

Sexual Harm Procedure

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. This procedure will be implemented in a phased approach, with implementation due to be complete by end 2021.

Policy Supported:

[Sexual Harm Policy](#)

Audience:

University Community, public

Scope:

This procedure should be read with the [Sexual Harm Policy](#). It applies to the University Community located within Australia, and all other locations except for Dubai (see the [Sexual Harm Procedure - Dubai](#)). Any staff member with a tertiary mental health qualification, appropriate authority, and an understanding of trauma, may deviate from this procedure if the deviation will provide more support and care to a person who has experienced Sexual Harm.

Objectives:

- To set out Trauma-Informed processes for preventing and responding to Sexual Harm incidents within the University Community.
- To prioritise the safety and wellbeing of students and staff who experience, Disclose or Report Sexual Harm and ensure this is the centre of the University's response.

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Procedure:

Emergencies

1. Emergency contact numbers are listed in *Attachment A*.
2. All members of the University Community should familiarise themselves with local police customs, processes, laws and potential penalties regarding Sexual Harm as they can vary significantly depending on location.
3. Students and staff should follow the emergency information in the [Murdoch Safe app](#) and if in Australia, the [Security Safety and Wellbeing Guidelines](#).
4. Campus Security may contact police or ambulance if a person is in imminent danger, experiencing a life-threatening medical emergency or if a person has given permission to do so.

Critical Incidents

5. Where staff identify a critical incident as defined in the [Murdoch University Critical Incident Management Plan \(CIMP\)](#), it must be managed in accordance with the CIMP.

General

6. All members of the University Community are expected to:
 - 6.1 hear a Disclosure or Report with compassion, not judgement or blame;
 - 6.2 treat all Disclosures as being genuine;
 - 6.3 not diminish a person's experience;
 - 6.4 minimise the number of times and depth of detail to which a person is asked to recount a traumatic experience; and
 - 6.5 consider the wishes of the person who experienced Sexual Harm and, where possible and appropriate, involve that person in decision making.

7. All staff involved in this procedure must ensure that wherever possible, processes meet the pace set by the person who experienced Sexual Harm, the time taken to respond to a Report and investigation of Sexual Harm is minimised, and the outcome of a Report is finalised as soon as practicable.
8. Timeframes in this procedure may only be exceeded in extenuating circumstances.
9. Any person is welcome to have a support person throughout any stage of the Disclosure, Report or investigation process.
10. There is no monetary cost associated with providing a Disclosure or Report, or participating in an investigation.
11. Any person who experienced Sexual Harm can withdraw a Disclosure or Report, or cease their involvement in an investigation at any time. Where there is a serious risk of harm to the University Community (explained below), the University may be required to continue an investigation without the participation of the person who has experienced Sexual Harm.
12. A Sexual Harm Support Officer can arrange an interpreter, where possible, for students and staff who wish to make a Disclosure or participate in a Report process in their preferred language.
13. All staff involved in the assessment of a Disclosure or Report must do so in a professional and fair manner, with appropriate transparency.
14. All staff must declare any actual, potential or perceived conflict of interest and where appropriate they should be removed from having involvement in a Sexual Harm matter. See the [Conflict of Interest Policy](#) for more information.
15. A staff member must not provide information about an allegation to any person where there is an actual, potential, or perceived conflict of interest.
16. A staff role in these procedures may be delegated to another staff position if that position holds appropriate authority and expertise.
17. Options for if you have experienced Sexual Harm are at *Attachment B* and a simplified overview of this procedure is at *Attachment C*.

Support services

18. Support services are listed in *Attachment D*.

Bystanders

19. Members of the University Community are encouraged to intervene safely when they encounter instances of unacceptable behaviour. As active bystanders, members of the University Community can:
 - 19.1 notice events and interpret the event as requiring intervention;
 - 19.2 intervene in the situation safely which may involve directly challenging or confronting perpetrators or potential perpetrators, distracting either party or getting help from others; and
 - 19.3 provide support and care to the person who has experienced sexual harm at a later time.

