

Sexual Harm and Gender-Based Violence (Prevention and Response) Policy

Section 1 - Purpose and Scope

Purpose

(1) This Policy:

- a. sets out the University's commitment and approach to preventing and responding to incidences of Sexual Harm and Gender-based Violence occurring at, or connected to, the University; and
- b. supports compliance with the [National Higher Education Code to Prevent and Respond to Gender-based Violence 2025](#).

Scope

(2) This Policy applies to:

- a. All members of the University Community; and
- b. All University related conduct or activities, for example: study, research, work, living, and socialising regardless of whether the conduct or activities take place on or off campus or in an online environment.

Section 2 - Definitions

(3) For the purposes of this Policy and associated procedures, the following definitions apply:

- a. Accommodations: actions that the University can take to support a student or staff member who has reported Gender-based Violence to enable them to continue studying, working, living and socialising at the University. Accommodations will be developed on a case-by-case basis.
- b. Code: the [National Higher Education Code to Prevent and Respond to Gender-based Violence 2025](#) (the National Code).
- c. Consent: freely and voluntarily consenting to a sexual act. A person cannot give their consent when they are:
 - i. under the age of 16 years;
 - ii. asleep or unconscious;
 - iii. intoxicated or affected by drugs or alcohol;
 - iv. intimidated, coerced or threatened;
 - v. unclear about the identity of the person performing the act;
 - vi. deceived or mistaken about the nature of the activity.
- d. Discloser: a person who has shared information about their experience of Gender-based Violence.
- e. Disclosure: the provision of information about a person's experience of Gender-based Violence to the University by the Discloser or another person.
- f. Formal Report: the provision through formal reporting channels of information about their experience of

Gender-based Violence by a Discloser to the University, which requires the University to consider taking steps beyond the offer and provision of support services, including (without limitation) the commencement of an investigation and/or a disciplinary process in appropriate circumstances.

- g. Gender-based Violence: any form of physical or non-physical violence, harassment, abuse or threats, based on gender, that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy. For the purpose of this Policy, this includes Sexual Harassment and Sexual Assault.
- h. Person-centred: ensuring that the Discloser's needs and preferences are at the centre of decisions made in response to the Disclosure. The response systems, policies and procedures affirm the Discloser's dignity and support their healing by genuinely considering their wishes and the impact that decisions may have on them, while at all times ensuring the safety and wellbeing of the Discloser and other students and staff.
- i. Precautionary Measures: measures or actions undertaken by the University directed at a student, staff member or affiliate, who is alleged to have committed a criminal offence or a breach of University policy. A precautionary measure is not a penalty or sanction and must be reasonable and proportionate.
- j. Resident: a person that resides in Student Accommodation.
- k. Respondent: a person whom it is alleged has engaged in conduct that amounts to Gender-based Violence.
- l. Sexual Harassment: an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature that is done either to offend, humiliate or intimidate another person, or where it is reasonable to expect the person might feel that way. Sexual harassment may include:
 - i. displays of sexually graphic materials including posters, cartoons or messages left on noticeboards, desks or common areas;
 - ii. repeated invitations to develop a closer or intimate relationship after prior refusal;
 - iii. unwelcome and uncalled for remarks or insinuations about a person's sex or private life;
 - iv. comments of a sexually suggestive nature about a person's appearance or body;
 - v. sexually suggestive or offensive phone calls, emails or text messages;
 - vi. unwanted sexual attention using social media;
 - vii. sexual propositions;
 - viii. indecent exposure;
 - ix. stalking;
 - x. pressuring a student or staff member to engage in sexual behaviour for some educational or employment benefit, or
 - xi. making a real or perceived threat that rejecting sexual behaviour will carry a negative consequence for the student or staff member in employment, education, accommodation, or University program or activity.
 - xii. In some instances sexual harassment may also constitute criminal conduct and should be managed as such. Sexual harassment is unlawful when it falls within the relevant statutory definition under the [Anti-Discrimination Act 1977 \(NSW\)](#), the [Anti-Discrimination Act 1991 \(Qld\)](#) and/or the [Sex Discrimination Act 1984 \(Cth\)](#).
- m. Sexual Assault: any unwanted or forced sexual act or behaviour without consent. Sexual assault occurs when a person:
 - i. touches or makes contact with another person (and the touching or making contact is sexual in nature) without their consent – groping and any physical contact such as patting, pinching or touching in a sexual way is a form of sexual assault.
 - ii. forces another person against their will to commit an act of gross indecency – a sexual act that does not involve penetration, for example a person forces another person to touch their genitals.
 - iii. forces another person to see an act of gross indecency, for example the person masturbates in front of the other person.

