

Important things to know: sexual misconduct and gendered violence.



UNSW
SYDNEY

CRICOS Provider Code 00098G

Important things to know if you are affected by sexual misconduct or gendered violence while at UNSW.

We work in the Conduct and Integrity Office (CIO) at UNSW. When reports of sexual harassment, sexual assault, or other gendered violence are received, we are responsible for handling such reports.

As much as we hope that sexual misconduct of any type would never occur within the UNSW community, we understand that it does. As such, this booklet will give you information for what to do if something does occur.

Here at UNSW Conduct & Integrity, we follow a trauma informed approach. This means that when you make a report, the way that we respond to the report will be informed by your wishes and instructions. You have control over what happens next, including requesting no action.

You may just want to make a report. By providing information to our Office, you help us to ensure that no events of this type go unreported. This information may assist in future matters, or where a pattern of behaviour is reported, certain security measures may be implemented. Every report that is made makes UNSW a little bit safer. Thank you for considering making a report.

You can also ask us to investigate your matter, either as a student complaint, or an allegation of student misconduct. It is important to remember that evidence of your experience is crucial. Therefore, it is vital that you ensure that you retain and provide any information about the incident that you are reporting. Photos, videos, witness reports, security or building access records can be important. Conclusive investigations into sexual misconduct or gendered violence usually rely upon evidence produced from the time of the incident. Messages, screenshots, emails to others, or even telling other people what has happened at the time can be very persuasive. You may also want to consider providing a report to the police, which captures an accurate record of your recollections. You can make a report to the Police and decide what you want them to do with the information.

Outcomes of an investigation can vary depending on the circumstances of the incident and what you would like from the process however some possible outcomes include: connecting you with counselling and/or medical support, suspension or expulsion of perpetrator, as well as remedial educative action.

Got questions?
cio@unsw.edu.au

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Where can you make a report of Sexual Misconduct?

You can report any incident of sexual assault or harassment to UNSW via the online Sexual Misconduct Reporting Portal. You can report anonymously if you wish, however doing this may limit our ability to provide you with ongoing support or investigate the matter.

Alternatively, if you would feel more comfortable making a report in person or talking through your options before you make a report, you can report or discuss with UNSW Psychology & Wellness or an official UNSW First Responder. You can locate these services by visiting the UNSW Psychology & Wellness website or emailing reportsexualmisconduct@unsw.edu.au.

When a Sexual Misconduct Portal report is first received at UNSW Conduct and Integrity Office

If you consent to your report being provided to the UNSW Conduct and Integrity Office, a senior investigation officer will carefully read your report and will offer you the opportunity to discuss it. We understand that talking about the incident can be difficult. You can expect that you will be treated with courtesy, respect and fairness.

We can also provide you with information about support services inside and external to UNSW, including Arc@UNSW Legal and Advocacy and UNSW Psychology & Wellness. Often during an investigation you will be asked to provide additional information, which will enable us to properly assess your report and decide the best way forward. It is important that you provide as much detail as you can.

We understand that recounting the detail of the incident can be uncomfortable. The investigation officer will do everything they can to minimise your discomfort, including making sure that there is someone of your same gender is available to speak to you. In addition, we encourage you to bring a support person with you to any meeting with the investigation officer, if you wish.

Once the investigation officer has this preliminary information, they will assess if the matter is within the scope of an applicable UNSW policy or procedure. In relation to complaints of sexual misconduct, the investigation officer will be guided by the UNSW Student Complaint Procedure, the UNSW Student Misconduct Procedure and the UNSW Sexual Misconduct Prevention and Response Policy. You may find it helpful to read these documents and ask any questions you have at the interview.

