Sexual Exploitation, Abuse and Harassment Prevention Policy

Section 1 - Policy Statement

(1) The University is committed to providing a safe and respectful environment that supports the rights of all persons within the University community to work and study safely, free from sexual exploitation, abuse and harassment.

(2) Sexual exploitation, sexual abuse and sexual harassment are unacceptable and will not be tolerated under any circumstances.

Policy Principles

Prevention

(3) The University will:

a. maintain a working and learning environment that does not tolerate and actively works to prevent sexual exploitation, abuse, and harassment, including transactional sex and fraternisation, where all members of the University community are treated with dignity, courtesy and respect;
b. implement prevention of sexual exploitation, sexual abuse and sexual harassment training and awareness raising strategies to ensure that all staff members and students know their rights and responsibilities, including the consequences for those staff members or students who fail to take appropriate action to prevent occurrences from happening or continuing; and
c. actively promote appropriate standards of conduct at all times in accordance with the University's Code of Conduct - Employees.

Preparedness

(4) The University will:

a. maintain an effective complaints procedure based on the principles of procedural fairness;
b. provide written procedures that provide clarity and transparency for the management of sexual exploitation, abuse and harassment disclosures in a timely and sensitive manner;
c. create a safe environment for disclosure through training staff to manage disclosures of sexual assault or sexual harassment, including where these lead to formal reports; and
d. provide training for staff who are likely to play the role of a 'first responder', including those who are listed in the University's Contact Officer Network, based on the principles of compassion, cultural competency, natural justice, confidentiality and privacy.

Response

(5) The University will:

a. encourage members of the University community who witness or experience any incidences of sexual

exploitation, abuse and harassment to disclose the matter to a member of the University Contact Officer Network or to another staff member that they feel comfortable making the disclosure to;

b. respond with care and compassion to disclosures of exploitation, sexual abuse and sexual harassment, prioritising the needs of the person who has experienced the assault or harassment and focussing on their health, safety and wellbeing;
c. ensure that the person or persons experiencing sexual exploitation, abuse, or harassment are involved in subsequent decisions about action to be taken, respecting their right to decide whether to proceed with an internal complaint, and/or proceed with a police report, unless mandatory reporting is required by legislation;
d. ensure people making a disclosure are provided with culturally appropriate and accessible support resources and services, both within the University and within their local community, including access to free and confidential counselling services, provided by a qualified professional;
e. treat all disclosures of sexual exploitation, abuse and assault and harassment seriously, including conducting prompt, impartial and confidential investigations where appropriate, noting that:
f. the University may decide to investigate a matter and consider disciplinary action even if the person making a disclosure decides not to pursue an internal complaint or a police report, and
g. referral of a case to the Police does not preclude the University from dealing with the matter through its internal disciplinary procedures; and
h. act to protect any person making a sexual exploitation, abuse or harassment disclosure or complaint against victimisation and reprisals.

Recovery

(6) The University will:

a. support the person who has experienced the exploitation, abuse or harassment to continue to meet their work or study goals, making the necessary arrangements for changes to deadlines or schedules as required;
b. ensure that first responders provide information on a range of options designed to minimise further disruption to study or work goals, such as changes to assessment deadlines, enrolment records, timetabled classes or campus location;
c. ensure that the disclosure of incidents of sexual exploitation, abuse or harassment will be considered as grounds for special circumstances or special consideration in academic matters, allowed elsewhere in policy, facilitated by the responder to minimise the need for further disclosure;
d. not tolerate victimisation or reprisal following disclosure of sexual exploitation, abuse or harassment; and
e. regularly consider de-identified reports of exploitation, abuse or harassment disclosures, including any trends or patterns noted in the data, to ensure that the University continues to improve its efforts to prevent, prepare for or respond to such matters.

Section 2 - Non-Compliance

(7) Non-compliance with Governance Documents is considered a breach of the Code of Conduct – Staff or the Code of Conduct – Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin University and Union Enterprise Agreement 2025 and the Code of Conduct – Students.

(8) Complaints may be raised in accordance with the Code of Conduct – Staff and Code of Conduct - Students.

(9) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Section 3 - Explanatory Notes

(10) Sexual exploitation is 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 exploitation can also occur through transactional sex and/or fraternisation. Transactional sex involves the exchange of money, employment, goods or services for sex or sexual acts.

(11) Sexual abuse is any 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 and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent (under the law of the relevant State or Territory jurisdiction) constitutes sexual abuse.

(12) Sexual harassment is any unwanted, unwelcome or uninvited behaviour or conduct of a sexual nature, which makes a person feel offended, humiliated and/or intimidated, where that reaction is reasonable in the circumstances. Unwelcome and unacceptable behaviour of a sexual nature towards a member of the University community which may be detrimental to their employment, education, accommodation or provision of goods and services and facilities is unlawful under the relevant state/territory legislation and the Commonwealth Sex Discrimination Act 1984.

(13) Fraternisation refers to any relationship occurring in the course of conducting business, that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It includes sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

(14) The University recognises that sexual abuse and sexual harassment sit within a broader social context of gender inequality and is also committed to gender equality and inclusion.

(15) All members of the University community share the responsibility for appropriate conduct and maintaining a safe working and learning environment free from sexual exploitation, abuse and harassment.

(16) Sexual exploitation abuse and harassment disclosures and complaints can also be made to the relevant external organisation:

a. Anti-Discrimination Commissioner – NT/QLD/NSW
b. Equal Opportunity Commissioner – TAS/VIC/WA
c. Human Rights Commissioner – ACT
d. Australian Human Rights Commissioner
e. Fair Work Australia Ombudsman

(17) The University provides professional counsellors registered through the Australian Health Practitioner Registration Authority (AHPRA). Support is also available through external sources including online counselling services. A list of supports are on the Support Services webpage.

CDU Counselling Service : 08 8946 6288 T: 1300 933 393 After Hours E: counselling@cdu.edu.au	1800Respect T: 1800 737 732 W: https://www.1800respect.org.au/

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