- iv. Rape is the most serious form of sexual assault and occurs where a person or persons force another person or persons to have sexual intercourse without their consent. Rape includes forcing someone to perform oral sex, digital penetration, and inserting any object into the vulva, vagina or anus of another person without their consent.
- n. Sexual Harm: Sexual Assault and Sexual Harassment.
- o. Student Accommodation: has the same meaning as in the National Code.
- p. Student Accommodation Staff: has the same meaning as in the National Code.
- q. Trauma-informed: an approach that applies the core principles of safety (physical, psychological and emotional), trust, choice, collaboration and empowerment. It should minimize the risk of re-traumatisation and promote recovery and healing to the greatest extent possible.
- r. University Community: the members of the University Council, the staff, the students and affiliates of the University, entities that conduct activities on behalf of the University, including but not limited to businesses and organisations that operate on, use or lease the University's land and facilities; Controlled Entities and Student Accommodation providers.

Section 3 - University Commitment

(4) The University has zero tolerance for Gender-based Violence and Sexual Harm.

(5) The University prioritises safety and support in preventing and responding to Gender-based Violence and aims to provide an environment where all members of the University Community are treated fairly and with dignity and respect, free from Gender-based Violence.

(6) The University is committed to:

- a. A proactive approach to preventing Gender-based Violence; and
- b. Responding in a Trauma-informed and Person-centred manner to Disclosures and Formal Reports of Gender-based Violence.

(7) The University's Prevention and Response Plan records the University's Whole-of-Organisation approach to preventing and responding to Gender-based Violence that prioritises the safety and support of its students and staff.

Section 4 - Support Services

(8) The University ensures that its responses, practices and support services are safe, Person-centred and consistent with a Trauma-informed approach and best practice.

(9) The University provides and facilitates access to support services to persons making Disclosures and/or Formal Reports of Gender-based Violence and to Respondents, including supports relevant to educational outcomes such as reasonable academic adjustments. Details of the support services available can be found on the University's Gender-based Violence webpage and in the University's Prevention and Response Plan.

(10) The University supports individuals who have experienced Gender-based Violence in deciding whether they want to report the incident to police.

(11) All Disclosures and Formal Reports of Gender-based Violence are subject to a risk assessment, where identified risks are managed and monitored on an ongoing basis.

(12) When implementing safety measures in response to a Disclosure or Formal Report of Gender-based Violence, the University engages with and seriously considers the views of the Discloser.

(13) The University will assign a staff member with relevant expertise and experience to develop collaboratively with the Discloser and Respondent a Tailored Support Plan. The staff member assigned to support the Discloser shall be a different person from the staff member assigned to support the Respondent.

Section 5 - Procedures

Making a Disclosure/Formal Report of Gender-based Violence

(14) The University encourages any person who has experienced, or witnessed, any Gender-based Violence by, or toward, a member of the University Community to report the incident. A formal report to the police is not required in order to access the University's reporting procedures.

(15) A Disclosure or Formal Report can be anonymous, and the person reporting is able to, but does not have to, identify others involved. The University will take reasonable and proportionate action in respect of anonymous Disclosures or Formal Reports, including by identifying any trends and risks to inform actions to prevent Gender-based Violence.

(16) Staff members may make a Disclosure or Formal Report to:

- a. the Work Health and Safety Team by email or via the online reporting risk platform, RiskWare;
- b. their direct supervisor;
- c. the Complaints Assistance Officer, by email to complaints@scu.edu.au or online;
- d. their HR Business Partner; or
- e. another trusted SCU staff member.

