



Safeguarding and student safety

Staff guide: Responding to student disclosures

Understanding sexual assault and sexual harassment and how to support a student through a disclosure

CRICOS registered provider: 00004G | PRV12008

WHAT IS SEXUAL ASSAULT?

Sexual assault is any **uninvited** sexual behaviour that makes a person feel **uncomfortable, frightened, threatened or harassed**. It includes any sexual acts occurring without the consent of the other party or after consent has been withdrawn.

Sexual assault can include:

- any type of contact with someone who does not consent or cannot consent
- unwanted sexual behaviour, eg unwanted touching or fondling above or under clothes, or kissing
- intimate partner sexual assault
- voyeurism or peeping
- exhibitionism
- sending someone unwanted texts or “sexts” (sending sexual photos or messages).

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any **unwelcome** and **unwanted** sexual advance, unwelcome request for sexual favours or other unwelcome conduct or behavior that one finds **offensive, humiliating or intimidating**. Sexual harassment may be physical or non-physical, online, via phone or in-person.

Sexual harassment can include:

- touching or grabbing someone’s body in an unwanted way
- demanding to have sex
- asking, emailing or texting for sexual favours
- leering or staring
- showing or sending pornographic or offensive material
- making sexual jokes, comments or gestures that causes discomfort
- asking intrusive questions about someone’s sex life.

UNDERSTANDING CONSENT

Consent is not just about being intimate. It is about everyone’s right to having control over their body in all types of relationships. Consent must be freely, voluntarily and enthusiastically given by a person with the cognitive capacity to do so.

Consent can only be given when it is free and voluntarily, without fear, coercion, intimidation or anything else that inhibits free agreement, such as not having the cognitive capacity to do so. A person that does not have the cognitive capacity to give consent freely and voluntarily includes someone who is under the influence of alcohol or other drugs, unconscious, asleep, under the age of consent or has a cognitive impairment.

Consent also needs to be actively communicated in order to establish a free agreement. It is not enough to say that an individual consented just because they did not refuse, did not say “no” or did not resist.

Silence is not consent.

Consent can be withdrawn at any point.

Watch ACU’s [Consent Video for Students](#).

A person consents when they:

- know and understand what is going on
- know what they want to do
- are able to say what they want or don’t want to do
- are aware that they are giving consent.

A person cannot consent when they:

- are threatened, forced, coerced or manipulated into agreeing
- not physically able to do so (they are drunk, high, passed out, asleep)
- not mentally able to do so (due to illness or disability)
- under the age of legal consent (varies in each state/territory).

What is not considered consent:

- Silence: Just because they do not say “no” doesn’t mean they are saying “yes”.
- Having consented before: Consent must be for every sexual activity, every time.
- Being in a relationship: Being married, dating or having sexual relations with someone before does not mean that there is consent now.

- Not fighting back: Not putting up a physical fight does not mean there is consent.
- Particular clothing, dancing or flirting: What someone wears or how they dance or behave does not show consent for sexual activity. Only a clear, enthusiastic, unambiguous “yes” means yes.

WHAT TO DO WHEN A STUDENT DISCLOSES SEXUAL ASSAULT, SEXUAL HARASSMENT, FAMILY AND DOMESTIC VIOLENCE TO YOU

When someone shares their experience with you, it usually means that they are seeking help and they trust you, so your initial response is critical to their recovery and to the decisions that they make next. Here are some tips on what to do when someone discloses to you:

Remain calm. You may feel shocked or outraged, but expressing these emotions to the person may cause confusion or discomfort.

