

Sexual Harm Prevention and Response Procedure - DFAT Funded Programs and Activities

Section 1 - Background and Purpose

(1) This Procedure outlines the compliance obligations prescribed by the [Department of Foreign Affairs and Trade \(DFAT\)](#) and the University's commitment to minimising harm and to manage the risk of sexual exploitation, abuse and harassment (SEAH) and child abuse in the delivery of all DFAT related work.

Section 2 - Scope

(2) This Procedure applies to all parties involved in any DFAT funded University program and/or activity, including, but not limited to students, staff, project partners, volunteers, contractors, Council members and visitors of the University:

- a. on a University campus, facility or on another property controlled by the University, including Student Accommodation;
- b. in connection with any University course or activity or as part of deployment on any University business or as a representative of the University, whether on or off campus, including but not limited to work integrated learning; student exchange and study tours; placements; field research; University student clubs; or study-related camps;
- c. on virtual environments connected with any University course or activity including, but not limited to, email, intranet systems, social media, online forums; or
- d. where the affected party is a University student or staff member and there is a connection between the circumstances of the harm and the University.

(3) This Procedure applies at all times when such persons are working for, travelling or representing the University, both during and outside normal working hours in relation to DFAT funded programs and activities.

Section 3 - Policy Statement

(4) Refer to the Sexual Harm Prevention and Response Policy.

(5) This Procedure is required by DFAT and is based on the underlying DFAT policies:

- a. [DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy](#)
- b. [DFAT Child Protection Policy](#)

Section 4 - Procedures

Part A - Risk Assessment and Due Diligence for Managing Risk of SEAH.

(6) All DFAT funded programs, activities and/or partners must undergo a risk assessment by using the PSEAH Risk Assessment Tool available on the University's [PSEAH intranet](#).

(7) The department/area/staff that is leading the program and/or activity on behalf of the University is responsible for completing the risk assessment and obtaining endorsement from La Trobe International by completing the PSEAH Risk Assessment Declaration Form which is available on the [PSEAH intranet](#).

(8) Project partners and any downstream partners involved in delivering the program and/or activity must comply with this Procedure and undertake PSEAH awareness training which outlines minimum requirements for mitigation and prevention of SEAH and Child Abuse.

Part B - Training and Induction

(9) All participating staff and students are required to complete the following induction and training programs prior to participating in DFAT funded programs and/or activities.

a. Staff:

- i. Human Resources inductions at the commencement of employment at the University.
- ii. DFAT funded program induction training.

b. Students:

- i. All students are required to complete 'Consent matters' module as part of their studies at the University. This module can be accessed through the University's [Learning Management System \(LMS\)](#).
- ii. In addition to the above, all students participating in an offshore DFAT funded New Colombo Plan (NCP) program are required to complete the mandatory NCP training and induction program by the funding body.

Part C - Recruitment

(10) The recruitment and screening of La Trobe University staff as per the [Recruitment Policy](#) is expected to meet and assist in meeting the expected PSEAH and child protection standards.

(11) All staff will be required to obtain the [Working With Children Check \(WWCC\)](#) at their own cost. New appointees will be advised of this requirement during the recruitment/appointment process. For full details, please refer to the [Working with Children Victoria](#) and the [Recruitment Policy](#).

(12) All students participating in a DFAT funded program and/or activity that are involved in working with children in Australia or overseas will be required to obtain the [Working With Children Check \(WWCC\)](#) at their own cost.

Part D - Response and Investigation

(13) Where the respondent is a La Trobe staff member or a student, the matter will be managed/investigated in accordance with [Sexual Harm Prevention and Response Policy](#) and the [Collective Agreement](#).

(14) Where there is reasonable grounds to suspect that any individual(s) involved in the University's DFAT funded program and/or activity has engaged in sexual exploitation, sexual abuse and harassment and child abuse, it is

encouraged to report any concerns immediately to the Pro Vice-Chancellor (International) via DirectorLTI@latrobe.edu.au

(15) An individual victim is, under no obligation to report any incident that has happened to them; however, the University will ensure that individuals who self-report will have access to timely and suitable assistance.

(16) All individuals representing and engaged by the University in any DFAT funded programs and/or activities are required to notify the Pro Vice-Chancellor (International) via DirectorLTI@latrobe.edu.au, immediately after becoming aware of an incident relating to sexual exploitation, abuse and harassment (SEAH) and child protection risks in the program. Immediately is defined as soon as reasonably practicable, within the first 24 hours.