Disclosures

20. Members of the University Community who have experienced Sexual Harm are encouraged, when they feel ready, to make a Disclosure to a Sexual Harm Support Officer in the Access, Wellbeing and Equity (AWE) team.
21. Disclosures can be made [online](#) or via the [Murdoch Safe App](#).
22. A Disclosure is a step a person can take to seek support and care. A person who makes a Disclosure may or may not make a Report.
23. A Report is a step a person can take to request the University investigates an allegation of Sexual Harm.
24. A person who witnessed or was informed of Sexual Harm is encouraged to make a Disclosure.
25. If a staff member suspects or believes a Child has experienced Sexual Harm and a person who may be involved is a member of the University Community, they must immediately provide a Disclosure to the AWE team.
26. If a staff member is informed of Sexual Harm in relation to the University by a person who does not wish to Disclose their experience to the University, the staff member must immediately provide De-Identified information about the incident to the University [online](#) or via the [Murdoch Safe App](#).
27. A procedure for responding to a person sharing information about Sexual Harm is at *Attachment E*.
28. All Disclosures of Sexual Harm may be made anonymously and can be De-Identified. The University may be limited in how it can respond if information is De-Identified.
29. If an international student experienced Sexual Harm and makes a Disclosure, their student visa will not be impacted.
30. If a Sexual Harm incident is communicated via other mechanisms such as complaints, occupational health and safety reporting, or misconduct reporting, these Disclosures must be referred to the AWE team as soon as possible, [online](#) or via the [Murdoch Safe App](#).
31. If Murdoch Guild or student accommodation providers suspect or believe a member of the University Community has experienced Sexual Harm, they are encouraged to Disclose De-Identified information to the AWE team, [online](#) or via the [Murdoch Safe App](#).
32. As soon as possible, the AWE team must forward any Disclosures made in relation to Singapore or Myanmar to a Sexual Harm Support Officer in the appropriate Partner organisation.
33. A Sexual Harm Support Officer must respond to a Disclosure by close of the next working day, where contact details have been provided.
34. The Sexual Harm Support Officer will:
 - 34.1 keep a Disclosure confidential, unless there is a serious risk of harm to the University Community, in which case the Senior Manager, AWE will refer the Disclosure to the Sexual Harm Review Panel (SHRP) as soon as possible;

- 34.2 consider whether any Precautionary Actions should take place;
- 34.3 where contact details are provided:
 - 34.3.1 provide information to the person making the Disclosure about support services available;
 - 34.3.2 empower the person making the Disclosure to share their expectations about what may result from their Disclosure; and
 - 34.3.3 outline the options available to the person making the Disclosure to help them determine the next steps they may wish to take, including an option to Report to the University or go to police.
- 35. To inform the assessment of risk and/or to provide advice in relation to Precautionary Actions and People and Culture processes, if a Murdoch staff member is accused of Sexual Harm, a Sexual Harm Support Officer will provide information about the Disclosure to Director, People and Culture, or a nominated delegate via Senior Manager, AWE. This information will include the name of the Murdoch staff member but all other parties will be De-Identified.
- 36. To identify trends and themes, if a Murdoch staff member has experienced Sexual Harm, a Sexual Harm Support Officer will provide information about the Disclosure to Director, People and Culture, or a nominated delegate. This information will identify the work area of that person (at office or equivalent level) but otherwise will be De-Identified.

Serious risk of harm to the University Community

- 37. Where there is a serious risk of harm to the University Community, the Senior Manager, AWE, in consultation with the Chair, will convene a meeting of the SHRP. The SHRP must meet by close of the next working day and will consider a Disclosure to identify the most appropriate course of action.
- 38. Information provided to the SHRP must be kept De-Identified wherever possible.
- 39. A serious risk of harm to the University Community may include, but is not limited to, where:
 - 39.1 there are multiple allegations or findings of Sexual Harm or other misconduct made against one person;
 - 39.2 there is a likely serious and imminent threat of Sexual Harm occurring again, or to another person in the University Community;
 - 39.3 the allegation(s) of Sexual Harm are so serious that it could reasonably lead to termination of a Murdoch staff member's employment; or
 - 39.4 it is likely that a report to police is necessary to protect a member of the University Community (or others) from harm, or to stop a further crime taking place.
- 40. Where appropriate, the Senior Manager, AWE, will advise the person who experienced Sexual Harm and the person who made a Disclosure if the Disclosure will be considered by the SHRP.

Sexual Harm Review Panel

- 41. The membership of the SHRP includes:

- 41.1 Senior Manager, AWE;
 - 41.2 University Secretary (Chair if a person who is not a student or staff member is the accused person);
 - 41.3 Director, Student and Library Services (only if a student is involved in an allegation and is the Chair if a student is the accused person);
 - 41.4 Director, People and Culture (as a panel member in cases where a Murdoch staff member is involved in the allegation; or as the Chair in cases where a Murdoch staff member is the accused person);
 - 41.5 Pro Vice Chancellor Transnational Education (only if a person located in a transnational location is involved in the allegation and is the Chair if a Partner staff member is the accused person);
 - 41.6 any other staff member with a specific skill set deemed necessary by the Chair (membership must be as minimised as possible). This may include, but is not limited to, Legal Counsel, Senior Employee Relations Consultant, or Manager Security Services.
- 42. If the SHRP identifies a critical incident as defined in the CIMP, the incident must be managed in accordance with the CIMP.
 - 43. The SHRP must keep information about an allegation confidential, unless sharing information is necessary to mitigate a serious risk of harm to the University Community.
 - 44. The SHRP must consider the cultural and legal circumstances and identify measures to mitigate a serious risk of harm to the University Community and reduce the risk of another incident occurring in the future. This could include Precautionary Actions and/or actions such as seeking legal advice, a report to police or other relevant government authorities if necessary, or in exceptional circumstances, an investigation. These considerations must be Trauma-Informed.
 - 45. The Chair may make a decision after considering advice from the SHRP.
 - 46. For actions taken in relation to:
 - 46.1 students in any location other than Dubai, Director Student and Library Services will allocate action(s);
 - 46.2 Murdoch staff, Director People and Culture will allocate action(s);
 - 46.3 Partner staff in a transnational location, Pro Vice Chancellor Transnational Education will allocate action(s);
 - 46.4 any person who is not a student or staff member, the University Secretary will allocate actions(s).
 - 47. Senior Manager, AWE is responsible for monitoring the implementation of actions and informing relevant staff of progress and completion of actions.
 - 48. Where possible and appropriate, Senior Manager, AWE will inform the person who experienced Sexual Harm or made a Disclosure of risk mitigation measures that were implemented.

