Sexual Harm Response Procedure - Students

Emergency assistance

If someone is in immediate danger or requires medical attention, use the emergency assistance contacts:

- For immediate help – 000
- For on campus security assistance – 1800 931 633

For other student support, see the Project Zero website.

Notes on language

This procedure contains language and references to sexual assault and sexual harassment. If anything in this procedure has affected or distressed you, you may wish to seek support.

Note: From 1 January 2026, the Gender-based Violence Prevention and Response Policy and Policy addendum - Gender-based violence provisions may affect some provisions under this procedure.

Section 1 - Purpose

(1) This procedure supports the Gender-based Violence Prevention and Response Policy and Complaints Management Policy by setting out:

a. options and support available to people disclosing or formally reporting student related instances of sexual harm to Charles Sturt University (the University)
b. how the University will respond to disclosures or reports of sexual assault or sexual misconduct
c. information to support investigations of formal reports through the University's complaints management and misconduct processes.

Scope

(2) This procedure applies to current and past students of the University, however:

a. reports of child abuse, which includes any sexual offence or sexual misconduct involving children or young people, must be managed in accordance with the Child Safety Policy
b. reports involving students who are also staff of the University may be managed under the Complaints Procedure - Workplace.

Section 2 - Policy

(3) This procedure supports the Gender-based Violence Prevention and Response Policy.

Section 3 - Procedure

Disclosures and seeking support

(4) Anyone who has experienced, witnessed, been involved in, or become aware of student related incidents of sexual assault or sexual harassment can make a disclosure to the University in order to seek advice and/or support.

(5) Subject to clause 36, disclosures and seeking advice or support do not normally lead to an investigation or other response by the University (see the 'Formal reports' heading for information about investigations and responses).

(6) Students and past students who have experienced sexual assault or sexual harassment can decide whether to share information with the University or not.

(7) The University's Prevention and Support Specialists can provide advice on:

a. how to access internal and external support services
b. information about making a police report
c. options for making a formal report to the University
d. support that will be available through the University's formal reporting process
e. what to do in the case of witnessing or becoming aware of an incident of sexual assault or sexual harassment.

(8) The University provides accessible support for students affected by sexual assault and/or sexual harassment. This support is available regardless of:

a. whether the incident occurred during University activities or elsewhere
b. whether the student decides to formally report sexual assault or sexual harassment or not
c. when the incident occurred – there are no time limits on seeking help or advice.

(9) Support may include helping a student to access adjustment to their studies to support their safety, wellbeing, or academic progress.

Formal reports

(10) Subject to clause 16, the University will investigate and respond to incidents of sexual assault or sexual harassment when a formal report is made. Information and contacts for making a formal report are available through:

a. the Project Zero website. This site provides contact details for both internal and external reporting options and is the recommended reporting option for current and past students
b. the Complaints, grievances and whistleblowing website.

> Note: Phone 000 for emergency assistance from the police or an ambulance, and call Campus Security on 1800 931 633 (or dial 400 from any internal phone) for help on campus.

(11) Anyone who is affected by sexual assault or sexual harassment in circumstances related to the University is encouraged to make a report to the University. Members of the University community who have experienced sexual

assault or sexual harassment have the right to decide what information they report.

(12) There are no time limits on making a formal report of sexual assault or sexual harassment to the University (which will be considered a serious complaint for the purpose of the Complaints Management Policy timelines). However, there may be limits to how the University can investigate and respond to a formal report if a significant period of time has passed since the incident(s) occurred.

(13) Reports of sexual assault and sexual harassment can be:

a. made anonymously or a person making a report can choose to provide their contact details
b. made by the person who experienced the behaviour or by someone who witnessed or heard about the behaviour.

(14) See also the Bullying, Discrimination and Harassment Prevention Procedure for information on other types of harassment, and how these can be reported and managed.

(15) Formal reports will be investigated following the processes set out in the Complaints Management Policy and procedures and/or the Student Misconduct Rule 2020, as relevant. These documents set out how information and outcomes will be communicated to parties, steps to ensure procedural fairness, and opportunities for review of decisions. The following headings set out further information for parties involved in or investigating complaints/misconduct involving sexual assault or sexual harassment, in recognition of the specific harms such investigations may cause and to support the use of evidence-based, trauma-informed and person-centred processes.

