

Sexual Misconduct Procedure

Intent

This procedure outlines how the University will manage Reports and Complaints of Sexual Assault and Sexual Harassment, and should be read in conjunction with the [Bullying, Discrimination Harassment and Sexual Misconduct Policy](#).

This Policy addresses HESF Standards 2.2: Diversity and Equity, 2.3 Wellbeing and Safety, and 2.4 Grievances and Complaints.

Scope

This procedure applies to all members of the JCU Community for any incident of Sexual Assault or Sexual Harassment regardless of where (University premises or elsewhere) or when, the incident occurred.

Definitions

Except as otherwise specified in this Procedure, the meaning of terms used in this Procedure are as per the [Bullying, Discrimination, Harassment and Sexual Misconduct Policy](#) and the [University's Learning and Teaching Policy Glossary and the Human Resources Policy Glossary](#).

Procedure

1. Responding to Sexual Assault

- 1.1 Every person in the University Community should respond compassionately to any person who discloses they have experienced, or who are experiencing Sexual Assault, respect privacy and confidentiality, assist the person to seek support, and be aware of how to Report (see Appendix 1).
- 1.2 Any member of the University Community may be a Bystander. A Bystander includes a person who observes someone Sexually Assaulting another person. A Bystander should call 000 in an emergency situation. A Bystander can intervene at the time, if they are able, and it is safe to do so. Bystanders should let the person subjected to the behaviour know that they've noticed, and let them know they will do what they can to help.
- 1.3 The safety, wellbeing and needs of the person who has been subjected to Sexual Assault are at the centre of JCU's response. To the fullest extent possible the wishes of the person subjected to Sexual Assault should be respected, and strict confidentiality applies at all times. Care must be taken not to dismiss a matter as trivial.
- 1.4 Any allegation of Sexual Assault must be immediately responded to in accordance with this Procedure. The contact details for crisis and specialist Sexual Assault Services and University support are identified in the Policy, and are available on the JCUSafe App.
 - 1.4.1 If the member of the University Community is Sexually Assaulted on a field trip, placement, or any location remote to a University campus, then the State-wide Sexual Assault Helpline should be called, or if interstate, then call 1800 RESPECT (1800 737 732).
 - 1.4.2 If overseas, field trip supervisors/support Staff should contact Chubb Assistance immediately who will guide them through the relevant country's medical/police system. The Chief of Staff, as the University's Critical Incident Coordinator and Sexual Misconduct Officer, will also assist with consular support and return to Australia as necessary.
 - 1.4.3 To ensure safety and wellbeing, this may require returning the person subjected to the Sexual Assault to their home location (if remote to the campus or overseas). As a Precautionary Measure the alleged perpetrator may also be brought back to their home location. If in residential accommodation on campus, alternative accommodation may also be required. These Precautionary Measures, if required, will be coordinated through a Sexual Misconduct Officer.

- 1.5 The University's response to Sexual Assault is integrated with specialist Sexual Assault Support Services. These community-based specialist Sexual Assault Support Services provide independent and expert support to Staff and Students of the University who are victims of Sexual Assault. The University will provide additional and complementary support services.
- 1.6 The JCU Respect Online Module, the University's Safety and Wellbeing Website and the JCU Respectful Relationships Workshops provide information on recognising Sexual Misconduct, responding to disclosures, referral to appropriate support services and reporting to the University. Supervisors and Managers have a responsibility to address Sexual Assault immediately if they become aware of Sexual Assault, and seek the advice of a Sexual Misconduct Officer.

2. Responding to Sexual Harassment

- 2.1 The University recognises that persons subjected to Sexual Harassment often directly address the behaviour at the time that it happens. The University has no expectation or suggestion however, that the person who is subject to Sexual Harassment should have to address the behaviour directly with the person who is/has sexually harassed them.
- 2.2 Every person in the University Community should respond compassionately to any person who discloses they have experienced or are experiencing Sexual Harassment, respect privacy and confidentiality, assist the person to seek support, and be aware of how to Report (see Appendix 2).
- 2.3 Supervisors and Managers have a responsibility to address Sexual Harassment immediately if they are made aware, and seek the advice of a Sexual Misconduct Officer.