Reports

49. A Report is a formal account or statement about Sexual Harm to the University. Where a person provides a Report, they are asking the University to investigate an allegation of Sexual Harm.
50. In most cases, a person will have already made a Disclosure to the University [online](#) or via the [Murdoch Safe App](#). After making a Disclosure in this way, a Sexual Harm Support Officer will ask the person who experienced Sexual Harm if they want to make a Report.
51. A person in the University Community who did not experience Sexual Harm may make a Report where the incident occurred within the University's Jurisdiction, however the University will only investigate where 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.
52. A Report can also be made anonymously [online](#) or via the [Murdoch Safe App](#), however, anonymous Reports may limit the University's ability to undertake an investigation, including undertaking any disciplinary action due to insufficient details.
53. Once a person has indicated they want to make a Report, a Sexual Harm Support Officer will ask that person to provide the appropriate information necessary to undertake a procedurally fair investigation, if that information has not already been provided at the Disclosure stage.
54. A Sexual Harm Support Officer will work with the person to create the Report and formally submit it to the University. The person making the Report will always approve the Report before it is submitted.
55. By close of the next working day, Senior Manager, AWE will provide this Report to:
 - 55.1 Director, Student and Library Services if the accused person is a student;
 - 55.2 Director, People and Culture if the accused person is a Murdoch staff member;
 - 55.3 University Secretary if the accused person is not a student or a staff member; and
 - 55.4 Pro Vice Chancellor Transnational Education if the allegation is related to a transnational location.
56. Senior Manager, AWE, in consultation with the Chair, will then convene the SHRP as soon as practicable (must be within 10 working days of the Report being made).
57. The SHRP will consider the seriousness and complexity of the allegation, the level of risk to the University Community, the cultural and legal circumstances, whether there is any existing police involvement, if the matter should be reported to the police or another government organisation, whether there is a requirement to seek legal advice, or whether any Precautionary Actions can be implemented.
58. The Chair of the SHRP will decide whether to proceed to investigation or other appropriate next steps.

59. If the accused person is not a student or staff member, the University may be limited in how it can respond, and if the accused person is not a member of the University Community, the University is unlikely to be able to investigate. In such circumstances the University may be able to take other action such as referring the incident to another organisation.
60. If the Chair decides not to proceed to investigation, the Chair is responsible for:
 - 60.1 ensuring the person who experienced Sexual Harm and the person who made the Report are provided with a written statement of the detailed reasons for the decision (if possible); and
 - 60.2 if a student made the Report, ensuring that within 10 working days of the decision, the student is notified of their right to access an external complaint handling process and the internal appeal process, and is provided with the contact details of the appropriate external body.

Investigations

61. Director Student and Library Services is responsible for ensuring there is a pool of Sexual Harm Investigators who are appropriately trained to respond to trauma and investigate Sexual Harm matters involving students.
62. Director People and Culture is responsible for ensuring there is a pool of Sexual Harm Investigators who are appropriately trained to respond to trauma and investigate Sexual Harm matters involving Murdoch staff.
63. Pro Vice Chancellor Transnational Education is responsible for ensuring there is a pool of Sexual Harm Investigators who are appropriately trained to respond to trauma and investigate Sexual Harm matters involving Partner staff.
64. The Chair of the SHRP will ensure the case is assigned to a Sexual Harm Investigator as soon as practicable.
65. A Sexual Harm Investigator allocated to investigate matters involving students or Partner staff may be required to investigate Sexual Harm matters involving University Community members who are not students or staff.
66. The Chair of the SHRP is responsible for ensuring the accused is informed of the allegation, this procedure, contact details for support services including the Guild if applicable, and to expect correspondence from a Sexual Harm Investigator.
67. Pro Vice Chancellor Transnational Education will inform the Partner organisation of an allegation if a Partner staff member is involved.
68. If a member of the University Community who is not a student or staff member is accused, the University Secretary will determine whether to inform their organisation (if applicable).
69. A Sexual Harm Support Officer will inform the person who experienced Sexual Harm to expect contact from a Sexual Harm Investigator, and of contact details for the Guild support services (if applicable).
70. The Sexual Harm Investigator must commence an investigation within five working days of being assigned the case (unless a Murdoch staff member is accused in which case the timeframe will in line with relevant University policy and/or industrial instruments).
71. The Sexual Harm Investigator will:

- 71.1 conduct the investigation fairly for all parties;
 - 71.2 understand the cultural and legal circumstances of the allegation;
 - 71.3 understand relevant University policies and/or industrial instruments;
 - 71.4 review all available information and evidence;
 - 71.5 be unbiased;
 - 71.6 ensure they minimise the number of times and depth to which a person is asked to recount a potentially traumatic experience;
 - 71.7 only request information from the person who experienced or witnessed Sexual Harm in consultation with a Sexual Harm Support Officer;
 - 71.8 consider a person's preferred mode of communication; and
 - 71.9 maintain appropriate confidentiality and only share information with those outside of the investigation where necessary.
72. The accused person is entitled to be provided with reasonable information about allegation(s) made against them, and have the opportunity to consider and respond to those allegation(s).
73. The person who experienced Sexual Harm and the accused person will have the opportunity to formally present their own information and/or evidence, and will not have the right to question witnesses.
74. All parties will be provided with a reasonable timeframe to respond to a request for information. Normally this could range between 24 hours to five University working days depending on the complexity of the information.
75. All parties involved in an investigation are entitled to regular and timely communication about its progress and outcome (where appropriate).
76. As soon as practicable, the Sexual Harm Investigator must:
- 76.1 make findings on the balance of probabilities as to whether the allegation(s) of misconduct are substantiated or not; or
 - 76.2 whether there is insufficient information to make a finding; and
 - 76.3 if substantiated, any resulting breaches of University policy; and
 - 76.4 where appropriate, recommend any actions (other than disciplinary action outcomes) to be taken.
77. As soon as practicable, the SHRP must review the Sexual Harm Investigator's findings and recommend any Precautionary Actions or other actions to the Chair. This may include ways to mitigate risk to the safety and security of the University Community or a requirement to report to police or other government authorities.
78. For an allegation of misconduct by any member of the University Community aside from Murdoch staff, as soon as practicable:
- 78.1 the Chair must confirm the Sexual Harm Investigator's findings or make other findings on the balance of probabilities as to whether the allegation(s) of misconduct are substantiated or not and any resulting breaches of University policy; and

- 78.2 if appropriate, determine or recommend resulting action, in accordance with the [Sexual Harm Policy](#) (if applicable); and
- 78.3 the Chair must consider the Sexual Harm Investigator's findings and recommendation(s) and advice provided by the SHRP.
- 79. For an allegation of Murdoch staff misconduct:
 - 79.1 the Chair must recommend proposed disciplinary action to the relevant senior leader of the accused (if applicable); and
 - 79.2 the Chair is responsible for ensuring the accused is provided with information about the finding(s) of the allegation; and
 - 79.3 the Chair can make decisions about Precautionary Actions and other actions after considering advice and information from the SHRP, the Sexual Harm Investigator, or nominated delegate.
- 80. For an allegation of student misconduct:
 - 80.1 the Chair must advise the accused person of the outcome and provide explicit reasons for decisions; and
 - 80.2 amongst other potential actions provided in the [Sexual Harm Policy](#), the Chair may recommend a student is expelled from the University, however this decision can only be made by the Provost, or, in the case of a conflict of interest, another person appointed by the Vice Chancellor.
- 81. For an allegation of misconduct by a Partner staff member:
 - 81.1 the Chair will notify the Partner organisation of the finding(s) and if applicable, make recommendation(s) supported by explicit reasons.
- 82. For an allegation of misconduct by a member of the University Community who is not a student or staff member:
 - 82.1 the Chair will, if applicable, make recommendation(s) supported by explicit reasons to that person's organisation.
- 83. As soon as practicable, the Chair must ensure the person who experienced Sexual Harm is informed of the finding(s) of the investigation in writing, and the person who made the Report is informed of the finalisation of the process.
- 84. If a student made a Report, and the finding(s) are not in their favour, the Chair is responsible for ensuring, within 10 working days of the conclusion of the investigation, that the person who made the Report is notified of their right to access an external complaint handling process, and the internal appeals process, with contact details provided for the appropriate external body.
- 85. The Chair must allocate any University action(s) to the appropriate Murdoch staff member(s) to immediately commence implementation and complete as soon as reasonably practicable.
- 86. Senior Manager, AWE must monitor such actions and inform the Chair of progress and completion.
- 87. The Chair must ensure the person who experienced Sexual Harm and the person who made the Report are informed of any implemented actions where appropriate, as soon as practicable.

88. Where deemed reasonable by the Chair, a person involved in an allegation against any member of the University Community other than Murdoch staff may submit further information within five working days of an outcome being determined or recommended. This information must be considered by the Sexual Harm Investigator and SHRP.
89. In the unlikely circumstance that an investigation finds an allegation to be vexatious, the matter will be dealt with in accordance with relevant University policy.
90. This procedure uses the phrase 'person who experienced Sexual Harm' and 'accused person'. The University will however consider Disclosures and Reports only as allegations of Sexual Harm until a finding has been made in an investigation on the balance of probabilities as to whether a person has breached a relevant University policy.

