

Sexual misconduct

Information for students

Content warning: This document includes information on sexual harassment and sexual assault and may be distressing for some people.

For support contact the [Safer Community Program](#).



THE UNIVERSITY OF
MELBOURNE

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Sexual misconduct is unacceptable.

The University of Melbourne is committed to eliminating and preventing sexual misconduct from its community and prioritising the safety and wellbeing of everyone who experiences it.

Where sexual misconduct does occur, we aim to provide a supportive and trauma-informed response that prioritises the safety and wellbeing of victim-survivors.

If you have experienced sexual misconduct, you have the right to seek support and advice. The University will support you through this process.

What is sexual misconduct?

The University of Melbourne uses the term sexual misconduct to describe any sexual act or behaviour that a person does not consent to, including sexual assault (and other sexual offences) and sexual harassment.

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Penalties may apply

Findings of sexual misconduct may result in a range of penalties.

For students, this may include suspension or expulsion from the University.

For current staff this may include dismissal or other action on employment as determined by law, for former staff this may result in limiting their ability to be hired again and for honorary staff members this may result in rescission of appointment.

What is sexual assault?

The term sexual assault is broad, and refers to when:

- A person is touched in an intentionally sexual way,
- Without their consent and,
- They feel uncomfortable, frightened, or threatened.

Sexual assault can occur alongside other sexual offences, which can include:

- Unwanted touching of the breasts, buttocks, or genitals
- Being made to touch someone's breasts, buttocks or genitals
- Forced and unwanted kissing
- Rape (forced penetration of the vagina, anus or mouth by a body part or object)
- Being forced to have sex or engage in any sexual activity with someone else
- Forced viewing of pornography or being made to watch other sexual acts
- Stealthing (removal of condoms during sex without the consent of the other person).

Certain types of sexual offences can also occur online, such as:

- Sharing of private images or videos
- Being sent nude photos or livestream sexual acts
- Forced to engage in sexual acts for viewing or recording.

Things to know about sexual assault

Sexual assault and other sexual offences can impact people of all ages, abilities, genders, sexual orientations, and cultural backgrounds.

In many instances, sexual assault is perpetrated by people we know and occurs in the context of trusted relationships with intimate partners, family members or work/study colleagues.

Any type of sexual contact without consent can be sexual assault or an offence. A person cannot give their consent if they are unconscious or asleep, if they are frightened or threatened, affected by alcohol or drugs, or unable to say what they do or don't want.

Sexual assault and other sexual offences are never the fault of the victim, despite the myths that exist around what people wear, how much they have had to drink and whether they resisted or not.

Sexual assaults generally go unreported because people feel that they won't be believed or what happened to them wasn't sufficiently serious. Sometimes people feel like it was their fault because they were drinking, or they didn't resist. Sexual assault laws have changed to provide better protection to victims and to remove the focus on what they did or didn't do, and to place responsibility on the actions of the perpetrator.

What is sexual harassment?

Sexual harassment is unwanted sexual behaviour which makes a person feel offended, humiliated, or intimidated.

Sexual harassment can occur in face-to-face interactions, in writing or online. It can happen once or as a pattern of behaviour. Sexual harassment impacts people of all ages, abilities, genders, sexual orientations and cultural backgrounds.

People have the right not to be sexually harassed at work, study, where they live, shop or socialise. There are equal opportunity laws to protect them from this type of behaviour and from being treated badly if they make a complaint.

Some examples of sexual harassment include:

- staring, leering or unwelcome touching
- suggestive comments or jokes
- unwanted invitations to go out on dates or requests for sex
- intrusive questions about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- emailing pornography or explicit content
- displaying images of a sexual nature around the workplace
- communicating content of a sexual nature through social media or text messages.

Some types of sexual harassment are also criminal offences such as indecent exposure, stalking and sexual assault. Other offences relate to obscene or threatening phone calls, letters, emails, text messages and posts on social media.

Things to know about sexual harassment

When formally deciding whether something is sexual harassment, the 'reasonable person' standard is used. This tests what happened, against what a reasonable person would do or think in the same situation. For example, would a reasonable person think that making an offensive and sexual comment about a person's appearance at work is okay? Probably not.

The argument - if someone told me they didn't like what I was doing, I wouldn't have done it, does not apply. It is up to the person engaging in the behaviour to stop, without waiting until someone objects or calls them out.

The other argument - I didn't mean to upset anyone, also doesn't apply. The focus of sexual harassment is on the impact of the behaviour, and not on the intention of the person doing it. A joke can still be offensive and humiliating.

