# Sexual Misconduct and Gender-based Violence Prevention and Response Policy

# Section 1 - Purpose and Scope

(1) The University of Queensland (UQ or the University) is committed to promoting and fostering a University environment that is safe, respectful and free from all forms of Sexual Misconduct and Gender-based Violence. Subject to what follows, this Policy outlines the principles and key requirements governing UQ's approach to preventing, addressing and responding to:

a. Sexual Misconduct, which is unwelcome behaviour of a sexual nature without Consent and includes behaviour that could amount to a Sexual Offence and/or Sexual Harassment; and
b. Gender-based Violence, which is 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.

(2) This Policy is to be read in conjunction with the Sexual Misconduct and Gender-based Violence Prevention and Response for Students Procedure (Students Procedure), the Sexual Misconduct and Gender-based Violence Prevention and Response for Staff Procedure (Staff Procedure), and the Acceptable Behaviour towards Students Procedure (together, the Procedures).

(3) UQ is committed to providing Support to Students, Staff, Contractors and Third Parties who have experienced, witnessed or otherwise been exposed to Sexual Misconduct or Gender-based Violence.

(4) This Policy applies to all members of the UQ Community, Affiliated Organisations and Associated Entities. Together with the Procedures, this guides our intent to promote and foster an environment where Students, Staff, Contractors and Third Parties are supported to make Disclosures and Formal Reports and are offered support through Trauma-Informed and Person-Centred approaches.

(5) This Policy and the Procedures have been designed to support the prevention of Sexual Misconduct and Gender-based Violence, effective responses to Sexual Misconduct and Gender-based Violence, Disclosers achieving their educational outcomes, and the physical and psychological safety and wellbeing of Students, Staff and Contractors.

(6) This Policy and the Procedures do not govern disciplinary processes in relation to Students, Staff and Contractors who are alleged to have engaged in Sexual Misconduct or Gender-based Violence. Those processes are governed by the University's Disciplinary Framework. This Policy and the Procedures deal with UQ's prevention of and response to Sexual Misconduct and Gender-based Violence outside the Disciplinary Framework.

(7) Further information about the factors that drive and contribute to Gender-based Violence, including factors particularly relevant to UQ, is available to be accessed through the UQ Policy and Procedure Library > Sexual Misconduct and Gender-based Violence Prevention and Response Policy (this Policy) > Associated Information tab.

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# Section 2 - Principles and Key Requirements

(8) The following principles reflect UQ's commitment to preventing all forms of Sexual Misconduct and Gender-based Violence, supporting Students, Staff, Contractors and Third Parties who are affected by Sexual Misconduct or Gender-based Violence, and responding appropriately and sensitively when Sexual Misconduct or Gender-based Violence occurs.

