

Sexual Harm Prevention and Response

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1.0 Purpose

This policy affirms Griffith University's commitment to:

- provide a safe, respectful and inclusive environment that is free from Sexual Harm for all Students, Employees, and other individuals who are part of the University Community; and
- fulfill Griffith's positive duty to implement measures to prevent Sexual Harassment, sex discrimination and victimisation.

2.0 Scope

This policy applies to:

- All members of the University Community, including Students, Employees, contractors, consultants, and applicants for work and study when engaged in University Activities, on University Premises, or where there is a connection to work with the University.
- Any unwanted behaviour of a sexual nature, including recent and/or historical behaviour, in connection to the University, and applies regardless of where the incident(s) may have occurred, including in-person, off-campus or through online platforms.
- Incidents of Sexual Harm relating to children are managed through the Child Safety and Wellbeing Policy.

Notes:

- The role of the University is to determine if there has been a breach of the standards of conduct expected from members of the University Community, as expressed in this policy, the Student Charter, the Student Conduct, Wellbeing and Safety Policy, the Code of Conduct, employment contracts, contractor agreements, industrial instrument and other relevant policies or legislation. The University will not determine whether a criminal act has been committed.
- The University's ability to take any action with regard to the conduct of those who do not have an ongoing relationship with the University may be very limited. This includes the conduct of applicants for work or study who do not subsequently become members of the University Community. However, applicants who experience Sexual Harm from members of the University Community are able and encouraged to raise the matter under this Policy.

3.0 Policy statement

1. All members of the University Community have the right to be treated with dignity and respect and to work or study in a safe environment.
2. Sexual Harm is a broad term that incorporates any unwanted behaviour of a sexual nature or with a sexual element. The behaviour may result in a person feeling uncomfortable, frightened, distressed, intimidated, or harmed either physically or psychologically.
3. Sexual Harm can have a profound and lasting impact on those affected, their families and friends, and their communities. These behaviours are never acceptable or deserved, and any reported incidents will be taken seriously and handled sensitively.
4. The priority of the University in addressing matters of Sexual Harm is the safety and wellbeing of all. This includes alleged victims, witnesses, other University Community members, and respondents.
5. As part of its positive duty to prevent Sexual Harm, the University will provide comprehensive education and training programs to promote Consent, respectful relations, bystander interventions, and reporting processes. The University will also actively engage in prevention initiatives such as awareness campaigns, workshops, and ongoing communications to foster a safe and respectful campus culture.
6. The University will support those who make a Disclosure or Formal Report of Sexual Harm to manage their response on their own terms and when they feel safe and confident to do so, regardless of when the harm occurred. There are no time limits on seeking help or advice. Individuals will be supported in a compassionate manner.
7. The University has clear and accessible procedures for reporting Sexual Harm. Multiple reporting options, including confidential avenues, are available. Processes can be found in the Student Reports of Bullying, Harassment, Discrimination and Sexual Harm Procedure (Students) and the relevant complaints processes for all people performing work for the University (Employees, contractors, consultants, volunteers and unpaid academic appointees).
8. The University recognises that different community members will have different needs and experiences and that some populations may be more vulnerable to Sexual Harm than others. This includes situations where power imbalances apply, for instance, between staff and students. The University will provide sensitive and appropriate mechanisms so that all members of the University Community can be supported and enabled to obtain help if they experience Sexual Harm.
9. The University strictly prohibits any form of retaliation or victimisation against individuals who report incidents of Sexual Misconduct, participate in investigations, or support those who have experienced Sexual Harm. Retaliation or victimisation will be treated as a separate violation of University policy and may result in disciplinary action.

3.1 Rights and responsibilities

1. All members of the University Community have the right to work and study in an environment free from Sexual Harm. This means individuals have the right to:
 - a. expect the University to work proactively to create an environment free of Sexual Harm to the fullest extent possible
 - b. be treated with respect and dignity
 - c. be referred to support services if impacted by Sexual Harm
 - d. expect that any report of Sexual Harm will be treated with appropriate confidentiality at all times

