

# Student Sexual Misconduct Prevention and Response Procedure

## Section 1 - Governing Policy

(1) This Procedure is governed by the [Student Prevention and Response to Sexual Harm or Gender-Based Violence Procedure](#) (the Policy). A person reading this Procedure should read both documents together.

## Section 2 - Procedure Statement

(2) This Procedure outlines prevention initiatives by the University which are aimed at preventing sexual misconduct.

(3) This Procedure also outlines how the University will respond if a student or former student:

- a. makes a disclosure or formal report that they have experienced sexual misconduct;
- b. makes a formal report of sexual misconduct by another student.

## Section 3 - Prevention Initiatives

(4) The University undertakes a range of prevention initiatives which are aimed at preventing student sexual misconduct. These include:

- a. having clear standards of respectful behaviour by students, which are articulated in the [Student Conduct Policy](#) and elsewhere and promoted to students;
- b. provision of workshops and other awareness and education programs for students on topics such as consent, respectful relationships, and bystander intervention;
- c. managing risk for student events in accordance with University policies where events are run by the University, and where events are run by students working closely with student leaders to help them minimise risk; and
- d. promoting a culture of respect and responsibility in which students and staff are encouraged and supported to speak up if they witness something that does not seem right.

## Section 4 - Disclosure or Formal Report of Sexual Misconduct

(5) Where a student discloses or makes a formal report that they have experienced sexual misconduct, the priority is to ensure the safety of the student. For someone in immediate danger or requiring immediate medical attention, contact:

- a. Emergency Services on 000; and
- b. immediately afterwards contact the National Security Centre on 1300 729 452 or by using the [Safezone App](#).

## Disclosure or formal report

(6) If a student wishes to inform a member of the University community that they have experienced sexual misconduct, they can do so by making a disclosure or a formal report:

- a. a disclosure is where a student tells another student, or a staff member, that they have experienced sexual misconduct. A student making a disclosure may simply wish to tell someone about the experience and / or they may be seeking information about resources, academic adjustments, support services and / or reporting options.
- b. a formal report is where a student makes a disclosure of sexual misconduct with an intention that some form of action will be taken.

(7) A student can:

- a. make a disclosure only;
- b. make a formal report only; or
- c. make a disclosure first and then a formal report later.

(8) There is no time limit on when a student can make a disclosure and / or formal report. However, a delayed disclosure or formal report may impact upon the University's ability to address the situation.

(9) A student making a disclosure or formal report has autonomy to decide:

- a. how much information they wish to provide;
- b. whether or not they wish to report the matter externally, e.g. to the police;
- c. what next steps, if any, will be taken. However, in limited circumstances, the University may take action – for example, if:
  - i. there appears to be an immediate risk to the health or safety of the student making the disclosure or formal report, or any other person;
  - ii. the conduct disclosed is of a nature that the law requires the University to report the information, e.g. where the disclosed sexual misconduct has happened to someone under 18 years old;
  - iii. a particular individual becomes the subject of disclosures or formal reports by more than one student and the University is concerned there may be a risk to the health or safety of any person.
  - iv. If the University is required to take action, the action taken and the reasons for it will be explained to the student;
- d. whether they wish to discontinue a disclosure or formal report they have been made. This will not result in negative consequences for the student, and a member of the Safeguarding and Student Safety team will work with the student to address any concerns they may have.

(10) If a disclosure or formal report is made by a student under 18 years old, it will be managed and responded to in accordance with the [Safeguarding Children, Young People and Adults at Risk Policy](#) and [Safeguarding Children, Young People and Adults at Risk Procedure](#).

## How to make a Disclosure or Formal Report

(11) A student can make a disclosure or formal report:

- a. online – by completing the report form on the University website [Respect. Now. Always.](#);
- b. by telephone – by calling the ACU National Security Centre on 1300 729 452; or

- c. in person – by speaking with a staff member or student the student trusts, for example:
- i. Safeguarding and Student Safety staff, whose role focusses on preventing and responding to sexual misconduct;
  - ii. Safety Support Network – a network of academic and professional staff on each campus, who have received specialised training to help support students who have experienced sexual misconduct;
  - iii. Campus Ministry staff, who are dedicated to supporting the pastoral needs and spiritual wellbeing of all students, across all campuses;
  - iv. Ally Network – a network of academic and professional staff who support the University’s pastoral commitment to providing a safe, inclusive and respectful environment for students who identify as being lesbian, gay, bisexual, transgender, intersex or queer, or as having any other sexuality or gender diverse identity (LGBTIQ+);
  - v. Access and Disability Service Advisors, who promote access and support students with disability;
  - vi. First Peoples Directorate staff, who are dedicated to empowering Aboriginal and / or Torres Strait Islander peoples’ journey at University and beyond, by providing a safe and culturally inclusive environment;
  - vii. International Student Advisors, who provide specialist support for international students studying at the University;
  - viii. Academic staff;
  - ix. ACU National Student Association (ACUNSA) executives;
  - x. Campus Student Association executives;
  - xi. Leaders of student clubs and student societies;
  - xii. Any other staff member or student with whom a student feels comfortable.