a. All forms of Sexual Misconduct and Gender-based Violence are unacceptable.
b. UQ prohibits all forms of Sexual Misconduct and Gender-based Violence, and requires all members of the UQ Community, Affiliated Organisations and Associated Entities to comply with this prohibition.
c. UQ acknowledges that education and awareness are important aspects of prevention and is committed to educating Students, Leadership, Staff and Contractors to assist in the prevention of Sexual Misconduct and Gender-based Violence in the UQ Community.
d. All members of the UQ Community, Affiliated Organisations and Associated Entities are required to take all reasonable steps to maintain a safe and respectful environment at or related to UQ.
e. Leadership, Staff and Contractors, particularly supervisors and managers, will be made aware of the responsibility they have in responding appropriately when they receive information regarding Sexual Misconduct and Gender-based Violence, particularly taking account of Trauma-Informed and Person-Centred approaches.
f. Procedures supporting this Policy are to be Trauma-Informed and Person-Centred.
g. UQ acknowledges that Sexual Misconduct may include conduct which would also amount to a Sexual Offence if proven in a court exercising criminal jurisdiction. The University does not have jurisdiction to determine criminal responsibility and does not make findings in terms of criminal responsibility, including as to whether a Sexual Offence has occurred. However, the University can and will determine whether alleged Sexual Misconduct or Gender-based Violence amounts to 'general misconduct', 'misconduct' or 'serious misconduct' (as the case may be) pursuant to the Disciplinary Framework. UQ can and will take action in respect of breaches of its rules, policies and procedures pursuant to its Disciplinary Framework. UQ will cooperate with and, where provided for in the Procedures, report matters to the police or other external agencies.
h. The safety, welfare and support of the Students, Leadership, Staff, Contractors and Third Parties is paramount. UQ recognises that any Sexual Misconduct or Gender-based Violence is likely to have an adverse impact on, and is committed to providing Support to Students, Leadership, Staff, Contractors and Third Parties.
i. UQ will implement options for Support, Disclosures and Formal Reports that are simple, accessible and available through multiple avenues.
j. UQ will bring sensitivity and timeliness when providing Support and responding to Disclosures and Formal Reports.
k. Confidentiality and information privacy will be upheld where possible, in accordance with legislative requirements and UQ policies and procedures.
l. UQ does not tolerate Victimisation.
m. UQ recognises that Sexual Misconduct or Gender-based Violence may be experienced by all people regardless of their sexuality or gender identity.
n. A Formal Report of Sexual Misconduct or Gender-based Violence may attract protections under the Public Interest Disclosure Act 2010 (Qld) and UQ's Public Interest Disclosure Policy and Public Interest Disclosure Procedure.

# Section 3 - Roles, Responsibilities and Accountabilities

(9) The Human Resources Division, Student Support and Wellbeing Services, Academic Services Division, and the Safer Communities Service coordinate UQ's provision of Support and carry out other matters as specified in this Policy and the Procedures.

(10) The Human Resources Division, Student Support and Wellbeing Services, and Academic Services Division are responsible for resourcing and supporting the work of the Safer Communities Service, and implementing this Policy and the Procedures, including providing Support and responding to Disclosures and Formal Reports.

(11) The Chief Operating Officer is responsible for:

a. approving requests for extensions to the timeframe in clause 39 of the Staff Procedure, in clause 40 of the Students Procedure and clause 89 of the Student Integrity and Misconduct Procedure, but only where they are assessed as being required in the particular circumstances; and
b. providing periodic reports to and obtaining periodic feedback from the Vice-Chancellor to confirm that the Vice-Chancellor is satisfied that extensions are only being permitted where required.

# Section 4 - Monitoring, Review and Assurance

(12) The Human Resources Division, Student Support and Wellbeing Services, and Academic Services Division are responsible for ensuring that this Policy and the Procedures are reviewed routinely and in response to any concerns or issues raised by members of the UQ Community. Edits and updates can be made to the Procedures to ensure their ongoing relevance, effectiveness and compliance with law.

# Section 5 - Recording and Reporting

### Confidentiality and Privacy

(13) Information relating to offers of Support, Disclosures or Formal Reports will be:

a. recorded and kept confidential by UQ, and only used by UQ to take action as described in the Policy and the Procedures, to de-identify the information for statistical reporting (as described further below) or otherwise to comply with the Policy and the Procedures or the law;
b. kept separate from, and not linked to, the enrolment, employment or other engagement records of the Discloser, the Reporter, or any witness; and
c. accessible by the person who provided the information if they wish to later use it for the purposes of making a Formal Report or report to the police or other external agency.

(14) UQ may use de-identified data relating to offers of Support, Disclosures or Formal Reports for the purposes of monitoring patterns of Sexual Misconduct and Gender-based Violence, and identifying any trends and risks to inform future prevention and education programs at UQ.

(15) Any personal information collected by UQ under the Procedures will be handled according to the Privacy Policy and Privacy Management Procedure.

