

Gender-based Violence Investigations

Information for Complainants

All investigations are undertaken in a trauma-informed manner and support the principles of natural justice and procedural fairness. UniSQ will consider the views of the complainant before progressing to an investigation.

At UniSQ, disclosures and formal reports of gender-based violence, including sexual harassment, sexual assault, domestic and family violence, stalking, technology-facilitated abuse, and other intimidating and threatening behaviours are treated seriously, and managed in accordance with our **Policy** and **Procedure**.

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 **UniSQ Counselling services**.

As the person who has raised a complaint, you are known as the **Complainant** during a gender-based violence investigation. The person the complaint is about is known as the **Respondent**, as they must respond to the complaint.

Confidentiality is strictly upheld during and after an investigation into complaints of gender-based violence. During the investigation, the complainant, the respondent, and any witnesses are required to keep their involvement confidential.

Victimisation (retaliation or intimidation for making a complaint) will not be tolerated, and penalties apply, according to the **Student General Misconduct Procedure**.

A University investigation is not a criminal investigation - we cannot determine if someone has broken the law. A University investigation can only determine if someone has breached University policies. For more information about reporting to police or other external agencies, **see here**.

If a report is made to police, UniSQ will comply with police requests and may be required to pause any internal investigations.

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What happens during an investigation?



Where insufficient information has been provided in the Disclosure or Formal report, the investigator will gather evidence from the Complainant, whether by phone, video call, in person, or email.

The Complainant can bring a **support person** to any meetings with the investigator. This could be a trusted friend, family member, or counsellor. The support person cannot have any involvement in the case (i.e. as a witness). Their role is to be your emotional support - they can monitor you and ask if you need to take a break. They cannot provide responses on your behalf - you should answer the questions for yourself.

You can provide supporting evidence, such as screenshots, supporting documents or other relevant evidence, though there is no requirement to do so.

After the meeting you will be provided notes to review, and offer amendments, if needed. You can request an additional meeting if you recall more information you would like to share.

The Respondent will be informed of the complaint made against them, and will be invited to respond, according to natural justice and procedural fairness. They will be invited to meet with the investigator or provide a written response to the complaint, and can provide their own supporting evidence, if they choose to.

You will be informed before the Respondent is contacted by the investigator.

No unnecessary information will be shared, including with witnesses. The importance of confidentiality will be reinforced.

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Can I withdraw my complaint?

Yes. You can withdraw your complaint at any stage of the process. However, if there are risks to safety and wellbeing, the University may continue to take action.

What are Interim Protective Measures?

In some circumstances, the Associate Provost (or nominee) may implement protective measures to minimise further trauma, and to promote the safety and wellbeing of the UniSQ community. These may include temporary restrictions or requirements for the Respondent. For example, restricting access to campus or changing a tutorial. These measures do not signal or anticipate the outcome of the investigation process. More information is located in Section 4.3.3 of the **Procedure**.

What outcomes can I expect from the investigation?

Once the investigator has collected sufficient evidence, they will write a report to the Associate Provost (or nominee). They will determine, on the balance of probabilities, if the complaint can be substantiated, and if there has been a breach of a relevant conduct policy. You will be informed of this decision.

If the Respondent is found to have breached the relevant conduct policy, a range of penalties may be imposed. This may include the Respondent being required to undertake further training to educate them on the inappropriateness of the behaviour, restrictions on their access to certain facilities, restricting contact with certain students or staff, conditions on their enrolment, or suspension of enrolment, as is proportionate to the nature of the misconduct. The matter may also be referred to police if it is criminal in nature. More information on possible penalties can be found **here**.

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

In accordance with Section 4.10 of the **Student General Misconduct Procedure**, if it is relevant to lodge an appeal, this can be done according to the **Student Appeals Process**. If you remain dissatisfied with the University's response to the complaint, or the process to address it, you can connect with **Student Guild** for independent advice. External appeal options are also available through **TEQSA** and the **National Student Ombudsman**.