FRAMEWORK FOR THE PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT IN DFAT-RELATED WORK

A comprehensive framework to prevent SEAH in all research, study and other activity of Monash University undertaken in connection with DFAT-related work overseas and in Australia

1. INTRODUCTION

Monash University recognises that the nature of our research and teaching work occasionally places our staff, students, contractors and partners in contact with vulnerable adults and children, including overseas.

Monash University is committed to meeting its compliance obligations under the Department of Foreign Affairs and Trade (‘DFAT’) Preventing Sexual Exploitation, Abuse and Harassment Policy (‘DFAT PSEAH Policy’). Consistent with the values to which we have committed in the Monash University Ethics Statement, and as a DFAT partner for certain activities abroad, Monash University is committed to minimising harm and to managing the risk of sexual exploitation, abuse and harassment (‘SEAH’) in the delivery of all DFAT-related work.

2. PURPOSE

The ultimate goal of this plan, and the activities undertaken consistent with it, is to eliminate or minimise as far as practicable the risk of SEAH in the conduct of university activities involving DFAT-related work, including overseas.

This document describes the framework through which Monash University:

- Understands and determines the levels of risk of SEAH in the conduct of university activities that are DFAT-related, including those that are undertaken abroad;
- Determines the appropriate standards of risk management that apply to those activities, which are at least the minimum standard required under the DFAT PSEAH Policy;
- Develops and implements organisation-wide PSEAH strategies, as well as controls specific to the risks of specific activities;
- Delegates responsibility for the completion of risk management activities;
- Monitors and regularly reassesses the controls that we have put in place;
- Ensures that its processes for raising concerns are safe, fair, accessible and complainant-centric, and that personnel who handle concerns are appropriately trained; and
- Works cooperatively with DFAT and DFAT’s due diligence, assurance and assessment processes.
3. SCOPE OF APPLICATION

This Framework applies to all actions taken or work performed undertaken by or on behalf of Monash University pursuant to an agreement with DFAT (‘DFAT-related work’, see ‘Scope’ in the DFAT PSEAH Policy), including by Monash University staff, students, contractors and partners.

Those people engaged in DFAT-related work whose actions are covered by this Framework include:

- Staff of Monash University;
- Students of Monash University, including recipients and awardees under the Australia Awards, New Colombo Plan, Alumni, and other DFAT-funded scholarship programs;
- ‘Board members’ of Monash University, which we understand to mean Members of University Council;
- Contractors and Sub-contractors, including sole traders, consultants, advisors, contracted individuals, suppliers and other ‘downstream DFAT partners’ (any other entity engaged by Monash University in connection with DFAT-related work), and the personnel of these organisations who personally provide services to or work in connection with any DFAT-related work of Monash University (in this Framework, we refer to these individuals and organisations as ‘contractors’); and
- Partner organisations working with Monash University, such as NGOs, host organisations, joint venture partners, and universities where DFAT-scholarship-supported students are studying (in this Framework, ‘partners’).

4. PRINCIPLES AND STATEMENT OF COMMITMENT

Monash University acknowledges and affirms the 6 principles set out in the DFAT PSEAH Policy, which are consistent with Monash University’s own approach to preventing and handling concerns of SEAH:

*Principle 1: Zero tolerance of inaction*

*Principle 2: Strong leadership accelerates culture change*

*Principle 3: Victim/survivor needs are prioritised*

*Principle 4: Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility*

*Principle 5: Gender inequality and other power imbalances are addressed*

*Principle 6: Stronger reporting will enhance accountability and transparency*

Monash University has undertaken significant work in recent years in the prevention of sexual assault and harassment of students and staff. We strive for best practice in prevention and complaints-handling, guided by the work of the Australian Human Rights Commission, Universities Australia and the Tertiary Education Quality and Standards Agency (such as TEQSA’s Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector).

Monash University’s fundamental values of honesty, fairness and mutual respect are documented in its Ethics Statement, which includes of relevance to SEAH:

“Treat each other with honesty, fairness, mutual respect and be responsible in the exercise of power.”
“We respect the inherent dignity, beliefs and human rights of all individuals.”

“Be responsible and accountable for our decisions and actions as individuals and as an organisation.”

“Act with integrity, transparency and professionalism at all times, as these are fundamental to the University's endeavours in learning, teaching and research.”

“Acknowledge our responsibility to treat both humans and animals humanely and ethically.”

“Acknowledge our responsibility to contribute to the communities in which we operate.”

As a further statement of principle in relation to the prevention of sexual exploitation, abuse and harassment, Monash University commits as follows.

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We have no tolerance for sexual exploitation, abuse or harassment, which are violations of human rights.

We recognise that there is a higher risk of sexual exploitation and abuse against vulnerable populations, including women, children and LGBTIQ persons, particularly in times of conflict, disaster and occupation.

Our policies and procedures acknowledge our shared responsibility to prevent SEAH of any kind by our staff, students or contractors. We are committed to addressing gender inequality and other drivers of SEAH through various evidence-based prevention initiatives.

In our efforts to prevent sexual exploitation, abuse and harassment, we will use complainant-centred and trauma-informed approaches.

We provide clear and accessible avenues of complaint, support and redress for staff, students, contractors, partners and others who are affected by inappropriate conduct, including reporting and protection mechanisms.

