

# Student Sexual Misconduct Prevention and Response Procedure

## Support Services Contact Information

(1) For someone in immediate danger or requiring immediate medical attention, contact Emergency Assistance.

Emergency assistance  
On campus - (02) 9850 9999  
For immediate help on campus  
Off campus - 000  
For immediate help off campus

(2) Support on campus:

| Service  | Contact Information   |
|--|---|
| For Students<br>Student Wellbeing<br>Urgent matters:<br>Phone or ask at Reception for a same day appointment                             | T: (02) 9850 7497<br>E: <a href="mailto:wellbeing@mq.edu.au">wellbeing@mq.edu.au</a><br>W: <a href="#">Counselling Services</a> – online self-referral form<br>Location: Ground Floor, Australian Hearing Hub 16 University Avenue Macquarie University NSW 2019<br>Hours: Monday – Friday 9:00am – 5:00pm. |
| Non-urgent matters:<br><a href="#">Counselling Services</a> .<br>If you cannot complete the online form, can phone or drop by reception. |   |
| After hours<br>(7 days a week)   | MQ Care Line 1800 227 367   |
| For University staff Benestar<br>24 hours, 7 days  | T: 1300 360 364<br>W: <a href="#">Employee Assistance Program</a>   |

(3) Support outside the University:

| Service Name  | Contact Information   |
|---|---|
| Full Stop Australia<br>Free 24/7 telephone and online crisis counselling service for anyone who has experienced sexual assault.   | Phone and online counselling (24/7) T: 1800 424 017<br>W: <a href="#">Full Stop Australia</a> |
| Northern Sydney Sexual Assault Service<br>Forensic and counselling service for adults.  | T: (02) 9462 9477   |
| Interpreters<br>Free interpreters can be provided over the phone or in person. Interpreters must keep confidential information which they interpret. <a href="#">Translating and Interpreting Service</a> will need to know which service you need to call and your name. They do not need to know why you are calling the service. | T: 131 450<br>W: <a href="#">Translating and Interpreting Service</a>                         |
| <a href="#">QLife</a><br>Anonymous and free phone or online support for LGBTQIA+ people, available every day from 3pm-midnight  | T: 1800 184 527<br>W: <a href="#">QLife</a>   |

| Service Name  | Contact Information  |
|---|--|
| <a href="#">MensLine Australia</a><br>Free phone or online support for men.   | T: 1300 78 99 78<br>W: <a href="#">MensLine Australia</a>  |
| <a href="#">National Relay Service</a><br>24-hour service relaying information for people who are deaf or have speak impairments. There are special contacts available for emergency services – see the relay service website for more information. | TTY/voice calls: 133 677<br>Speak & Listen: 1300 555 757<br>SMS relay: 0423 677 767<br>W: <a href="#">National Relay Service</a> |
| <a href="#">eSafety Commissioner</a><br>eSafety responds to concerns relating to cyberbullying, image-based abuse and illegal and misconductful online content  | Make a Report: <a href="https://www.esafety.gov.au/report">https://www.esafety.gov.au/report</a>                                 |

## Section 1 - Purpose

(4) This Procedure accompanies the [Student Sexual Misconduct Prevention and Response Policy](#). It includes:

- a. information about seeking support for sexual misconduct;
- b. information about how to report sexual misconduct to Macquarie University;
- c. information about reporting to external organisations;
- d. information about what happens when someone submits a report about sexual misconduct, via [Report Inappropriate or Unwanted Behaviour](#); and
- e. procedures for Macquarie staff responding to reports.

(5) Procedures described in this document do not override:

- a. professional standards regarding confidentiality between clients and medical practitioners, nurses, psychologists, social workers;
- b. mandatory reporting requirements according to child protection legislation, [Crimes Act 1900](#) or [Work Health and Safety Act 2011](#);
- c. any other legal obligations applicable to Macquarie University.

## Section 2 - Policy

(6) Refer to the [Student Sexual Misconduct Prevention and Response Policy](#).

## Section 3 - Procedures

### Support

(7) For someone in immediate danger or requiring immediate medical attention, contact Emergency Assistance (see 'Support Services Contact Information' at the start of this Procedure).

(8) Confidential support for students is available at Macquarie University via Student Wellbeing, or off campus. See 'Support Services Contact Information' at the start of this Procedure.

(9) Student Wellbeing staff can provide information to students about support available for mental health, study, accommodation, finances and referrals to legal advice.

## Study adjustments

(10) Seeking support can include the request for study adjustments, such as changes to a student's study timetable. Contact Student Wellbeing to discuss study adjustments. Study adjustments may not include measures relating to other students; see 'Interim Measures' in the [Student Sexual Misconduct Prevention and Response Policy](#) and this Procedure for information about measures relating to other students.

## Supporting someone who has experienced sexual misconduct

(11) For more information about supporting someone who has been affected by sexual misconduct, see Section 1.6 of the [Guide to Sexual Misconduct Prevention and Response Policy](#).

