Sexual Violence Prevention Policy

Section 1 - Preamble

(1) The University ('CDU', '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 and free from sexual violence.

(2) Sexual violence includes any sexual behaviours or sexual acts that are committed against a person's will. Sexual violence is a form of gender-based violence and includes but is not limited to sexual abuse, exploitation, fraternisation and harassment. CDU works to actively address the range of drivers for this violence.

(3) All members of the University community share the responsibility for appropriate conduct and to maintain a safe working and learning environment free from sexual violence.

Section 2 - Purpose

(4) This policy outlines the prevention, preparation, response and recovery principles the University has adopted regarding sexual violence within the CDU community in alignment with the National Higher Education Code to Prevent and Respond to Gender-based Violence.

(5) The policy should be read in conjunction with the Sexual Violence Response Procedure, the Code of Conduct - Employees and the Code of Conduct – Students.

Section 3 - Scope

(6) This policy applies to all members of the University community, including, but not limited to, employees, students, members of University Committee members, honorary appointees, volunteers, contractors, consultants and visitors.

(7) The policy applies when persons are working, studying, representing or travelling with or for CDU, including, but not limited to, attending and engaging in CDU events both on-and off-campus, functions and activities (e.g. end-of-year functions, sporting events, cultural events, competitions, placements, conferences, taking place nationally and internationally). This policy applies to all CDU locations, including but not limited to CDU campuses, premises and facilities, premises where CDU business or activities take place, and CDU owned or operated virtual spaces.

Section 4 - Policy

Policy Principles

Prevention

(8) The University will:

a. undertake a positive duty to prevent and eliminate sexual violence to the greatest extent possible, and foster an environment where all members of the University community are treated with dignity, courtesy and respect.

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or parts thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of staff printing this document to always refer to the Governance Document Library for the latest version.

It will maintain a working and learning environment that does not tolerate and actively works to prevent sexual violence, fraternisation and transactional relationships where sexual activity is exchanged for benefits;

b. implement prevention of sexual violence training and awareness raising strategies to ensure that all persons know their rights and responsibilities, including the consequences for those persons who fail to take appropriate action to prevent occurrences from occurring or continuing; and
c. actively promote appropriate standards of conduct at all times in accordance with the University Code of Conduct - Employees and the Code of Conduct – Students.

Preparedness

(9) The University will:

a. maintain effective complaints procedures based on the principles of procedural fairness;
b. provide written procedures that provide clarity and transparency for the management of sexual violence disclosures in a timely and sensitive manner; and
c. create a safe environment for disclosure through training employees to manage disclosures of sexual violence, including where these lead to formal reports.

Response

(10) The University will:

a. encourage members of the University community who witness or experience any incidences of sexual violence to disclose the matter. Disclosures may be made in the ways outlined in the Sexual Violence Response Procedure. Employees can make a disclosure to People and Culture, their manager or senior manager, online via the online reporting tool, or to another employee who they feel comfortable making the disclosure to. Employees may access leave in accordance with the Domestic Violence Leave Procedure. Students may disclose online via the online reporting tool, contact the CDU Counselling Service, and speak to a Specialist Counsellor;
b. respond with care and compassion to disclosures of sexual violence, prioritising the needs of the victim survivor and focusing on their health, safety and wellbeing through trauma-informed support;
c. ensure that the victim survivor is kept informed about subsequent 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 persons 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 violence seriously, including conducting prompt, impartial and confidential investigations where appropriate, noting that:
    i. the University may take action in relation to a disclosure, even if the discloser does not want to make a formal report or have any further action taken. This may occur where there is a serious or imminent risk to the safety of another person or persons, or to meet CDU's legal obligations. This includes but is not limited to Child Protection and Domestic Family Violence mandatory reporting requirements, and disclosures of misconduct made under the Whistleblower Reporting (Improper Conduct) Procedure in accordance with the Independent Commissioner Against Corruption Act 2017 mandatory reporting obligations;
    ii. referral of a case to the Police does not preclude the University from dealing with the matter through its internal disciplinary procedures; and
    iii. The University will act to protect any person making a sexual violence disclosure or complaint against victimisation and reprisals.