3. Sexual Misconduct Reports and Complaints to JCU

- 3.1 Any person can provide information to the University that an incident of Sexual Misconduct has happened. All people, at any time, can pursue processes external to the University, including reporting to Police.
- 3.2 There is a difference between making a Report and making a Complaint to the University. A Report lets the University know that an incident has happened and enables support to be provided to the person affected (See Section 4 below and the Policy). A Complaint may only be made in relation to conduct of members of the University Community and is a process that involves an investigation and possible disciplinary outcomes (see Section 5 below). Typically, a Report is made before a Complaint is made but it is possible to make a Complaint in the first instance.
- 3.3 The University will respect an individual's decision on whether they will make a Complaint to the University. Reports and Complaints are kept strictly confidential except in exceptional and very limited circumstances, where required by law, or where there is an immediate and serious risk to any individual's health and safety. In such circumstances, the University may do one or both of the following:
 - 3.3.1 resolve to elevate the Report to a Complaint, in which case the individual who has been subjected to the incident has the right not to participate in any subsequent Investigation provided that this action would not result in a denial of natural justice to the Respondent; and/or
 - 3.3.2 notify relevant third parties, including but not limited to the Queensland Police Service or child protection authorities.
- 3.4 A member of the University Community may have a Representative (or Support Person) present when attending any meetings relating to Sexual Misconduct, and any Report or Complaint. If the Complainant or Respondent are unable to attend campus, alternative methods of contact can be arranged.

4. Making a Report

- 4.1 Any person can make a Report through the online Sexual Misconduct Report form or by contacting a Sexual Misconduct Officer directly, their full contact details are at: <https://www.jcu.edu.au/safety-and-wellbeing/sexual-harassment-and-sexual-assault/sexual-misconduct-officers> or via the JCUSafe App. Staff members who receive a disclosure (whether verbally, written, or informally) must make a Report. The Chief of Staff will enter the report in the Incident Register and ensure the University is responding effectively.

- 4.2 Reports may be submitted anonymously using the Sexual Misconduct Report Form, and the person making the Report is able to, but does not have to, identify the other person/people involved. The University's actions in response to any Report may be limited by the detail provided.
- 4.3 Upon receipt of a Report, a Sexual Misconduct Officer will work with the person making the Report, and/or make direct contact with the Staff member or Student who has been subjected to Sexual Assault or Sexual Harassment if they have been identified in the Report, to provide advice on support mechanisms available, including that provided from the specialist Sexual Assault Support Services and that provided by the University. Sexual Misconduct Officers can provide information on the University's policy and procedures, including consideration on whether Accommodations and/or Precautionary Measures may be required.
- 4.4 Making a Report does not start an investigation, but it does mean the Sexual Misconduct Officer can advise the person subjected to Sexual Assault or Sexual Harassment of the support options available, their options to make a Complaint, and be the person's primary point of contact through the Complaint process.
- 4.5 **For Sexual Harassment only:** The Sexual Misconduct Officer can discuss possible options and resolutions with the person who has been subjected to Sexual Harassment to consider which may include:
- 4.5.1 the supervisor, manager, Director, College Dean or Director Human Resources (for Staff only) reiterating expectations about appropriate respectful behaviour with the other person/people;
 - 4.5.2 the requirement for other person/people to undertake internally provided training programs;
 - 4.5.3 an apology being made by the other person/people to the person who has been subjected to sexual harassment;
 - 4.5.4 a Complaint being made if unresolved to the satisfaction of the person subjected to the sexual harassment.
- 4.6 If a member of Staff is undertaking a conversation with the person about whom a Report is received, the Chief of Staff and/or Director HR (for Staff respondents only) can provide support to Staff in conducting those conversations appropriately.

