

Guidance for staff accused of sexual misconduct

This advice is for Staff who may be responding to allegations of Sexual Misconduct. Being accused of Sexual Misconduct is a serious matter and can be a traumatic experience. The University's Duty of Care applies to all parties named in Complaints related to Sexual Misconduct. The University follows due process and natural justice in the interests of all parties.

The [Bullying, Discrimination, Harassment and Sexual Misconduct Policy](#), [Code of Conduct](#), and/or JCU [Enterprise Agreement](#) as well as the [Sexual Misconduct Procedure](#) will be followed by the University. These documents set out what steps will be followed in investigating a Complaint, and possible Disciplinary actions, including avenues of appeal.

This document sets out what might happen next and what the University's role can be. It is important to know that the list of possible actions below is not an exhaustive one.

Important communication and privacy information:

- Do not contact the person who has made the disclosure or complaint under any circumstance: this can be considered retaliatory, even if that is not your intent. It could give rise to additional complaints being raised against you. Communication includes verbal, email, social media like messenger, Facebook and other electronic means.
- You should not post updates or comments relating to this matter on social media; your social media use can be considered by the University during any investigation and/or disciplinary actions.
- Consider whether there is information to gather that might be helpful. For example, you might gather text messages, emails, Facebook postings, or other social media postings. If you have already deleted text messages, contact your phone carrier to find out if they can be recovered. If you think of possible witnesses, it might be helpful to write down their names so that you do not forget them later, but you should not contact witnesses directly.

Be aware of the following:

- The University may undertake some precautionary measures after conducting a Risk Assessment before any investigation is undertaken. This is not a disciplinary process, but is intended to use reasonable attempts to ensure the wellbeing of all those involved (including yourself) and also the wider JCU community. The Risk Assessment does not imply any judgement on the accusation levied against you. There are numerous possible outcomes open to the Director Human Resources to respond to any risks identified. These could range from a move in location for teaching, research and work purposes, up to and including temporary suspension from the University.
- If the Police are investigating an incident, then the University can commence or continue any precautionary measures whilst the Police investigation is ongoing, but will suspend any internal investigation. If the criminal process ends, the University investigation and disciplinary process can recommence. Any outcome from a criminal process does not determine whether a violation of University policy has occurred. The criminal justice system uses different standards related to proof and evidence.

Support for you:

- You have the right to be treated with respect and dignity by University staff.
- You can access free individual Counselling support through the Employee Assistance Program, to help deal with feelings related to being accused, decision-making, and concerns about relationships. For further information and contact details visit <https://www.jcu.edu.au/human-resources/staff-equity/employee-assistance-program> and also www.jcu.edu.au/sew.
- You have a right to have a support person with you at any meeting with the University relating to the Complaint that has been made.

If you, or someone you know, has experienced any form of sexual misconduct please contact the Sexual Misconduct Officers for help and advice.

See the [Safety and Wellbeing](#) website for phone numbers or email: smo@jcu.edu.au