(16) Staff and Contractors who have a role or responsibility under the Policy and the Staff and Students Procedures

must keep confidential information relating to offers of Support, Disclosures or Formal Reports, except insofar as necessary to:

a. take any action permitted by, or otherwise comply with, the Policy and the Staff and Students Procedures or the law;
b. make a report to the police or other external agency in accordance with the Staff and Students Procedures;
c. facilitate support from an immediate family member, or a staff or student representative, or to obtain medical or legal advice.

### Reporting and Monitoring

(17) The Safer Communities Service will regularly report to the Chair of the Vice-Chancellor's Advisory Committee on Sexual Misconduct.

(18) The Safer Communities Service will collate data relating to the use of the Policy and the Procedures.

(19) The Safer Communities Service will work with the Human Resources Division, the Integrity Unit, the Academic Services Division, and Student Support and Wellbeing Services to ensure that relevant de-identified data is recorded and reported to the Vice-Chancellor and Human Resources Division, Student Support and Wellbeing Services, and Academic Services Division on a six monthly basis, including but not limited to:

a. the number and types of offers of Support made and Disclosures received;
b. the number and types of Formal Reports made;
c. the number and types of matters reported to the police or other external agency, in accordance with “Reporting to the Police or other External Agency” clauses of the Staff and Students Procedures;
d. whether further action was taken in response to Formal Reports, including the number referred for consideration pursuant to the Disciplinary Framework;
e. the number of investigations conducted;
f. time taken to respond to Disclosures and Formal Reports;
g. any feedback provided by Disclosers, Respondents, Reporters, Third Parties and witnesses;
h. a summary of any patterns that emerge from the monitoring conducted, including any recommendations for further improving UQ’s relevant policies and procedures;
i. any further statistics on which the University is required by law to report; and
j. any further statistics the Vice-Chancellor and/or Senate considers necessary from time to time.

# Section 6 - Appendix

### Definitions

| Term | Definition |
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| Affiliated Organisations | Means an organisation that uses the University's intellectual property in its name, marketing, recruitment, or governance documents.<br><br>Examples of governance documents include:<br>a. constitutions;<br>b. trust deeds;<br>c. charters;<br>d. by laws. |
| Associated Entities | Means entities that conduct activities on behalf of the University, including businesses and organisations that operate on, use or lease the University's land and facilities. |

| Term | Definition |
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| Consent | Consent can only be freely and voluntarily given by a person with the cognitive capacity to do so.<br><br>'Consent' is the voluntary agreement to the act or acts in question and to continue to engage in the act or acts. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct.<br>1. Consent can be withdrawn at any time including during the act or acts in question for any reason.<br>2. Consenting to a sexual activity with an individual or individuals does not mean that consent is given for another sexual activity with an individual or individuals, and consent only applies to each specific instance of sexual activity.<br>3. Circumstances in which a person does not consent to an act or acts include:<br>a. the person is asleep or unconscious;<br>b. the person is incapable of consenting;<br>c. the person submits to the act because of: force or the fear of force; threats or intimidation; fear of harm; exercise of authority; or false or fraudulent representations about the nature or purpose of the act; or<br>d. the person submits to the act because of false or fraudulent representation of identity.<br>4. Consent cannot be given by a person under the age of 16 years. |
| Contractors | Means a person who is a contractor or subcontractor engaged by the University, an employee, apprentice or trainee of a contractor or subcontractor, an employee of a labour hire company engaged by the University, a counterparty in research agreements with the University and any other person who is contracted to carry out work in any capacity for the University. |
| Disciplinary Framework | Is the University's disciplinary processes in relation to a Respondent (including in response to a Formal Report) as follows:<br>1. where the Respondent is a student, under the Student Integrity and Misconduct Policy and Student Integrity and Misconduct Procedure;<br>2. where the Respondent is a member of staff covered by the Enterprise Agreement, under the misconduct or serious misconduct provisions of the Enterprise Agreement; or<br>3. where the Respondent is a member of the UQ Community who is not a student, or a staff member to whom the Enterprise Agreement applies, in accordance with any relevant contract and/or UQ policies and procedures that apply.<br>For the avoidance of doubt, a Respondent who is both a student and a member of staff covered by the Enterprise Agreement (including, for example, a student enrolled in a higher degree by research course who is also employed as a member of staff covered by the Enterprise Agreement) at the University may be subject to multiple disciplinary processes in relation to the same alleged conduct, pursuant to subparagraphs (1) and (2) above. |
| Discloser | Is a person who makes a Disclosure or Formal Report on their own behalf. It also includes a person on whose behalf a Disclosure or Formal Report is made by a Reporter. The University acknowledges that a person who has experienced Sexual Misconduct or Gender-based Violence may refer to themselves as a complainant, discloser, victim or survivor. |
| Disclosure | Means the provision of information about a person's experience of Sexual Misconduct and/or Gender-based Violence to the University by the Discloser or another person. |
| Enterprise Agreement | Is the University of Queensland Enterprise Agreement 2021-2026, or as amended or replaced. |
| Formal Report | Is providing a formal statement regarding Sexual Misconduct or Gender-based Violence to the persons or units specified under Section 3 clauses 25 to 35 of the Staff and Students Procedures. |
| Gender-based Violence | Means 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. |
| Leadership | Means the Vice-Chancellor and members of the University Senate. |
| Person-Centred | Means ensuring that the Discloser's needs and preferences are at the centre of decisions made in response to Disclosures. The response systems, Policies and Staff and Students 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, Staff and Contractors. |
| Relevant Knowledge | Includes knowledge of evidence-based static and dynamic risk factors and protective factors for experiencing Sexual Misconduct and Gender-based Violence, types, patterns and effects of Sexual Misconduct and Gender-based Violence, how Sexual Misconduct and Gender-based Violence is experienced by different groups of people, and the nature and impact of coercive control. |