We work to foster a culture of safety and care so that people reporting SEAH have confidence that any incident or concern raised will be handled with sensitivity and respect.

We ensure that all responses to reports of SEAH balance respect for due process with prioritising the safety, dignity and rights of complainants.

Any form of SEAH by a staff member or student as part of a University activity would be misconduct and constitute grounds for disciplinary sanctions up to and including dismissal or exclusion from the University.

The University requires its suppliers and contractors in connection with DFAT-related work to comply with this Framework and the DFAT PSEAH Policy.

We will cooperate with and promote assistance between organisations, including DFAT and our contractors, partners and downstream partners, in preventing and responding to SEAH.

This Framework is based on a comprehensive contextual analysis to understand and identify groups that are at any risk of SEAH in our operating environment and programs. Monash University is guided by DFAT's PSEAH Policy (which it considers to be the minimum standard), but the University's risk mitigation strategies have been designed to be specific to the contexts in which we work, and to include organisation-wide strategies which go beyond DFAT-related work.
5. ASSESSMENT OF THE RISK OF SEAH IN RELEVANT UNIVERSITY ACTIVITIES

The DFAT PSEAH Policy covers activities of a varied nature across Monash University. These activities can change, commence or end from time to time, so risk management is designed specifically for each activity.

A clear risk assessment process is in place, together with online guidance material, resources, advice and support, which guide staff to:

- Understand the risk of PSEAH occurring within the project, including the impact of unequal power dynamics, gender inequality, transactional pressures and other factors which can heighten the likelihood of SEAH (directing them to ‘Decision-makers guide to possible SEAH risk factors’, Attachment B to DFAT’s Preventing Sexual Exploitation, Abuse and Harassment Guidance Note);
- Identify and implement steps and controls which minimise risks, including consideration of the minimum standards advised by DFAT for the activity’s level of risk (low, medium, high, very high, as set out in DFAT’s Preventing Sexual Exploitation, Abuse and Harassment Guidance Note);
- Include PSEAH risk management in project plans, to document steps to be taken to reduce or remove risks;
- Regularly re-assess risk throughout the life of the DFAT-related work, particularly when there is a significant change to the context, environment or other factors that impact on the level of or change the SEAH risk; and
- Ensure controls and minimum standards are put in place if the level of the risk of SEAH increases or new risks emerge.

Given the large number of students who travel overseas under the New Colombo Plan, a Global Study Tour Registration Portal, with acknowledgement of conditions and PSEAH information, is in development.

While the risk assessment and mitigation actions are specific to each activity and will be decided by the program leader or supervising staff member, Monash University has assessed the following level of risk for the common types of program which are covered by the DFAT PSEAH Policy, as a guide for staff (Table 1).

