

Sexual Harassment Fact Sheet for Respondents

This factsheet is for individuals who are the subject of a Sexual Harassment complaint – the Respondent. It explains the process, expectations and support available when a complaint of sexual harassment is received and accepted by the University.

About Sexual Harassment Complaints

1. The University has a zero-tolerance approach to sexual harassment and expects staff to always conduct themselves in a respectful and professional manner. Where a staff member is involved in an incident of sexual harassment, they should report (where possible) to their supervisor, the relevant Human Resources Business Partner in the Division of People and Culture (DPC) or submit a complaint through the University's complaint management system. In addition, staff can make a formal report to the police.
2. The person who makes the complaint is referred to in this document as the Complainant. The person about whom the complaint is made is the Respondent.

What is 'sexual harassment'?

3. Sexual harassment refers to any unsolicited, unwelcomed or unwanted behaviour of a sexual nature that makes a person feel humiliated, compromised, embarrassed or distressed. It occurs when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature that causes the recipient to feel offended, humiliated, or intimidated, and when this reaction is reasonable, given the circumstances.

Being named as a Respondent in a complaint of sexual harassment

4. The University engages in an initial assessment when a complaint of sexual harassment is received. This initial assessment considers whether the alleged behaviour, the available evidence and any other relevant consideration suggests an incident of sexual harassment has taken place. If DPC considers the nature of the concerns or the available evidence are not sufficient to satisfy the definition of Sexual Harassment, then DPC will either refer the matter back to the relevant School / Division to manage at a local level or formally close the complaint. If DPC considers the complaint requires further attention, then it will commence a formal investigation and the Respondent(s) will be notified of such.

How will the Respondent be notified of the sexual harassment complaint?

5. A member of DPC will contact the Respondent to schedule a time to engage in a confidential discussion. The Respondent is not expected to provide information or a response in this meeting as the purpose of the meeting is to notify the Respondent of the complaint and provide information about the process and expectations of conduct. The member of DPC will schedule another meeting to give the Respondent an opportunity to put forward any evidence or information in response to the complaint. The Respondent can also identify any prospective witnesses they would like the University to speak to in respect to the complaint.

How will the University manage the complaint?

6. DPC will conduct a formal investigation into the complaint. The investigation will focus on whether, on the balance of probabilities, the alleged conduct which the Respondent is said to have engaged in, occurred or did not occur. The investigation will also involve members of DPC or representatives of DPC

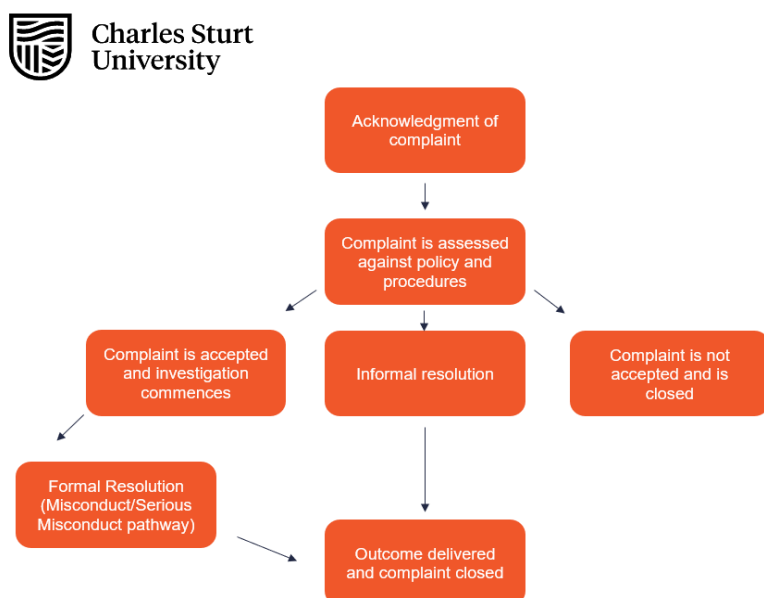
interviewing relevant witnesses and assessing relevant evidence. The investigation will be concluded by the preparation of an investigation report where any findings of fact are outlined. A copy of this confidential investigation report will be provided to the Complainant and the Respondent.

7. If a finding of fact has been made in DPC's investigation, then the Respondent may either receive a warning or in more serious cases, be referred to the Vice-Chancellor to be managed under the 'serious misconduct' process in the Enterprise Agreement. If no findings of fact have been made, then DPC will finalise the Complaint.
8. In addition to following relevant policies and procedures, DPC will work with relevant managers to identify and implement any interim strategies which need to be put in place whilst the complaint is being investigated. In circumstances where the complaint involves an immediate manager, another manager will be involved in this part of the process. These interim strategies can include changing reporting lines or work locations or other operational measures.
9. As a matter of practice, staff members who have been alleged to have engaged in sexual harassment are directed by the University not to contact the complainant. Complainants also required not to have any contact with the respondent. Both the complainant and respondent are required to keep the complaint confidential so as not to prejudice any investigation or the outcome.

How long will the process take?

10. All complaints received by the University are managed consistent with the principle of procedural fairness. In practice, this requires the University to speak to any relevant witnesses on record, collect relevant evidence and give the respondent an opportunity to put forward any information in response to the complaint.
11. DPC always endeavours to finalise its investigations as quickly as possible. However, depending on the complexity of the concerns raised, investigations will take time. DPC will keep the parties involved in the complaint informed of any progress.
12. In cases where incidents have been reported to the police, the University may decide to pursue University investigations once criminal investigations are complete.

Complaints Process



Confidentiality

13. Any discussions with a DPC staff member as a Complainant, Respondent or as a Witness are confidential and there is an expectation and requirement that what is discussed and the fact the discussion has occurred be kept confidential and not discussed or disclosed with other staff members.
14. The University and DPC have legal obligations, including a duty of care, which require us to act when informed of specific issues. Personal information will not be disclosed except where required to manage the complaint, or by law or if there is a serious threat to the health and safety to yourself or others.

Further Information

15. Further information can be found at the following links

<i>Document</i>	<i>Link</i>
Charles Sturt University Enterprise Agreement	Enterprise Agreement
Code of Conduct	Code of Conduct
Complaints Management Policy	Complaints Management Policy
Complaints Procedure – Workplace	Complaints Procedure - Workplace
Bullying, Discrimination and Harassment Prevention Policy	Bullying, Discrimination and Harassment Prevention Policy
Bullying, Discrimination and Harassment Prevention Procedure	Bullying, Discrimination and Harassment Prevention Procedure

Where can I get support?

16. The University understands that discussing complaints can be difficult. The University encourages Respondents to reach out to the University's Employee Assistance Provider (EAP) for support by calling 1300 687 327. The EAP can provide support, counselling and specialist helplines. More information about the EAP services can be found at [Employee Assistance Program](#).
17. The University acknowledges that support may be required during the investigation process. Should you choose, a support person may accompany you and provide emotional support in discussions held with the University. For more information about the role and scope please see the Support Person Information Sheet.

What if I have further questions?

18. If you have further questions or would like to speak to someone then you should reach out to the Division of People and Culture (DPC) staff member who is managing the complaint or sent you this fact sheet. If you are unsure of who this is, you can send an e-mail to dpccompliance@csu.edu.au and the case manager will get back to you.

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