Police Involvement

91. A person has the right to report their experience to police, regardless of any decision to make a Disclosure or Report to the University.
92. The University's investigations process is not a substitute for a criminal process.
93. A police investigation will generally take precedence over a University investigation process. Actions taken by the University in relation to allegations of misconduct will aim to avoid, to the greatest extent possible, interference or perceived interference with current or pending investigations.
94. A University investigation process may proceed alongside a police investigation if the University has consulted with police to assess any impacts the University's actions could have on the police investigation.
95. Subject to the [Privacy Policy](#), the University will assist police and provide any requested records and other information to support a police investigation.
96. Any deferral of a University investigation process will not prevent the University taking other reasonable action to implement safety measures or otherwise manage risks to the University Community.

Risk Assessments

97. Directors and Pro Vice Chancellors (or equivalent) must coordinate the assessment of risk of Sexual Harm occurring for all activities in relation to the University at all locations, and monitor and regularly coordinate the reassessment of risk through ongoing risk management. This must be reported to Senior Manager, AWE for oversight.
98. Directors and Pro Vice Chancellors (or equivalent) must monitor controls implemented to reduce the risk of Sexual Harm occurring to any member of the University Community, and report to Senior Manager, AWE for oversight.
99. Senior Manager, AWE, must report the assessed level of risk and the management of that risk to the Vice Chancellor (or delegate). The Vice Chancellor (or delegate) must report this to the Senior Executive Group and Audit and Risk Committee on an annual basis.
100. The Senior Leadership Group is responsible for the management of the risk of Sexual Harm across the University.

Prevention

101. University leaders have a responsibility to foster a culture that is intolerant of Sexual Harm.
102. For students, Senior Manager, AWE is responsible for arranging appropriate evidence-based training on how to recognise, prevent and respond to Sexual Harm, consent, and how to be an active bystander.
103. For Murdoch staff, Director People and Culture or their delegate is responsible for arranging appropriate evidence-based training on how to recognise, prevent and respond to Sexual Harm, consent, and how to be an active bystander.
104. For Partner staff, Pro Vice Chancellor Transnational Education is responsible for arranging appropriate evidence-based training on how to recognise, prevent and respond to Sexual Harm, consent, and how to be an active bystander.
105. Pro Vice Chancellor International must ensure that any entity engaged by the University to perform any Department of Foreign Affairs and Trade (DFAT) - related work applies the DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy.
106. Staff may monitor digital forums related to the University for evidence of Sexual Harm involving a member of the University community.
107. Alleged non-compliance with the [Sexual Harm Policy](#) or these procedures (aside from allegations of Sexual Harm misconduct) must be reported to the Equity and Diversity Committee and managed in accordance with the appropriate staff or student process, or any relevant agreement with another member of the University Community.

Accommodations

108. Any Murdoch staff member who has Disclosed Sexual Harm to the AWE team or to any staff member may be provided with additional support and/or temporary reasonable adjustments by agreement with a reporting line leader and in consultation with a nominated representative from People and Culture. Reasonable evidence may be requested.
109. Any student who has Disclosed Sexual Harm to the AWE team or to any staff member may be granted academic accommodation to assist them in their studies. For example, a student may be granted an extension to submit an assessment, and special allowances may be made regarding student performance and progression.
110. Students seeking academic accommodation may provide supporting documentation from any relevant independent person (or authority), for example:
 - 110.1 a document/certificate from a health professional (such as a Murdoch counsellor);
 - 110.2 a letter of support from a Murdoch staff member;
 - 110.3 a document from the police; or
 - 110.4 a personal statement outlining why you are seeking academic accommodation.

111. Where a health professional or police provides a recommendation for academic accommodation, the document does not need to provide any details of the alleged incident in order for academic accommodation to be granted.

Other complaints bodies

112. Students may make a submission to the following external bodies:

- 112.1 [Ombudsman of Western Australia](#);
- 112.2 [Australian Human Rights Commission](#) (AHRC);
- 112.3 [Tertiary Education Quality and Standards Agency](#); and
- 112.4 Committee for Private Education (Singapore).

113. Murdoch Staff may make a submission to the AHRC, Western Australia Equal Opportunity Commission and/or WorkSafe Western Australia, as appropriate.