(12) A student or staff member can complete the online report form on a student’s behalf – for example, where a staff member or student is supporting a student through a disclosure or formal report, or where a staff member or student witnesses an incident.

### **Anonymous Disclosure or Formal Report**

(13) A student can make an anonymous disclosure or formal report by completing the online report form anonymously. However, where a student does not provide their name and contact details:

- a. it will not be possible for the University to contact the student to offer information and support; and
- b. it will make it more difficult for the University to investigate the matter or take any action.

(14) A student can make an anonymous disclosure or formal report first, and then identify themselves at a later date. There is no time limit on this. However, a delay in a student identifying themselves may impact upon the University’s ability to address the situation.

### **Responding to a Disclosure or Formal Report**

(15) Where a staff member or student receives a disclosure or formal report, they should:

- a. listen attentively and without judgment;
- b. demonstrate kindness and empathy;
- c. be patient and allow the student to provide as much or as little information as they wish;
- d. inform the student about support options that are available (see Appendix A ‘ACU internal and external support services for students who have experienced sexual misconduct’) including:
  - i. the Safeguarding and Student Safety team, which provides specialist safety and support for students who have experienced sexual misconduct. Safeguarding and Student Safety staff can help to provide a

- coordinated response and, where appropriate, can assist with obtaining academic adjustments or considerations for a student to help support them with their studies and contribute to student retention;
  - ii. other ACU support options as appropriate including the student counselling service, Safety Support Network, Campus Ministry, Ally Network, Access and Disability Advisors, First Peoples Directorate staff, and International Student Advisors;
  - iii. external support services for persons who have experienced sexual misconduct.
- e. inform the student about external reporting options, including the police, and ACU reporting options;
- f. inform the student that the disclosure or formal report will not show on their academic documents;
- g. if a disclosure or formal report is made by an international student, inform the student that it will not affect their visa status;
- h. provide any additional information and support that may be appropriate in the circumstances;
- i. report the matter as soon as reasonably possible as a Code Green incident. All sexual misconduct incidents are managed as a Code Green incident under the [Critical Incident Management Policy](#). Staff should make a Code Green report by:
- i. submitting an online report form on the University website at [Respect. Now. Always.](#);
  - ii. contacting the National Manager, Safeguarding and Student Safety or another member of the Safeguarding and Student Safety team; or
  - iii. calling the ACU National Security Centre on 1300 729 452. When contacting the National Security Centre, staff should identify themselves and say they wish to report a Code Green incident, provide the date and location of the incident (if known) and whether the student would like to make a formal report or not. The staff member should not provide any details regarding the alleged incident or any personal information regarding individuals allegedly involved.

(16) If a student who made a disclosure or formal report is receiving support from a staff member or student, and they do not wish to receive support from the Safeguarding and Student Safety team, the staff member or student should continue to support them. The staff member or student should liaise with the Safeguarding and Student Safety team to ensure that appropriate and comprehensive information and support are being provided.

(17) If a student has made a disclosure or formal report using the online report form and it is not clear from the information provided whether they are receiving support, a member of the Safeguarding and Student Safety team will contact the student to offer information and support, provided they have included their contact details.

## Support for Staff and Students who are Responding to a Disclosure or Formal Report

(18) The University provides instruction so that staff and students know how to respond to a disclosure or formal report:

- a. through student workshops and staff training sessions delivered by Safeguarding and Student Safety staff and others;
- b. on the University website at [www.acu.edu.au/respect](http://www.acu.edu.au/respect) - 'Responding to a disclosure'.

(19) The University recognises it can be challenging to support a student through a disclosure or formal report. The following support options are available for staff and students who are supporting a student through a disclosure or formal report:

Support option	Available to students	Available to staff
Safeguarding and Student Safety team	X	X
24 Hour ACU Mental Health Support Line	X	X
Student counselling service	X	

Support option	Available to students	Available to staff
<a href="#">Employee Assistance Program</a> (EAP) Counselling service		X

## Section 5 - Initial Action in Response to a Formal Report

(20) Where a formal report is received by the Safeguarding and Student Safety team, a member of the team will provide information to the student, or to the staff member or student who is supporting the student, about initial action that could possibly be taken. This will depend entirely on the individual circumstances and could, for example, include:

- a. making arrangements for a student to move into a different class;
- b. seeking special consideration or other academic adjustments;
- c. alerting campus security staff if a person has been coming onto campus looking for a student.