(17) Following receipt of a reported incident the Pro Vice-Chancellor (International) or appointed delegate will:

- a. manage or seek assistance to manage any immediate risks. Incident may involve local authorities as a priority where appropriate;
- b. maintain the privacy of an investigation where possible at all times;
- c. work with local authorities or Police, where appropriate to ensure allegations are dealt with appropriately in a victim centric manner;
- d. make any notifications required under law and to respective delegate as detailed under part E below for reporting to DFAT where applicable;
- e. if the complaint or concern relates to a person employed by a La Trobe partner organisation, 3rd party program provider or their downstream partners, the Pro Vice-Chancellor (International) or their appointed delegate will discuss the allegations with the partner/ program provider and decide together upon the next steps. The subject of the report shall be informed of the allegations against them and provided with an opportunity to reply to the allegations;
- f. report any suspected or alleged child abuse incidents that occur onshore to the University's Child Safety Officer in line with the University;
- g. report any suspected or alleged sexual harm incidents that occur onshore to internal stakeholders in line with the University.

Part E - Reporting to DFAT

(18) The Pro Vice-Chancellor (International) (or their appointed delegate) will be responsible for reporting the incident to DFAT's PSEAH team at: seah.reports@dfat.gov.au and liaising further on any DFAT enquiries on the incident.

- a. An instance, suspicion or allegation of breach of SEAH will be reported to DFAT by LTI using the following form: SEAH incident form;
- b. An instance, suspicion or allegation of child exploitation and/or abuse will be reported to DFAT by LTI using the following form: Child Incident Notification Form.

(19) The reporting timelines must be followed for all allegations of sexual exploitation, abuse and harassment and child abuse in line with the compliance requirements under the [DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy](#) and [DFAT Child Protection Policy](#):

Type of alleged incident	When	To whom
All child protection notifications	Immediately	DFAT at childprotection@dfat.gov.au
All alleged incidents of sexual exploitation, abuse or harassment	Within two working days of becoming aware of the alleged incident	DFAT at seah.reports@dfat.gov.au

Type of alleged incident	When	To whom
Non-compliance with the DFAT PSEAH or DFAT Child Protection Policies	Within five working days	DFAT at seah.reports@dfat.gov.au

(20) If an alleged SEAH incident has a criminal aspect, the incident should be reported to law enforcement authorities, where appropriate and when safe to do so, in accordance with wishes of victims/survivors or whistle-blowers.

Part F - Confidentiality and Record-Keeping

(21) All information and documentation relating to the SEAH or child abuse incidents must be kept confidential and shall only be disclosed to those persons who have a right to the information by virtue of their role in the process and / or, as required by law, or as determined by limits to confidentiality (e.g., risk of harm to person or persons). For further information, please refer to the [Privacy Policy](#).

(22) Written records need not be extensive but should contain such information as is necessary for others to gain a clear understanding of the grounds upon which a concern was determined, and the actions taken to address it.

(23) All incident matters and documentation will be governed in accordance with the University's [Records Management Policy](#).

Section 5 - Definitions

(24) For the purpose of this Procedure:

- a. Child: A person under the age of 18 years.
- b. Child exploitation: One or more of the following: - committing or coercing another person to commit an act or acts of abuse against a child - possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material - committing or coercing another person to commit an act or acts of grooming or online grooming - using a minor for profit, labour, sexual gratification, or some other personal or financial advantage.
- c. Complainant: a student, staff member or visitor to the University who makes an allegation of Sexual Harm. A Complainant may prefer different terminology including survivor, victim or affected person. It is acknowledged there may be different terms used in this context.
- d. DFAT funded programs and activities: All actions taken, work performed, or study undertaken by or on behalf of La Trobe University pursuant to an agreement with DFAT including scholarships, grants, financial assistance, fees, sponsorship and other contracts.
- e. Downstream partner: Suppliers, individuals and organisations who are engaged by La Trobe University or a La Trobe University partner to fulfil any component of a DFAT funded Program or activity.
- f. Project partner: organisations who are engaged by La Trobe University to work with on a DFAT funded project.
- g. Respondent: a body member, student, staff, volunteer, representative, contractor, partner organisations or people acting for or on behalf of the University alleged to have committed sexual harm.
- h. Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or under Australian Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.
- i. Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.
- j. Sexual harassment: A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual

nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

k. Victim/Survivor: A person who is, or has been, sexually exploited, harassed or abused.

Status and Details

Status	Current
Effective Date	6th May 2021
Review Date	14th April 2024
Approval Authority	Vice-Chancellor
Approval Date	15th April 2021
Expiry Date	Not Applicable
Responsible Manager - Policy	Stacey Faraway Pro Vice-Chancellor (International)
Author	Wendy Martinec
Enquiries Contact	Wendy Martinec Director, International Partnerships and Services <hr/> Recruitment & International Operations