- e. have their preferences considered and, where possible, honoured, regarding how they wish to manage their Disclosure in relation to the matter, with the proviso that the University may still need to take action if it is necessary to protect the University Community or any of its members
 - f. expect that the University will take action with regard to a report in a timely, fair and appropriate manner
 - g. participate in a fair and equitable reporting process and be supported to manage any disadvantage arising from the process, including where interim actions are taken
 - h. not suffer recrimination, reprisals or victimisation in any way by any member of the University Community, because they have made a report of Sexual Harm.
2. All members of the University Community also have the responsibility to:
- a. not engage in any form of Sexual Harm
 - b. immediately stop unintended Sexual Harassment when informed that the behaviour is causing offence, humiliation or intimidation
 - c. not impede a person from reporting an incident of Sexual Harm, including threatening consequences for reporting
 - d. respond compassionately and appropriately if a report of Sexual Harm is made
 - e. refer the matter to the Child Protection Officer in accordance with the Child Safety and Wellbeing Policy if the report is made by a person currently aged under 16 years or 18 years where there is an impairment of the mind (this is mandatory)
 - f. not subject any person who has made a report, is a witness to a report, or against whom a report has been made, to any form of recrimination, reprisal or victimisation (such behaviour may result in disciplinary action)
 - g. not make Vexatious or Malicious Reports of Sexual Harm against another person (such behaviour may result in disciplinary action).
3. The University has the responsibility to:
- a. consistent with the Sex Discrimination Act 1984 (Cth), take reasonable and proportional measures to eliminate, as far as possible:
 - Sexual Harassment;
 - Victimisation;
 - sex discrimination and sex-based harassment;
 - conduct that amounts to subjecting a person to a hostile workplace environment on the grounds of sex.
 - b. continuously assess and evaluate whether Griffith is meeting the requirements of its positive duty to eliminate Sexual Harassment, sex discrimination and victimisation in international contexts, including its specific obligations under DFATs Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) Policy and other applicable policies and government requirements
 - c. implement education and training for Employees and Students, which may include mandatory education and training and appropriate orientation for other members of the University Community
 - d. implement specific training for supervisors and managers so they know what to do if they witness, experience or are approached about an incident of Sexual Harm and know whom to seek guidance from if they have questions

- e. provide evidence-based and trauma-informed support services to Students and Employees who have experienced Sexual Harm
- f. provide support to members of the University Community who have experienced Sexual Harm in connection with the University
- g. provide Students and Employees with ways to report behaviour to the University, including anonymous reports
- h. assess and take any appropriate action on all reports of Sexual Harm
- i. where possible, consult with the person who experienced Sexual Harm, and take their wishes into account when responding to a report
- j. ensure procedural fairness
- k. ensure confidentiality and privacy in accordance with University policy
- l. impose a penalty if a University investigation of a Formal Report concludes an Employee or Student has engaged in Sexual Harm
- m. take appropriate action consistent with the terms of engagement if a University investigation of a Formal Report concludes that a member of the University Community who is not an employee (e.g., contractor, consultant, volunteer) has engaged in Sexual Harm
- n. consider disciplinary or other relevant action if a report is assessed to be vexatious or malicious.

3.2 Reporting and response

1. The University encourages individuals to report incidents of Sexual Harm and provides options ranging from anonymous reporting and Disclosure to lodgement of Formal Reports.
2. Disclosure means an individual informing the University about their experience or witnessing of Sexual Harm. Unlike a Formal Report, Disclosure does not trigger an investigation or action unless the University has an obligation or a duty of care to act. Disclosures and Formal Reports can be made via the Report a Concern form.
3. For information about how Disclosures and Formal Reports of Sexual Harm can be made and what happens when a Disclosure or Formal Report is received, refer to the relevant Procedures (listed below).
4. Formal Reported incidents may be assessed and/or investigated under Student General Conduct processes or the relevant Employee misconduct process as described in the relevant Enterprise Agreement, and an applicable penalty applied if there is a finding of misconduct or serious misconduct. Any rights to review and/or appeal decisions made on these matters are outlined in those processes.
5. When an anonymous report is made, the University may or may not be able to take any further action. While the University treats all Disclosures and Formal Reports seriously, it may be unable to investigate a behaviour or incident fully, make a decision or take action to resolve the issue when the source of the report is unknown or where there is insufficient information that would permit procedurally fair allegations to be put to an individual. Information provided in an anonymous report will be used to monitor the incidence of Sexual Harm affecting the University and to identify potential improvements to safety on campus.
6. Any member of the University Community who experiences Sexual Harm has the right to report to an external organisation, including the police, and the right to decide not to report.

