

DEFINITIONS AND INTERPRETATIVE NOTES

Child	A person who is under the age of 18 years.
Reportable Allegation	<p>A Reportable Allegation means any information that leads a person forming a Reasonable Belief that an employee or someone engaged by the University has committed:</p> <ul style="list-style-type: none"> • Reportable Conduct; or • Misconduct that may involve Reportable Conduct. <p>Whether or not the conduct or misconduct is alleged to have occurred within the course of the person’s employment/engagement, or within or outside the University.</p>
Reportable Conduct or misconduct	<p>Reportable Conduct includes:</p> <ul style="list-style-type: none"> • a sexual offence (committed against, with, or in the presence of a child, irrespective of whether or not criminal proceedings in relation to that offence has commenced or concluded); • sexual misconduct (committed against, with, or in the presence of a child); • physical violence (committed against, with, or in the presence of a child); or • any behaviour that causes (or is likely to cause) significant emotional or psychological harm to a child; or • significant neglect of a child.
Sexual Offences	<p>Sexual Offences are those captured within Schedule 1 of the Sentencing Act 1991 (Vic) and may include:</p> <ul style="list-style-type: none"> • sexual assault (rape, rape by compelling sexual penetration, sexual assault by compelling sexual touching); • assault with the intent to commit a sexual offence; • sexual penetration of child under the age of 17; • indecent acts with a child under the age of 17; • possession of child abuse material; • ‘grooming’ a child under the age of 16 in order to commit a sexual offence; • sexual offences against persons with a cognitive impairment by providers of medical or therapeutic services, or providers of special programs; and • occupier permitting unlawful sexual penetration etc. <p>A person does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be Reportable Conduct.</p>
Sexual Misconduct	<p>‘Sexual Misconduct’ captures a broader range of inappropriate behaviours, physical contact, speech or other communication of a sexual nature that are not necessarily criminal in nature.</p> <p>Interpretative notes: Examples may include:</p> <ul style="list-style-type: none"> • inappropriate touching; • developing an intimate relationship with a child, for example, through regular contact with a child without knowledge or approval of the University’s management; • inappropriately discussing sex and sexuality with a child;

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	<ul style="list-style-type: none"> • other overtly sexual acts that could lead the University to take disciplinary or other action; • certain grooming behaviour; or • voyeurism.
<p>Physical Violence</p>	<p>Physical violence includes an act that causes physical injury or pain. Examples of physical violence may include:</p> <ul style="list-style-type: none"> • hitting/kicking/punching; • pushing/shoving/grabbing/throwing/shaking; • using an object to hit or strike; or • using inappropriate restraint/excessive force. <p>Interpretative notes: Physical violence does not include lawful behaviour. For example:</p> <ul style="list-style-type: none"> • reasonable steps taken to protect a child from immediate harm, such as taking a child’s arm to stop them from going into oncoming traffic; or • medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid. <p>Threats of physical violence that do not cause physical injury or pain may be covered by the Reportable Conduct Scheme as behaviour that causes significant emotional or psychological harm.</p>
<p>Behaviour that causes emotional or psychological harm to a child.</p>	<p>For behaviour to be reportable under this category, the following two tests must be satisfied.</p> <ul style="list-style-type: none"> • A child must have suffered ‘significant’ emotional or psychological harm; and • there must be a clear link between the alleged conduct and the harm suffered. <p>Interpretative notes: For example, where the alleged conduct is so serious and/or has occurred over such a sustained period, that it can be reasonably inferred that the child has been harmed. Other examples of emotional or psychological harm (harm) may include:</p> <ul style="list-style-type: none"> • exposure to violence or threats of violence • self-destructive behaviour • antisocial behaviour • persistent hostility/rejection • humiliation/belittling • scapegoating <p>The harm of which may arise from an existing mental health disorder that has been exacerbated or aggravated.</p> <p>A professional psychological or medical assessment of the child may assist to determine whether a child has suffered emotional or psychological harm. However, a clinical diagnosis will not be required in every case, such as where requiring a child to be assessed may unreasonably re-traumatise or otherwise further harm the child.</p> <p>There must also be a clear link between the emotional or psychological harm and the alleged conduct. In deciding if there is a clear link, the University will consider the</p>

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	<p>likelihood that the child would have been harmed, if the alleged conduct had not occurred.</p> <p>Allegations can only be made about emotional or psychological harm or neglect that is significant, such as serious forms of harm or behaviours that have a lasting or permanent effect, rather than conduct that is more than trivial or insignificant.</p> <p>The Child Safety Officer or the University’s Independent Investigator will consult with the Commission if in doubt as to whether the alleged conduct meets the level required to make a Reportable Allegation report.</p>
<p>Neglect</p>	<p>Neglect occurs when a person does not meet their obligations and responsibilities to keep a child safe and well.</p> <p>The neglect:</p> <ul style="list-style-type: none"> • must be more than minor and insignificant; • does not need to have a lasting or permanent effect; • may be an ongoing situation or a one off incident, as long as it is not minor in nature. <p>Examples of different types of neglect include:</p> <ul style="list-style-type: none"> • supervisory neglect, which is the absence or inattention of a person which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviour towards the child; • physical neglect, which is the failure to provide basic physical necessities for a child, such as adequate food, clothing and housing • medical neglect, which is the failure to provide for appropriate medical care for a child, including a failure to acknowledge the seriousness of an illness or condition, or deliberately withholding appropriate care. <p>Interpretative notes: Allegations can only be made about emotional or psychological harm or neglect that is significant, such as serious forms of harm or behaviours that have a lasting or permanent effect, rather than conduct that is more than trivial or insignificant.</p> <p>The Child Safety Officer or the University’s Independent Investigator will consult with the Commission if in doubt as to whether the alleged conduct meets the level required to make a Reportable Allegation report.</p>
<p>Reasonable Belief</p>	<p>A reasonable belief is more than suspicion. There must be some objective basis for the belief. However it is not the same as having proof and does not require certainty.</p> <p>Interpretative notes: For example, a person is likely to have a reasonable belief if they:</p> <ul style="list-style-type: none"> • observe the conduct themselves; • heard directly from a child that the conduct occurred; • received information from another credible source (including another person who witnessed the reportable conduct or misconduct).