Organisation-wide actions (Table 2) have been implemented to ensure that the Minimum Standards required by the DFAT PSEAH Policy for each level of risk – low, medium, high – have been implemented centrally and applied consistently across DFAT-related work at Monash University.
<table>
<thead>
<tr>
<th>Program type</th>
<th>Activities may include:</th>
<th>Relevant risk factors to beneficiaries/staff may include:</th>
<th>Relevant risk factors to community include:</th>
<th>Level of risk (DFAT PSEAH Policy)</th>
<th>Minimum Standards applicable</th>
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</table>
| New Colombo Plan (long) programs for undergraduate students, involving enrolment in a host university | Undergraduate students spend a semester or more enrolled and studying at a university overseas | ↑ Age of undergraduate students  
↑ Students in unfamiliar environment  
↑ Lower visibility of Monash staff as supervisors  
↑ Students may reside in “on site” group accommodation  
↓ Public place (no isolated areas or one-on-one services)  
↓ Other higher risk factors (e.g. contractors; vulnerable populations; remote work) not present | ↓ core PSEAH organisational policies, procedures and controls  
↓ transparent reporting mechanisms around SEAH incidents exist  
↓ there demographic diversity within the host university | Low | 1-2 |
| New Colombo Plan programs for undergraduate students, involving placement in a host organisation | Undergraduate students are placed in a host organisation to undertake a New Colombo Plan funded internship | ↑ Age of undergraduate students  
↑ Students in unfamiliar environment  
↑ Lower visibility of Monash staff as supervisors  
↑ Students may reside in group accommodation  
↑ Private place (may be isolated areas or one-on-one services)  
↑ Other higher risk factors (e.g. contractors; vulnerable populations; remote work) not present | ↑ Students may have access to individuals’ personal information  
↑ The host NGOs have limited capacity to address SEAH  
↑ Differences may exist in cultural, social context. | Medium | 1-3 |
| New Colombo Plan Programs (other) | Student mobility programs led by Monash staff in-country; usually in partnership with institutions, NGO’s and private sector. Travel companies | As immediately above, plus:  
↑ May involve work in remote areas of countries | ↑ Students may have access to individuals’ personal information  
↑ The host NGOs have limited capacity to address SEAH | Medium | 1-3 |
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<td>provide services under contract.</td>
<td>↑ Students may have access to individuals’ personal information</td>
<td>↑ Community literacy rate is low</td>
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<td>Inbound scholarship program (eg Australia Awards)</td>
<td>Scholarships and short courses to individuals from around 50 developing countries, who undertake study, research and professional development in Australia</td>
<td>↑ Age of students</td>
<td>↓ Core PSEAH organisational policies, procedures and controls</td>
<td>Low</td>
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<td>↑ Students in unfamiliar environment</td>
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<td>↑ Potential power imbalance, as work involves provision of training</td>
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<td>↑ Students may have personal or situational characteristics which increase risks (e.g. people of an ethnic minority)</td>
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<td>↑ Monash staff have actual or perceived level of authority (e.g. teaching)</td>
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<td>Internship programs for undergraduate or graduate students</td>
<td>Undergraduate or graduate students undertaking internships with NGOs, companies or other host</td>
<td>↑ Age of undergraduate students</td>
<td>↑ Students may have access to individuals’ personal information</td>
<td>Medium</td>
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<td>↑ Students in unfamiliar environment</td>
<td>↑ The host NGOs have limited capacity to address SEAH</td>
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↑ increased risk  ↓ lowered risk
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<td>organisations as part of their study</td>
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<td>↑ Lower visibility of Monash staff as supervisors</td>
<td>↑ Differences may exist in cultural, social context.</td>
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<td>↑ Presence of contractors and partners (less control by Monash University)</td>
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<td>May involve one-off (↑) or ongoing (↓) contracts with third parties including local providers</td>
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<td>↑ Host/partner organisations may have limited capacity to prevent and address SEAH</td>
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<td>Research that does not anticipate interaction with vulnerable populations or</td>
<td>May be only 1 Monash staff or student (eg PhD candidate); May be large research project involving multiple partners, longer-term activities (years), many staff visits, varied activities</td>
<td>↑ Unfamiliar environments</td>
<td>↑ Researchers have access to individuals’ personal information</td>
<td>Medium</td>
<td>1-3</td>
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<td>vulnerable people</td>
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<td>↑ May involve isolated areas or one-on-one services</td>
<td>↑ There is a potential power imbalance situation</td>
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<td>↑ Potential power imbalance, if work involves provision of training or community consultation (e.g. surveying)</td>
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<td>↑ Students or staff may interact with individuals who have personal or situational characteristics which increase risks (e.g. people of an ethnic minority)</td>
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<td>↑ Staff or students have actual or perceived level of authority (e.g. teaching)</td>
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<td>↑ Staff or students may have access to sensitive/ confidential personal information, if their research involves quantitative and</td>
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<td>qualitative data collection, health care, counselling (etc)</td>
<td>All research must obtain ethics approval, and research involving people must be considered by the Human Research Ethics Committee</td>
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<td>Research involving interactions with vulnerable populations or vulnerable people</td>
<td>Quantitative and qualitative data collection from vulnerable populations or vulnerable people (e.g., women escaping trafficking) Interactions with vulnerable people in connection with data collection</td>
<td>As immediately above, plus: ↑ Research involves vulnerable populations or vulnerable people, including individuals who have personal or situational characteristics which increase risks (e.g., people experiencing poverty, displaced people) ↑ Students or staff may conduct research in a humanitarian or emergency setting ↑ Potential power imbalance if work involves provision of services for vulnerable groups ↑ Research involves quantitative and qualitative data collection</td>
<td>↑ Researchers have access to individuals’ personal information ↑ The community has limited capacity to address SEAH ↑ Community literacy rate is low ↑ The work is occurring in a humanitarian context ↑ There is a potential power imbalance situation</td>
<td>High</td>
<td>1-5</td>
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<tr>
<td>Grant or fee to develop a program, service or product</td>
<td>Staff or students are engaged to develop/provide a program, service, product (e.g., documentary film), advice, training or capacity development for DFAT or on behalf of DFAT to a third party organisation or community</td>
<td>Depending on the project, may involve: ↑ Staff/students in unfamiliar environment ↑ Staff/students may interact with individuals who have personal or situational characteristics which increase risks (e.g., people of an ethnic minority)</td>
<td>↑ Potential power imbalance, if work involves provision of training or community consultation (e.g., surveying) ↑ Staff or students have actual or perceived level of authority (e.g., teaching) ↑ Staff or students may have access to sensitive/confidential personal information, if their research involves quantitative</td>
<td>Low (if desk-based and within Australia) Medium (otherwise)</td>
<td>1-2 1-3</td>
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<td>Councils, Institutes and Foundations</td>
<td>Individual staff or students participate in meetings or groups that build international relations and cooperation. May involve ongoing/regular meetings. eg Australia-Korea Foundation; Council on Australia Latin America Relations</td>
<td>↑ Staff/students in unfamiliar environment</td>
<td>↓ Lower visibility of Monash colleagues</td>
<td>Low</td>
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<td>↓ Other higher risk factors (eg contractors; vulnerable populations; remote work) not present</td>
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<td>↓ Core PSEAH organisational policies, procedures and controls exist</td>
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<td>↓ Transparent reporting mechanisms around SEAH incidents exist</td>
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<td>↓ There is demographic diversity within the host university</td>
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<td>One-off financial support to attend workshop or conference</td>
<td>Individual staff or students are given one-off financial support to attend a workshop or conference, which may be within Australia or overseas</td>
<td>As immediately above</td>
<td></td>
<td>Low</td>
<td>1-2</td>
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and qualitative data collection, health care, counselling (etc)
Table 2: Mitigation Actions in place to meet Minimum Standards