University response to reports

(16) The following table sets out how the University will normally respond, based on the nature and type of report received:

Anonymous reports	When an anonymous report is made, the University may be unable to take further action. The information provided in an anonymous report will be used to monitor the incidence of sexual assault or sexual harassment affecting the University community and to identify potential improvements to safety on campus. The assessment of an anonymous report may lead to information being shared with NSW Police or other relevant government agencies.
Report with contact details	Includes reports with the name and contact information of the person(s) who experienced the sexual assault or sexual harassment, or the name and contact information of the person who submitted the report. The University will consult with the person regarding what response they wish the University to take. Where a report with contact details is to be investigated, this may be managed under the Student Misconduct Rule 2020 and/or as a complaint under the Complaints Management Policy, as appropriate. Where a report with contact details concerns the actions of a student or a student organisation, the University may put in place precautionary or interim measures.
Reports on behalf of another person	The University will accept reports made by a person who has witnessed or heard about another person experiencing sexual assault or sexual harassment. Reports may also be made on behalf of another person who chooses to remain anonymous, however: 1. the person reporting must disclose their own identity to enable the University to meet its responsibilities appropriately 2. the University may not be able to investigate a report or may be limited in its response if the person directly affected does not share their identity and contact details with the University.

Reports to external organisations	Members of the University community can report to external organisations. Any person who experiences sexual assault or sexual harassment has the right to report to an external organisation, as well as the right to decide not to report. If a report is made to an external organisation, such as NSW Police, the University's response may need to be delayed. However, the University may still implement precautionary or interim measures. A staff member of the University may have legal and professional obligations to report information to relevant authorities.

(17) Any investigation of a formal report by the University is not a substitute for a criminal investigation conducted by the NSW Police.

Investigations and penalties

Police investigations

(18) A person who discloses or formally reports an incident of sexual assault to the University will be provided information about reporting the incident to the police, including that they may be obliged to do so under the Crimes Act 1900.

(19) Persons reporting will be advised of the fundamental differences between a criminal process and University misconduct investigations:

a. University misconduct investigations seek to determine whether misconduct has occurred, based on a standard of proof of balance of probabilities.
b. Criminal processes undertaken by police seek to determine whether a crime has been committed, based on a standard of proof of beyond reasonable doubt.

(20) Where a person has advised the University that they have reported an incident to police, the University will communicate with police to determine whether a parallel misconduct investigation would affect any criminal processes.

(21) If the University does not receive formal advice from the police that an internal investigation may affect criminal process, the University will consider pursuing a misconduct investigation, taking into consideration the safety of the University community and the reporting person/person who has been harmed.

(22) The University may decide to pursue a misconduct investigation once criminal investigations are complete, irrespective of the outcome of the criminal process.

(23) Precautionary or interim measures may be taken to minimise the potential of harm to parties involved or others until the criminal process has concluded (see the 'Precautionary and interim measures' heading).

(24) Both parties will be advised by the University that the outcome of a criminal process may inform the University's response to the report, including internal investigations.

Internal investigations and penalties

(25) Formal reports made against a student, staff member or another member of the University community will be investigated and, where misconduct is found to have occurred, penalties applied in accordance with the following documents as relevant:

Reports made against	Investigation	Penalties
Staff	Complaints Management Policy	Code of Conduct, Enterprise Agreement, employment contracts.

Reports made against	Investigation	Penalties
Students	Student Misconduct Rule and/or Complaints Management Policy	Student Misconduct Rule
University community (contractors, tenants, work placements, clubs, etc.)	Complaints Management Policy	Terms of agreements, etc. See clauses 27-28.

(26) Penalties against staff and students are limited to those that can be applied under the Student Misconduct Rule, Enterprise Agreement or other employment contracts.

(27) Incidents of sexual assault or sexual harassment that involve student or community clubs may also be subject to penalties or other actions under the Clubs Policy.

(28) Where reports relate to parties external to the University, there are limits on penalties that can be imposed. However, actions may include those available under contracts and agreements, through external parties' complaints and grievance processes, and/or internal measures to minimise further risks and harm.