For our office to investigate your complaint as a potential breach of the UNSW Student Code of Conduct, the incident that is the subject of your report must have a tangible connection to UNSW. Below is a table that provides examples of what we mean:

When we can investigate	When we cannot investigate
The alleged sexual misconduct occurred on campus for e.g. in the library or a classroom	The alleged sexual misconduct occurred at an event unconnected to UNSW, such as at a private venue or residence
The alleged sexual misconduct occurred at an official event for a UNSW student society	The alleged sexual misconduct occurred at social drinks at a pub following an official meeting of a UNSW student society
The alleged sexual misconduct occurred on an official UNSW website, or a site controlled by UNSW, such as an official UNSW Facebook page	The alleged sexual misconduct occurred on a platform not controlled by UNSW, such as an unofficial Facebook page
The alleged sexual misconduct occurred at UNSW, owned, operated or affiliated accommodation	The alleged sexual misconduct occurred at a private unaffiliated college or private home

There are other factors that may limit our ability to investigate, including where the person identified as responsible for the misconduct is not a UNSW student or staff member or is not otherwise connected to the University.

If UNSW is unable to proceed with an investigation, that does not mean that the University does not believe you, or that the incident did not occur. It means that UNSW does not have the power to investigate the report. Even if an investigation does not go ahead as a potential student or staff misconduct issue, the University will always offer support services and referrals as appropriate.

What can you expect from an investigation?

If your report concerns the conduct of a UNSW student, the investigation will be conducted by our office. If the matter concerns a UNSW staff member, it will be referred to Employee Relations. Staff matters are handled differently because of legal requirements.

The purpose of a student investigation at UNSW is to determine if there has been a breach of a code, policy or procedure. The standard of proof required is the balance of probabilities (there is more information about this below). Importantly, UNSW cannot determine whether a criminal act has occurred.

Reports to NSW Police

If what you are reporting involves an allegation of a serious indictable offence we may have an obligation under the Crimes Act 1900 (NSW) to report the matter to NSW Police, if the information we have would assist with securing the apprehension, prosecution or conviction of the offender. Before the university decides if it is obliged to report the matter, we will consult with you about your views on reporting the incident to police. We understand that you may have a good reason for not wanting to make a report to the police and wherever possible, we will respect and support you in this decision.

While we encourage the reporting of sexual assault to the police, we respect your right to decide for yourself whether to make a police report or not. You can choose to report an incident of sexual assault to the police, either formally through the local police station, or informally through the NSW Police sexual assault reporting questionnaire. We can also assist you to make the report. You can report a matter to police and later change your mind and decide that you do not want them to investigate.

Where the police commence an investigation, we will normally suspend our student investigation, pending the outcome of their inquiries. This is to avoid compromising the police investigation or any prosecution. However, the University will prioritise providing you with support, referrals and ensuring your safety.

You should also be aware that if your matter goes to court, we will likely await the court outcome before completing our own investigation. This will not prevent us from taking any precautionary security measures, or assisting you with special consideration applications or the like.

Investigations conducted by the CIO

When our investigation officer speaks with you, they may ask if anyone else has relevant information about what occurred. They may need to speak with those other people (known as “witnesses”) to obtain additional information. The investigator will also ask you if you have any evidence that you would like to submit as part of an investigation. Evidence could include materials like text messages, emails, video or audio recordings, a police statement or a security report made at the time the incident occurred.

Once the investigator has all the information they require, they will invite the person believed to be responsible for the conduct (known as the “respondent”) to respond to the allegation. The respondent will be provided with relevant information gathered during the investigation and will be given an opportunity to provide their version of events. This is done as a matter of fairness and is based on a legal principle called “procedural fairness.” The respondent may also nominate their own witnesses, whom the investigator may need to speak with, and provide their own supporting evidence. The respondent may also seek legal advice before responding to the allegation or at any stage during the investigation.

Once the respondent has provided their response, and any further enquiries have been completed, the investigator will then evaluate all of the information that was obtained and make findings. The report will then be referred to the Designated Officer, someone who makes a final decision. The Designated Officer will determine, on the balance of probabilities, if any breach of university policy or procedure has occurred and if so, what penalty, if any, should be imposed.



How does the Designated Officer make their decision?

You may have heard the phrase “beyond reasonable doubt.” This is the standard to which an allegation of criminal conduct must be proven. However, as we have said previously, we do not investigate crimes and that standard does not apply to our investigations. Instead, the standard that we apply is “on the balance of probabilities.” What that means is that in order for the Designated Officer to find that something happened, they must be satisfied that it is more probable than not that the conduct occurred.