| Term | Definition |
|---|---|
| Reporter | Is a person who makes a Disclosure or Formal Report on behalf of or in relation to another person. |
| Reasonable Measures | Are arrangements or adjustments as defined under Section 3 clauses 52 to 58 of the Sexual Misconduct and Gender-based Violence Prevention and Response for Staff Procedure and clauses 53 to 59 of the Sexual Misconduct and Gender-based Violence Prevention and Response for Students Procedure that may be implemented for a specified period of time on a case by case basis where Support has been sought or a Disclosure or Formal Report has been made. |
| Respondent | Is a person about whom a complaint of Sexual Misconduct or Gender-based Violence is made as part of a Disclosure or Formal Report. |
| Sexual Harassment | Happens if a person:<br>1. subjects another person to an unsolicited act of physical intimacy; or<br>2. makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or<br>3. makes a remark with sexual connotations relating to the other person; or<br>4. engages in any other unwelcome conduct of a sexual nature in relation to the other person;<br><br>and the person engaging in the conduct described in (1), (2), (3) or (4) does so –<br>5. with the intention of offending, humiliating or intimidating the other person; or<br>6. in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct |
| Examples of sexual harassment | Examples of the sexual harassment outlined above include (but are not limited to):<br><br>Examples for subparagraph (1)<br>• physical contact such as patting, pinching or touching in a sexual way;<br>• unnecessary familiarity such as deliberately brushing against a person;<br><br>Examples for subparagraph (2)<br>• sexual propositions;<br><br>Examples for subparagraph (3)<br>• unwelcome and uncalled for remarks or insinuations about a person's sex or private life;<br>• suggestive comments about a person's appearance or body;<br><br>Examples for subparagraph (4)<br>• offensive telephone calls;<br>• unwanted sexual attention using internet, social networking sites or mobile phones;<br>• indecent exposure;<br>• a publication such as sexually offensive emails or graphics;<br>• sexually offensive screensavers or posters.<br><br>Just because someone does not object to inappropriate behaviour at the time, it does not mean that they Consent to the behaviour.<br><br>A single incident is enough to constitute sexual harassment – it does not have to be repeated. |
| Sexual Misconduct | Is a broad term encompassing any unwelcome behaviour of a sexual nature without Consent. It includes conduct that could amount to a Sexual Offence and/or Sexual Harassment.<br><br>'Sexual Misconduct' as defined in this Policy may amount to 'general misconduct' for the purposes of the Student Integrity and Misconduct Policy and the Student Code of Conduct Policy. |
| Sexual Offence | Is any criminal offence of a sexual nature under the criminal law, including the Criminal Code Act 1899 (Qld) and the Summary Offences Act 2005 (Qld). |
| Staff | Means:<br><br>• all continuing, fixed term, and casual employees who perform official functions for the University, wherever those functions are performed and regardless of whether or not those staff are covered by the Enterprise Agreement,<br><br>• academic title holders, visiting academics, emeritus professors, adjunct and honorary title holders, industry fellows and conjoint appointment holders,<br><br>• other persons acting in an honorary or voluntary capacity for UQ, including work experience students. |