A person can experience sexual harassment even if they are not the primary target of the behaviour. Sexual harassment can occur if a person overhears a sexual conversation in the staff room, views explicit images in passing like a screen saver, or a poster in the workplace.

What is consent?

Consent is giving full and informed agreement, before and during any type of sexual contact or activity. When sexual contact or activity does occur without a person's consent, this could be sexual assault or another type of sexual offence.

Consent means having:

- an understanding and being ok with the type of sexual contact or activity
- clear knowledge of who and how many people are or will be involved
- nothing stopping you from saying no or changing your mind at any time.

This means consent cannot be given if a person is:

- Asleep, unconscious or so affected by alcohol or drugs that they can't express their wishes
- Injured or scared for their safety
- Coerced by someone directly or by the power and position they may hold.

Consent must be given all the time, every time.

Consent and young people

In Victoria, the age of consent is 16. This means a person aged 16 can have sex with another person who is 16 years of age or older, unless that person has a caring or supervisory responsibility (for example is their teacher, coach, foster carer).

To protect the safety and wellbeing of people under the age of 16, there are additional rules:

- It is illegal to engage in any type of sexual activity with a child 12 years and under
- People aged 12-15 years can have sex, but only if the other person is no more than 2 years older than them.

Things to know about consent

Consent is more than saying yes or no at the start of sex. While consent must be present every time a person has sex, it must also be present all of the time during sex. Affirmative consent means checking in with the person that they are ok with everything that's happening and providing them the opportunity to change their mind or stop, if they want to.

If someone is asleep, they can't continue to give consent or change their mind. If sex continues under these circumstances, this is sexual assault or another sexual offence.

If someone is in a position of power, giving fully informed consent is not always possible. A person may feel coerced, vulnerable or pressured into having sex, even if they say yes. This can happen in teacher/student, employer/employee relationships or in the context of intimate partner violence.

Consent is also required when sharing intimate photos or videos of a person. Doing so without consent, or threatening to do so could be a sexual offence and against the law.

A person can give their consent in a number of ways, including verbally (for example saying yes), or through body language (for example nodding) or gestures (for example removing clothes).

For immediate, 24/7 help

Call emergency services (police, fire and ambulance) on 000.

On campus

Call University Security on **03 8344 6666** or **1800 246 066** (free number).

Use the emergency help phones if you feel unsafe (they activate CCTV and connect you with Security).

SafeZone app

Quickly share your location and details with the University Security team who will be able to get the right assistance to you. Available free via the **App Store** or **Google Play**.

Security escort

Request a free security escort to accompany you to locations on or near campus including public transport, your car or University accommodation. You can book this in advance:

<https://www.unimelb.edu.au/security>

Seek support

Safer Community Program

If you, or someone you know, has experienced sexual misconduct, the Safer Community Program provides support, referrals and information.

Speaking to the Safer Community Program does not automatically result in further action. It may be the first step you take to find out about your options and/or to be guided through making a complaint.

The Safer Community Program respects your agency and decision-making and will be guided by your wishes wherever possible, and where there are no legal requirements or University policies preventing this. The Safer Community Program can connect you specialist university and external support services and help you navigate complaint processes.

The University has a duty of care to progress some matters where we believe there is an immediate risk to someone's safety.

Contact Safer Community Program

✉ safer-community@unimelb.edu.au

☎ (03) 9035 8675

➤ safercommunity.unimelb.edu.au

The guiding principles as outlined in the Sexual Misconduct Prevention and Response Policy (MPF1359), section 4.4 are:

- a) Respect victim-survivors
- b) Focus on prevention
- c) Implement a respectful, safe and consistent process
- d) Empower accountable leadership
- e) Build community knowledge and understanding
- f) Ensure integrity of policy and process
- g) Support the right of victim-survivors to speak
- h) Enact fair decision-making
- i) Support cultural sensitivity and safety
- j) Respect intersectionality

Speak Safely

An online, secure reporting portal

The **Speak Safely portal** allows you to speak safely about sexual assault, harassment and other forms of inappropriate behaviour to access support, or seek action from your nominated response area.

You have the choice to remain anonymous. The University will take all reasonable steps to respect and protect your anonymity.

Diary notes

You can also keep diary notes on any incidents of concern within the portal, in cases where you don't wish to talk to someone straight away.

Group report

Other people may have experienced inappropriate behaviour as well. In order to match your report with other similar reports, you can turn on the scanning function which will look for similar matches using key information. You may prefer to hold your Diary Note back to be submitted only when Speak Safely's scanning function matches it with other Diary Notes that are similar. Once your report has been matched to similar reports, you can choose to submit it as a Group Report or individually.

