

Sexual Harassment and Sexual Assault Policy

Section 1 - Purpose

- (1) The University is committed to ensuring a fair, safe and respectful working and learning environment and to preventing and addressing all forms of sexual harassment and sexual assault.
- (2) Such behaviour is a breach of the [Code of Conduct - Staff](#) and the [Code of Conduct - Student](#) and is prohibited.
- (3) This Policy outlines the University's approach to preventing such behaviour and to responding to disclosures and complaints made by staff or students about sexual harassment and sexual assault.
- (4) The Policy is to be read in conjunction with the related [Resolution Procedures for Sexual Harassment, Sexual Assault and Discrimination Related Complaints](#).

Section 2 - Application

- (5) The policy applies to all members of the QUT community, whether students, staff or other community members, while undertaking any activity in their QUT capacity or while engaged in any activity which impacts on QUT or other members of the QUT community.
- (6) For the purposes of this Policy:
- "Student" means persons to whom the [Code of Conduct - Student](#) applies; and
 - "Staff and other QUT community members" means persons to whom the [Code of Conduct - Staff](#) applies.

Section 3 - Roles and Responsibilities

Position	Responsibility
All staff	Promote a fair, safe and respectful working and learning environment and conduct themselves in accordance with the QUT Code of Conduct - Staff . Respond to disclosures of sexual harassment and sexual assault in accordance with the Protocol for staff responding to student disclosures of sexual harassment/assault.
All students	Conduct themselves in accordance with the QUT Code of Conduct - Student .
Managers and Supervisors	Take all reasonable steps to identify and attempt to prevent behaviour that may constitute sexual harassment or sexual assault. Respond to complaints of sexual harassment and sexual assault in accordance with the related Resolution Procedures for Sexual Harassment, Sexual Assault and Discrimination Related Complaints .

Director, Equity	<p>Provides the primary point of contact for disclosures and complaints of sexual harassment and sexual assault from staff or students.</p> <p>Provides expert advice and support for Managers and Supervisors in their responsibilities under this Policy and the related Resolution Procedures for Sexual Harassment, Sexual Assault and Discrimination Related Complaints.</p> <p>Collaborates with the Vice-President (People) and Chief People Officer and other organisational areas responsible for grievance management in relation to management and coordination of matters of sexual harassment and sexual assault involving staff, to ensure clarity and transparency of roles for all parties involved in disclosures and complaints and to ensure compliance with relevant QUT Human Resources policies and workplace relations legislation.</p> <p>Collaborates with other organisational areas in relation to related procedures such as student misconduct or staff misconduct.</p> <p>Ensures appropriate records of disclosures and complaints are securely maintained.</p> <p>Analyses disclosure and complaints data to identify trends, systemic issues, or improvement and preventive strategies and report to the University on a regular basis.</p> <p>Coordinates the University's strategies for prevention and awareness raising.</p>
Vice-President (People) and Chief People Officer	<p>Acts as a key point of contact for disclosures and complaints of sexual harassment and sexual assault from or against staff.</p> <p>Provides expert advice and support for managers and Supervisors in their responsibilities under this Policy and the related Resolution Procedures for Sexual Harassment and Sexual Assault and Discrimination Related Complaints.</p> <p>Collaborates with the Director, Equity in relation to management and coordination of matters of sexual harassment and sexual assault involving staff to ensure clarity and transparency of roles for all parties involved in disclosures and complaints and to ensure compliance with relevant QUT equity policies and anti-discrimination legislation and a consistent, trauma-informed approach to complaint handling.</p> <p>Collaborates with other organisational areas responsible for grievance handling as required.</p>

Section 4 - Principles and Aims

(7) The Policy reflects the University's commitment to preventing all forms of sexual harassment and sexual assault, supporting individuals who are affected by sexual harassment or sexual assault and responding promptly and effectively when such behaviours are identified or complaints are made. This Policy and the related [Resolution Procedures for Sexual Harassment, Sexual Assault and Discrimination Related Complaints](#) aim to:

- Acknowledge that education and awareness are important aspects of preventing sexual harassment and sexual assault. The University is committed to implementing preventive strategies that promote a safe and respectful working and learning environment.
- Take a trauma-informed approach to its response to disclosures and complaints of sexual harassment and sexual assault. This means that the safety and wellbeing of the person disclosing or reporting sexual harassment or sexual assault is the priority of the University and every effort will be made to minimise further harm or trauma for the person.
- Ensure that roles and responsibilities in relation to responding to and managing disclosures and complaints are clear.
- Ensure that disclosure and complaint options are timely, fair, transparent, accessible and consistent for staff and students.
- Promote access to a centralised point of contact for the QUT community to specialist staff in Equity who have the knowledge and expertise to make trauma-informed, timely responses and who can coordinate responses to ensure those who are disclosing or making a complaint do not have to report to multiple parts of the organisation. However staff or students may approach any person they trust in the QUT community for advice and support.
- Ensure that Supervisors/Managers who have responsibility for management of responses to disclosures and complaints have a clear point of support and advice from specialist staff in Equity.
- Provide access to wellbeing and support services to any staff or student affected by sexual harassment

or sexual assault including:

- i. access to information about and referral, if the person wishes, to appropriate internal and external support services, including academic adjustments for students; and
 - ii. advice about options including making a formal complaint to the University or reporting to the police or another external body.
- h. Respect the choice made by the person to either proceed with a complaint or take no action and keep a disclosure confidential, to the extent that this is possible. However this will be balanced against the obligation of the University to protect the wellbeing and safety of the University community and to comply with its legal obligations and duty of care.
- i. Apply the principles of procedural fairness and natural justice.
- j. Ensure that other parties to complaints including respondents to complaints, witnesses or third party reporters will also be offered information about and referral to internal and external support services.
- k. Uphold confidentiality and privacy in accordance with legislative requirements and University policy and procedures.
- l. State that the University will not tolerate victimisation and may take disciplinary action against any person who is found to have victimised another person, whether complainant, respondent or third party, for their involvement in a complaint.

Section 5 - Choices for Persons with Concerns about Sexual Harassment or Sexual Assault

(8) A student or staff member who has concerns about sexual harassment or sexual assault may make a disclosure or a complaint.

(9) Students or staff are encouraged to approach specialist staff in Equity who can listen to concerns, provide support and advice about options, and liaise with other organisational areas if necessary to access assistance.

(10) Any person can make a report to the police or other external agency such as the Queensland [Human Rights Commission](#) or the [Human Rights Commission](#) at any time.

Disclosures

(11) Disclosure is an option available under this Policy or the related procedures to seek access to support, advice about options, and assistance but where the person is not seeking investigation or other action by the University in relation to the matter. Support will be provided to students and staff to make an informed choice about actions they wish to take, if any.

Complaints

(12) Students or staff may decide to proceed with a complaint. A complaint is a formal option available to a person seeking access to support, advice about options and assistance but where the person is also seeking action by the University to intervene or resolve the matter. When a complaint is lodged the respondent must be provided with the opportunity to respond to the allegations in accordance with natural justice and procedural fairness.

(13) Complaints will be dealt with in accordance with QUT's [Resolution Procedures for Sexual Harassment, Sexual Assault and Discrimination Related Complaints](#).

Section 6 - Definitions

Term	Definition
Complainant	Means any person who makes a complaint of sexual harassment or sexual assault in accordance with this Policy or the related procedures.
Consent	<p>In relation to sexual harassment and sexual assault, has its legal meaning which includes voluntary agreement (through words or conduct) to engage and continue to engage in an activity or act, and may be withdrawn at any time.</p> <p>For this Policy and the related procedures (Resolution Procedures for Sexual Harassment, Sexual Assault and Discrimination Related Complaints), consent will not be taken to exist where the person:</p> <ol style="list-style-type: none"> 1. is under 16 years age; 2. is asleep or unconscious; 3. is incapable of consenting due to the effects of alcohol or another drug; 4. submits to an activity or act because of force, fear of force or harm, threats or intimidation or an exercise of authority; or 5. submits to an activity or act because of false or fraudulent representations about the nature or purpose of the act, or representation of identity. <p>Consent only applies to each specific instance and type of sexual activity and not another instance or type.</p>
Respondent	Means a person whose conduct is the subject of a complaint or disclosure of sexual harassment or sexual assault under this Policy or the related procedures.
Sexual Assault	<p>Is any unwanted or forced sexual act or behaviour without consent. It covers a broad range of sexual activity. Sexual assault occurs when an offender:</p> <ol style="list-style-type: none"> 1. without lawful reason indecently assaults a person (e.g. groping, inappropriate touching of a sexual nature); or 2. procures a person, without their consent, to commit an act of a sexual nature.
Sexual Harassment	Is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances. It includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions, and remarks with sexual connotations. It can also include sexually offensive telephone calls, text messages, graphics, screen savers, posters, social media posts, emails or such communications via any other electronic media. Sexual harassment does not have to be deliberate or repeated to be unlawful. Some sexual harassment, such as sexual assault, indecent exposure and stalking is also a criminal offence.
Third Party Reporter	Is a person who makes a disclosure or seeks advice about behaviours observed or drawn to their attention by someone other than the complainant and such behaviour could amount to sexual harassment or sexual assault.
Trauma-informed	Refers to approaches and responses that demonstrate understanding and recognition of the impact of trauma, and emphasise physical, psychological and emotional safety, and the importance of empowerment and choice for those who have experienced sexual harassment or sexual assault. Responses are designed to avoid causing further harm, trauma or distress to those who report allegations of sexual harassment or sexual assault.
Victimisation	<p>Means subjecting or threatening to subject a person to some form of detriment because they have:</p> <ol style="list-style-type: none"> 1. lodged or proposed to lodge a complaint of sexual harassment or sexual assault; 2. provided information or documents to an internal investigation or an external agency; 3. attended a conciliation conference; 4. reasonably asserted their rights, or supported someone else's rights, under federal or state anti-discrimination laws; and 5. made an allegation that a person has acted unlawfully under federal or state anti-discrimination laws (Anti-Discrimination Act 1991). <p>Such victimisation could include, for example, harassing or bullying the complainant or respondent, or making overt or implied threats about a person's academic or career progress.</p>

Status and Details

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