<table>
<thead>
<tr>
<th>Minimum Standard 1</th>
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<tbody>
<tr>
<td>- The introduction of this Framework in August 2020</td>
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<tr>
<td>- Dedicated PSEAH resources, including the PSEAH website</td>
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<td>- All staff and students are encouraged to complete online training about responding to disclosures of sexual assault</td>
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<td>- All relevant staff have been notified of this Framework and directed to attend training which explains their PSEAH obligations</td>
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<td>- All relevant students will be notified of this Framework and directed to attend training which explains their PSEAH obligations</td>
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<tr>
<td>- All relevant staff are encouraged to understand risk management principles <a href="https://www.intranet.monash/risk-compliance">https://www.intranet.monash/risk-compliance</a></td>
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<tr>
<td>- Monash University requires (including in written contracts) that downstream partners and contractors involved in DFAT work comply with this Framework and the DFAT PSEAH Policy’s minimum standards, including reporting on and implications of policy non-compliance</td>
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<td>- Due diligence tools (eg choosing contractors and partners), procurement forms and templates reflect Monash University’s approach to PSEAH</td>
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<td>- A dedicated focal point that has responsibility for the development and implementation of the PSEAH policy or related documents</td>
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<tr>
<td>- Students who are travelling overseas under the New Colombo Plan or other DFAT-related agreement will sign a document which confirms their understanding of and agreement to the University’s requirements around PSEAH</td>
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<tr>
<td>- All students who are travelling overseas complete PSEAH training before departure, which covers their responsibilities and reporting</td>
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<tr>
<td>- Staff of Monash University and of contractors are obliged to comply with Monash University’s PSEAH directions</td>
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<td>- PSEAH will be included in Monash University’s mandatory compliance training from 2021 onwards</td>
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<tr>
<td>- Staff and students applying to travel overseas for DFAT-related work are asked to disclose in writing whether or not they have ever been charged with any SEAH-related offences, to provide relevant screening checks (including a Criminal Record Check) if they have, and to inform Monash University of any changes to their circumstances in regards to SEAH-related offences during the term of their engagement/study. These actions will be managed in accordance with Monash University’s procedures for screening checks and collected in accordance with applicable data protection and privacy laws, including the Monash University Data Protection and Privacy Procedure and the relevant Data Protection and Privacy Collection Statement, and any consents obtained.</td>
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<th>Minimum Standard 2</th>
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<tr>
<td>- Documented complainant-centred processes are in place to report and investigate concerns or allegations of SEAH, and policy non-compliance</td>
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<td>- Staff and students are aware of, and regularly reminded about, the reporting procedures/processes</td>
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<td>- Reporting processes are publicly available and downstream partners can access these</td>
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- Senior management (including the Chief Operating Officer and the Vice-Chancellor’s Group) receives reports about Monash University’s efforts in PSEAH on at least an annual basis; these will specify PSEAH in DFAT-related projects
- Investigations are undertaken by experienced and qualified professionals who are trained on sensitive investigations and on a trauma-informed approach, at all times ensuring procedural fairness to the respondent.
- Policy documents that reference SEAH are scheduled for regular review by the University Policy Team or the local policy owner, as appropriate

**Minimum Standard 3**
- A risk assessment is undertaken prior to entering into an agreement with DFAT that explicitly considers the risk of SEAH
- PSEAH is visible at senior management, executive and governance level
- The organisation’s expectations for downstream partners are documented
- SEAH risk management plans and assessments will be documented, reviewed and updated as required

**Minimum Standard 4**
- PSEAH training is provided to staff and students, which builds workplace cultures of respect and accountability, and helps prevention
- All staff and students who are involved in activities that are ‘medium risk’ attend mandatory PSEAH training, and refresher training at least every 3 years, and confirm they have attended before travel overseas
- Training, guidance and resources are provided for downstream partners working on DFAT activities, programs or services
- Communications raising awareness of PSEAH are both internally and externally focused

**Minimum Standard 5**
- The Human Research Ethics Committee will consider in detail any research proposal which involves high risk environments or vulnerable people
- Staff and students applying to travel overseas for DFAT-related work are asked to disclose in writing whether or not they have ever been found guilty of any SEAH-related offences, to provide a Criminal Record Check (or equivalent) if they have, and to inform Monash University of any changes to their circumstances in regards to SEAH-related offences during the term of their engagement/study
- Employment contracts and student conduct rules (eg Student General Conduct Policy and related procedures) contain provisions for the suspension or transfer of staff/students under investigation and have provisions to dismiss staff / exclude students if allegations are substantiated
6. ORGANISATION-WIDE RISK MANAGEMENT ACTIONS

Monash University’s strategies to manage the risk of SEAH are specific to the types of activity we undertake, and the level of risk of SEAH that is assessed for each activity, as detailed above.

Many risk management actions are organisation-wide, and include substantial work in related areas such as modern slavery, child safety and the ACNC External Governance Standards. Our organisation-wide actions include the following.

6.1 Prevention and Deterrence

Monash University will continue to strengthen an organisational culture of prevention and deterrence. This will start at the top, where prevention is actively promoted through openness, where speaking up and speaking out are encouraged, where difficult discussions are facilitated, and where zero tolerance is demonstrated through consistent and sustained actions, including an active demonstration of Monash University’s Ethics Statement.

- Staff will be encouraged and supported to include in their design of new programs, research and study, and in all planning and preparation, a systematic risk analysis which includes SEAH risks. Risk management plans will include clear articulation of PSEAH measures.