Note that no information will be shared between any individuals that identify others making reports.

Taking action

Complaints handled by the University

The University is able to consider complaints as they relate to the behaviours set out in the **Vice-Chancellor Regulation** (Part 6 Student Conduct) and according to the processes established by the University's **Student Conduct Policy**, **Appropriate Workplace Behaviour Policy** and **Sexual Misconduct Prevention and Response Policy**.

The University may be able to take action when the alleged sexual misconduct occurred while:

- on University premises;
- using University facilities and services; or
- engaging in University activities.

While some of the reported sexual misconduct may also be a criminal offence, the University cannot investigate criminal matters. However, it can consider the behaviour in relation to the University's expectations detailed in the documents above.

Criminal matters can be reported to Victoria Police.

If you want to make a complaint to the University about an experience of sexual misconduct, there are a number of pathways. The Safer Community Program is available to help you navigate them.

As outlined in the **Student Charter**, all students are entitled to:

- Pursue their educational and career goals in a safe, supportive, inclusive and diverse study environment in which inappropriate behaviour and sexual misconduct in all its forms will not be tolerated.
- Be treated with equity, fairness, respect and consideration by the University and all members of the University community.
- Have access to a range of advice and support services.
- Have concerns and complaints resolved quickly and equitably through a clear set of processes.

Take action and make a report about the behaviour of a student

Where can I make a complaint about the behaviour of a student?

- To the Academic Registrar through the [student complaints and grievances](#) website or through the [online form](#)
- To the Academic Registrar via email academic-registrar@unimelb.edu.au
- The [Speak Safely portal](#) allows you to speak anonymously if you prefer to do so

Will the University be able to investigate my complaint?

A complaint about the conduct of a former or current student can be submitted at any time. The University is able to consider complaints against a student as they relate to the behaviours set out in the **Vice-Chancellor Regulation** (Part 6 Student Conduct) and according to the provisions of the University's **Student Conduct Policy** and **Sexual Misconduct Prevention and Response Policy**.

The University cannot investigate criminal matters. Where a complaint includes conduct that may be a criminal offence, these may be reported to Victoria Police.

The University can only take action when the alleged sexual misconduct by the student has occurred while on University premises, using University facilities and services, or engaging in University activities.

If you are not sure if your complaint fits these criteria, you can still make a complaint and the Academic Registrar will decide and let you know.

If the University is unable to investigate your complaint, additional measures can still be implemented by the University to address any well-being or safety considerations.

All complaints are confidential, and students are protected from any negative actions from the person they are complaining about. If you want more information about complaints or other options, speak to the Safer Community Program.

What to expect after making a complaint about the behaviour of a student

Complaints about the behaviour of students will be received and reviewed by the Academic Registrar.

In the first instance, the Academic Registrar will email you to acknowledge and respond to your complaint. This will be followed up with an email to determine how you wish to be contacted to discuss the next steps and potential outcomes of the complaint process.

You will also be provided with information about the internal and external support services available to you.

Your case may be progressed to the Disciplinary Committee or an internal or external investigator. The process will be impartial and grounded in principles of procedural fairness.

Both you and the respondent will have the opportunity to provide written and verbal submissions, and/or to nominate witnesses.

Allegations of sexual misconduct against students will be referred to the Disciplinary Committee.

In these cases, the Disciplinary Committee will consider:

- The nature and circumstances of the allegations under consideration
- The findings of any investigation undertaken
- The wishes of the complainant.

How long will it take to resolve my complaint?

The University aims to resolve student complaints within a few weeks, but some cases may take longer.

Potential outcomes

Findings of sexual misconduct may result in a range of penalties, including suspension or expulsion from the University.

Where an allegation of student sexual misconduct has been upheld through disciplinary proceedings, one or more penalties will be imposed in accordance with Part 6 — Student Conduct in the **Vice-Chancellor Regulation**, including but not limited to:

- Reprimand and/or caution
- Suspension: the suspension of a student's enrolment at the University for a specified period
- Expulsion: the termination of a student's enrolment and expulsion from the University
- Exclusion: the denial of access to all or specified University premises, facilities, services and activities including work integrated learning, subjects, lectures and tutorials

Take action and make a report about the behaviour of a staff member

Complaints against staff are considered in accordance with the **Appropriate Workplace Behaviour Policy** and the **Sexual Misconduct Prevention and Response Policy**. They will be received and reviewed by **Workplace Relations & Investigations**.

Where can I make a complaint about the behaviour of a staff member?