(21) Subject to Section 9 below, any action that is taken under clause (20) will only be taken with the agreement of the student who made the formal report, and will be overseen by the Safeguarding and Student Safety team.

(22) If a student who made a formal report considers that initial action taken under clause (20) has resolved the matter to their satisfaction, there is no obligation for further action to be taken. If they wish further action to be taken, the process in Section 6 will apply.

## Section 6 - Investigation of Sexual Misconduct

### Formal Report by a Former Student

(23) Following receipt of a formal report by a former student:

- a. if the formal report includes alleged sexual misconduct by a current student, the matter will be managed in accordance with this Procedure;
- b. if the formal report includes alleged sexual misconduct by a former student, the University will be unable to take action as it is not possible to conduct an investigation or take discipline action in relation to a person who is not a current student. The University will provide information about support options and will provide assistance if a former student reports the matter to the police.

### Formal Report Against a Staff Member

(24) Following receipt of a formal report which includes alleged sexual misconduct by a staff member, a member of the Safeguarding and Student Safety team will inform the student that the matter will be managed in accordance with the [Staff Sexual Misconduct Policy](#) rather than this Procedure. The Safeguarding and Student Safety team will continue to provide support to a student in this situation. Where the alleged sexual misconduct is by an affiliate of the University, the matter will be referred to People and Capability for advice.

### Formal Report Against a Student

(25) Following receipt of a formal report which includes alleged sexual misconduct by another student, a member of the Safeguarding and Student Safety team will contact the student who made the report to provide information about the University's investigation processes, to help the student decide whether they wish to have their matter investigated. Amongst other things, the Safeguarding and Student Safety team member will provide information that:

- a. if the University appoints an external investigator to investigate a matter, the external investigator may wish to interview the student making the report, the respondent and any other witnesses;
- b. the rules of procedural fairness will apply, in accordance with clause (26);
- c. if a matter proceeds to a student discipline process following external investigation, how the student discipline process works including possible outcomes, and outline differences between police processes and University investigation and discipline processes.

The intention is that by providing this information and responding to any questions a student may have, a student who has made a formal report of sexual misconduct by another student will be in a position to make an informed decision about how they would like their matter to proceed, if at all.

(26) The rules of procedural fairness will apply in all matters where a student makes a formal report of sexual misconduct by another student. Amongst other things, this means that:

- a. detailed information about the alleged sexual misconduct will be provided to the respondent, to enable the respondent to properly understand the allegation, and this may include providing copies of the student's statement and supporting documentation;
- b. the respondent will be given an opportunity to respond to the allegation during the external investigation and any subsequent discipline process that may occur;
- c. the respondent will be permitted to be accompanied by a support person at any meeting they attend, in accordance with clauses (38), (39) and (40);
- d. as part of the investigation process and any discipline process which may occur, a student who made a formal report will not be required to see, meet with or directly engage with any student against whom a formal report of sexual misconduct is made.

(27) Following provision of the information noted above, a student will be asked whether they wish for their formal report of sexual misconduct by another student to proceed to external investigation. If they wish for this to occur, the University will take action in accordance with this Procedure.

(28) While the University recognises that a student making a formal report has autonomy to decide how much information they wish to provide, the University may be unable to take action if insufficient information is provided. For example, the University may be unable to act if the identity of a student making a report is not provided, and / or if a report alleges sexual misconduct by another student but does not identify them.

(29) To assist with the investigation process in this Section, a student who wishes to have their formal report of sexual misconduct by another student externally investigated is encouraged to submit relevant information including:

- a. a detailed statement of what happened to them, including details of date(s), time(s) and location(s);
- b. details of any witnesses; and
- c. supporting documentation such as emails, text messages, social media messages or other communications, documents and screen shots.

A member of the Safeguarding and Student Safety team will offer to work with a student to help them identify which information to submit.

### **Preliminary Assessment**

(30) Where a student wishes to proceed to an external investigation of their matter, within 5 working days the Director, Student Experience and Enhancement or delegate will carry out a preliminary assessment of the formal report, including a student's statement and any supporting documentation or information which has been submitted, to determine whether the matter should proceed to external investigation. Amongst other things, the Director, Student Experience and Enhancement or delegate will take into account whether there is an apparent incident of alleged sexual misconduct by a student and whether sufficient information has been provided to enable an external

investigation to take place.