- Monash University is progressively revising for all DFAT-related research, travel applications, scholarships, grants and mobility programs:
  - application forms,
  - acceptance letters,
  - risk assessments,
  - travel approval forms,
  - ‘survival kits’ and pre-departure information,
  - checklists for off-campus, remote/rural and international travel, and
  - other applicant correspondence and information.

These documents will include information about PSEAH obligations and an acknowledgment that the applicant has read, understood and will abide by Monash University’s PSEAH requirements.

6.2 Standards of Conduct

Conduct which amounts to SEAH has been prohibited by Monash University for many years.

Relevant policies and procedures which prohibit SEAH-related conduct and which work to prevent SEAH include:

- Ethics Statement policy [RTF]
- Equal Opportunity policy [RTF]
- Integrity and Respect policy [RTF]
- Behaviours in the Workplace [RTF]
- Expectation of Professional Behaviour [RTF]
- Student General Conduct Policy [PDF]
- Student General Misconduct Procedure [PDF]
- Sexual Misconduct Response Procedure [PDF]
- Child Safe Standard Framework [PDF] and the attached Code of Conduct (Child Safe Standards)
- Child Safe Standards Position Assessment Tool [PDF]

These policies, procedures and other rules explicitly prohibit all of the behaviours that are the subject of the DFAT PSEAH Policy, including conduct which would amount to sexual exploitation, sexual assault and sexual harassment by staff and students.
The following conduct, if conducted in connection with university activity, amounts to a breach of the above policies and procedures of Monash University staff or students:

- conduct that would amount to sexual exploitation, sexual assault or sexual harassment, as defined by DFAT;
- engaging a child in any form of sexual activity or acts, including paying for sexual services or acts, regardless of the local age of consent or majority;
- engaging in any sexual activity with adults who are likely to benefit or already benefit from Monash University’s assistance or engagement; and
- exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour with anyone who looks to benefit or already benefit from Monash University’s assistance or engagement.

6.3 Policy Linkages and Contractual Directions

In order to reinforce our commitment to PSEAH in overseas projects, at the scheduled times for review of the relevant policies and procedures (and at the latest by December 2021), Monash University will include statements about PSEAH, references to relevant guidance materials and risk management resources, statements of obligation to participate in prevention activities such as training and pre-departure briefings, reporting and investigation procedures, as appropriate.

In addition, related policies and procedures are under development which support PSEAH, including:

- Staff Travel Policy and Procedure;
- Student Travel Policy and Procedure; and
- Leading Student Groups Procedure.

6.4 Working with Contractors

From 30 August 2020, Monash University will require, under the terms of its contract with any suppliers and contractors in connection with DFAT-related work, compliance with this Framework and the DFAT PSEAH Policy.

The commitments required of contractors are set out at Attachment 1, ‘Commitments required of Contractors and Partners’.

Monash University will progressively advise existing contractors, who are already engaged in DFAT-related work with Monash University as at 30 August 2020, of this Framework and of the PSEAH commitments it requires of them.

Also in development is the creation of a panel of approved suppliers of travel services for DFAT-related work.

6.5 Working with partners

Program and activity leaders (who are Monash University staff and students), as well as staff involved in negotiation of partnership contracts, will be trained and supported to undertake a risk assessment of an organisation being considered by Monash University for a partnership arrangement in connection with DFAT-related work.

Monash University will not enter into a partnership arrangement unless the proposed partner organisation demonstrates and assures us that it satisfies the requirements of this Framework and of the DFAT PSEAH Policy, including the partner having and implementing its own PSEAH Policy.

We will also:

- Advise partners of the importance of PSEAH and the mechanisms available to report concerns to Monash University;
• Encourage partners to prevent SEAH in their activities involving Monash University and DFAT-related work; and
• Notify partners of the simple, accessible and anonymous ways to report to Monash University any concerns relating to SEAH (see below, ‘Reporting and responding to concerns’).

6.6 Raising Awareness, Training and Communication

Clear, timely and open communication is a key enabler of this strategy. A dedicated and tailored internal and external communication strategy will frame communication efforts. The strategy will take account of the various contexts in which Monash University operates and support staff and students in those contexts.

To build accountability and transparency, and to raise awareness, Monash University will make available online from 30 August 2020 information and guidance about its approach to PSEAH, its risk management efforts and complaints mechanisms. This material will be publicly available, so that it can be accessed by staff, students, external partners, contractors and the communities with which we work.

Training for all staff and students who travel overseas, including pre-departure briefings, are already mandatory and contain information about respectful conduct and the applicability of Monash University standards of conduct including policies and procedures. These training modules will be progressively reviewed by December 2020 to include PSEAH guidance and directions.

Resources and a training program for leaders of student groups offshore, which includes PSEAH content, are also in development.

7. REPORTING AND RESPONDING TO CONCERNS

Monash University will ensure that the safety, dignity and rights of the complainant are respected at all times including during reporting, investigation and the provision of assistance. The respondent’s rights and wellbeing, including their right to procedural fairness, will be also be supported in the handling of the allegations.

For larger projects, Monash University will work with partners to create community-based complaints mechanisms, reporting processes and referral pathways.