5. Precautionary Measures

- 5.1 The Director Human Resources or Director Student Services (where relevant), in consultation with Sexual Misconduct Officers, may impose Precautionary Measures in response to a Report or Complaint, or at any time there is a concern for the health and safety of the parties. Precautionary Measures may only be put in place if they are reasonable and proportionate, having regard to:
- 5.1.1 the nature of the allegation of Sexual Misconduct made against the Respondent; and
 - 5.1.2 the safety and wellbeing of the Complainant, Staff and Students at the University generally.
- 5.2 Before imposing Precautionary Measures, the Director Human Resources or Director Student Services (where relevant) will make a reasonable effort (having regard to the seriousness and urgency of the need for the Precautionary Measures) to provide the Respondent with an opportunity to explain why the proposed Precautionary Measures ought not to be imposed.
- 5.3 Precautionary Measures will end, subject to section 11 or 12 of this Procedure:
- 5.3.1 28 days after the Precautionary Measures have been imposed, if no allegation letter is given to the Respondent in that time;
 - 5.3.2 if an allegation letter is given to the Respondent within 28 days of the Precautionary Measures, then at the conclusion of the disciplinary process.
- 5.4 Precautionary Measures may be amended or removed at any time by the Director Human Resources or Director Student Services, in consultation with the Sexual Misconduct Officer. The person allegedly

subject to that conduct will be notified in writing of the change in Precautionary Measures at least 7 days before the Precautionary Measures are amended or removed.

6. Making a Complaint

- 6.1 Any person can make a Complaint about conduct of Students, Staff members, Affiliates or members of Council, which may amount to Sexual Misconduct in breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*.
- 6.2 A Complaint can be made regardless of:
 - 6.2.1 where the conduct occurred;
 - 6.2.2 when the conduct occurred;
 - 6.2.3 whether the conduct occurred in the person's capacity as a member of the University Community.
- 6.3 There are no time limitations for making a Complaint to the University.
- 6.4 When a person subjected to Sexual Assault or Sexual Harassment indicates that they are prepared to make a Complaint, the Sexual Misconduct Officer will coordinate and confirm with the Chief of Staff that:
 - 6.4.1 the appropriate support services have been engaged;
 - 6.4.2 any safety or other risks associated with the Complaint investigation processes are identified and mitigated;
 - 6.4.3 consider whether any Accommodations are already in place or should be amended or removed;
 - 6.4.4 consider whether to put in place Precautionary Measures, or direct another relevant person to consider whether to put in place Precautionary Measures,
 - 6.4.5 where the Complaint was not made by the individual directly affected, that the directly affected individual is advised of the Complaint and is able to talk about the Complaint and the anticipated process that the University will take to consider it;
 - 6.4.6 the Complainant has been made aware of and understands the Complaint process and possible implications for them, before progressing a Complaint;
 - 6.4.7 any requirement for the University to notify an external body, i.e., where Public Interest Disclosures or the Crime and Corruption Commission (where the Respondent is an employee) is met; and
 - 6.4.8 any Respondent in a Complaint process has been provided the support of a Sexual Misconduct Officer and advised of other support services available to them.
- 6.5 For the purposes of these procedures, a Staff member or Affiliate responding to an allegation(s) of Sexual Misconduct is referred to as a Staff Respondent and a Student responding to allegation(s) of Sexual Misconduct is referred to as a Student Respondent.
- 6.6 Where a Student is also employed by the University or where a Staff member or Affiliate may also be a Student or a Council Member, the Sexual Misconduct Officer will make an assessment as to the role the Respondent was undertaking at the time of the incident(s) the Complaint refers to.
- 6.7 Where an allegation of Sexual Misconduct is to be made through a Complaint for a Staff Respondent it will be referred by the Chief of Staff to the Director Human Resources as a possible breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*, and for investigation of misconduct/serious misconduct (as detailed in the JCU Enterprise Agreement).
- 6.8 Where an allegation of Sexual Misconduct is to be made through a Complaint for a Student Respondent it will be referred by the Chief of Staff to the Director Student Services for investigation as a possible breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*.
- 6.9 Where an allegation of Sexual Misconduct is to be made through a Complaint against a Council member Respondent it will be referred by the Chief of Staff to the Chancellor for investigation (see section 9) as a

possible breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy* constituting misconduct under the Council Code of Conduct.

