STUDENT SEXUAL MISCONDUCT RESPONSE PROCEDURES 2023

Issued by: Deputy Vice-Chancellor (Education)
Dated: 13 December 2023 (commencing 1 January 2024)

How to report
To report sexual misconduct or sexual harassment, contact the University’s Safer Communities Office:
- online anytime on the University’s ‘Sexual Misconduct’ web page;
- by email at safer-communities.officer@sydney.edu.au; or
- by calling + 61 2 8627 6808 or 1800 SYD HLP (1800 793 457) from 9am to 5pm, Monday to Friday.

Assistance and support
- Contact details for trauma-informed emergency assistance for students and former students who have experienced sexual misconduct or sexual harassment are set out in Schedule 1.
- Contact details for trauma-informed ongoing support and assistance for students and former students who have experienced sexual misconduct or sexual harassment are set out in Schedule 2.
- Contact details for support and assistance for students who are accused of sexual misconduct or sexual harassment are set out in Schedule 3.

1 Purpose and application
(1) These procedures are to give effect to the Student Sexual Misconduct Policy 2023 (‘the Policy’).
(2) These procedures apply to all disclosures or complaints of sexual misconduct or sexual harassment made under the Policy.

Note: See clauses 5, 12 and 13 of the Policy.
2 Commencement

These procedures commence on 1 January 2024.

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 2023.

“Consent Matters” module means “Consent Matters: boundaries, respect and positive intervention”, which is an online module about consent to sexual activity.

Suppression of academic record has the meaning given in clause 8(1) of the Student Debtor Sanctions Policy 2014. As at the date of these procedures this is:

Access to the student’s academic record may be denied to the student and to anyone outside the University, in the absence of legal documentation to provide it. This includes access to results, grades and evidence of awards.

Workplace Relations means the specialist staff within and consultants engaged by Human Resources who assist managers to resolve workplace issues in accordance with the University of Sydney Enterprise Agreement 2023-2026 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 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 by contacting the University’s Safer Communities Office.

(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 through the online form on the University’s ‘Sexual Misconduct’ web page.

(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 subclauses 12(7) and (8) of the Policy.
(5) If the University decides to investigate a disclosure, the Safer Communities Office 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) A bystander may make a disclosure of sexual misconduct or sexual harassment that they have directly witnessed or heard. Where possible, the bystander should seek consent from the student who experienced the conduct to make the disclosure.

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 by contacting the University’s Safer Communities Office.

(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 a Safer Communities Office staff member.

(4) Staff members and student caseworkers may assist a student or former student to make a complaint.

(5) Safer Communities Office staff members, Student Affairs Officers and student caseworkers may make a complaint on behalf of a student or former student, with their consent.

(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 may (where practicable) be completed, with or without the cooperation of the complainant.

(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 emergency and ongoing support and assistance for students and former students who have experienced sexual misconduct or sexual harassment are set out in Schedule 1 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 the Safer Communities Office.
(3) Students, staff, affiliates and student caseworkers should:
   (a) refer students and former students who have experienced sexual misconduct or sexual harassment to the Safer Communities Office and other available support services, and to the online portal and 1800 SYD HLP (1800 793 457); and
   (b) 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) Where appropriate, students, staff, and affiliates and student caseworkers can support a student or former student who has experienced sexual misconduct or sexual harassment in a trauma-informed way by:
   (a) listening without interrupting;
   (b) letting them express how they feel and respecting the words they use in reference to the incident;
   (c) letting the student know they believe what the student is telling them and acknowledging the student’s distress;
   (d) letting the student know that the incident was not their fault;
   (e) giving the student appropriate and accurate information so that they can make informed choices, or referring them to someone who can provide the required information;
   (f) giving them control over and respecting their decisions;
   (g) not making undertakings or commitments to the student that may not be able to be fulfilled;
   (h) directing them to the available support services; and
   (i) recognising the intersection between personal violence and inequality, and being aware that some members of the University community are more vulnerable to sexual misconduct than others, due to their sex, gender identity, sexual orientation, race, religion, cultural background or disability.

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 Full Stop Australia 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 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 and may (but is not required to) consult with the respondent 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:

   (i) a complaint about a student to the Registrar, for handling in accordance with the University of Sydney (Student Discipline) Rule 2016; or

   (ii) a complaint about a CET student to the Director, CET for handling in accordance with the Centre for English Teaching – Student Discipline Provisions 2022;

without consulting the complainant.

(b) If a complaint about a student is referred to the Registrar or the Director, CET, 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 or the Director, CET.

(5) Subject to subclause 9(6), if a complaint about a student or former student is not referred to the Registrar or the Director, CET:

(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.

(6) If the student is a continuing education student, the complaint may be investigated and disciplinary action may be taken in accordance with subclause 10(5).
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* or the Director, CET for handling in accordance with the *Centre for English Teaching – Student Discipline Provisions 2022*, 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*.

**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*.

(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* or the Director, CET for handling in accordance with the *Centre for English Teaching – Student Discipline Provisions 2022*, the Student Affairs Unit will not refer the complaint to the Registrar or Director, CET without consulting the complainant.

