



# UniSA Sexual Harm Policy Investigations

## *Information for Respondents*

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**, including the Out Of Hours Crisis Line (call 1300 107 441 or text 0488 884 163 (5:00pm to 9:00am on weekdays, and 24 hours on weekends and public holidays). External support services include:

- **Lifeline** – 24/7 crisis and mental health support (13 11 14 or **online chat**).
- **BeyondBlue** – 24/7 mental health information and support (1300 22 4636 or **online chat**).
- **MensLine Australia** – 24/7 telephone and online counselling service for Australian men (1300 78 99 78 or **online chat**).

During a sexual harm investigation, you are known as the **respondent** in the process (as you are the person responding to a complaint that has been made about you). The person who made the complaint is known as the **complainant**.

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. If a report is made to Police, the University will comply with Police requests and may be required to pause any internal investigation.



## 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

Prior to meeting with you, the investigator will have met with the complainant to understand the nature and details of their complaint.



### Respondent meeting

As the respondent, you will be notified that a complaint has been made about you. You will be provided with information about the complaint, in line with the principles of natural justice and procedural fairness. You will then be asked to attend a meeting with the investigator. The meeting is an opportunity for you to provide a response to the complaint. The investigator will ask questions to understand your perspective on what happened.

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 – 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.



### 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.



### What are interim measures?

In some circumstances, the **Director: SEU** may determine that interim measures are necessary to reduce the risk of further harm. Interim measures may involve temporary restrictions or requirements for you as the respondent. For example, you may be required to move tutorials to avoid contact with the complainant. Interim measures do not in any way signal or anticipate the outcome of the investigation. You will be informed by the Director: SEU of any interim measures and requirements. 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 you are found to have breached the Sexual Harm Policy a range of outcomes or penalties may apply depending on the circumstances of the case. For example you may receive a formal warning or reprimand, be required to undertake training, attend counselling, and/or you may be prohibited from entering certain areas of the University. Your enrolment may also be restricted, suspended or cancelled. In some circumstances, restorative actions may be considered, if the complainant agrees. 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 outcome of an investigation you can lodge an appeal with the **Student Appeals Committee**. 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](https://unisa.edu.au/sash)