Mandatory External Reporting

114. As defined in the *Children and Community Services Act 2008*, it is a legal requirement in Western Australia for doctors, nurses, midwives, teachers, police officers and boarding supervisors to report all reasonable beliefs of Child sexual abuse to the [Department of Communities - Child Protection and Family Support](#).
115. After a Disclosure, the Senior Manager, AWE, or delegate, must advise the [Department of Communities – Child Protection and Family Support](#) of a suspicion or belief of Sexual Harm occurring to any Child in connection to Western Australia, unless a mandatory report has already been made, and consider whether any other reporting is required to another government organisation in any location.
116. Within two working days of a Report, the Senior Manager, AWE, or delegate, must advise DFAT of any Sexual Harm related to the delivery of DFAT business. This includes any alleged incident that poses a significant reputational risk to DFAT. Incidents must only be reported where it is safe to do so, De-Identified, and where it aligns with the wishes of the person who experienced Sexual Harm.
117. Within five working days, Pro Vice Chancellor International must advise DFAT of any alleged non-compliance with DFAT's Preventing Sexual Exploitation, Abuse and Harassment Policy.
118. Senior Manager, AWE, or delegate must immediately advise DFAT of a suspicion or belief of Sexual Harm occurring to any Child, where the accused is a member of the University Community. Where Senior Manager, AWE has already reported, but becomes aware of additional information, they must also report that information.
119. Director People and Culture, or delegate, must report suspected minor and/or serious misconduct by Murdoch staff to the relevant government authorities in line with legislation, which may include the Public Sector Commission and/or the Crime and Corruption Commission.

Internal Reporting

120. Senior Manager, AWE, and Sexual Harm Support Officer(s) are responsible for ensuring written records of Sexual Harm Disclosures and Reports are kept in a

confidential manner. Where an allegation does not proceed to investigation, the record must include a statement of the outcome and reasons for the outcome.

121. Director, Student Library Services, Director, People and Culture, University Secretary, and Pro Vice Chancellor, Transnational Education, are responsible for ensuring written records of Sexual Harm investigations, including a statement of the outcome and reasons for the outcome, are kept in a confidential manner.
122. Senior Manager, AWE, or delegate must monitor Disclosures and Reports of incidents to identify trends, themes, and patterns of recurring incidents.
123. Senior Manager, AWE must coordinate a report of analysis of De-Identified information, along with action taken or recommendations to mitigate future risk, to:
 - 123.1 Respect Now Always Advisory Group on a quarterly basis;
 - 123.2 Audit and Risk Committee twice a year;
 - 123.3 Student Wellbeing Committee twice a year;
 - 123.4 Academic Council twice a year; and
 - 123.5 Senate once a year.
124. Senior Manager, AWE is responsible for publicly reporting De-Identified data of numbers of Disclosures and Reports on the University's website to ensure transparency and accountability.

Definitions:

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

- **“AWE”** is Access, Wellbeing and Equity.
- **“Child”** is a person under the age of 18.
- **“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.
- **“De-Identified”** means no name, age or description of any person involved.
- **“DFAT”** is the Department of Foreign Affairs and Trade.
- **“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).

- **“Partner”** means a third-party provider for education services in a transnational location.
- **“Precautionary Actions”** are non-disciplinary actions that may be imposed in response to a Disclosure or Report. The purposes of precautionary actions are to ensure the safety of the affected individuals, to discourage or prevent victimisation and retaliation, prevent incidents of Sexual Harm and preserve the University’s ability to investigate. They are not considered disciplinary action and are without prejudice to the accused person. Examples include, but are not limited to:
 - increasing security measures;
 - where possible, offering, increasing, refining or mandating relevant training to members of the University Community;
 - increasing messaging about acceptable behaviours to staff, student or other cohorts within the University Community;
 - in most cases, with the permission of the person who experienced Sexual Harm:
 - separating a person from the accused person; or
 - arranging for an appropriate staff member to have an informal conversation with the accused person to remind them of acceptable behaviours and relevant University policy. Potential outcomes of this conversation may include:
 - the staff member resetting expectations about the offending behaviour with the other person/people;
 - a requirement for the other person/people to undertake appropriate training; or
 - an apology being made by the other person/people to the person subjected to Sexual Harm.
- **“Report”** is a formal statement regarding an incident of Sexual Harm given to the University.
- **“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.
- **“Sexual Harm Investigator”** is a nominated role (internal or external) with appropriate training to respond to trauma and investigate Sexual Harm matters on behalf of the University.
- **“Sexual Harm Support Officer”** is a nominated role with appropriate training within the AWE team in Australia or provided by a Partner Organisation in a transnational location.
- **“SHRP”** is the Sexual Harm Review Panel which is an advisory group with decisions made by the Chair.
- **“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:

[Conflict of Interest Policy](#)

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

[Misconduct Procedure](#)

[Murdoch University Enterprise Agreement 2023](#)

[Privacy Policy](#)

[Security Safety and Wellbeing Guidelines](#)

[Sexual Harm Procedure - Dubai](#)

Approval and Implementation:

| | |
|----------------------------------|---|
| Approval Authority: | Senior Manager, AWE and Director People and Culture |
| Responsible Officer(s): | Deputy Vice Chancellor Education and Equity and Director People and Culture |
| Committee with oversight: | Student Wellbeing Committee |
| Contact Officer: | Senior Manager, AWE and Director People and Culture |

