required from the claimant; and
    - (ii) the estimated time for any necessary investigations of the University's archives;
  - (b) an estimate of how long it will take to resolve the claim (noting that the timing of litigated matters will be governed by the relevant court); and
  - (c) information about services and support available to claimants.
- (6) The University will facilitate access by claimants to any records held by the University relating to the claimant and the alleged sexual abuse, subject to legal professional privilege and its obligations to third parties under privacy legislation.
- (7) The University will communicate regularly with claimants (or their legal representatives) about the progress of their claim. The University's Safer Communities Office will be the main point of contact for claimants.
- (8) The University will resolve all claims as quickly as possible, and will seek to resolve non-litigated claims within one year.
- (9) Where appropriate, the University will seek to resolve litigated claims by participating in negotiations to facilitate an early settlement or resolution.

- (10) The University will not take advantage of a claimant who lacks the financial resources to litigate a claim.
- (11) Where possible, and subject to its obligations to third parties under privacy legislation, the University will provide assistance to claimants and their legal representatives in identifying the proper defendant to a claim, if the proper defendant has not been identified or has been incorrectly identified.

## **5 Reparation**

- (1) Where a claim is accepted or established, reparation may include monetary compensation.
- (2) Alternative forms of acknowledgement or redress may include:
  - (a) a site visit;
  - (b) an apology from the University;
  - (c) a direct personal response from a member of the University's senior management; or
  - (d) payment for counselling or other psychological support services.
- (3) The University will be guided by the [\*National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018\*](#), when arranging and giving a claimant a direct personal response.

## **6 Privacy and protected information**

- (1) The University will respect the claimant's privacy and treat protected information as confidential.
- (2) University employees will be guided by the principle that protected information should not be shared or discussed with other employees, unless they need to know about it in order to perform their role.
- (3) The University will only obtain, record, disclose or use protected information:
  - (a) to respond to a claim;
  - (b) to provide a direct personal response to a claimant;
  - (c) to facilitate a claim under an insurance policy;
  - (d) to undertake any internal investigation or disciplinary procedure;
  - (e) with the consent of the claimant;
  - (f) to meet its legal obligations; or
  - (g) where it reasonably believes that obtaining, recording, disclosing or using the information is necessary to prevent or lessen a serious threat to an individual's life, health or safety.

## **7 Reporting obligations**

- (1) The University supports the right of claimants to decide whether they want to report sexual abuse to the NSW Police, or not.

- (2) The University is required to report information about the commission of a 'serious indictable offence' to the Police in accordance with sections 316 and 316A of the [Crimes Act 1900 \(NSW\)](#).  
**Note:** A 'serious indictable offence' is an offence that is punishable by imprisonment for five years or more, such as conduct referred to in this policy as rape (also called sexual assault) or sexual touching.
- (3) If a claimant decides they do not want to report an incident of sexual abuse to the Police, the University will use its best efforts to protect the confidentiality of protected information, while meeting its obligations under the [Crimes Act 1900 \(NSW\)](#).
- (4) In some limited circumstances, the University may need to report an incident of sexual abuse to the Police against a claimant's wishes, to ensure their safety or the safety of other members of the University community, or to meet its legal obligations.
- (5) The University will inform the claimant before reporting an incident of sexual abuse to the Police.
- (6) In accordance with the [Children and Young Persons \(Care and Protection\) Act 1998](#), the University will report to the NSW Department of Family and Community Services or the NSW Police any reasonable suspicion that a child is at risk of serious harm, including physical abuse, sexual abuse or serious emotional or psychological harm.

## 8 Support

Survivors of sexual abuse who require support are encouraged to contact:

- **University of Sydney Safer Communities Office** 8627 6808 (Available Mon-Fri 8.30am-5.30pm) or 1800 SYD HLP (1800 793 457) (option 2, then option 1), [safer-communities.officer@sydney.edu.au](mailto:safer-communities.officer@sydney.edu.au);
- **University of Sydney After hours mental wellbeing support line**  
Call 1300 474 065 (accessible within Australia), Text 0488 884 429 (for sms chat option) (Available after 5pm Mon-Fri, 24 hours on weekends and public holidays)
- **Lifeline 13 11 14** or [www.lifeline.org.au](http://www.lifeline.org.au) (Available 24/7, online chat or video also available 7pm - midnight);
- **Mental Health Line (NSW)** 1800 011 511 (Available 24/7)
- **Suicide Callback Service** 1300 659 467 or [www.suicidecallbackservice.org.au](http://www.suicidecallbackservice.org.au) (Available 24/7);
- **NSW Rape Crisis Service 1800 424 017** or [www.rape-dvservices.org.au](http://www.rape-dvservices.org.au)
- **1800 RESPECT 1800 737 732** National Sexual Assault, Domestic Family Violence Counselling Service or online via [www.1800respect.org.au](http://www.1800respect.org.au) (Available 24/7)
- **Blueknot Helpline** 1300 657 380 (Available Mon-Fri, 9am-6pm, 9am-5pm on weekends and public holidays) or email on [helpline@blueknot.org.au](mailto:helpline@blueknot.org.au)
- **NSW Health Sexual Assault Services**  
<https://www.health.nsw.gov.au/parvan/sexualassault/Pages/health-sas-services.aspx>



- **Royal Prince Alfred (RPA) Hospital Sexual Assault Service** on **9515 9040** (Mon-Fri 8.30am-5pm) or **9515 6111** (after hours). Counselling and medical services are available for anyone who has been sexually assaulted.
- **Westmead Hospital Sexual Assault Service** on **9845 7940** (daytime) or **9845 5555** (24 hours).
- **Blacktown/Mount Druitt Sexual Assault Service, Blacktown Community Health Centre** **9881 8700** (daytime) or **9845 5555** (24 hours).

## **9 Review**

The University will review these guiding principles within one year of the date of commencement, and every two years thereafter.