(11) Sexual violence 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

(12) Support is also available through external sources including online counselling services. A list of supports are on the Support Services webpage.

	Employees	Students
Emergency response	Security on campus phone 1800 646 501 or if on campus activate the SafeZone | Charles Darwin University app, or contact Emergency services (Police, Ambulance, Fire) phone 000	Security on campus phone 1800 646 501 or if on campus activate the SafeZone | Charles Darwin University app or contact Emergency services (Police, Ambulance, Fire) phone 000
Internal supports	Employee Assistance Program, Respect. Now. Always.	CDU Counselling Service, CDU Wellbeing support line Phone: 1300 933 393 or text 0488 884 144, Respect. Now. Always.
External supports	1800 RESPECT Phone 1800 737 732 Sexual Assault Referral Centre (SARC) NT Darwin: 08 8922 6472, Alice Springs: 08 8955 4500	1800 RESPECT Phone 1800 737 732, Sexual Assault Referral Centre (SARC) NT Darwin: 08 8922 6472, Alice Springs: 08 8955 4500

Recovery

(13) The University will:

a. support the victim survivor in a person centred and trauma informed way, and also support the person 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 and bystanders provide information on a range of options designed to minimise further disruption to study or work goals and assist to increasing personal safety, such as changes to assessment deadlines, enrolment records, timetabled classes, campus/office location, changing of locks, display names, email or contact details where required;
c. ensure that the disclosure of incidents of sexual violence 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 violence; and
e. regularly consider de-identified reports of sexual violence 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 5 - Non-Compliance

(14) Non-compliance with Governance Documents is considered a breach of the Code of Conduct - Employees 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.

(15) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees

and Complaints Policy – Students.

(16) All employees 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.

Status and Details

Status	Historic
Effective Date	7th July 2025
Review Date	7th July 2026
Approval Authority	Vice-Chancellor
Approval Date	7th July 2025
Expiry Date	15th December 2025
Responsible Executive	Louise King Provost
Implementation Officer	Louise King Provost
Enquiries Contact	Louise King Provost

Glossary Terms and Definitions

"University community" - Officials and individuals carrying out University business. This includes, but is not limited to, all employees, researchers, peer reviewers, adjuncts, students, volunteers, consultants, agents and contractors.

"Procedural fairness" - Procedural fairness (also called natural justice) is a principle applied by CDU when making decisions about complaints, appeals, and conduct. Essential elements include: • Giving the respondent a reasonable opportunity to be heard. If the matter involves misconduct, the respondent should know what the allegation against them is in sufficient detail so that they can answer it; • Giving the respondent reasonable opportunity to respond before the decision is made; • Genuinely considering all the evidence without bias; and • Basing the decision on evidence that supports it.

"Sexual violence" - Sexual violence is an umbrella term that includes any sexual behaviours or sexual acts that are committed against a person's will. Such acts include sexualized touching, sexual abuse, sexual assault, rape, sexual harassment and intimidation, and forced or coerced watching or engaging in pornography. Sexual violence can also be non-physical and include unwanted sexualized comments, intrusive sexualized questions or harassment of a sexual nature. (National Plan to End Violence against Women and Children 2022 – 2023, Australian Government). 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. It may occur in person, over the phone and/or in virtual spaces - including via social media. 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. 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. It may occur in person, over the phone and/or online - including via social media. 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. 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. It may occur in person, over the phone and/or online - including via social media.

"Gender-based violence" - 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. Gender-based violence includes many acts of violence that are based on gender, and might include physical violence or abuse; sexual violence, abuse or harassment; sex-based harassment; emotional or psychological abuse; verbal abuse or threats; economic or financial abuse; stalking or monitoring; intimate partner violence; family and domestic violence; technology-facilitated abuse; coercive control; sexual trafficking; reproductive coercion; female genital mutilation; forced medical interventions; forced marriage; and/or a pattern or patterns of abusive behaviour. Intimate relationships where one person has supervisory, oversight, academic, or other decision-making responsibilities in relation to the other person can amplify or give rise to gender-based violence, including relationships that are or appear to be consensual.