(31) Following preliminary assessment the Director, Student Experience and Enhancement or delegate, in their discretion and on a case-by-case basis, will decide whether or not a matter should be referred for external investigation.

(32) If it is decided not to refer a matter for external investigation, the University will notify the student who reported the matter and provide brief reasons, if the student's identity is known.

### **Notice that a Formal Report has been Made**

(33) Where a matter is to be referred for external investigation, the Director, Student Experience and Enhancement will notify the student against whom a formal report of sexual misconduct is made. The notice will:

- a. inform the student that a formal report of sexual misconduct has been made against them;
- b. provide details of the alleged conduct which has led to the formal report of sexual misconduct;
- c. outline any University policies, procedures, guidelines or codes which may have been breached through the student's conduct, such as the [Student Conduct Policy](#);
- d. inform the student that the matter is being referred for external investigation, provide the name of the external investigator, and inform the student that the external investigator will contact them to request an interview and / or a written response as part of the investigation process;
- e. encourage the student to receive support from the University throughout the process via ACU's Student Counselling Service, the Student Advocacy Service, and other support services;
- f. include the list of support and information services in Appendix B 'ACU internal and external support services for students who are the subject of a formal report of sexual misconduct'.

(34) A student against whom a formal report of sexual misconduct is made is encouraged to receive support from Student Experience, including the Student Counselling Service and the Student Advocacy Service, and / or external support services as listed in Appendix B 'ACU internal and external support services for students who are the subject of a formal report of sexual misconduct'.

### **External investigation**

(35) Where a matter is to be referred for external investigation, the Director, Student Experience and Enhancement or delegate will appoint and instruct an appropriately qualified and / r experienced external investigator.

(36) The external investigator will conduct an investigation of the matter. As part of the external investigation process, they may request additional information and interview any person. The investigation will:

- a. be conducted in a timely manner with the external investigator providing regular progress updates to the Director, Student Experience and Enhancement or delegate; and
- b. proceed regardless of whether a student who has had a formal report of sexual misconduct made against them participates in the process, in a timely manner or at all.

(37) A person who is interviewed as part of an external investigation is required to keep the matter confidential in accordance with clause (62), and may have a support person present in accordance with clauses (38), (39) and (40).

(38) A support person must not:

- a. be connected with, or be perceived to be connected with, the matter;
- b. be a person with a qualification in law.

(39) Aboriginal and / or Torres Strait Islander students may:

- a. designate an Aboriginal and / or Torres Strait Islander person as their support person, other than a person with a qualification in law; and / or
- b. seek cultural support of Aboriginal and / or Torres Strait Islander staff through ACU's Indigenous Higher Education Units.

(40) A support person may speak where required for reasons of clarification, but may only make submissions on behalf of an individual if invited to do so by the person dealing with the matter.

(41) During the course of an external investigation, additional information may come to light in relation to an existing formal report leading to additional alleged sexual misconduct. If this occurs, the Director, Student Experience and Enhancement or external investigator will send a notice to the student to provide them with relevant details, including details of any new alleged sexual misconduct, and will provide the student with a further opportunity to respond, in writing and / or by interview.

(42) While investigating a matter, the external investigator may take into account any information they consider relevant. At the end of their investigation, the external investigator will provide the University with a report of their investigation which will include findings of fact and may also include recommendations about whether a student has engaged in sexual misconduct or any other form of misconduct or has otherwise engaged in conduct in breach of the University's policies, procedures, guidelines or codes.

(43) An external investigator's report will not include any findings about whether a student's conduct may amount to criminal conduct.

### **Student Discipline Process**

(44) Following receipt of an external investigator's report, the University will consider the report and determine whether to commence student discipline proceedings.

(45) In making this determination, and in any subsequent student discipline proceedings, the University:

- a. will consider but is not bound by any findings or recommendations in the external investigator's report; and
- b. may take into account any other information considered relevant in the circumstances of the matter.

(46) If it is determined that student discipline proceedings should take place, a discipline committee will be constituted in accordance with the [Student Conduct Policy](#).

(47) Any member of a discipline committee which is responsible for considering and determining an allegation of student sexual misconduct will have completed specialist training, to be provided by the Safeguarding and Student Safety team or an organisation working in the area of sexual harm.

## **Section 7 - Report to the Police**

(48) Where a student who has made a disclosure or formal report also wishes to report a matter to the police, the University will offer support to the student in that process.

(49) Where a student has made a formal report involving a sexual misconduct allegation against a student to the University and the police, the University in its discretion may decide to defer or temporarily suspend its internal process while the police investigation or legal proceeding takes place. If it is decided to proceed with a concurrent process, the University will proceed with care so as not to prejudice the criminal proceeding / process.