(17) Students may make a Disclosure or Formal Report to:

- a. the Student Safety Team by email to studentsafety@scu.edu.au or online via the online reporting risk platform, RiskWare;
- b. the Complaints Assistance Officer, by email to complaints@scu.edu.au or online;
- c. the Counselling Services by email to counselling@scu.edu.au or phone 1800 72 4357;
- d. 1800 SCU HELP; or
- e. a trusted member of staff who can refer the student to support services.

(18) Making a Disclosure does not automatically start an investigation. On receipt of a Disclosure, the University will advise the Discloser (if they are identified) of their options, including the option to make a Formal Report. The University will have regard to the wishes of the Discloser when determining the pathway by which it will manage the Disclosure.

Where Disclosures or Formal Reports relate to incidents that occur in Student Accommodation

(19) Where a Disclosure or Formal Report is made by or about a Resident, Student Accommodation Staff, or any Staff whose substantive roles is in connection with the Student Accommodation, the University, in collaboration with the Student Accommodation provider, will:

- a. take all necessary immediate action proportionate to the risk arising from the Disclosure to ensure the safety of the Discloser, Residents and Student Accommodation Staff. This may include relocation of the Respondent to alternative accommodation and/or arranging available urgent support services for the Discloser and Respondent;

- b. undertake a risk assessment within 48 hours of receiving the Disclosure or Formal Report or immediately when required, that:
 - i. takes into account and seriously considers the views of the Discloser; and
 - ii. determines safety measures to be implemented to protect the safety of the Discloser and other Residents, which may include relocation of the Respondent to alternative accommodation;
- c. within 48 hours of a Disclosure or Formal Report, develop and implement a Tailored Support Plan collaboratively with, and as desired by, the Discloser;
- d. within 48 hours of a Disclosure or Formal Report, develop and implement a Tailored Support Plan collaboratively with, and as desired by, the Respondent; and
- e. require that, where the University determines the action to be necessary to protect the safety of Residents and after seeking and considering the views of the Discloser, the University permanently remove from the Student Accommodation a person who has had an allegation of Gender-based Violence against them substantiated.

Investigations

(20) While the University will seek and consider the views of a Discloser before progressing a Disclosure (as opposed to a Formal Report) to investigation, the University may be required to investigate the Disclosure if it deems necessary for the safety and wellbeing of students and staff.

(21) The University is required to investigate all Formal Reports where the Respondent is a student or a staff member, regardless of the context in which the Gender-based Violence occurs.

(22) In relation to a Formal Report which has no connection to the University other than the status of the Respondent as a student or staff member, the University will consider the safety and wellbeing of students and staff in determining the scope of investigation of a Formal Report.

(23) The University will notify the Discloser and Respondent in writing if an investigation will be commenced. The notification shall be made to the Discloser and Respondent on the same day, and the Discloser shall be notified first.

Relevant investigation procedures

(24) Investigations of alleged Gender-based Violence where the Respondent is a staff member will be conducted by a member of the Workplace Relations team, an appointed nominee or an external investigator for investigation in accordance with the Enterprise Agreement.

(25) Investigations of Gender-based Violence where the Respondent is a student will be conducted by the Pro-Vice Chancellor (Academic Quality) to determine possible non-academic misconduct under the [Student Academic and Non-Academic Misconduct Rules](#).

(26) Where a student is also employed by the University or where a staff member or affiliate may also be a student, an assessment will be made as to the role the Respondent was undertaking at the time of the alleged conduct.

(27) Where an allegation of Gender-based Violence is made against a University Council Member (where that Council member is not also a staff member), it will be referred to the Chancellor for investigation.

(28) The University will ensure all parties (including the Discloser and Respondent), have the opportunity to be accompanied by a support person when they are asked about the matters which are the subject of the Disclosure or Formal Report.

(29) Disclosers and Respondents will not be required to provide physical evidence relating to an alleged incident of Gender-based Violence.