Revision History:

| Approved/ Amended/ Rescinded | Date Approved | Effective Date | Next Review Date | Resolution No. (if applicable) |
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| Approved | 23/10/2020 | | 23/10/2021 | |

EMERGENCY CONTACTS

In case of emergency, contact the following services:

| | Australia | Singapore | Myanmar |
|------------------|------------------|------------------|----------------|
| Police | Phone 000 | Phone 999 | Phone 199 |
| Ambulance | Phone 000 | Phone 995 | Phone 192 |

Students and staff can also contact [Campus Security](#):

| | Perth central security office | Singapore Wilkie Edge Campus | Singapore PoMo Campus | Myanmar |
|----------------------------|--|---|----------------------------------|----------------|
| Campus Security | +61 8 9360 6262 | +65 6496 5981 | +65 6411 4338 | 09 777 636 000 |

If you have experienced Sexual Harm.

You are not alone;
the University is
here to support you.

Remember

This is not your fault.

It is **YOUR** choice what course of action you decide to take. The University will respect your decision and will involve you in decision making wherever possible. Your wellbeing is our priority and we encourage you to use our free and confidential services.

A Sexual Harm incident occurred

Make yourself safe

Get to a safe place and seek help:

- In an emergency, contact police or ambulance.
- If the incident occurs on campus, contact Campus Security.
- See the list of support services at Attachment D of this procedure.

Make a Disclosure to the University

If you choose to Disclose to the Access, Wellbeing and Equity team ([online](#) or via the [Murdoch Safe App](#)), a Sexual Harm Support Officer can offer you information about a range of support, including:

- counselling;
- academic or workplace support; and
- health care;
- next steps.

Disclosures can be made anonymously and confidentially.

Make a formal report to the police

You can choose to make a report to police at any time, regardless of whether you choose to Report to the University.

Make a formal Report to the University

You can choose to make a formal Report to the University at any time if you would like the incident to be investigated.

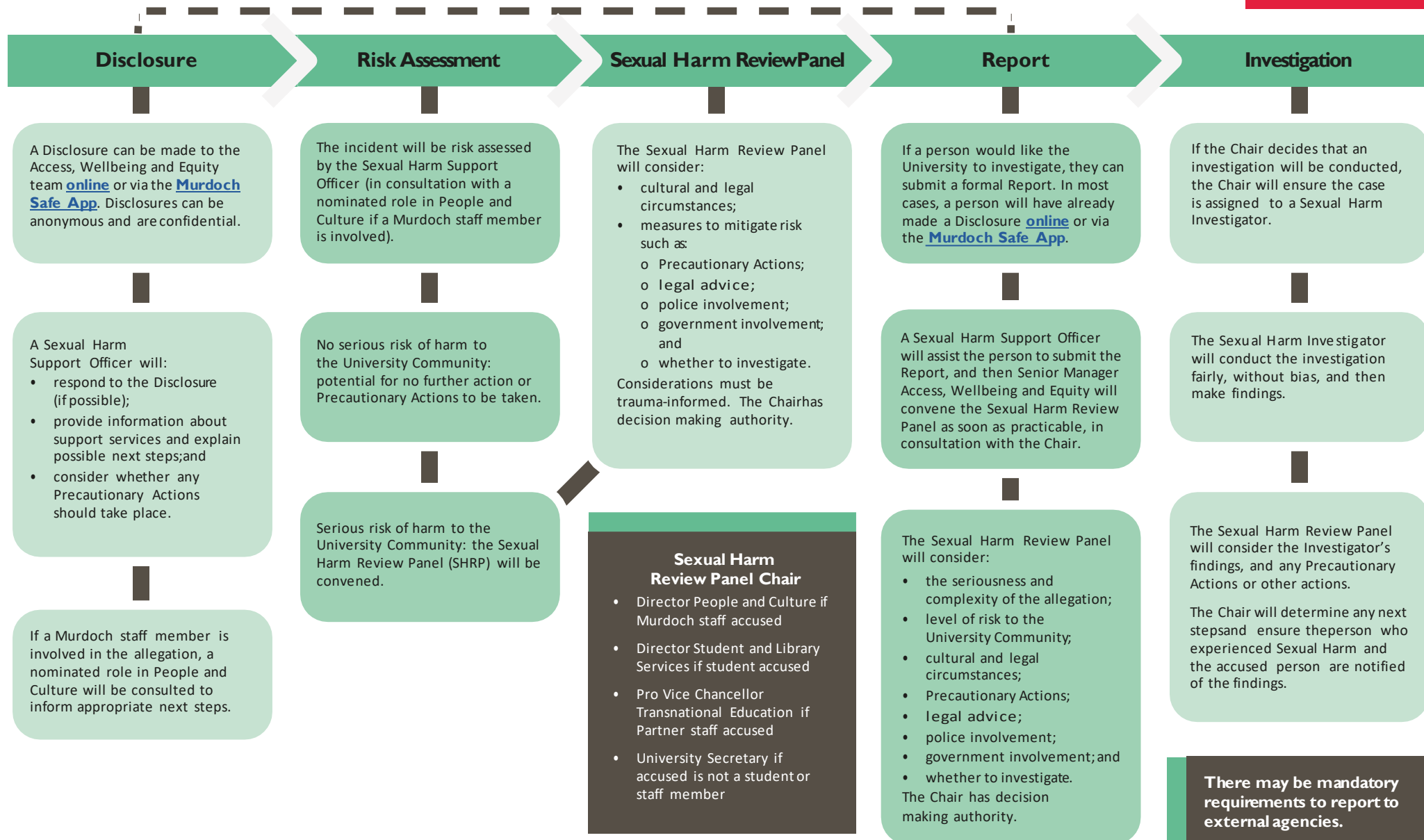
It is **YOUR** choice whether you decide to make a formal Report to the University.