7. If a report is made to an external organisation, the University response may need to be delayed. However, the University may still implement interim measures to ensure the safety of all parties and the University Community as a whole.

3.3 Interim measures

1. When a report is made, interim measures can be put in place by the University with regard to Students to reduce the potential for harm to the University Community. In relation to Employees, appropriate measures may include suspension from duty. Interim measures do not anticipate the outcome of any University or external investigation and are not a penalty.
2. Interim measures are applied in accordance with the Student Conduct, Wellbeing and Safety Policy and/or the Employee misconduct provisions of the relevant industrial instrument.

3.4 Privacy and confidentiality

1. The privacy and confidentiality of all parties to a report will be respected to the fullest extent possible. However, sharing of information may be required for the purposes of monitoring or reporting, to satisfy regulatory and legal obligations, to satisfy procedural fairness requirements, or where there is a continued/immediate threat to the safety of the individual or others.
2. The expectation of confidentiality extends to all correspondence, reports, findings and responses in relation to any investigation.
3. De-identified data related to incidents of Sexual Harm will be made publicly available and used to inform and improve the University's management and response processes.
4. The University also has obligations to report under DFAT's Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) Policy, specifically for any project, work or activity that involves DFAT partnering, funding or association.
5. The University has an overarching legal responsibility to protect the safety of Students, Employees and other members of the University Community. As a result, it may be necessary to provide information to the Queensland Police and/or relevant government agencies.
6. Mandatory reporting legislation may also affect confidentiality. Information about Sexual Assault or Sexual Harassment that involves individuals currently aged under 16 years or 18 years where there is an impairment of the mind (whether as victim, perpetrator or witness) must be reported to relevant government agencies, which may include the Queensland Police.

4.0 Roles, responsibilities and delegations

Disclosures and reports of Sexual Harm are managed under the Student Reports of Bullying, Harassment, Discrimination and Sexual Harm Procedure (Students) and the relevant complaints processes for all people performing work for the University (Employees, contractors, consultants, volunteers and unpaid academic appointees).

5.0 Definitions

Consent refers to the voluntary and informed agreement between individuals to engage in a specific activity or behaviour. Consent must be given willingly, without coercion, pressure or manipulation. Consent requires that individuals have adequate information about the activity or behaviour they are consenting to. Consent is a clearly expressed, mutual agreement between parties involved and can be withdrawn at any time. Consent can only be given by individuals who have the legal capacity and cognitive ability to understand the implications of their decision.

Disclosure means an individual letting the University know about their experience or witnessing of Sexual Harm, but not a request for the University to take formal action.

Employees means individuals employed by the University and whose conditions of employment are covered by a University Enterprise Agreement or relevant Award, including continuing, continuing contingent-funded, fixed term and casual staff, and senior employees whose conditions of employment are covered by a written agreement or contract with the University.

Formal Report means an individual making a complaint to the University about an incident or behaviour concerning Sexual Harm. A Formal Report will result in the University undertaking an investigation into the concern.

Report a Concern is an online form for students and staff to make either an informal Disclosure or formal Report about an incident of behaviour concerning Sexual Harm. Disclosures and formal Reports may be made anonymously.

Sex Discrimination occurs when a person (the discriminator) treats another person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person of a different sex. It is fully defined within, and made unlawful by, the *Sex Discrimination Act 1984 (Cth)*.

Sex-based Harassment is similar to Sexual Harassment but refers to unwelcome conduct directed towards a person that is seriously demeaning to the person on the basis of their sex. A reasonable person would find that in the circumstances, the conduct would offend, humiliate or intimidate. Examples include:

- asking intrusive personal questions based on a person's sex
- making inappropriate comments and jokes to a person based on their sex
- making sexist, misogynistic and misandrist remarks about a specific person.

It is fully defined within, and made unlawful by, the *Sex Discrimination Act 1984 (Cth)*.

Sexual Harm is any unwanted behaviour of a sexual nature. Sexual Harm includes sexual assault, rape, Sexual Harassment, sex-based harassment, and any other unwanted sexual behaviour, whether online or in person. The behaviour may result in a person feeling uncomfortable, frightened, distressed, intimidated, or harmed either physically or psychologically.