(12) Students and staff who would like further assistance with how best to respond to a disclosure can contact Student Wellbeing. For training about responding to disclosures, contact Student Diversity and Inclusion.

## Reporting sexual misconduct

(13) For someone in immediate danger or requiring immediate medical attention, contact Emergency Assistance (see 'Support Services Contact Information' at the start of this Procedure).

## Report Inappropriate or Unwanted Behaviour

(14) The [Report Inappropriate or Unwanted Behaviour](#) online report form can be used to report sexual misconduct involving Macquarie University students. Reports can be made anonymously or with identity information.

(15) Staff and students can report sexual misconduct on behalf of another person using the [Report Inappropriate or Unwanted Behaviour](#) form. If possible, discuss making a report with the person who experienced the behaviour and ask for their agreement before reporting sexual misconduct to the University.

## Anonymous Reports

(16) An anonymous report means the person making the report has not provided their name or contact details. The University may be limited in what action it can take after receiving an anonymous report.

(17) When an anonymous [Report Inappropriate or Unwanted Behaviour](#) form is submitted, the person making the report is asked to provide a report reference number. The report reference number can be provided to the University, if the person making the report later decides they want to provide their identity or follow up on their report.

## Report with identity information

(18) Reports with identity information contain the name and contact information of the person making the report and / or the person who experienced the behaviour.

(19) If a [Report Inappropriate or Unwanted Behaviour](#) form is submitted and there has been no response after three (3) business days, contact [respect@mq.edu.au](mailto:respect@mq.edu.au).

## Reporting to an External Organisation

(20) Reports to external organisations, including [NSW Police](#), are not usually shared with the University. For the University to assess and respond to an incident, a [Report Inappropriate or Unwanted Behaviour](#) form report must be submitted.

## How the University Responds to Reports

(21) To find out how Macquarie University manages confidentiality of reports about sexual misconduct, see 'Privacy

and Confidentiality' in the [Student Sexual Misconduct Prevention and Response Policy](#).

## How the University Responds to Anonymous Reports

(22) When an anonymous [Report Inappropriate or Unwanted Behaviour](#) form is submitted:

- a. Staff from Student Wellbeing are notified. They identify if any immediate action is required to manage the safety of any member of the Macquarie University Community. They may contact University Security Services, Emergency Services or NSW [Communities and Justice](#), and may share information from the report. If a report indicates a significant risk involving University [Accommodation](#), Student Wellbeing staff may contact staff at University [Accommodation](#) to alert them.
- b. The Safety and Wellbeing Advisor (at Student Wellbeing) will then assess whether the information provided in an anonymous report indicates that the University needs to take further action. For instance, by improving security or signage in certain locations, or implementing staff training. The Safety and Wellbeing Advisor may seek advice from staff in University Security Services, Student Complaints and Discipline services, Engagement, Inclusion and Belonging, Human Resources, Workplace Health and Safety and the Office of General Counsel and consult with staff from the Pro Vice-Chancellor (Dean of Students), and the Office of the Vice-Chancellor. Discussions with staff at University [Accommodation](#) may also occur.
- c. If a report involves an incident occurring during an activity funded by the [Department of Foreign Affairs and Trade](#) (DFAT), the University must alert DFAT that a report has been received.
- d. Information from all reports will be used to monitor general trends relating to sexual misconduct affecting the Macquarie University Community and to report to the University Executive Group and University Council. No information that could identify individuals will be included in reporting.

## How the University Responds to Reports with identity information

(23) When a [Report Inappropriate or Unwanted Behaviour](#) form with identify information is submitted:

- a. Staff from Student Wellbeing are notified. They will contact the person to check that they are safe (and to check on the safety of any others affected), discuss access to support services and identify any other immediate action required to manage safety of any member of the Macquarie University Community.
- b. If the report is made by a person about another person who experienced the behaviour, Student Wellbeing staff will contact that other person, if their identity is known and take such steps in 23(a) above as are necessary.
- c. To manage any risks to safety, Student Wellbeing staff may alert University Security Services, Emergency Services or [Communities and Justice](#), if action from these services is required. If a report indicates a significant risk involving residents living in University [Accommodation](#), Student Wellbeing staff may also contact staff at the University [Accommodation](#) provider. If the University is subject to any mandatory reporting obligations, Student Wellbeing will advise the relevant authorities according to the obligation.
- d. The Safety and Wellbeing Advisor (within Student Wellbeing) will then consult with the person who submitted the report to discuss their wishes regarding a response to the report. If the report is made about or on behalf of another person who experienced the behaviour, the Safety and Wellbeing Advisor will consult that other person to discuss their wishes regarding a response to the report, if their identity is known.
- e. The Safety and Wellbeing Advisor may seek advice from staff in Student Complaints and Discipline, Engagement, Inclusion and Belonging, Workplace Health and Safety, Human Resources, Office of General Counsel or other relevant areas, in relation to any University response. The Safety and Wellbeing Advisor will provide information about the University complaints and student misconduct processes, including investigation processes, to inform this advice.
- f. The Safety and Wellbeing Advisor will also assess whether a report indicates that the University needs to take general action, to improve safety. They may seek advice from relevant staff across the University. Discussions with staff at University [Accommodation](#) providers may also occur.