(3) The Student Affairs Unit will inform the complainant before referring a complaint to the Registrar or the Director, CET.

(4) Subject to subclause 10(5), if the complaint is not referred to the Registrar or the Director, CET:

(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(10) of the *Student Complaints Procedures 2015*.

(5) If an investigator finds that a current or former continuing education student has engaged in conduct that constitutes sexual misconduct, the Student Affairs Unit may recommend to the Head, Centre for Continuing Education:

(a) that the student's enrolment be terminated;

(b) that all fees or charges paid by the student be forfeited;

(c) that the student or former student be prohibited from enrolling in any continuing education course for a period of three years from:

(i) the date of termination of their enrolment; or

(ii) in the case of a former student, the date of the finding of sexual misconduct;

(d) any other appropriate penalty.

(6) Alleged misconduct by staff members may be investigated in accordance with clause 462 of the *University of Sydney Enterprise Agreement 2023-2026* or any successor or replacement agreement (where applicable).
(7) Alleged misconduct by affiliates may 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 Centre for English Teaching – Student Discipline Provisions 2022 set out the process for establishing penalties for, and appeal rights from, findings of misconduct against a CET student;

(c) the University of Sydney Enterprise Agreement 2023-2026 sets out the process for establishing penalties for, and appeal rights from, findings of misconduct against a staff member.

   Note: See clauses 3 and 462 of the University of Sydney Enterprise Agreement 2023-2026.

(3) Subject to the wishes of the complainant, the Student Affairs Unit will inform complainants of the outcome of misconduct proceedings against students, staff members or affiliates in writing, on a confidential basis. Where possible, this information will also be delivered in person, to allow the complainant to ask questions and seek clarification about the effect of the outcome.

   Note: See clause 14 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:

(a) the Registrar for handling in accordance with the University of Sydney (Student Discipline) Rule 2016; or

(b) the Director, CET for handling in accordance with the Centre for English Teaching – Student Discipline Provisions 2022;

or if a finding of misconduct is not made, the Student Affairs Unit will determine whether the complaint is appropriate for assisted resolution in accordance with the Student Complaints Procedures 2015, taking into account the wishes of the complainant.

   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, taking into account the wishes of the complainant.

(7) In most circumstances, mediation and conciliation will be considered inappropriate for resolving complaints of sexual misconduct, except when requested or preferred by the complainant.

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: Subject to subclauses 12(8), 13(10) and 15(8) of the Policy, 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.
13 Educational measures to prevent sexual misconduct and sexual harassment.

(1) This clause applies to all students enrolled in a University award course after 1 January 2020.

(2) The “Consent Matters” module is the approved educational program about sexual misconduct and sexual harassment.

(3) The “Consent Matters” module must be completed by all students:
   (a) enrolling for the first time in a University award course; and
   (b) who have not previously completed the module at the University.

(4) Students required to complete the module must do so within their first semester of enrolment or, in the case of higher degree by research students, in their first research period of enrolment.
   (a) Requirements for other students to complete the “Consent Matters” module may only be imposed with the approval of the Deputy Vice-Chancellor (Education).

(5) Students may apply for exemption on the grounds of personal distress by email, sent to consent-matters.module@sydney.edu.au.
   (a) The Manager, Safer Communities Office will consider and determine applications for exemption.

(6) Students may appeal the result of an exemption application to the Pro Vice-Chancellor (Student Life) within:
   (a) 20 working days of being informed of it; or
   (b) any longer time period approved by the Pro Vice-Chancellor (Student Life) in their absolute discretion.

(7) If a student fails to comply with the requirements to complete the module without an exemption:
   (a) the student’s academic records may be suppressed or higher degree progression delayed;
   (b) the Pro-Vice-Chancellor (Student Life) will issue a warning to the student stating that a failure to complete the module will prevent them from graduating; and
   (c) if the module is not completed, the student will not be eligible to graduate.

14 Review

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

Student Sexual Misconduct Response Procedures 2023

Date adopted: 13 December 2023
Date commenced: 1 January 2024
Last amended:

Administrator: Deputy Vice-Chancellor (Education)
Review date:
Rescinded documents: Nil
Related documents: Education Services for Overseas Students Act 2000 (Cth)
Higher Education Support Act (Cth)
Anti-Discrimination Act 1977 (NSW)
Crimes Act 1900 (NSW)
Privacy and Personal Protection Information Act 1988 (NSW)
Sex Discrimination Act 1984 (Cth)
Work Health and Safety Act 2011 (NSW)
University of Sydney Enterprise Agreement 2023-2026
National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (Cth)
University of Sydney (Student Discipline) Rule 2016
Student Debtor Sanctions Policy 2014
Student Sexual Misconduct Policy 2023
Bullying, Harassment and Discrimination Prevention Policy 2015
Resolution of Complaints Policy 2015
Student Complaints Procedures 2015
Centre for English Teaching – Student Discipline Provisions 2022
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SCHEDULE 1 – Emergency and external support 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 Protective Services on 9351 3333, 24 hours a day.