Managing Outcomes of Investigations

(30) The University has multiple pathways for Disclosures and Formal Reports to be managed following investigation, including:

- a. A resolution that is implemented with the agreement of the Discloser and Respondent;
- b. The implementation of safety measures without progressing to a disciplinary process;
- c. A decision not to proceed to a disciplinary process; and
- d. A decision to progress to a disciplinary process.

(31) Unless a Discloser requests otherwise, the University will notify the Discloser in writing once the investigation is concluded of the outcome of the investigation, including if a disciplinary process will be commenced, on the same day as the Respondent being notified.

Disciplinary Processes

(32) Formal Reports will be finalised within 45 business days, including finalisation of a disciplinary process.

(33) The Vice-Chancellor may permit an extension of time for the finalisation of Formal Reports where required in the particular context.

(34) The University affords Disclosers and Respondents Procedural Fairness in its disciplinary process.

(35) The University will provide updates to the Disclosers and Respondents throughout the process of resolving Formal Reports having regard to the views of Disclosers and Respondents.

(36) Any sanctions imposed will be proportionate to the conduct substantiated in the disciplinary process, which may include exclusion and expulsion.

(37) Unless a Discloser requests otherwise, the University must give written notice to the Discloser of:

- a. the outcome of the disciplinary process, including the decision and, if relevant, sanctions;
- b. reasons for the outcome; and
- c. rights to make an internal and/or external complaint, including to the [National Student Ombudsman](#).

(38) Unless requested otherwise, the Discloser must be notified of the outcome of the disciplinary process on the same day as the Respondent.

External Processes

(39) If the University commences an investigation and an external process (a criminal charge) is also pursued, the University may determine to continue or suspend its investigation. The University will continue to provide support, including assessments of Accommodations and Precautionary Measures.

(40) Where a disciplinary process results in the termination of a staff member's employment, the staff member retains access to the external review mechanisms available under the [Fair Work Act 2009 \(Cth\)](#), including the unfair dismissal jurisdiction of the Fair Work Commission. In addition, where a staff member covered by the enterprise agreement considers that a disciplinary process or outcome under the agreement has been misapplied, the dispute resolution procedure in the agreement remains available and may be referred to the Fair Work Commission if the matter cannot be resolved internally.

Section 6 - Monitoring and Reporting Requirements

(41) The University recognises that data collection and appropriate reporting are essential components of a comprehensive strategy to addressing Gender-based Violence. Details of how the University will monitor and report on Gender-based Violence are contained in the Prevention and Response Plan.

(42) All records relating to Gender-based Violence will be kept in accordance with the University's [Records Management Policy](#) and Procedures and the [Privacy Policy](#).

(43) Disclosures and Formal Report will be kept strictly confidential unless required to be disclosed by law.

Policy Review

(44) This Policy will be reviewed every three years including through engagement and consultation with:

- a. students
- b. staff
- c. those groups who are disproportionately affected by Gender-based Violence, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity
- d. those who have experienced Gender-based Violence;
- e. subject matter experts on Gender-based Violence; and
- f. third parties whose facilities are utilised by students or staff to undertake clinical or other work, research placements, or practicums.

Section 7 - Associated Documents

(45) This Policy is to be read in conjunction with relevant policies regarding behavioural standards and conduct:

- a. [Enterprise Agreement](#)
- b. [Code of Conduct](#)
- c. [Complaints Policy – Staff](#)
- d. [Complaints Policy – Students and Members of the Public](#)
- e. [Student Academic and Non-Academic Misconduct Rules](#)
- f. [Student Critical Incident Management Policy](#)
- g. [Harassment, Bullying and Discrimination Prevention Policy](#)
- h. [Privacy Policy](#)
- i. [Work Health Safety Policy](#)
- j. [Records Management Policy](#)

Status and Details

Status	Current
Effective Date	13th January 2026
Review Date	13th January 2029
Approval Authority	Vice-Chancellor
Approval Date	13th January 2026
Expiry Date	Not Applicable
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