(50) Deferral or suspension of a University investigation does not prevent the University from taking interim measures in accordance with Section 8.

(51) If any court or tribunal makes a finding that a student has engaged in sexual misconduct against any person, the University may rely on this finding as evidence in any subsequent misconduct investigation undertaken by the University in accordance with its misconduct procedures.

## Section 8 - Interim Measures

(52) Where the University receives a formal report which includes a sexual misconduct allegation against a student, and / or where the University becomes aware that a report has been made to the police which includes a sexual misconduct allegation against a student, the University may put in place interim measures to protect the safety and wellbeing of any member of the University community. Interim measures are not a penalty and do not pre-empt the outcome of an external investigation or a police investigation.

(53) Interim measures may include, but are not limited to:

- a. temporary restrictions or requirements about who a student may contact and / or how they may contact someone;
- b. where and when a student can go on campus;
- c. arrangements for alternative accommodation for students in University residential accommodation or on a University trip.

## Section 9 - University's Ability to take Action

(54) If the University becomes aware of alleged sexual misconduct by a student in circumstances where a formal report has not been submitted, and the situation presents a potential risk of harm to any person and / or a potential reputational risk to the university, the University may take such action to respond to the situation as it considers appropriate, under this Procedure or otherwise.

## Section 10 - Confidentiality

(55) The University acknowledges and respects that information relating to a disclosure or formal report is likely to be sensitive and personal.

(56) To the maximum extent possible, the University will protect the confidentiality of such information. This means the University will not share the information with other students or staff unless:

- a. the particular circumstances require information to be shared; and
- b. the student who made the disclosure or formal report consents to sharing the information.

(57) The University will manage information in relation to a disclosure or formal report in accordance with its [Privacy Policy](#) and the [Privacy Act 1988 \(Cth\)](#).

(58) In limited circumstances, the University may be required to share information without the consent of a student if the conduct disclosed is of a nature that the law requires the University to report the information. For example:

- a. where the conduct relates to a serious indictable offence, the University may be required to report the conduct to the police;

- b. where the conduct relates to a child or young person and falls within the scope of mandatory reporting requirements of state legislation, the University may be required to report the matter to the relevant state department.

(59) The University uses information from disclosures and formal reports as a basis for de-identified reports for the Senior Executive and governance committees, as required, to help identify trends and to inform strategies for continually improving the University's response and prevention services for students in relation to sexual misconduct.

(60) The National Manager, Safeguarding and Student Safety is responsible for holding records in relation to disclosures, formal reports and investigations of sexual misconduct allegations against students.

(61) In the case of a student visiting ACU from another University, ACU processes will apply. If the processes of a student's 'home' University should apply once an overseas student returns to their country of origin, and under those processes reporting is required from ACU, ACU will seek to work with a student to determine how the report should be made.

(62) Any student who is involved in a sexual misconduct matter, in any capacity, is required to keep the matter confidential. This means that, except where required by law, a student:

- a. must not disclose the existence of the allegation or the matter; and
- b. may only discuss the matter for the purpose of receiving confidential advice from their immediate family members; a registered health professional such as a general practitioner, psychologist or counsellor; a priest, spiritual leader or Elder; a registered legal practitioner; the police; or their support person in accordance with clauses (38), (39) and (40). If a student does not have an immediate family member they can talk to, they may discuss the matter with no more than two friends for the purpose of receiving confidential advice and support. If those friends are ACU students, they must keep the matter entirely confidential and not discuss it with any other person.

## Section 11 - Adverse Consequences

(63) The following actions may result in adverse consequences, as they may constitute student misconduct under the [Student Conduct Policy](#) or staff misconduct under staff misconduct policies:

- a. if a person knowingly makes a false, vexatious or frivolous formal report of sexual misconduct against any person;
- b. if a person who is involved in any capacity whatsoever in an investigation of a formal report of sexual misconduct under this Procedure does not comply with the confidentiality requirements noted in this Procedure or any additional confidentiality arrangements which have been communicated to them;
- c. if a person who is aware of a formal report of sexual misconduct by a student engages in victimisation towards any person in connection with the formal report.