DO	DON'T
<ul style="list-style-type: none"> • Find a safe space free that allows them to talk without others being able to hear • Tell them “I believe you, and I am sorry this happened to you, what happened to you is not OK.” • Give them your full attention • Maintain eye contact • Pay attention to what is not said by noticing nonverbal cues • Listen without judgement • Reassure them that their feelings – whatever they are – are natural human responses • Express empathy while maintaining professional boundaries • Respect their wishes if they do not want to make a formal report to ACU or report to the police • Tell them what happened was not their fault • Provide them with information about the university support services – such as the Safeguarding and Student Safety team and ACU Counselling Service – as well as external support services • Provide them the link to acu.edu.au/respect so that they can access further information about how they can seek support, make a formal report or report to external agencies such as the police • Let them know they can remain anonymous, but you may need report it to the university and why • Call the Safeguarding and Student Safety team to report the disclosure and include the type of incident and the student’s campus location. • Refer the student to the Safeguarding and Student Safety team or provide the team with the student’s details if they have consented for you to do so 	<ul style="list-style-type: none"> • Victim-blame including asking “why” questions, eg “Why were you there?”; “Why did you have so much to drink?”; “What were you wearing?” • Ask intrusive unnecessary or personal questions • Ask for details about what happened • Dismiss, minimise or challenge the disclosure or their response to the incident • Talk about your own experiences or those of others • Interrupt with solutions or ideas or “takeover” the conversation • Take calls or get distracted • Express judgement, shock or anger on their behalf • Promise that everything will be ok • Provide legal advice • Confront the person that they are making the allegations about • Jump straight into offering solutions or options – make sure the person feels heard first • Email staff to “keep them in the loop” • Share the student’s details without the consent of the student • Talk about the disclosure with other staff outside of those that need to know, ie the Safeguarding and Student Safety team to whom you will report the disclosure (de-identified if they student wishes to remain anonymous) • Force or pressure the student to make a formal report to ACU or to report to the police

Your response to a disclosure can be critical to the way in which the person seeks further support, advice, reporting options and, ultimately, recovers from the trauma. A negative response to a disclosure can result in the person feeling more shame, embarrassment and fear that they will not be believed and an increase in self-blame.

DISCLOSURE INVOLVING A CHILD OR YOUNG PERSON UNDER THE AGE OF 18 YEARS

If you receive a disclosure by a student under the age of 18 years or involving someone under the age of 18 or you have a concern about a person under the age of 18, please report the disclosure or concern immediately to one of the following services:

- Safeguarding and Student Safety team: (02) 9739 2002; respectandsafety@acu.edu.au
- ACU National Security Centre: 1300 729 452 or 8888, advising that the disclosure involves a student under 18 years
- Online via the ACU [online report form](#)

Reports involving the sexual assault of a minor will be handled in accordance with the *Safeguarding Children, Young People and Adults at Risk Policy*. By law, sexual assault incidents involving a minor must be reported to police and/or external government agencies.

SUPPORT SERVICES AVAILABLE

The student's safety and wellbeing are of utmost importance and should always be the centre of your response. Following a student disclosure, it is vital they are offered professional support. Some students may feel uneasy accessing ACU's internal support so external support should also be provided. Information about external support services can be accessed via [Off campus support - Student Portal - Australian Catholic University \(ACU\)](#)

INTERNAL SUPPORT

Safeguarding and Student Safety Team

The Safeguarding and Student Safety team can support students who have been affected by sexual assault, sexual harassment or family and domestic violence. The team can connect students with internal and external support services, provide guidance and support with making a formal report, and can support students to access police services. The team also support staff who are supporting a student through a disclosure.

(02) 9739 2002 respectandsafety@acu.edu.au

ACU Counselling

Students can make an appointment with an ACU Counsellor via the Student Portal:

[Book a Counselling appointment](#)

ACU 24 Hour Mental Health Support Line

Phone: 1300 638 485

Text or SMS: 0488 884 191

Hours of operation: 24 hours a day, 7 days per week

EXTERNAL SUPPORT

1800 RESPECT (1800 737 732)

National service available 24 hours, 7 days providing confidential information, counselling and support service for people impacted by sexual assault, domestic or family violence and abuse.

180orespect.gov.au

Webchat and interpreters available.

LIFELINE

Crisis support and suicide prevention.

Phone: 13 11 14

lifeline.org.au

UNDERSTANDING REPORTING OPTIONS

There are various reporting options available to a student who makes a disclosure. The student is under no obligation to make a formal report and should not be forced to do so. Just because the student has disclosed does not always mean they want to make a formal report.

1. Disclosure:

- The student can remain anonymous.
- The student can supply as little or as much information as they wish.
- The university will not investigate or take any specific action.
- A disclosure won't result in holding an alleged offender to account, but you can seek other outcomes like arranging your timetable to avoid seeing someone.
- The student can choose to make a formal report and have the university investigate at any time.

2. Formal report

- The student provides a formal account/statement via ACU's online report form.
- The university will investigate and may take necessary action.
- The student might not be able to remain anonymous.
- The student will be asked to supply the alleged offender's name.
- There is no time limit on making a report.