Ongoing support

Our priority is your immediate and ongoing wellbeing. The University is here to support you no matter which choice you make. Murdoch University offers the following free and confidential services to staff and students:

- For students, support is available through the [University Counselling Service](#).
- For staff, support is available through the [Employee Assistance Program](#).

Sexual Harm Procedure Flowchart. Simplified Overview



SUPPORT SERVICES

In Australia, support is available from:

- The [Sexual Assault Resource Centre](#) (SARC). SARC is a 24-hour service that provides medical, forensic examination and counselling assistance and is best accessed as soon as possible after sexual assault (1800 199 888 or 08 6458 1828).
- Murdoch University Health provide [counselling](#) and [medical](#) support for students. These services are normally available from 8.30am to 4.30pm weekdays on the Perth campus and can provide further guidance on University support options.
- The [National Sexual Assault and Domestic Family Violence Counselling Service](#) (1800 Respect) provides telephone and online counselling.
- Staff can access the [employee assistance program](#) to receive a confidential counselling service.

In Singapore, support is available from:

- The [Student Guidance and Counselling Services](#) at Kaplan City Campus provide counselling services to students. These services are normally available from 9am to 6pm, Monday to Friday with extended hours available upon request (6309 5227).
- The [Care Corner Counselling Centre](#) provides counselling services to the Mandarin-speaking community. Services are normally available daily from 10am to 10pm (1800 353 5800).
- The [Samaritans of Singapore](#) provide a 24-hour crisis support counselling service (1800 221 4444).
- The [Association of Women for Action and Research](#) (AWARE) provide counselling, legal advice and support groups to women who have experienced sexual assault, workplace discrimination or harassment. Services are available in English, Mandarin, Malay and Tamil. These services are available from Monday to Friday from 10am to 6pm (1800 777 5555).
- The [Sexual Assault Care Centre](#) provides free services to those who have experienced sexual assault. Services are available Monday to Friday from 10am to 10pm (6779 0282).

In Myanmar, support is available from:

- The [Counselling Corner](#) provides mental health counselling services (09 254 151 971).
- The [Shan Women's Action Network](#) provide services to women in remote and rural areas of Shan State including crisis accommodation, emergency health assistance, counselling and legal support.
- The [Women's League of Burma](#) provide assistance and protection to women affected by violence, including sexual violence.
- The [Karen Women's Organisation](#) provide counselling, legal support and practical assistance for women and girls who have suffered sexual and gender-based violence. Services are available in seven districts in the Karen State.

RESPONDING EFFECTIVELY TO SEXUAL HARM DISCLOSURES

To respond to a disclosure by a Child, see the [Department of Child Protection website](#).

| | |
|---------------------------------|---|
| Safe and supportive environment | <ul style="list-style-type: none"> • Recognise that by disclosing to you, the person has chosen to trust you. • Provide the person with your full attention. • Remain calm; remind the person that this is not their fault and that they are not alone. |
| Listen and believe | <ul style="list-style-type: none"> • Show empathy, respect and understanding. • Acknowledge the person's feelings. • Allow the person to guide the conversation. • Allow the person to choose any follow up actions – remember that they may not wish to Report the incident formally at this time. • Don't ask 'Why?' questions – these may feel judgemental or make the person feel responsible (Why were you wearing that? Why were you with them? Why didn't you go home earlier?). |
| Refer | <p>Support and wellbeing options</p> <ul style="list-style-type: none"> • Advise the person of support services available (see <i>Attachment D</i>). <p>Reporting</p> <ul style="list-style-type: none"> • Encourage the person to Disclose their experience to the University online or via the Murdoch Safe App. • Keep the information confidential. However, if the person does not wish to Disclose their experience to the University, and you are a staff member, you must provide De-Identified information about the incident to the University online or via the Murdoch Safe App. Staff members can provide this information anonymously. • Advise the person they can go to the police. |
| Practice self-care | <p>Supporting someone who has experienced Sexual Harm can be challenging. Look after yourself after receiving distressing information and seek a confidential debrief with a counsellor:</p> <ul style="list-style-type: none"> • for students support is available through the University Counselling Service; • for staff support is available through the Employee Assistance Program. |