## Section 12 - Definitions

(64) Terms used in this Procedure and [Student Prevention and Response to Sexual Harm or Gender-Based Violence Procedure](#) are consistent with the [Glossary of Student and Course Terms](#). The following specific definitions also apply:

Term	Definition
Consent	<p>Consent – A person consents to a sexual act if they freely and voluntarily agree to that act. For the purposes of this Policy and the <a href="#">Student Prevention and Response to Sexual Harm or Gender-Based Violence Procedure</a>:</p> <ul style="list-style-type: none"> <li>• Consent must be explicit, informed, and voluntary and is revocable at any time.</li> <li>• Once consent is withdrawn, the activity must stop immediately. Consent cannot be given when a person is incapacitated.</li> <li>• Implied consent does not constitute consent for the purposes of this definition.</li> <li>• A person cannot consent if they are: <ul style="list-style-type: none"> <li>◦ tricked, forced, pressured, or coerced into the sexual act;</li> <li>◦ fearful of harm if consent is withheld;</li> <li>◦ being held against their will;</li> <li>◦ under the age of consent in the relevant Australian state or territory jurisdiction;</li> <li>◦ unconscious or asleep;</li> <li>◦ affected by drugs or alcohol or otherwise incapacitated to the extent that they are incapable of providing or withdrawing consent;</li> <li>◦ unclear or uncertain about the identity of the person performing the act; and / or</li> <li>◦ incapable of understanding the sexual nature of the act.</li> </ul> </li> </ul>
Disclosure	Disclosure has the meaning given in Section 4 of this Procedure.
Formal report	Formal report has the meaning given in Section 4 of this Procedure.
Sexual assault	<p>Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will, without their consent, or after their consent has been withdrawn. Examples include:</p> <ul style="list-style-type: none"> <li>• forced, unwanted sex or sexual acts, including oral sex;</li> <li>• kissing or touching a person’s body in a sexual manner;</li> <li>• doing an act of a sexual nature with or towards another person, or making another person do an unwanted act of a sexual nature, e.g. ‘flashing’, ‘sexting’, or masturbating in front of another person;</li> <li>• ‘stealthing’, i.e. non-consensual removal of a condom during sex;</li> <li>• observing a person to obtain sexual gratification where they are in a state of undress, using the toilet, showering, or bathing, or engaged in a sexual act;</li> <li>• recording or distributing an intimate or sexual image of another person;</li> <li>• inflicting bodily harm, or threatening to do so, on a person with an intent to engage in sexual acts with that person or with another person; and</li> <li>• compelling a person to engage, or to continue to engage, in a sexual act.</li> </ul>
Sexual harassment	<p>Sexual harassment is any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated, or intimidated. Examples include:</p> <ul style="list-style-type: none"> <li>• staring or leering;</li> <li>• unnecessary familiarity, e.g. deliberately brushing up against a person or unwelcome touching;</li> <li>• suggestive comments or jokes;</li> <li>• insults or taunts of a sexual nature;</li> <li>• intrusive questions or statements about a person’s private life;</li> <li>• displaying posters, magazines, or screen savers of a sexual nature;</li> <li>• sending sexually explicit emails or text messages;</li> <li>• inappropriate advances on social networking sites;</li> <li>• accessing sexually explicit internet sites;</li> <li>• requests for sex or repeated unwanted requests to go out on dates; and</li> <li>• behaviour that may also be an offence under criminal law, such as indecent exposure, stalking or obscene communications.</li> </ul>
Sexual misconduct	Sexual misconduct means sexual assault and sexual harassment, and, for the purpose of this Procedure and <a href="#">Student Prevention and Response to Sexual Harm or Gender-Based Violence Procedure</a> , includes domestic and family violence.
Student	Student has the meaning given in the Glossary Terms, and, for the purpose of this Procedure and <a href="#">Student Prevention and Response to Sexual Harm or Gender-Based Violence Procedure</a> , includes a person who was a student at the time of any alleged sexual misconduct.

