



UniSA Sexual Harm Policy Investigations

Information for Complainants

At UniSA, complaints of sexual harm are treated seriously and managed in accordance with our Sexual Harm **Policy** and **Procedure**.

All sexual harm investigations are undertaken in a manner that is **trauma-informed** and supports the principles of **natural justice** and **procedural fairness**.

You will be kept informed throughout the investigation process and can ask questions and raise concerns at any time. You are entitled to **support** during an investigation and can access free and confidential counselling from **UniSA Counselling Services**. For more information about external support services, **see here**.

During a sexual harm investigation, you are known as the **complainant** in the process (as you are the person who has made a complaint). The person the complaint is about is known as the **respondent** (as they must respond to the allegations made against them).

A University investigation is **not** a criminal investigation – we cannot determine whether a person has broken the law. A University investigation can only determine whether a person has breached University policies. For more information about reporting to Police or other external agencies **see here**.

How will my confidentiality be maintained?

Confidentiality is strictly upheld during and after investigations into complaints of sexual harm. During the investigation, the complainant, respondent, and any witnesses are required to keep their involvement confidential.

The respondent and complainant are not permitted to have any contact during the investigation. Victimisation (retaliation or intimidation for making a complaint) will not be tolerated, and serious penalties will apply.



What happens during a Sexual Harm investigation?



Complainant meeting

The first step in the investigation is for the investigator to invite you to a meeting to gain further information. The investigator will ask questions to understand your perspective and what outcomes you may be seeking from the University.

You can take breaks during the meeting if needed. You can also bring a **support person** with you to the meeting – such as a trusted friend, family member or a counsellor. The support person cannot have any involvement in the case (e.g. they cannot be a witness). The role of the support person is to be your emotional support during the meeting – they can observe and support you if you need a break. The support person is not permitted to speak on your behalf in the meeting – you should answer any questions yourself.

After the meeting, you will be provided with notes of the meeting. You will be asked to read the notes to confirm that they are an accurate record. You can add information or make changes to the notes. You can also ask for an additional meeting if you remember further details you would like to discuss.



Respondent notified

During an investigation, the respondent will be provided with information about the complaint made against them, in line with the principles of natural justice and procedural fairness. The respondent will also be asked to attend meeting with the investigator to provide a response to the complaint made against them. You will be informed before the respondent is contacted by the investigator.



Supporting evidence

The investigator may gather additional information – e.g. screenshots, copies of documents or records (as relevant). The investigator may also choose to interview witnesses. Information will not be unnecessarily disclosed to witnesses and the importance of confidentiality will be reinforced.



Can I withdraw my complaint?

You have the right to withdraw a complaint at any stage of the process. However, if there are risks to safety, the University may continue to act on the information provided.

What are interim measures?

In some circumstances, the **Director: SEU** may determine that interim measures are necessary to reduce the risk of further harm to you and/or the University community. Interim measures may involve temporary restrictions or requirements for the respondent. For example, moving them from a tutorial or restricting their access to campus. These measures do not in any way signal or anticipate the outcome of the investigation. For more information see **Section C** of the **Student Sexual Harm Procedure**.

What outcomes can I expect from a Sexual Harm investigation?

Once the investigator has collected all relevant evidence, they will write a report for the Director: SEU. The Director will determine whether, on the balance of probabilities, the complaint has been substantiated and whether there has been a breach of the Sexual Harm Policy. The Director will inform you of this decision.

If the respondent is found to have breached the Sexual Harm Policy, a range of outcomes or penalties may apply. For example, a respondent may be required to undertake training to understand why their behaviour was inappropriate. A respondent's enrolment may also be restricted or suspended. In some circumstances, restorative actions (such as an apology) may be considered. Restorative actions will only be considered if you, as the complainant, agree. For more information see **Section D** of the **Student Sexual Harm Procedure**.

How can I appeal the outcome or process of an investigation?

In accordance with **Section E** of the **Sexual Harm Procedure** if you are dissatisfied with the University's management of the complaint, you can contact the UniSA **Student Ombud**. External appeal options are available through the Tertiary Education Quality and Standards Agency (**TEQSA**).

For more information, visit the SASH website: unisa.edu.au/sash