- 6.10 In making a Complaint, relevant information will be required from the Complainant as part of the Preliminary Inquiry (see section 9), in order that an investigation and possible disciplinary action or other resolution can be taken.
- 6.11 A written Complaint may be submitted anonymously. If a Complaint is made anonymously, then the University may be unable to contact the Complainant, undertake the immediate response measures set out in section 1 or 2 of this Procedure, or progress a disciplinary process in respect of that Complaint.

7. Effect of concurrent criminal proceedings

- 7.1 If the Director Student Services or Director Human Resources becomes aware that the allegations which are the subject of the Complaint are also the subject of a concurrent investigation by the police or criminal proceedings:
 - 7.1.1 the processes set out in this Procedure will be paused;
 - 7.1.2 the Director Student Services or Director Human Resources may determine that any Precautionary Measures in place at that time remain in place until the conclusion of the investigation by the police or criminal proceedings, and confirm this in writing with the Respondent.
- 7.2 If for whatever reason the concurrent criminal proceedings conclude, the processes set out in this Procedure may recommence.

8. Reports or Complaints made by third parties

- 8.1 Third Parties (ie a person not part of the University Community) may also make Reports or Complaints of Sexual Misconduct by a JCU Staff member, Student, Affiliate or Council member, where the Sexual Misconduct is alleged to have occurred whilst engaged in activities undertaken as part of their study, research, work and socialising associated with JCU.
- 8.2 The University may be unable to proceed with an investigation involving anonymous or third party Reports or Complaints if there is a lack of information from the individual who was directly subjected to the Sexual Assault or Sexual Harassment, or where proceeding would not allow for Procedural Fairness.
- 8.3 If the University is unable to proceed with an investigation involving anonymous or third party allegations, the Report or Complaint will be retained by the Chief of Staff, will be kept strictly confidential, and access to it will be limited.

9. Investigating a Complaint

- 9.1 The Director Student Services and Director Human Resources as relevant are responsible for ensuring Complaints are investigated.
- 9.2 **Preliminary Inquiry.** On receipt of a referral from the Chief of Staff, the Director Human Resources or the Director Student Services may appoint another person, who may be a person within the University or an external person, to investigate the Complaint and undertake a preliminary inquiry with the Complainant to determine the relevant aspects of the Complaint, including potential witnesses and other information that may be available including outcomes expected of the Complaint.
- 9.3 The Director Human Resources is able to issue reasonable and lawful directions to Staff and Affiliates to engage with the investigator.
- 9.4 The Preliminary Inquiry will include an interview with the Complainant and other relevant people identified. This Preliminary Inquiry is to determine whether sufficient information is available to prepare a letter of allegation(s).
- 9.5 The person undertaking the Preliminary Inquiry has all the powers necessary to carry out that function, including but not limited to:
 - 9.5.1 requesting that the University provide certain documents or information;

- 9.5.2 interviewing witnesses, including the Complainant; and
- 9.5.3 requesting that witnesses provide certain documents or information.
- 9.6 Excepting clause 9.3 above, the person investigating the Complaint does not have power to compel any person to attend an interview or to produce documents or information.
- 9.7 The investigator will make recommendation(s) to the Director Human Resources, or the Director Student Services as relevant, on the extent and nature of the allegations to be put to the Respondent..
- 9.8 Where a Preliminary Inquiry determines that there is insufficient information to progress the Complaint, it will be closed and the Complainant notified. The University will continue to provide support, including Accommodations to the Complainant. This decision to close a Complaint can be appealed (see section 13).
- 9.9 If the Preliminary Inquiry determines there is sufficient information and that allegations can be put to the Respondent to progress the Complaint, the Director Human Resources or Director Student Services as relevant will consider the Investigation Report recommendations and use their discretion to determine whether to proceed with an Allegation Letter and the nature of any such allegations. Where the Respondent is a Staff member, this will be in accordance with the Misconduct/Serious Misconduct clause in the Enterprise Agreement.
- 9.10 **Support to Complainant.** The Sexual Misconduct Officer assigned to the Complaint will keep the Complainant regularly informed of any investigative or disciplinary process commenced in relation to the Complaint. The Complainant is entitled to be accompanied by a support person (such as a family member or friend) in any meetings, interviews, or similar conducted as part of the process set out in this Procedure
- 9.11 **Support to Respondent.** A Sexual Misconduct Officer (being not the same Sexual Misconduct Officer who has assisted or is assisting the Complainant) will act as a point of contact for the Respondent throughout the complaint process described in this Procedure. The Respondent is entitled to be accompanied by a support person (such as a family member or friend) in any meetings, interviews, or similar conducted as part of the process set out in this Procedure. The Respondent is not entitled to be accompanied by a legal representative in any meetings, interviews, or similar conducted as part of the process set out in this Procedure.