When making their determination, the Designated Officer must assess the strength or weight of the evidence. They will consider the reliability of the evidence; whether it is relevant to the alleged conduct; if accounts are consistent (over time, with other evidence, and more or less plausible); and whether there is any other evidence to support or contradict an allegation.

The Designated Officer will base their decision on the evidence, and not guesswork, suspicion or rumour. The more serious the wrongdoing, the more care the decision maker must exercise when deciding if they are satisfied that the conduct occurred.

During this decision, we may seek your views on what should happen next.

Other things you should know about the investigation process

The investigation process can take time. There are a several factors that can impact the duration of an investigation including:

- Whether police are conducting inquiries (and ask UNSW to suspend its investigation)
- The complexity of the reported incident;
- The willingness and availability of a witness to participate in an investigation (please be aware that witnesses are not obliged to participate);
- Parties obtaining legal advice;
- Where new information revealed during the course of an investigation leads to additional inquiries.

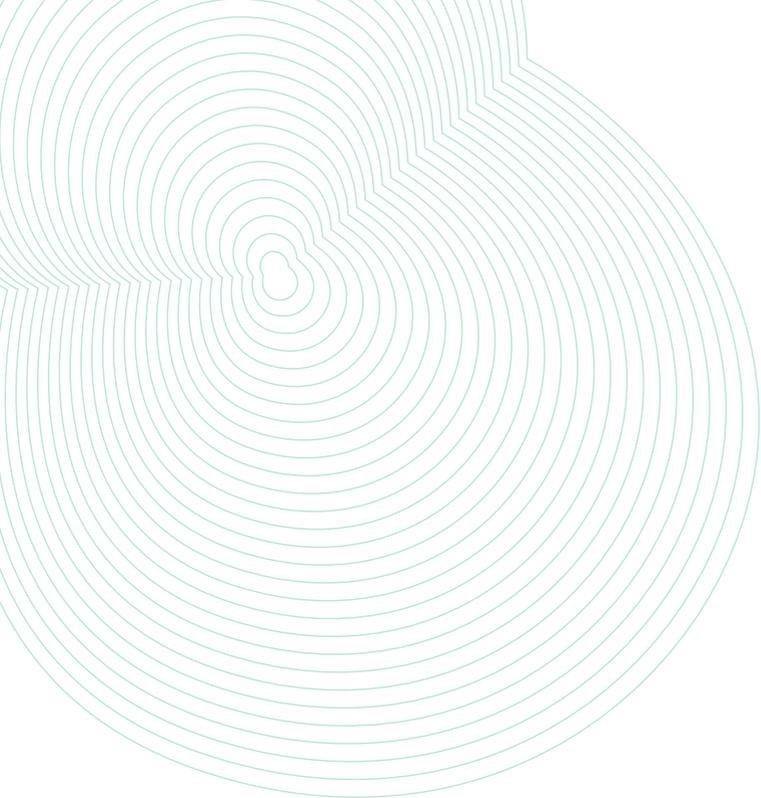
It is important for you to know that it is not the role of the investigation officer to provide welfare support to the parties involved in the investigation. Instead, the Conduct & Integrity Office can help link you with counselling, medical and other supports.

What are the kinds of things the university can do to make you feel safer?

After you make a report of sexual misconduct, there are a number of things we can do to help you feel safer when on campus:

- With your consent, we can inform UNSW Security of your report, so that they have a record of the incident. If ever you feel unsafe on campus, you can contact Security and they can assist you.
- Organise UNSW Security escorts.
- If you share classes with the alleged respondent, seek to arrange for them to attend different classes.
- Assist or support you in applying for Special Consideration.
- In very serious, urgent or violent matters, restrict the alleged respondent from attending campus, UNSW accommodation, a laboratory or similar.





Other UNSW resources

For information about sexual misconduct, including how to make a report and the support services available to students, please visit: www.edi.unsw.edu.au/sexual-misconduct

If you want further information, please contact us at cio@unsw.edu.au





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