- Current employees may contact their line manager or senior staff in their division, their local HR Business Partner, or Workplace Relations
- Inappropriate Workplace Behaviour line
 - Call 1800 MULine (1800 685 463) or make an online complaint: mustaffcontactline.com.au/
- The [Speak Safely portal](#) allows you to speak anonymously if you chose to do so

When can I make a complaint about the behaviour of a staff member?

The University may be able to take action when the alleged sexual misconduct occurred while:

- on University premises;
- using University facilities and services; or
- engaging in University activities.

What happens when I make a complaint to Workplace Relations & Investigations?

Workplace Relations & Investigations staff will:

- Acknowledge and respond to your complaint
- Talk you through next steps and potential outcomes of -the complaint process
- Provide information about internal and external support services available to you
- If a former or current employee or University honorary is involved in the allegation, the Workplace Relations & Investigations team will conduct a preliminary assessment and, if warranted, refer the case to a formal impartial investigator.

You will be heard, supported and given clear information about the process.

What to expect after making a complaint about the behaviour of a staff member

Following a complaint about a staff member, a number of processes are possible including:

- No action
- Mediation
- Informal management
- Workplace inquiry
- Investigation

Outcomes will be proportional to the nature and impact of the proven misconduct, and the wishes of the complainant. Findings of sexual misconduct that fall within the University's jurisdiction will be treated as 'misconduct' or 'serious misconduct' and as such:

- Former and current employees could face dismissal or other action on employment as determined by law
- Honorary staff members could face rescission of honorary appointment

When an outcome has been determined, you will be provided with a summary of the findings and the outcome of any investigation.

Personal and professional behaviour as outlined in the [Appropriate Workplace Behaviour Policy](#):

5.1. Employees must:

- (a) act in good faith and use skill, care and diligence in the performance of their duties and responsibilities, and not intentionally cause serious risk to the reputation or viability of the University, consistent with their employment obligations;
- (b) maintain a standard of conduct and work performance required by the University and demonstrate professionalism and courtesy in dealing with other employees, students, contractors, visitors and members of the public;

5.2. Employees are expected to protect the interests of students of the University and to:

- (a) ensure that relationships with all students are professional, trusting and respectful;
- (b) be mindful at all times of the power imbalance that may exist between employees and students;
- (c) pay proper regard to protecting the welfare and wellbeing of the student;
- (d) not initiate, cultivate or encourage relationships nor engage in sexual activity with a student inconsistent with the standards and expectations set out broadly in this policy and specifically set out above at (a), (b) and (c); and
- (e) take all reasonable steps to avoid and resolve any possible, perceived or actual conflicts of interest in dealing with students.

Frequently asked questions

What happens when an incident happens outside the University's jurisdiction?

Some types of sexual misconduct may be a criminal offence. The University supports the right of current and former students, staff and affiliates who have experienced sexual misconduct to decide whether or not they want to report the incident to Victoria Police, and/or equal opportunity, employment, and health and safety authorities. We may also support you with measures to address any immediate health and safety concerns you might have.

For incidents outside our jurisdiction, we will support the individual to report to Victoria Police or another relevant authority and will provide access to internal and external support services. For more information, please contact the [Safer Community Program](#).

How long will an investigation take?

The investigation process can take a matter of days or, in some cases, months.

The nature of an investigation depends on the details of the complaint, whether the investigator or Disciplinary Committee has enough information to consider the allegations, and whether further investigation will be required.

The length of an investigation will vary depending on a range of factors, including whether there are witnesses to be interviewed.

How long do I have to make a complaint after an incident has occurred?

A complaint can be made at any time. You can make a complaint about a recent incident or an incident that occurred at any time in the past. There is no time limit.

If I make a complaint, how will I be treated?

We will provide support, listen to your concerns and respect your choices. If you choose to make a complaint, we will respond in a way that is fair to everyone.

We respect your confidentiality throughout the process and will keep you informed of the progress of your complaint. You will receive details about the outcome of the process.

The University is committed to prioritising the safety and wellbeing of victim-survivors by supporting, listening to and validating their experiences.

Can I withdraw my complaint if I don't want to proceed with it?

If you choose to withdraw your complaint, we will work with you to understand your concerns and reasons for requesting a withdrawal. We will work to find a suitable solution for all parties that also supports our duty of care to create a safe learning and working environment for the entire University community.

As a victim-survivor, how will I be assisted to continue to study and/or work?

While the details of each situation are unique and the actions taken will vary accordingly, the University will work with victim-survivors to implement measures which address any future health or safety concerns.

If a complaint is made about me, what can I expect?

Every case is unique, and the circumstances will determine the course of action.