## Section 13 - Appendices

## Appendix A - ACU Internal and External Support Services for Students who have Experienced Sexual Misconduct

### ACU Internal Support Services

ACU 24 Hour Mental Health Support Line	<a href="https://www.acu.edu.au/student-life/student-services/counselling-services">https://www.acu.edu.au/student-life/student-services/counselling-services</a>	
ACU Medical Centres	<a href="https://www.acu.edu.au/student-life/student-services/medical-centres">https://www.acu.edu.au/student-life/student-services/medical-centres</a>	
ACU Security	ACU National Security Centre 24/7 Phone: 1300 729 452 Mobile app: SafeZone	
Access and Disability Service	<a href="https://www.acu.edu.au/student-life/student-services/disability-support">https://www.acu.edu.au/student-life/student-services/disability-support</a>	
Campus Ministry	<a href="https://campusministry.acu.edu.au/">https://campusministry.acu.edu.au/</a>	
Counselling Service	<a href="https://www.acu.edu.au/student-life/student-services/counselling-services">https://www.acu.edu.au/student-life/student-services/counselling-services</a>	
Indigenous Higher Education Units	Yalbalinga (Blacktown, North Sydney and Strathfield) Email: <a href="mailto:yalbalinga@acu.edu.au">yalbalinga@acu.edu.au</a> Phone: 02 9701 4258	Dhara Daramoolen (Canberra) Email: <a href="mailto:dhara@daramoolen@acu.edu.au">dhara@daramoolen@acu.edu.au</a> Phone: 02 6209 1231
	Jim-baa-yer (Melbourne and Ballarat) Email: <a href="mailto:jimbaayer@acu.edu.au">jimbaayer@acu.edu.au</a> Phone: 03 9953 3004	Weemala (Brisbane) Email: <a href="mailto:weemala@acu.edu.au">weemala@acu.edu.au</a> Phone: 07 3861 6122
Global	<a href="https://www.acu.edu.au/international-students/contact-international-student-support/international-student-advisers">https://www.acu.edu.au/international-students/contact-international-student-support/international-student-advisers</a> Phone: 02 9465 9273 or 1800 180 391 (after hours)	
Legal Advice Service	Wisewould Mahoney Lawyers - Note: restrictions on the nature and extent of the advice may apply. <a href="http://www.studentportal.acu.edu.au/legal">www.studentportal.acu.edu.au/legal</a> Request form: <a href="https://acu.wisewouldmahony.com.au">https://acu.wisewouldmahony.com.au</a>	
Safeguarding and Student Safety team	Email: <a href="mailto:respectandsafety@acu.edu.au">respectandsafety@acu.edu.au</a>	
Student Advocacy Service	<a href="https://www.acu.edu.au/student-life/student-services/student-advocacy">https://www.acu.edu.au/student-life/student-services/student-advocacy</a>	

### External Support and Assistance

Lifeline	Crisis support and suicide prevention 13 11 14 <a href="http://www.lifeline.org.au">www.lifeline.org.au</a>
1800 RESPECT	1800 RESPECT (1800 737 732) <a href="https://www.1800respect.org.au/">https://www.1800respect.org.au/</a> National service available 24/7 providing confidential information, counselling and support for people impacted by sexual assault, domestic or family violence and abuse. Webchat and interpreters available.
Reachout.com	Reachout.com provides information about what is sexual assault, including myths and facts around sexual assault, and can assist with support. <a href="https://au.reachout.com">https://au.reachout.com</a>

Full Stop Australia (formerly Rape & Domestic Violence Services Australia)	National Sexual Abuse and Redress Support Service – 1800 211 028 Rainbow Sexual, Domestic and Family Violence Helpline – 1800 497 212 Online counselling available <a href="https://fullstop.org.au/">https://fullstop.org.au/</a> A free 24/7 telephone and online crisis counselling service for anyone who has experienced sexual assault, or is a family member or friend of someone who has experienced violence. Telephone interpreters available.
QLife	National LGBTIQ+ helpline and webchat – free and anonymous peer support and referral service 1800 184 527 <a href="http://www qlife.org.au">www.qlife.org.au</a>
Survivors and Mates Support Network (SAMSN)	1800 472 676 <a href="https://www.samsn.org.au/">https://www.samsn.org.au/</a> A dedicated service for men who have experienced child sexual assault in Australia
AUSTRALIAN CAPITAL TERRITORY (ACT)	
Canberra Rape Crisis Centre (CRCC)	(02) 6247 2525 (7am – 11pm) <a href="https://crcc.org.au/">https://crcc.org.au/</a> CRCC supports women, children and men who have experienced sexual assault, or people who are supporting others who have experienced sexual assault. They provide free and confidential crisis and ongoing counselling, support, advocacy, and information about medical and legal processes.
NEW SOUTH WALES (NSW)	
NSW Sexual Violence Helpline (formerly NSW Rape Crisis)	1800 424 017 <a href="https://fullstop.org.au/get-help/our-services">https://fullstop.org.au/get-help/our-services</a> A free 24/7 telephone and online crisis counselling service for anyone who has experienced sexual assault, or is supporting a family member or friend of someone who has experienced violence. Interpreters are available.
NSW Health Sexual Assault Services Directory	<a href="https://www.health.nsw.gov.au/parvan/sexualassault/Pages/health-sas-services.aspx">https://www.health.nsw.gov.au/parvan/sexualassault/Pages/health-sas-services.aspx</a> NSW Health Sexual Assault Services offer free information, counselling, court support, medical treatment, and forensic examinations at various locations in NSW: • Northern Sydney Sexual Assault Services: Call (02) 9462 9477 (After hours: Royal North Shore Hospital, call (02) 9926 7111) • Eastern and Central Sydney Sexual Assault Service: Call (02) 9515 9040 (After hours: Royal Prince Alfred Hospital, call (02) 9515 6111) • Westmead Sexual Assault Service: Call (02) 8890 7940 (After hours: Westmead Hospital, call (02) 9881 8000)
QUEENSLAND (QLD)	
State-wide Sexual Assault Helpline	1800 010 120 (7:30am – 11:30pm), 7 days <a href="https://qsan.org.au/">https://qsan.org.au/</a> The Sexual Assault Helpline offers emotional support and referral pathways to anyone who has or thinks they may have been sexually assaulted or abused. It is also for those who are concerned someone they care about might have been assaulted or abused.
VICTORIA (VIC)	
Centre Against Sexual Assault (CASA)	1800 806 292 <a href="https://casa.org.au/">https://casa.org.au/</a> A free confidential 24-hour emergency or crisis care service for victim / survivors who have recently been sexually assaulted. Services also includes counselling support and may include access to medical care and legal processes.