As well as the steps below, Monash University is subject to:

• Commonwealth and Victorian whistleblower laws, set out in the Corporations Act 2001 (Cth) and the Public Interest Disclosure Act 2012 (Vic). These laws, and Monash University’s Whistleblower Policy and Whistleblower Procedure, prescribe how a whistleblower disclosure is made to the University, how the University must handle whistleblower disclosures, and the protections afforded to whistleblowers.
• The Victorian Privacy and Data Protection Act 2014 and where applicable, other privacy and data protection legislation, depending on the nature of activities being undertaken. These laws, and Monash University’s Data Protection and Privacy Procedure, and relevant Data Protection and Privacy Collection Statements, prescribe how personal information can be processed by the University. Monash University will comply with DFAT’s requirements for the reporting of alleged SEAH incidents to the extent permitted by any applicable data protection and privacy laws and in accordance with any consents obtained.

7.1 Reporting Avenues

Monash University has simple, accessible and anonymous ways to enable staff, students, contractors and anyone affected by improper conduct of a Monash University staff member or student to report concerns relating to sexual exploitation, abuse and harassment, including when:
There are reasonable grounds to suspect that a person or persons may be at risk of SEAH or that an incident of SEAH has occurred; a report of SEAH has been made to Monash University; and there are reasonable grounds to suspect that a breach of this Framework or Monash University’s policies, procedures, Ethics Statement or Child Safe Standards Framework may have occurred.

Any suspicion of sexual exploitation, abuse and harassment should be reported immediately to Monash University via one of the following Reporting Avenues:

<table>
<thead>
<tr>
<th>Manager, Ethical Conduct (concerning allegations against a staff member)</th>
<th><a href="mailto:ethical.conduct.queries@monash.edu">ethical.conduct.queries@monash.edu</a> +61 3 9902 4945</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safer Community Unit (concerning allegations against a student)</td>
<td><a href="mailto:safercommunity@monash.edu">safercommunity@monash.edu</a> +61 3 990 51599</td>
</tr>
<tr>
<td>Online reporting portal: <a href="https://www.monash.edu/safer-community/reporting">https://www.monash.edu/safer-community/reporting</a></td>
<td></td>
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</tbody>
</table>

These confidential email addresses and portal enable concerns to be reported anonymously, should a complainant prefer. We encourage people making reports of SEAH to provide as much detail as they can, to enable us to consider and investigate the concerns.

Consistent with DFAT expectations, Monash University expects that allegations involving criminal sexual misconduct will be reported to local law enforcement authorities as a default position, regardless of local mandatory obligations, unless this is at odds with the wishes or welfare of the affected person or the life or serious welfare of the respondent.

To the extent feasible, we have ensured that our reporting mechanisms are accessible to affected populations and are focussed on the needs and safety of the complainant.

7.2 Responding to Concerns

Monash University:

- treats a report of sexual exploitation, abuse and harassment seriously;
- ensures that the safety and wellbeing of vulnerable people, groups and communities remain the overriding concern at all times;
- makes effort to offer culturally appropriate support for physical and mental health and wellbeing;
- undertakes to respond to all reports of alleged breaches of SEAH-related policies that apply to staff and students and, where relevant, conduct an internal investigation and follow-up as required; and
- works to ensure that all parties are treated fairly.

Staff in the above Reporting Avenues handle reports, can investigate concerning behaviour (or refer the allegations to a more appropriate Reporting Avenue or investigator), advise about unacceptable behaviours by students or staff, and offer referrals to services within and outside the University. They have been trained in trauma-informed approaches and procedurally fair investigation techniques, as well as the obligation on Monash University to report any alleged SEAH incident connected with DFAT-related work to DFAT (within two working days of becoming aware of an alleged incident) using the DFAT SEAH Incident Notification Form (www.dfat.gov.au/pseah).

Monash University’s processes for handling complaints, including those set out in the Sexual Misconduct Response Procedure [PDF], require that complaints of SEAH are handled in a safe,
sensitive and confidential way, and that complainants and respondents are offered confidential psychosocial wellbeing support.

7.3 Investigating Concerns

Investigations of allegations of SEAH will be fair and respect the rights of all parties involved, respecting due process and taking a trauma-informed approach.

Any outcomes of an investigation and subsequent actions in relation to proven conduct will be guided by respect for the choices, wishes, rights and dignity of the complainant.

We strengthen our capacity to effectively investigate and manage PSEAH reports by ensuring that:

- our complaints-handling staff in the Reporting Avenues, as well as staff in Student Conduct and Workplace Relations who may be involved in SEAH cases, have appropriate skills and knowledge of complainant-centric and trauma-informed approaches and best practice in SEAH investigation;
- reports are addressed promptly and without undue delay, recognising that delays to SEAH cases could result in additional harm;
- investigators understand the importance of balancing due process and fairness to respondents, with minimising trauma to complainants and respondents, and prioritising their safety, dignity and rights; and
- investigations are impartial, independent and fair.

8. OVERSIGHT AND REVIEW

This Framework is overseen by the Respect Now Always Committee, which reports to the Vice-Chancellor. PSEAH risk mitigation efforts are supported by staff in key roles in Research, Global Mobility, faculties, Human Resources, Ethical Conduct, Student Conduct, Risk and the Office of the General Counsel.

In line with its commitment to continued learning, Monash University will review this Framework and its achievements after one year, in order to strengthen and update our PSEAH efforts as required.