(3) Students and former students who have experienced sexual misconduct can contact:

(a) Full Stop Australia - 1800 FULL STOP (1800 385 578) or https://fullstop.org.au/get-help/our-services, 24 hours a day, online counselling service available;

(b) 1800RESPECT 1800 737 732 National Sexual Assault, Domestic Family Violence Counselling Service or online via www.1800respect.org.au, 24 hours a day;

(c) Lifeline 13 11 14 or www.lifeline.org.au (online chat or video also available 24 hours a day);

(d) Mental Health Line (NSW) 1800 011 511 (24 hours);

(e) Suicide Callback Service 1300 659 467 or www.suicidecallbackservice.org.au (online chat or video also available 24 hours);

(f) Blueknot Helpline 1300 657 380 (Available Mon-Sun, 9am-5pm AEST, including public holidays) or email on helpline@blueknot.org.au;

(g) NSW Health Sexual Assault Services https://www.health.nsw.gov.au/parvan/sexualassault/Pages/health-sas-services.aspx;

(h) 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.

(i) Westmead Hospital Sexual Assault Service on 9845 7940 (daytime) or 9881 8000 (after hours).

(j) Blacktown/Mount Druitt Sexual Assault Service, Blacktown Community Health Centre on 9881 8700 (daytime) or 9881 8000 (after hours).

(k) 13 Yarn – crisis support for Aboriginal and Torres Strait Islander people – 13 892 76 (24 hours a day).

(l) Mudgin-gal Women’s Centre Redfern on (02) 9698 1173 or email reception@mudgin-gal.org.au.

(m) Wirringa Baiya Aboriginal Women’s Legal Centre on 1800 686 587 (free call) or email info@wirringabaiya.org.au.

(n) QLife - peer support for LGBTQIA+ people – 1800 184 527 or Webchat, 3pm to midnight every day.

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’s Safer Communities Office online on the University’s ‘Report Sexual Misconduct’ web page, by email at safer-communities.officer@sydney.edu.au, or by calling 8627 6808 or 1800 SYD HLP (1800 793 457) from 8:30am to 5:30pm, 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:

- **Safer Communities Office** on 8627 6808, 1800 SYD HLP (1800 793 457) (option 2, then option 1), or email safer-communities.officer@sydney.edu.au, 8.30am-5.30pm, Monday to Friday;
- **After Hours Mental Wellbeing support line** on 1300 474 065 (accessible within Australia) or Text 0488 884 429 (for sms chat option), 24 hours a day, including Saturdays, Sundays and public holidays and University close-down periods;
- **Student Accommodation Services** on 9351 3322, 10am to 4pm, Monday to Friday. For after-hours emergency accommodation, contact Protective Services on 9351 3333;
- **Protective Services** on 9351 3333, 24 hours a day;
- **University Health Service** (for current students only) on 9351 3484, 8:30am to 4:30pm, Monday to Friday;
- **Student Counselling Services** (for current students, other than students of CCE and CET, only) on 8627 8433 or student.counselling@sydney.edu.au, 9am to 4:30pm, Monday to Friday;
- **Inclusion and Disability Services** on 8627 8422 or disability.services@sydney.edu.au, 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 www.supra.net.au (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:

- **Safer Communities Office** – contact 8627 6808, 1800 SYD HLP (1800 793 457) (option 2, then option 1), or email safer-communities.officer@sydney.edu.au, 8.30am-5.30pm, Monday to Friday;
- **Protective Services** 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 www.supra.net.au (SUPRA) on 9351 3715, 9am to 5pm (closed 12-1pm), Monday to Friday.
SCHEDULE 3 –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 and community support services and assistance, including:

- **Safer Communities Office** on 8627 6808, 1800 SYD HLP (1800 793 457) (option 2, then option 1), or email safer-communities.officer@sydney.edu.au, 8.30am-5.30pm, Monday to Friday;

- **University Health Service** on 9351 3484, 8:30am to 4:30pm, Monday to Friday;

- **After Hours Mental Wellbeing support line** - 1300 474 065 (accessible within Australia) or Text 0488 884 429 (for sms chat option), 24 hours a day, including Saturdays, Sundays and public holidays and University close-down periods;

- **Student Counselling Services** (for current students, other than students of CCE and CET, only) on 8627 8433 or student.counselling@sydney.edu.au, 9am to 4:30pm, Monday to Friday;

- **Student Accommodation Services** on 9351 3322, 10am to 4pm, Monday to Friday. For after-hours emergency accommodation, contact Protective Services on 9351 3333;

- **Inclusion and Disability Services** on 8627 8422 or disability.services@sydney.edu.au, 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 www.supra.net.au (SUPRA) on 9351 3715, 9am to 5pm (closed 12-1pm), Monday to Friday.

- **Men & Family Centre** — for men’s behaviour change programs – phone 0458 172 846 or see https://menandfamily.org.au/groups-for-men/