## Appendix B - ACU Internal and External Support Services for Students who are the Subject of a Formal Report of Sexual Misconduct

ACU 24 Hour Mental Health Support Line	<a href="https://www.acu.edu.au/student-life/student-services/counselling-services">https://www.acu.edu.au/student-life/student-services/counselling-services</a>
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ACU Medical Centres	<a href="https://www.acu.edu.au/student-life/student-services/medical-centres">https://www.acu.edu.au/student-life/student-services/medical-centres</a>	
Access and Disability Service	<a href="https://www.acu.edu.au/student-life/student-services/disability-support">https://www.acu.edu.au/student-life/student-services/disability-support</a>	
Campus Ministry	<a href="https://campusministry.acu.edu.au/">https://campusministry.acu.edu.au/</a>	
Counselling Service	<a href="https://www.acu.edu.au/student-life/student-services/counselling-services">https://www.acu.edu.au/student-life/student-services/counselling-services</a>	
Indigenous Higher Education Units	Yalbalinga (Blacktown, North Sydney and Strathfield) Email: <a href="mailto:yalbalinga@acu.edu.au">yalbalinga@acu.edu.au</a> Phone: 02 9701 4258	Dhara Daramoolen (Canberra) Email: <a href="mailto:dhara.daramoolen@acu.edu.au">dhara.daramoolen@acu.edu.au</a> Phone: 02 6209 1231
	Jim-baa-yer (Melbourne and Ballarat) Email: <a href="mailto:jimbaayer@acu.edu.au">jimbaayer@acu.edu.au</a> Phone: 03 9953 3004	Weemala (Brisbane) Email: <a href="mailto:weemala@acu.edu.au">weemala@acu.edu.au</a> Phone: 07 3861 6122
Global	<a href="https://www.acu.edu.au/international-students/contact-international-student-support/international-student-advisers">https://www.acu.edu.au/international-students/contact-international-student-support/international-student-advisers</a> Phone: 02 9465 9273 or 1800 180 391 (after hours)	
Legal Advice Service	Wisewould Mahoney Lawyers - Note: restrictions on the nature and extent of the advice may apply. <a href="http://www.studentportal.acu.edu.au/legal">www.studentportal.acu.edu.au/legal</a> Request form: <a href="https://acu.wisewouldmahony.com.au">https://acu.wisewouldmahony.com.au</a>	
MensLine Australia	A telephone and online counselling service for men with emotional health and relationship concerns, including issues of violence. <a href="https://mensline.org.au/">https://mensline.org.au/</a> or call 1300 78 99 78	
Men's Referral Service	A men's family violence telephone counselling, information and referral service for men using or at risk of using violent or controlling behaviour. <a href="https://ntv.org.au/get-help/">https://ntv.org.au/get-help/</a> or phone 1300 766 491	
Student Advocacy Service	<a href="https://www.acu.edu.au/student-life/student-services/student-advocacy">https://www.acu.edu.au/student-life/student-services/student-advocacy</a>	

## Section 14 - Associated Information

(65) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	17th September 2024
<b>Review Date</b>	17th September 2029
<b>Approval Authority</b>	Safeguarding and Student Safety Advisory Committee
<b>Approval Date</b>	17th July 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	John Burdick Director, Student Experience and Enhancement
<b>Responsible Manager</b>	Taleah Neowhouse National Manager, Safeguarding and Student Safety
<b>Enquiries Contact</b>	Taleah Neowhouse National Manager, Safeguarding and Student Safety <hr/> Student Experience