Senior management (including the Chief Operating Officer and the Vice-Chancellor’s Group) will receive reports from the Respect Now Always Committee about Monash University’s efforts in PSEAH on at least an annual basis.

9. DEFINITIONS

<table>
<thead>
<tr>
<th>Adult</th>
<th>A person aged 18 years or more.</th>
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<tbody>
<tr>
<td>Child</td>
<td>A person under the age of 18 years.</td>
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<tr>
<td>Child exploitation</td>
<td>Exploitation of a child, including:</td>
</tr>
<tr>
<td></td>
<td>• committing or coercing another person to commit an act or acts of abuse against a child</td>
</tr>
<tr>
<td></td>
<td>• possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material (child abuse material or child pornography material)</td>
</tr>
<tr>
<td></td>
<td>• committing or coercing another person to commit an act or acts of grooming or online grooming</td>
</tr>
</tbody>
</table>
- using a child for profit, unlawful labour, sexual gratification, or some other personal or financial advantage.

<table>
<thead>
<tr>
<th>Child Safe Standards</th>
<th>The Child Safe Standards were introduced by the Victorian Government to ensure child-safe environments in organisations that work with children. See Monash University’s Child Safe Standard Framework.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant</td>
<td>For simplicity, this Framework refers to people whom it is alleged have experienced sexual misconduct as ‘complainants’. The University acknowledges that people who report they have experienced sexual misconduct may refer to themselves as a complainant, discloser, victim or survivor.</td>
</tr>
</tbody>
</table>
| Contractor           | A person or entity (other than a staff member, student or volunteer of Monash University) engaged pursuant to a contract for services to carry out activities connected with DFAT-related work. Includes:  
• specified personnel nominated in a head agreement with an intermediary company (the contractor) to which a payment is made (although the specified personnel may themselves be employees and not independent contractors): or  
• If the person performing the service is the service provider, he/she is an independent contractor or a sole trader. |
| DFAT                 | Department of Foreign Affairs and Trade (or any subsequent Department of the Australian Government, with responsibility for foreign or external affairs). |
| DFAT-related work    | All actions taken, work performed or study undertaken by or on behalf of Monash University pursuant to an agreement with DFAT including scholarships, grants, financial assistance, fees, sponsorship and other contracts, which is intended to help achieve one or more DFAT policy outcomes. |
| Downstream partner   | Suppliers, individuals and organisations who are engaged by Monash University (or one of its partners or contractors) to perform DFAT business. |
| Partner / Partner Organisation | A partner individual or organisation engaged by Monash University to work with Monash University, or who works together with Monash University by agreement (including with other partners or a head partner, whether or not that head partner is Monash University), in connection with projects that are DFAT-related, whether the project is undertaken within or outside Australia. |
| Procedural Fairness  | Procedural fairness means that decisions are made:  
• in accordance with the rule against bias;  
• only after the respondent has been given an opportunity to know the allegations against them, to have a reasonable opportunity to respond to those allegations, and knowledge of any prejudicial material that may be taken into account by the decision-maker; and  
• without undue delay. |
| Provider / Provider Organisation | An individual or organisation engaged by Monash University to provide goods or services to or in connection with projects (whether within or outside Australia) that are DFAT-related. |
| Respondent           | A person against whom an allegation of sexual misconduct has been made. |
| **Sexual Abuse** | Actual or threatened physical or psychological intrusion of a sexual nature, whether by force or under unequal or coercive conditions. 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 is considered to be sexual abuse (where ‘age of consent’ refers to age of consent requirements specified for sexual activity in the law of the host country or the age of consent under the law of the Australian Capital Territory (16 years), whichever sets the greatest age). |
| **Sexual Assault** | Sexual Assault means any contact, threat of or intent to have contact, or compelling another person to have contact, of a sexual nature committed without consent against, toward or with regard to a person, including but not limited to: • rape, • sexual penetration, • non-penetrative sexual activity, • sexual touching • assault with intent to commit a sexual offence, • threat to commit a sexual offence, and • the administration of a drug or intoxicating substance with the intention of rendering a person incapable of resistance to participation in acts of a sexual nature. |
| **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. |
| **Sexual Harassment** | Sexual Harassment means all unwanted or unwelcomed conduct of a sexual nature which a reasonable person would expect to cause the other person to feel intimidated, insulted or humiliated. Sexual Harassment: • can occur in a single incident or a series of incidents; • can be experienced by witnessing behaviour not directed to that person e.g. overhearing a lewd joke; • can affect all genders; • can be physical, spoken, visual or written. Sexual harassment can include conduct such as (but is not limited to): • sending explicit or sexually suggestive emails, text messages, memos, messages or posts on social networking sites; • obscene or threatening communications such as phone calls, letters, emails, text messages or posts on social networking sites. • displaying or sending images, images or footage which are sexually explicit or pornographic; |
* making comments or asking intrusive questions about someone’s personal life, private life, sex life or the way they look;
* sexually suggestive comments or ‘jokes’;
* sexually suggestive behaviour such as leering or staring;
* deliberately brushing up against someone, touching, fondling or hugging;
* displaying offensive screen savers, photos, calendars or objects;
* repeated requests to go out;
* requests for sex;
* indecent exposure; and/or
* unwanted sexual attention.