10. Allegation Letter

- 10.1 Once the Complaint has been investigated, the Director Student Services or Director Human Resources has discretion to determine whether to further progress the Complaint via allegations.
- 10.2 If the Director Student Services or Director Human Resources determines to progress the Complaint, they will provide the Respondent with an allegation letter which:
- 10.2.1 identifies the conduct which the Respondent is alleged to have engaged in;
- 10.2.2 states that the conduct is alleged to constitute Sexual Misconduct in breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*;
- 10.2.3 states the date by which the Respondent can provide a written response to the allegations, which will be considered in determination of the Complaint;
- 10.2.4 states that:
- a. if the Respondent admits the alleged conduct and that it amounts to Sexual Misconduct in breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*.
 - i. the Director Student Services will proceed to determine the appropriate penalty in accordance with section 11 of this Procedure; or
 - ii. the Director Human Resources will proceed to make recommendations to the relevant Deputy Vice Chancellor in accordance with section 12 of this Procedure;

- b. if the Respondent denies the alleged conduct and/or denies that the conduct amounts to Sexual Misconduct in breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*:
 - i. the Director Student Services will proceed to determine the Complaint in accordance with section 11 of this Procedure;
 - ii. the Director Human Resources will proceed to determine the Complaint in accordance with the misconduct/serious misconduct clause in the Enterprise Agreement;

10.2.5 describes the support available to the Respondent;

10.2.6 provides the Respondent with copies of relevant documents considered by the Director Student Services or Director Human Resources as relevant in determining to progress the Complaint.

10.3 For the avoidance of doubt, the allegations put to the Respondent in an allegation letter issued pursuant to this section need not be limited to by the matters raised in the Complaint.

10.4 The Respondent will be afforded Natural Justice and guidance on the response to the written allegations including timeframes and supports available, and have the right to have a Representative (Support Person) with them during any meeting required as part of the Complaint process.

10.5 **Further Inquiry.** On receipt of the Respondent's written response to the allegations, further clarifications may be required by the Director Human Resources or Director Student Services with the Complainant or Respondent before making a determination or finding. This further inquiry/clarification may be sought via interview or in writing.

10.6 Timeframes for investigating and making a determination on a Complaint will be as expeditious as possible, taking into account the needs of the Complainant and Respondent.

11. Outcomes of Complaints – Disciplinary Process – Students

11.1 The Director Student Services determines allegations of Sexual Misconduct made against Students.

11.2 The disciplinary process set out in this section must be conducted in accordance with Procedural Fairness.

11.3 The Director Student Services must determine, on the balance of probabilities, whether:

11.3.1 the conduct alleged in the allegation letter occurred; and

11.3.2 if so, whether that conduct constitutes Sexual Misconduct in breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*.

11.4 If the Director Student Services determines that, on the balance of probabilities, the Respondent has engaged in conduct which amounts to Sexual Misconduct in breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*, the Director Student Services must determine an appropriate and proportionate penalty, including but not limited to:

11.4.1 a written warning or reprimand;

11.4.2 a reasonable direction, including to undertake counselling, undertake remedial activities; or take action or behave in a specified way;

11.4.3 require the Student to refrain from having any, or any specified, contact with any particular Student(s) or Staff member(s) for such period of time as deemed necessary or appropriate;

11.4.4 a suspension, including from specified parts of the University or the University as a whole for a specified time; and

11.4.5 expulsion.

11.5 The Director Student Services will notify the Respondent in writing of their determination (and reasons for the determination, if it is adverse to the Respondent) as soon as possible.