| Term | Definition |
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| Student | Means a person enrolled as a student at the University or undertaking courses or programs at the University, and includes a former student in relation to a Formal Report made by the former student concerning conduct that occurred at the time the person was a student. Without limitation, it includes students undertaking higher degrees by research, non-award study, enabling or bridging courses, foundation programs and vocational education and training courses at the University. |
| Support | Means all reasonable steps to support Students, Staff, Contractors and Third Parties affected by Sexual Misconduct or Gender-based Violence, which will normally be coordinated by the Safer Communities Service in accordance with Section 3 clauses 12 to 21 of the Staff and Students Procedures and may include:<br>1. the provision of information about UQ's processes for managing complaints about Sexual Misconduct or Gender-based Violence, including linking parties affected by Sexual Misconduct or Gender-based Violence to support services;<br>2. counselling; and/or<br>3. Reasonable Measures. |
| Third Party | Is a person who is not a Student, Staff or Contractor but who makes a Disclosure or Formal Report where the Respondent is a Student, Staff or a Contractor.<br><br>For the avoidance of doubt, a Third Party who makes a Disclosure or Formal Report is a Discloser for the purposes of this Policy and the Staff and Students Procedures. |
| Trauma-Informed | means an approach that applies the core principles of safety (physical, psychological and emotional), trust, choice, collaboration and empowerment. It should minimise the risk of re-traumatisation and promote recovery and healing to the greatest extent possible. |
| UQ Community | Means current UQ students, Leadership, Staff, Contractors, volunteers, official visitors, recognised individuals, honorary position holders, adjunct academic and support position holders, suppliers of academic placements or official suppliers of academic related activity, and anyone else contractually bound to comply with this Policy.<br><br>For the purposes of making a Formal Report, UQ Community also includes former members of the UQ Community who were members at the time of the conduct alleged to be Sexual Misconduct or Gender-based Violence. |
| Victimisation | Happens if a person does an act, or threatens to do an act against a Discloser, or another person associated with the Discloser, including a witness or Reporter, because a Discloser, or another person associated with the Discloser:<br>1. has made a Disclosure or Formal Report, report to the police or other external report; or<br>2. intends to make a Disclosure or Formal Report, report to the police or other external report; or<br>3. is, has been, or intends to be involved in a proceeding relating to Sexual Misconduct.<br>A reference to involvement in a proceeding includes involvement in a prosecution for an offence involving Sexual Misconduct, involvement in a University disciplinary process or investigation pursuant to the Disciplinary Framework or external agency investigation, or any other process to deal with Sexual Misconduct.<br><br>Victimisation does not include any action taken against a person for a false or malicious complaint made against another person in order to prejudice that other person. |

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## Status and Details

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| **Status** | Current |
| **Effective Date** | 1st January 2026 |
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| **Approval Authority** | Vice-Chancellor and President |
| **Approval Date** | 24th December 2025 |
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| **Policy Owner** | Phil Vaughan<br>Chief Human Resources Officer |
| **Enquiries Contact** | Human Resources Division |