



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

Policy:

Sexual Assault and Sexual Harassment

Effective: 20 July 2020

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Safety and Wellbeing

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1 OBJECTS OF THE UNIVERSITY

The University's Objects are defined in Section 5 of its Act of Parliament:

The Objects of the University are:

- (a) the provision of university education, within a context of Catholic faith and values; and
- (b) the provision of an excellent standard of -
 - i. teaching, scholarship and research;
 - ii. training for the professions; and
 - iii. pastoral care for its students.

2 PURPOSE

- 2.1 The purpose of this Sexual Assault and Sexual Harassment Policy (**Policy**) is to clearly set out The University of Notre Dame Australia's (**University**) position in relation to Sexual Assault and Sexual Harassment.

3 SCOPE

- 3.1 This Policy applies to all staff members and students of the University.

4 PRINCIPLES

- 4.1 All members of the University community have the right to feel safe and secure and to be treated with respect and dignity at all times. The University condemns harassment, violence and unjust discrimination of every kind, and asserts that no one in the University community should be subject to physical or verbal harassment or abuse.
- 4.2 The University does not tolerate Sexual Assault or Sexual Harassment and will take all reasonable steps to prevent behaviour that does not conform with the University's acceptable behaviour standards.
- 4.3 Where an incident of Sexual Assault or Sexual Harassment is Disclosed and/or Formally Reported all parties will be treated with fairness and respect and the principles of natural justice will apply.
- 4.4 The University recognises that provision of dedicated support services for students who have experienced Sexual Assault or Sexual Harassment is integral to ensuring their wellbeing and continued participation in their education.

5 RESPONSIBILITIES

- 5.1 The University will:
 - 5.1.1 implement and maintain a procedure to ensure the provision of immediate and effective support to any member of the University community who discloses Sexual Assault and Sexual Harassment: *Disclosing Sexual Assault and Sexual Harassment Procedure* ("the Procedure");

- 5.1.2 use educative approaches for the prevention of Sexual Assault and Sexual Harassment, to support awareness of rights and responsibilities, and to encourage Disclosure and Formal Reporting of behaviour that breaches this Policy;
- 5.1.3 provide dedicated support services for staff and students who have experienced Sexual Assault or Sexual Harassment to support their wellbeing and continued participation in education/employment; and
- 5.1.4 if a Formal Report of Sexual Assault or Sexual Harassment is made, the University will investigate and act in accordance with its policies and procedures and any applicable Commonwealth and State legislation; and take action against any perpetrator of Sexual Assault or Sexual Harassment in accordance with the University's misconduct and disciplinary processes.¹

5.2 The University expects:

- 5.2.1 all members of its community to treat one another with respect and dignity and behave in accordance with the University's Codes of Conduct;
- 5.2.2 all members of its community to comply with this Policy.

6 DISCLOSURE OF SEXUAL ASSAULT OR SEXUAL HARASSMENT

- 6.1** Any member of the University community who has experienced Sexual Assault or Sexual Harassment is encouraged to disclose the incident in accordance with the Procedure.
- 6.2** If a person does not wish to disclose the matter in accordance with the Procedure, they are nevertheless encouraged to access the internal and external resources and support services that are available to them.

7 RELATED DOCUMENTS

- 7.1** [Procedure: Disclosing Sexual Assault and Sexual Harassment](#)
- 7.2** [Sexual Assault and Sexual Harassment: Checklist & Incident Report Form](#) (for Staff)
- 7.3** [Staff Code of Conduct](#)
- 7.4** [Student Code of Conduct](#)
- 7.5** [Enterprise Agreement](#)
- 7.6** [General Regulations](#)
- 7.7** [Policy: Managing Misconduct](#)
- 7.8** [Procedure: Student Grievance](#)

¹ When a Formal Report of Sexual Assault is made against a student in accordance with this policy and process, the allegation shall not be dealt with by the Dean or School Discipline Committee but will be immediately referred to a University Disciplinary Committee in accordance with General Regulation 8.8.

When a Formal Report of Sexual Assault is made against a staff member in accordance with this policy and process, the allegation shall not be dealt with at the Local Level but will be immediately referred under Clause 24.3.6 of the Enterprise Agreement and/or Clause 4.6 of the Policy: Managing Misconduct, to the Vice Chancellor for formal investigation under 24.3.7 of the Enterprise Agreement/Clause 4.7 of the Policy: Managing Misconduct.

8 DEFINITIONS

8.1 For the purpose of this Policy, the following definitions apply:

- 8.1.1 **Consent** occurs when a person freely and voluntarily agrees to engage in a sexual act. Consent cannot be given by people who are:
- 8.1.1.1 incapacitated due to intoxication or the influence of drugs;
 - 8.1.1.2 incapacitated due to their age or intellectual capacity;
 - 8.1.1.3 unconscious or asleep;
 - 8.1.1.4 under threat of or actual force;
 - 8.1.1.5 intimidated, coerced or threatened;
 - 8.1.1.6 unlawfully detained or held against their will; or
 - 8.1.1.7 tricked or manipulated due to the person being in a position of trust into providing consent.
- 8.1.2 **Sexual Assault** occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent.
- 8.1.3 **Sexual Harassment** is any unwelcome sexual behaviour that causes a person to feel offended, humiliated or intimidated. Sexual Harassment may include:
- 8.1.3.1 staring or leering;
 - 8.1.3.2 unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching;
 - 8.1.3.3 suggestive comments or jokes;
 - 8.1.3.4 insults or taunts of a sexual nature;
 - 8.1.3.5 intrusive questions or statements about someone's private life;
 - 8.1.3.6 displaying posters, magazines or screen savers of a sexual nature;
 - 8.1.3.7 sending sexually explicit emails or text messages;
 - 8.1.3.8 inappropriate advances on social networking sites;
 - 8.1.3.9 requests for sex or repeated unwanted requests to go out on dates; and
 - 8.1.3.10 behaviour that may also be considered to be an offense under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
- 8.1.4 **Disclosure** means the disclosure by a student or staff member of sexual assault or sexual harassment.
- 8.1.5 **Formal Report** means a formal allegation of Sexual Assault or Sexual Harassment under the University's misconduct or disciplinary processes.
- 8.1.6 **Respect Officer** is the University staff member responsible for managing Disclosures of Sexual Assault or Sexual Harassment.

Version	Date of approval	Approved by	Amendment
1	27 July 2017	Vice Chancellor	Effective date – new Policy
2	10 July 2018	Executive Director, Professional Standards and Conduct	Minor editorial amendments to remove incorrect web link
3	October 2019	Vice Chancellor	Amended in accordance with external reviewer’s recommendations
4	20 July 2020	National Executive Director, Professional Standards & Conduct	Minor editorial amendments to clause 7 including insertion of hyperlinks.