- 11.6 The Director Student Services has the power to make all directions necessary and incidental to their function to determine allegations of Sexual Misconduct, including but not limited to making directions necessary to:
- 11.6.1 afford the Respondent Procedural Fairness in the disciplinary process;
 - 11.6.2 conduct or request that another person conduct further investigations; and
 - 11.6.3 issue an amended allegation letter, which must comply with the requirements set out in section 10 above.

12. Outcomes of Complaints – Disciplinary Process – Staff

- 12.1 The Director Human Resources determines allegations of Sexual Misconduct made against Staff. Sexual Misconduct if proven may constitute serious misconduct.
- 12.2 The disciplinary process set out in this section must be conducted in accordance with Procedural Fairness, and the misconduct/serious misconduct clause in the Enterprise Agreement.
- 12.3 The Director Human Resources must determine, on the balance of probabilities, whether:
- 12.3.1 the conduct alleged in the allegation letter occurred; and
 - 12.3.2 if so, whether that conduct constitutes Sexual Misconduct in breach of the *Bullying, Discrimination, Harassment and Sexual Misconduct Policy*; and
 - 12.3.3 if so, whether the conduct constitutes misconduct or serious misconduct.
- 12.4 The Director Human Resources will make a recommendation regarding appropriate disciplinary action to the relevant Deputy Vice Chancellor who will determine whether or not disciplinary action will be taken, and if disciplinary action is taken, what the action is.

13. Appealing University decisions

- 13.1 A Student may appeal any determination made by the Director Student Services in accordance with the University's [Student Review and Appeals Policy](#) and [Complaint and Conduct Decisions Appeal Procedure](#).
- 13.2 A Staff Member or Affiliate Respondent may, with the exception of a censure, prepare a written submission to the Vice Chancellor as to why the determination made by the relevant Deputy should not be imposed in accordance with the JCU Enterprise Agreement.

14. Privacy and Confidentiality

- 14.1 Investigations and outcomes of Complaints and any disciplinary proceedings are confidential and private to the parties involved. All participants in the process set out in this Procedure, including persons contacted as part of investigation of a Complaint and the Respondent, must respect and maintain confidentiality, and confidentiality directions may be provided in writing by the Director Student Services or Director Human Resources as relevant.
- 14.2 A breach of privacy or confidentiality directions in relation to Complaints processes set out in this Procedure are considered a breach of the applicable Codes of Conduct.

Related policy instruments

[Bullying, Discrimination, Harassment and Sexual Misconduct Policy](#)
[Staff Code of Conduct](#)
[Student Code of Conduct](#)
[Conflict of Interest Policy](#)
[Higher Degree by Research Requirements](#)
[Honorary Appointments Policy](#)
[ICT Acceptable Use Policy](#)
[James Cook University Enterprise Agreement](#)

[Social Media Policy](#)
[Student Review and Appeals Policy](#)
[Student Complaints Policy](#)
[WHS-PRO-015 Field Trip Procedure](#)

Schedules/Appendices

Appendix 1: Guideline for Responding to Disclosures of Sexual Assault
Appendix 2: Guideline for Responding to Disclosures of Sexual Harassment

Other related documents

[Statement of Commitment to the Elimination of Sexual Harassment and Sexual Assault](#)
[JCU Sexual Harassment and Sexual Assault website](#)

Related documents and legislation

Commonwealth Laws

[Age Discrimination Act 2004](#)
[Australian Human Rights and Equal Opportunity Commission Act 1986](#)
[Disability Discrimination Act 1992](#)
[Disability Standards for Education 2005](#)
[Fair Work Act 2009](#)
[Racial Discrimination Act 1975](#)
[Sex Discrimination Act 1984](#)
[Workplace Gender Equality Act 2012](#)

Queensland State Laws

[Anti-Discrimination Act 1991](#)
[Criminal Code Act 1899](#)
[Criminal Law Amendment Act 1993](#)
[Crime and Corruption Act 2001](#)
[Disability Services Act 1992](#)
[Human Rights Act 2019](#)
[Industrial Relations Act 2016](#)
[Work Health and Safety Act 2011](#)
[Workers Compensation and Rehabilitation Act 2003](#)

Administration

NOTE: Printed copies of this procedure are uncontrolled, and currency can only be assured at the time of printing.