(29) Precautionary or interim measures may be taken while the University undertakes investigations to minimise the potential of harm to parties involved or others (see the 'Precautionary and interim measures' heading).

(30) Reports and investigations of sexual assault or sexual harassment incidents are serious matters with potentially serious consequences for those involved. Persons who make vexatious or frivolous reports, or who lie or deliberately mislead in connection with a report or investigation, may be subject to misconduct proceedings.

Precautionary and interim measures

(31) When a formal report of sexual assault is received, the University will consider if urgent precautionary or interim measures should be put in place, pending investigation or other processes. The University will consider if there is any risk to the safety of any person based on what has been reported.

(32) The University will communicate with the reporting person regarding measures that may be taken to support their psychological safety and to minimise stress and anxiety. These measures may include moving one or both of the parties to alternative accommodations, classes, workspaces, etc.

(33) Both parties will be advised that any precautionary or interim measures that are proposed or adopted do not presume guilt and are intended to offer protection to both parties.

Privacy and confidentiality

(34) Where the University responds to a report, students and staff involved in the response or any investigation must keep all information about the report, the investigation and the University response confidential. The University response includes any investigation, finding or penalty.

(35) Within the University, information from a disclosure or a report will only be accessed by staff who need the information to provide support and/or investigate an incident in accordance with University procedures.

(36) The University will endeavour to keep disclosures and reports about sexual assault and sexual harassment confidential, however, may be required to share information or take other actions in the following situations:

a. The person making the report has given consent for the information from a disclosure or report to be disclosed for a specific purpose.
b. The University is required to report serious crimes, as defined in section 316 of the Crimes Act 1900. These reporting obligations apply to all University employees including those who are responsible for security and

counselling. If a disclosure or report provides information about a serious crime, the University may share this information with the NSW Police. Under the Crimes Act 1900 a person or institution has a reasonable excuse for not reporting a sexual assault to the police if (i) the person impacted is an adult, and (ii) there are reasonable grounds to believe that the person impacted does not want the information to be reported to the police.

c. The University is required, whether by law or otherwise, to provide information to the NSW Police and relevant government agencies in order to protect student and staff safety and safeguard the University community, even if the provision of this information is inconsistent with the wishes of the person impacted.
d. It is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
e. Information about sexual assault or sexual harassment that involves individuals under 18 years old (whether as victim, perpetrator, or witness) must be reported to relevant government agencies, which may include the NSW Police.
f. It is necessary to enact the Student Critical Incident Plan.
g. The University may be lawfully obliged to disclose information if a subpoena or warrant is issued to the University.
h. An individual whose personal information is stored on University systems is entitled, subject to certain exceptions prescribed by the Privacy and Personal Information Act 1998, to ascertain if the University holds personal information about them and may request access to that information.
i. The University has mandatory legislative reporting requirements such as those under the Work Health and Safety Act 2011, reporting material changes obligations under TEQSA and ESOS obligations, and other obligations at law.
j. The University may use de-identified information contained in disclosures or formal reports to identify trends and risks, provide reports to governance committees, and develop targeted responses to sexual misconduct and sexual harassment in the University community.

(37) Students involved in any report, investigation or response must only disclose information if seeking support or advice from:

a. confidential communication to immediate family members
b. a registered health professional (such as a general practitioner or psychologist)
c. a spiritual leader or Elder
d. a registered legal practitioner
e. NSW Police
f. staff from relevant government agencies, including the Anti-Discrimination Board of NSW, Australian Human Rights Commission, Tertiary Education Quality and Standards Agency or National Student Ombudsman.

Section 4 - Guidelines

(38) Nil.

Section 5 - Glossary

(39) This procedure uses terms defined in the Gender-based Violence Prevention and Response Policy, as well as the following:

a. Disclosure – means the sharing of information about alleged incident(s) of sexual harm with another person. Disclosures can be made to anyone and are usually made to a person who is known and trusted. A person who

discloses may not want to make a formal report and may instead be seeking information about resources and support.

b. Report/formal report – means providing a formal account or complaint about alleged incident(s) of sexual harm to a person or institution (either internal to the University or external) that has the authority to act.

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