



STATEMENT OF RIGHTS

When an allegation is made to the University about unacceptable behaviour or misconduct of another person (the incident), including allegations of sexual harassment or sexual assault, the University will ensure that the Complainant and the Alleged Offender receive equitable information, support and protections throughout the Incident review process.

Both the Complainant and the Alleged Offender have the following rights:

Rights of both the Complainant and the Alleged Offender

To be safe on campus, at University activities off campus and in University accommodation and to not be subjected to unfair treatment, including revenge, intimidation or duress.

To be able to continue their studies throughout the Incident review process, subject to ensuring the wellbeing and safety of all involved in the incident, as well as the wider University community.

To be treated with compassion, courtesy and respect during the entire Incident review process.

To receive timely and detailed information about options for incident resolution and redress.

To access University support services (e.g. Counselling Service, Student Care, medical and allied health services) as required.

To be accompanied by a support person throughout the Incident review process and any appeal process.

To have a prompt, thorough, confidential and fair investigation of any incident.

To be kept informed of any University investigations and the outcomes.

To have an Incident review process that provides reasonable time for all parties to prepare and respond to the allegations.

To understand that all records associated with the Incident review process may be obtained by formal search warrant or subpoena for use in civil and/or criminal proceedings.

Rights of the Complainant

To be supported by the University and provided with relevant information about the available options for redress and what the University is able to do.

To have their preferences acknowledged and respected in the reporting of, and potential investigation of, incidents of inappropriate behaviour.

To have disclosures made to a student counsellor kept confidential.

To have their privacy and confidentiality respected and protected, subject to any obligations to report to police or other external agency (e.g. the University is required by law to report to the Department for Child Protection all instances of abuse or neglect where the alleged victim is under 18 years).

To be heard and given the opportunity to clarify the incident complained of and to provide evidence in support.

To be informed of the availability of community-based support services.

To have University staff take reasonable steps or action to prevent any unnecessary or unwanted contact or proximity with the alleged offender.

To be informed of, and supported in, applying for special consideration for assignment extensions, group work and exam deferrals by means of reasonable adjustments.

Rights of the Alleged Offender

To be presumed innocent of the alleged behaviour or conduct until an investigation has been conducted and a determination made, or the alleged behaviour or conduct is admitted.

To be informed of the allegations of inappropriate behaviour made against them and to be given the opportunity to respond, and to provide evidence in support of their version of events.

To have their privacy respected, subject to requirements of any University investigation into the allegations of inappropriate behaviour made against them and to any University obligations to report to police or other external agency.

To have the opportunity to seek legal advice as appropriate.

To decline to participate in the Incident review process on the understanding that the process may proceed without the individual's participation.

To be sanctioned by the University only after the circumstances of a report have been considered and investigated and a determination reached on all available information on the balance of probabilities.

To be entitled to be presumed innocent of any criminal offence until the circumstances giving rise to any criminal charges are investigated by police and proved in court, or are admitted.