Approval Details

Policy Domain	Corporate Governance
Policy Custodian	Vice Chancellor
Approval Authority	Council
Date for next Major Review	05/05/2028

Revision History

Version	Approval date	Implementation date	Details	Author

23-1	05/05/2023	12/05/2023	Amendments to clarify investigation of complaints and processes	Chief of Staff
21-1	15/09/2021	15/09/2021	Administrative amendment to update references and links to policies	Policy Officer
18-3	27/08/2018	27/08/2018	Administrative amendment to update phone no.	Quality, Standards and Policy Officer
18-2	02/08/2018	03/08/2018	Administrative amendments to correct grammar and clarify language	Chief of Staff
18-1	05/07/2018	09/07/2018	Procedure established	Vanessa Cannon, Chief of Staff

Keywords	sexual harassment, violence, abuse, assault, consent, disclosure, sexual misconduct
Contact Person	Chief of Staff

Appendix 1 - Guidelines for responding to disclosures of sexual assault

A resource for staff and students in responding to a person who discloses they have been sexually assaulted.



It is important to remain compassionate, respectful, and supportive.

1

Attend to Safety

Determine whether there are any immediate risks to the person's wellbeing and safety. For immediate assistance of police or ambulance call 000 For on-campus security call 1800 675 559

2

Listen and be supportive - It can be very hard for someone to disclose sexual assault. Give the person your full attention. Speak calmly, let them tell you at their own pace, without interrupting or asking direct questions about the experience. Silences are okay. Letting someone take charge of what they disclose enables them to reclaim some control.

Believe them - Do not ask 'why' questions – these questions carry blame and judgement. Validate the person's experience by acknowledging their distress. Saying 'I am sorry for what has happened' is heard as 'I believe you'; saying 'What happened to you is never okay' is heard as 'This is not your fault', saying 'I will do what I can to find help' is heard as 'You are not alone'

Maintain confidentiality - Treat what is shared with you confidentially, do not share with others without permission.

3

Refer to support - Connect in with the specialist Sexual Assault Services - free and confidential

The specialist Sexual Assault Services will meet the person in a safe and private place, and offer ways to help manage the physical and emotional effects of sexual assault. They can explain and assist with legal and medical options - including any emergency health care or forensic examinations, and any decisions about reporting to Police. They can assist with access to the support JCU can provide to continue with studies or work. They will ensure the person's decisions are communicated and respected.

Specialist Services:

Townsville Sexual Assault Support Service (07) 47757555 (connect after hours by calling 4759 9711)
Cairns Sexual Assault Service (07) 40313590 (connect after hours by calling 4226 0000 Cairns Hospital)
Tablelands Sexual Assault Service (07) 4091 4036 (9am - 5pm)
Mackay Women's Sexual Assault Service (07) 4953 1788
Brisbane - BRISSC (07) 3391 0004

Queensland Health services:

Thursday Island - Women's Support Service (Sexual Health Clinic) (07) 4069 0413
Mackay Sexual Health and Assault Services (07) 4968 3919
Royal Brisbane & Women's Hospital Sexual Assault Response Team (07) 3646 5207

Phone help lines: National 24 hours: 1800 RESPECT (1800 737 732) Queensland Sexual Assault line (DV Connect) 7.30am --11.30pm: 1800 010 120

Refer to support – Connect with a Sexual Misconduct Officer - assistance to continue work or study

JCU has dedicated Sexual Misconduct Officers who provide a single point of contact. They can assist with working out what support a person needs to continue with studying or working. Support can include safety plans, emergency housing, or changes to class scheduling, assessment, or work reporting lines. Support can be provided without identifying the other person/people involved. Sexual Misconduct Officers are Vanessa Cannon, Chief of Staff (07) 47814078 or mob 0419 245 992 | Nola Kuilboer, Executive Officer (07) 4781 4929 or mob 0415 163 290 | Damian Dunne, Diversity & Equity Consultant, HR (07)42321136 or mob 0436 645630 or e: smo@jcu.edu.au

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Reporting Options

To make a report or complaint to JCU contact the Sexual Misconduct Officers or use the report form on the JCU Safe App or at www.jcu.edu.au/safety-and-wellbeing
It is possible to make an anonymous report to JCU, and it is possible to make a report to JCU without identifying any other person/people involved.