| Sub-Contractor | A person or organisation which, under a contract with a Contractor which provides goods or services to Monash University, undertakes the provision of some or all of the obligations to Monash University of that Contractor. |
| Whistleblower  | Any person who makes a whistleblower disclosure in relation to the University in accordance with the Commonwealth law or the Victorian law. A whistleblower may be anonymous. See Monash University’s [Whistleblower Policy](#) and [Whistleblower Procedure](#). |
Attachment 1 – Commitments required of Contractors and Partners

From 30 August 2020, Monash University will require that its Contractors and Partners in DFAT-related work:

- Agree, under the terms of their contract with Monash University, to comply with the DFAT PSEAH Policy and this Framework;
- Undertake screening when required by Monash University, before or at any point during the contract, engagement or collaboration, including by providing relevant Working with Children Checks (or Working with Vulnerable Persons Checks) or undertaking a criminal record or police check (noting that, in limited circumstances, it may prove impossible to obtain a reliable criminal record check in or from other countries. At its sole discretion, Monash University may allow the provision instead of a statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and, if permitted by law, spent convictions relating to sexual exploitation, abuse and harassment);
- Implement measures which minimise the risk that their staff and downstream partners or suppliers engaging in SEAH, consistent with the DFAT PSEAH Policy;
- Support and comply with all Monash University activity in connection with the prevention of sexual exploitation, abuse and harassment, including providing training and direction to their staff and downstream partners or suppliers;
- Report to Monash University any suspected or known incidents of sexual exploitation, abuse and harassment that are witnessed, heard about, suspected or believed based on reasonable grounds to be at risk of occurring;
- Cooperate fully with any investigation by Monash University and local law enforcement agencies into allegations of SEAH; and
- Ensure the confidentiality of any reported incident (in accordance with the Whistleblower Policy and Whistleblower Procedure) and applicable data protection and privacy laws, including the Monash University Data Protection and Privacy Procedure and relevant Data Protection and Privacy Collection Statement, and any consents obtained.
Attachment 2 – Commitments required of Students including Higher Degree by Research Students

From 30 August 2020, Monash University requires that its students including Higher Degree by Research students who are engaged in research or study connected with DFAT grant, scholarship or other financial support, including those who are already engaged in such research or study:

- Agree to act in accordance with the Monash University Ethics Statement, the DFAT PSEAH Policy, this Framework and Monash University’s Child Safe Standard Framework, together with the Sexual Misconduct Response Procedure;

- Undertake screening when required before or at any point during the research or study, including by providing relevant Working with Children Checks (or Working with Vulnerable Persons Checks) or undertaking a criminal record or police check (noting that, in limited circumstances, it may prove impossible to obtain a reliable criminal record check in or from other countries. At its sole discretion, Monash University may allow the provision instead of a statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and, if permitted by law, spent convictions relating to sexual exploitation, abuse and harassment.);

- Attend training and pre-departure briefings which include discussion of the prevention of sexual exploitation, abuse and harassment;

- Report to Monash University any suspected or known incidents of sexual exploitation, abuse and harassment perpetrated by a DFAT partner that are witnessed, heard about, suspected or believed based on reasonable grounds to be at risk of occurring;

- Cooperate fully with any investigation, that will take a trauma-informed and complainant-centric approach, into allegations of SEAH; and

- Ensure the confidentiality of any reported incident (in accordance with the Whistleblower Policy and Whistleblower Procedure) and applicable data protection and privacy laws, including the Monash University Data Protection and Privacy Procedure and relevant Data Protection and Privacy Collection Statement, and any consents obtained.
Attachment 3 – Commitments required of Staff

From 30 August 2020, Monash University requires that its staff who are engaged in research or teaching connected with DFAT-related work, including those who are already engaged in such research or teaching, to:

- Agree to act in accordance with the Monash University Ethics Statement, the DFAT PSEAH Policy, this Framework, Monash University’s Child Safe Standard Framework and all other policies, procedures and directions of relevance which are current or introduced in future (such as those applicable to staff travel, risk assessments and leading student groups);

- Undertake screening when required before or at any point during the research or study, including by providing relevant Working with Children Checks (or Working with Vulnerable Persons Checks) or undertaking a criminal record or police check (noting that, in limited circumstances, it may prove impossible to obtain a reliable criminal record check in or from other countries. At its sole discretion, Monash University may allow the provision instead of a statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and, if permitted by law, spent convictions relating to sexual exploitation, abuse and harassment.);

- Support and comply with all Monash University activity in connection with the prevention of sexual exploitation, abuse and harassment, including:
  - Attending training and pre-departure briefings;
  - Managers and Chief Investigators ensuring that all other Monash University staff involved in the project have attended the necessary training and pre-departure briefings; and
  - Checking that the appropriate steps have been taken pursuant to this Framework in relation to downstream suppliers and partner organisations, including cooperating with procurement processes;

- Report to Monash University any suspected or known incidents of sexual exploitation, abuse and harassment that are witnessed, heard about, suspected or believed based on reasonable grounds to be at risk of occurring;

- Cooperate fully with any investigation into allegations of SEAH; and

- Ensure the confidentiality of any reported incident (in accordance with the Whistleblower Policy and Whistleblower Procedure and applicable data protection and privacy laws, including the Monash University Data Protection and Privacy Procedure and relevant Data Protection and Privacy Collection Statement, and any consents obtained.)