Where an investigation (either internal or external) is conducted, it will be impartial and grounded in principles of procedural fairness. The investigator will make findings of fact based on the available evidence and a balance of probabilities.

You and the complainant will have opportunities to provide the investigator with written and verbal submissions and to nominate witnesses who may assist the investigation.

You and the complainant will be kept informed of the progress of the investigation and provided with the outcome in a timely manner.

You are also encouraged to access University support services through this time.

Will making a report of sexual misconduct affect my student visa?

No, speaking about an incident of sexual misconduct will not affect your visa.

Support services

University support services

There are a range of support services that may be helpful if you have experienced sexual misconduct.

<u>Health Service</u>	Provides health care for students, staff and their dependents. Our experienced health service staff, including medical doctors and nurses, are able to support you with any health concerns you may have in a safe and confidential environment. Bulk Billing is available.
<u>Counselling and Psychological Services</u>	Provides free, confidential, short-term professional counselling to current enrolled students and staff, as well as a range of workshops, mental health training, and helpful resources.
<u>After hours mental health crisis support</u>	Access immediate support from a mental health professional outside of business hours and on weekends and public holidays.
<u>Employee Assistance Program</u>	Provides free, independent, and confidential services that staff can access for any wellbeing issues, including personal challenges not related to work.
<u>Support for our trans and gender diverse community</u>	The University offers specialist support to transgender and gender diverse students and staff, including information and guidance around gender affirmation and facilitating connections with appropriate services and agencies.
<u>Child safety</u>	If you have any child safety concerns, support is available via the Safer Community Program.
<u>Student Equity and Disability Services</u>	Provides supports for students who need ongoing assistance with their studies and a range of supports for students with a disability.

More support services on campus

The University of Melbourne Student Union offers a range of services to student impacted by sexual misconduct.

<u>UMSU</u>	UMSU, a non-profit organisation run by students for students, provides a range of services, including legal, advocacy and welfare.
<u>Resources for survivors</u>	UMSU has dedicated Sexual Harm Response Coordinators who can provide specialist support and resources for students who have experienced sexual misconduct.

External support services

There are many local and national services available to support victim-survivors of exual misconduct.

Wellbeing and counselling

- 1800 RESPECT
- What's Ok at Home?
- Domestic Violence Resource Centre Victoria
- Sexual Assault Crisis Line
- Safe steps Family Violence Response Centre
- No Violence Men's Referral Service
- Centres Against Sexual Assault
- Women's Information and Referral Exchange

Aboriginal and Torres Strait Islander service

- Djirra - Aboriginal Family Violence Respons & Support Service

Medical services for women

- Women's Emergency Care
- The Royal Women's Hospital Sexual Assault Crisis Line

LGBTQI+ services

- Rainbow Door
- QLife

Multicultural service

- InTouch Multicultural Centre Against Family Violence

Respect at Melbourne

Respect education for staff

The comprehensive, University-wide Respect education program is a significant professional development program designed to build capability and confidence in all staff to deal with sexual harassment and assault in our community.

All staff will be expected to participate in the program, which aims to equip them with practical tools to call out and respond to sexual assault and harassment.

Consent Matters for students

Consent Matters is an eLearning module which provides practical information about sexual consent, tips for effective communication for safe and respectful relationships, and the skills needed as an active bystander to safely intervene in situations where sexual harassment or assault may occur.

It is compulsory for all students and accessible on the University's Learning Management System.

Respect at Melbourne Committee

The Respect at Melbourne Committee has been established to oversee and advise on the implementation of the Sexual Misconduct Prevention and Response Policy and its associated program of work, captured under the new Respect Action Plan.

The **Respect Action Plan** categorises the University's Respect activities into primary prevention, early intervention, and response and recovery approaches. The Respect Committee oversees the implementation of this plan, and monitor progress of our work, and its longer-term impact, against this framework.

The Respect at Melbourne Committee is chaired by the Deputy Vice Chancellor (People and Community) and includes senior staff and student leaders from across the University, providing strategic oversight over all our activities and ensuring decision making and responsibility are shared.

The Respect at Melbourne Committee builds on the work of the Respect Taskforce, which developed the University's first Respect Action Plan in 2017.

Respect at Melbourne Reference Group

This group provides a broad, inclusive and diverse consultative forum for faculties, University services, student organisations and affiliated colleges to provide input and feedback on the Respect Action Plan for eliminating sexual misconduct.

The Respect at Melbourne Reference Group is chaired by the Deputy Vice Chancellor (People and Community) who also chairs the Respect at Melbourne Committee, to ensure a co-ordinated University-wide approach.

Safer Community Program

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