To report a sexual assault to Queensland Police - <https://www.police.qld.gov.au/programs/adultassault/report> You can make an anonymous report to Police.

5

Take Care of Yourself

It can be difficult to support someone who has disclosed to you. Confidential support is available to you from a Sexual Misconduct Officer, or the Helplines/Services listed above. Students can also speak to a counsellor at Student Equity and Wellbeing 1800 246 446, staff can call EAP Lifeworks 1800 604 640.

Appendix 2 - Guidelines for responding to disclosures of sexual harassment

A resource for staff and students in responding to a person who discloses they have been sexually harassed.



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Believe them - Do not ask 'why' questions – these questions carry blame and judgement. Validate the person's experience by acknowledging their distress. Saying 'I am sorry for what has happened' is heard as 'I believe you'; saying 'What happened to you is never okay' is heard as 'This is not your fault', saying 'I will do what I can to find help' is heard as 'You are not alone'

Maintain confidentiality - Treat what is shared with you confidentially, do not share with others without permission.

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The specialist Sexual Assault Services will meet the person in a safe and private place, and offer ways to help manage the physical and emotional effects of sexual assault. They can explain and assist with legal and medical options - including any emergency health care or forensic examinations, and any decisions about reporting to Police. They can assist with access to the support JCU can provide to continue with studies or work. They will ensure the person's decisions are communicated and respected.

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Townsville Sexual Assault Support Service (07) 47757555 (connect after hours by calling 4759 9711)
Cairns Sexual Assault Service (07) 40313590 (connect after hours by calling 4226 0000 Cairns Hospital)
Tablelands Sexual Assault Service (07) 4091 4036 (9am - 5pm)
Mackay Women's Sexual Assault Service (07) 4953 1788
Brisbane - BRISSC (07) 3391 0004

Queensland Health services:

Thursday Island - Women's Support Service (Sexual Health Clinic) (07) 4069 0413
Mackay Sexual Health and Assault Services (07) 4968 3919
Royal Brisbane & Women's Hospital Sexual Assault Response Team (07) 3646 5207

Phone help lines: National 24 hours: 1800 RESPECT (1800 737 732) Queensland Sexual Assault line (DV Connect) 7.30am --11.30pm: 1800 010 120

Refer to support – Connect with a Sexual Misconduct Officer - assistance to continue work or study

JCU has dedicated Sexual Misconduct Officers who provide a single point of contact. They can assist with working out what support a person needs to continue with studying or working. Support can include safety plans, emergency housing, or changes to class scheduling, assessment, or work reporting lines. Support can be provided without identifying the other person/people involved. Sexual Misconduct Officers are Vanessa Cannon, Chief of Staff (07) 47814078 or mob 0419 245 992 | Nola Kuilboer, Executive Officer (07) 4781 4929 or mob 0415 163 290 | Damian Dunne, Diversity & Equity Consultant, HR (07)42321136 or mob 0436 645630 or e: smo@jcu.edu.au

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Reporting Options

To make a report or complaint to JCU contact the Sexual Misconduct Officers or use the report form on the JCU Safe App or at www.jcu.edu.au/safety-and-wellbeing
It is possible to make an anonymous report to JCU, and it is possible to make a report to JCU without identifying any other person/people involved.

To report a sexual assault to Queensland Police - <https://www.police.qld.gov.au/programs/adultassault/report> You can make an anonymous report to Police.

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Take Care of Yourself

It can be difficult to support someone who has disclosed to you. Confidential support is available to you from a Sexual Misconduct Officer, or the Helplines/Services listed above. Students can also speak to a counsellor at Student Equity and Wellbeing 1800 246 446, staff can call EAP Lifeworks 1800 604 640.