3. Reporting to external agencies or police

- This process is similar to a formal report.
- The university may still investigate.

HOW TO REPORT A DISCLOSURE TO ACU

Even if the student does not wish to make a formal report, it is a requirement of all staff to report student disclosures.

Report the disclosure to the Safeguarding and Student Safety team respectandsafety@acu.edu.au or via the [online report form](#)
OR

Report the disclosure as a **code green** to the ACU National Security Centre on **1300 729 452** or dial **8888** from an internal ACU phone.
Supply only the following information:

1. Whether you are reporting sexual assault or sexual harassment
2. Date of incident (if known)
3. Location and campus in which the incident occurred (if known)
4. Whether the student would like to make a formal report or not
5. Your name and contact details

Please do not supply any personal information to ACU National Security Centre. The Safeguarding and Student Safety team contact you to verify the report and you can supply the information as agreed to by the student.

MAKING A FORMAL REPORT TO ACU

If a student would like the university to investigate and take action, a formal report must be submitted.

Students are encouraged to submit the report themselves online via the [online report form](#) at acu.edu.au/respect

If the student would like assistance submitting the report or is too traumatised to submit the report, you may submit the report on their behalf. Consent of the student is required before details of the incident are shared with the university.

WHAT HAPPENS WHEN A DISCLOSURE IS SUBMITTED?

When a disclosure is made, it is received by the Safeguarding and Student Safety team who will:

- re-offer appropriate support to the student
- advise the student that their disclosure:
 - will **not** be shown on their academic record
 - will **not** be shared amongst the staff or students
 - will **not** affect their visa status
 - advise the student that it is not often possible for them to remain anonymous during a formal report procedure as the person that the allegation is being made against must be offered procedural fairness.

If sexual assault has occurred, they will:

- make a recommendation to the student to contact the police if they haven't already done so
- advise that the student can make a formal report to the university at any time, but any such formal report may not be treated as anonymous.

WHAT HAPPENS WHEN A FORMAL REPORT IS SUBMITTED?

When a formal report is submitted, it is managed as a **Code Green** incident in accordance with the Critical Incident Management Policy. Once a report is received, it is sent to the Director of Student Support Services. The following steps are then followed:

- The Director, Student Support Services will undertake a preliminary assessment and advise on whether the matter should proceed to an external investigation.
- The student is advised that all allegations of student sexual misconduct will be handled under the [Student Sexual Misconduct Prevention and Response Policy and Procedure](#).
- The student is offered ongoing welfare and support by the Safeguarding and Student Safety team.
- The student is provided information relevant to the progress of the external investigation
- The student is likely to be interviewed by the external investigator along with any potential witnesses and the person the allegation has been made against.

If a report is made against an ACU staff member, the report will be managed under the Staff Sexual Misconduct Policy and Procedure by the Chief People Officer. The student will continue to be supported by the Safeguarding and Student Safety team under this process.

SUPPORTING ACU POLICIES

[Student Sexual Misconduct Prevention and Response Policy and Procedure](#)

[Safeguarding Children, Young People and Adults at Risk Policy and Procedure](#)

[Staff Sexual Misconduct](#)

FURTHER INFORMATION AND SUPPORT

For further information and support please contact the Safeguarding and Student Safety Team:

respectandsafety@acu.edu.au

acu.edu.au/respect

REPORTING A DISCLOSURE

Staff member **receives disclosure** of sexual assault, sexual harassment or family and domestic violence



Staff member listens with empathy and non-judgement.



Staff member gives the student the link acu.edu.au/respect for information on support services and reporting options.

Offer to connect the student directly with the Safeguarding and Student Safety team.



Contact the Safeguarding and Student Safety team

Provide student details only if consent has been provided. If not, provide a de-identified account of the incident, ie type of incident and student's campus location.



Safeguarding and Student Safety team will:

- call the **Code Green** to the NSC
- provide ongoing support and welfare checks to the student if the student has consented to their details being shared.



If the student does not consent to their details being provided, the Safeguarding and Student Safety team will provide the staff member with:

- guidance on how best to respond and support the student
- a follow-up email template for the staff member to send directly to the student to remind them of the support services and reporting options and encourage them to reach out for support when and if they are ready to do so.