Sexual Harassment includes any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in circumstances where a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated. A single incident is enough to constitute Sexual Harassment – it does not have to be repeated.

Sexual Misconduct is a broad term that incorporates any misconduct of a sexual nature or with a sexual element which the University can respond to. It includes Sexual Harassment, sexual assault, sex-based discrimination, and other related forms of behaviour.

Students are people studying at the University in all career levels, modes of study and locations, physical or digital, participating in activities organised by or under the control or direction of the University. For the purpose of this Policy, the term "student" includes:

all enrolled students and HDR candidates at the University; and

students with 'active' enrolment status, including those who are not 'carrying load' and students on approved Leave of Absence, Deferment or between enrolment periods.

University Activities means:

- using University equipment or resources (e.g., communication technologies, vehicles, facilities);
- using private communication methods to support or engage with University activities (e.g., setting up a Facebook group for Students studying a particular unit to discuss their studies)

- being in attendance at a University event, function or activity;
- participating in any activity as a representative or Student of the University (e.g. field trips, practicums, conferences, sporting trips, participation in a University affiliated club, community meetings etc.);
- carrying out functions in connection with a University-endorsed activity, including at places external to University premises (e.g. at licensed premises, private residence, in the street);
- activities outside of the University, including online and via social media, where there is a significant or substantial connection to work or study at the University; or
- other special circumstances relating to educational institutions, including participating in any activity or carrying out functions in connection with their position at the University where they come into contact with staff, Students or other parties of a separate educational institution.

University Community

University community includes:

- enrolled students, including cross-institutional students and students on exchange from another institution
- employees and exchange employees
- employees of controlled entities, Centres and Institutes, and affiliated clubs and associations
- contractors and consultants performing work on University sites or on behalf of the University
- the Council and its committees
- any volunteer in the workplace and study environment
- clinical title holders, adjunct, visiting, honorary and conjoint appointees of the University.

University Premises means any University-owned, operated or occupied property or facility unless operated by a third-party provider which has its own policies that satisfactorily cover Sexual Harm prevention and response.

Vexatious or Malicious Report means a complaint where the person:

- knows it to be false; and
- complains for the primary purpose of damaging the University or the person(s) against whom the Report is made.

Victimisation occurs when a person subjects, or threatens to subject, another person (a complainant) to detriment because the complainant has made or proposes to make a complaint or disclosure about Sexual Harm or Misconduct. It is fully defined within, and made unlawful by, the *Sex Discrimination Act 1984 (Cth)*.

6.0 Information

Title	Sexual Harm Prevention and Response Policy
Document number	2024/0001052
Purpose	This policy affirms Griffith University’s commitment to provide a safe, respectful and inclusive environment that is free from Sexual Harm for all Students, Employees, and other individuals who are part of the University Community; and promote Griffith’s positive duty to implement measures to prevent Sexual Harassment, sex discrimination and victimisation.
Audience	Staff; Students
Category	Operational
Subcategory	Student Services Staff
UN Sustainable Development Goals (SDGs)	This document aligns with Sustainable Development Goal/s: 3: Good Health and Well-Being 5: Gender Equality 10: Reduced Inequalities
Approval date	16 April 2024
Effective date	11 December 2023
Review date	2028
Policy advisor	Provost
Approving authority	Vice Chancellor

7.0 Related Policy Documents and Supporting Documents

Legislation	<ul style="list-style-type: none"> Anti-Discrimination Act 1991 (Qld) Griffith University Academic Staff Enterprise Agreement 2023-2025 Griffith University Professional and Support Staff Enterprise Agreement 2023-2025 Higher Education Standards Framework (Threshold Standards) 2021 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Sex Discrimination Act 1984 (Cth)
Policy	<ul style="list-style-type: none"> Child Safety and Wellbeing Policy Code of Conduct Domestic and Family Violence Support Policy Equity, Diversity and Inclusion Policy Griffith University Privacy Statement Resolution of Breaches of Residential Community Standards and other Grievances within the Griffith University Residential Colleges Policy Student Complaints Policy Student Conduct, Wellbeing and Safety Policy Student Critical Incident Management Policy
Procedures	<ul style="list-style-type: none"> Child Risk Management Procedure
Local Protocol	<ul style="list-style-type: none"> Safe Campuses website
Forms	<ul style="list-style-type: none"> Report a Concern Report a Concern (anonymous)