- g. Information from reports may be used to monitor general trends relating to sexual misconduct affecting the Macquarie University Community, to report to the University Executive Group. No information from reports which could identify individuals will be included in reporting on general trends.

## **How the University Reports to External Agencies and Regulatory Bodies**

(24) Under the [Tertiary Education Quality and Standards Agency Act 2011](#) (s29(1)(a)) the University is required to report to the [Tertiary Education Quality and Standards Agency](#) (TEQSA) any event, or response to an event, that creates a material change (refer the [TEQSA Material Change Notification Policy](#)) that significantly affects the University's ability to meet the [Higher Education Standards Framework \(Threshold Standards\) 2021](#) for the Wellbeing and Safety of students. Examples which might involve such a material change include:

- a. recurring incidents of sexual misconduct or other material breaches in safety; or
- b. an investigation that identifies failures in policies and processes designed to protect students.

(25) In the case of such an event, the University must notify TEQSA within 14 days. Individual cases of sexual misconduct are unlikely to effect a material change to the University's ability to meet the Threshold Standards for Wellbeing and Safety and are not required to be reported to TEQSA.

(26) If a report involves an incident occurring during an activity funded by the [Department of Foreign Affairs and Trade](#) (DFAT) the University must alert DFAT that a report has been received. This will occur in consultation with the person who made the report.

## **Investigative and Disciplinary Processes**

### **University Investigation of Reports about Students**

(27) The Safety and Wellbeing Advisor will determine if conduct reported in the [Report Inappropriate or Unwanted Behaviour](#) form requires Investigation by the University. Reports are then managed by the Complaints, Appeals and Misconduct team, in accordance with the [Student Conduct Procedure](#). The report, including identity information, will be shared with staff managing student misconduct matters.

### **Delays to University Investigation**

(28) If a police investigation, or investigation by another external organisation commences, the University may be required to delay its own investigation. This is to avoid adversely affecting the external investigation. The University may delay its own investigation until:

- a. it is advised that any University investigation will not adversely affect an external investigation; or
- b. when advised that the external investigation is complete or is not continuing.

(29) Where a University investigation is delayed, interim measures may be put in place (or additional interim measures, if interim measures are already in place) by the University in the interests of safety or to prevent harm to any member of the Macquarie University community.

### **Interim Measures**

(30) Interim measures are temporary restrictions or requirements. Any student can be asked to comply with interim measures, if assessment of the report of sexual misconduct indicates that this is needed to manage the safety of the Macquarie University Community.

(31) For instance, the University may stop a student from entering specific University buildings, facilities or accommodation, restrict access to certain classes, or prohibit a student from speaking to or approaching another

person.

(32) Interim measures do not anticipate the outcome of any University or external investigation and are not a sanction.

(33) If Student Wellbeing believes interim measures are necessary, they may consult staff in the roles listed below to discuss applying for interim measures:

- a. Manager, Student Equity, Diversity and Inclusion;
- b. Head, Student Engagement, Inclusion and Belonging;
- c. Head, Student Wellbeing;
- d. Executive Manager, Dean of Students;
- e. Manager of Assessment, Student Wellbeing;
- f. Manager of Interventions, Student Wellbeing;
- g. Manager of Accessibility, Student Wellbeing;
- h. Pro Vice-Chancellor (Indigenous);
- i. Chief People Officer or their delegate;
- j. Head, Workplace Health and Safety.

(34) Any interim measure must be approved by the Registrar, or their nominee. The Registrar can ask appropriately qualified staff at the University to provide advice regarding whether the proposed interim measures should be varied, removed, or approved.

(35) A student who is subject to interim measures may request a review of interim measures.

(36) A student can write to the Deputy Vice-Chancellor (Academic) via [disciplinecommittee@mq.edu.au](mailto:disciplinecommittee@mq.edu.au) to request a review of interim measures. A student requesting a review of interim measures must provide information to the Deputy Vice-Chancellor (Academic) about why the interim measures should be removed or varied. Any review of interim measures must be completed in a reasonable timeframe.

## Section 4 - Guidelines

(37) Nil.

## Section 5 - Definitions

(38) Definitions specific to this Procedure are contained in the [Student Sexual Misconduct Prevention and Response Policy](#).

## Status and Details

|                              |   |
|------------------------------|---|
| <b>Status</b>                | Current   |
| <b>Effective Date</b>        | 9th November 2022   |
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| <b>Approval Authority</b>    | Deputy Vice-Chancellor (Academic)   |
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| <b>Responsible Executive</b> | Rorden Wilkinson<br>Deputy Vice-Chancellor (Academic)                     |
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