

GENDER-BASED VIOLENCE PREVENTION AND RESPONSE POLICY



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Policy steward: Vice-Chancellor

Related documents

Regulation 9 Code of Conduct

Conduct and Misconduct Policy

Complaints Policy

Critical Incident Policy

Safeguarding Policy

National Code of Practice for Providers of Education and Training of Overseas Students 2018 (National Code)

Higher Education Standards Framework (Threshold Standards) 2021: Domain 2.3 and 2.4

Australian Human Rights Commission, Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities (2017)

[National Student Safety Survey 2021](#)

[TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector July 2020](#)

[Universities Australia Sexual Harm Response Guidelines 2023](#)

[National Higher Education Code to Prevent and Respond to Gender-based Violence 2025](#)

University of Divinity Whole-of-Organisation Prevention and Response Plan

[Sex Discrimination Act 1984 \(Cth\)](#)

1. Rationale and Aims

- 1.1 The University of Divinity is committed to the highest standards of conduct, as expressed in Regulation 9 Code of Conduct. This Policy establishes the University's strong commitment to preventing and responding to all forms of gender-based violence committed by or against members of the University community, in order to provide a safe and respectful environment free from all forms of gender-based violence, for all members of the University.

- 1.2 The University aims to ensure that all staff and students understand their obligations and responsibilities towards maintaining a safe and respectful study and workplace environment.
- 1.3 The University will respond to disclosures and formal reports of gender-based violence in a manner that is person-centred and trauma-informed by prioritising the safety and well-being of people who disclose or report experiences of gender-based violence.
- 1.4 The University encourages all members of the University to disclose or make a formal report about any behaviour that they consider in breach of this Policy.
- 1.5 The University must ensure that the sensitivity of individuals is safeguarded and confidentiality maintained, when receiving disclosures and formal reports in relation to this Policy.

2. Scope

- 2.1 This Policy applies to all members of the University as set out in section 9.1.3 of Regulation 9 Code of Conduct.
- 2.2 Activities of the University, and University-related interactions between members of the University extend beyond the University premises.
- 2.3 This policy only addresses matters and issues relating to gender-based violence. All other general misconduct is covered in the Conduct and Misconduct Policy.

3. Policy statement

Gender-based violence, and specifically sexual assault and sexual harassment, continue to occur in higher education communities at significant rates. In 2021, the [National Student Safety Survey](#) found that 1 in 20 students attending public universities¹ had been sexually assaulted since they started university, and 1 in 6 students had been sexually harassed. Of those students who reported sexual assault to their Provider, only about 30% stated they were satisfied with the process. Women, people with disability and people of diverse sexual orientation and gender identity were disproportionately affected.

Research internationally and nationally demonstrates that gender inequality is the cause of gender-based violence. The four key drivers that contribute to the occurrence of gender-based violence are:

- a) Social condoning of violence against women
- b) Men's control of decision-making and limits to women's independence
- c) Rigid gender roles and stereotypes
- d) Male peer relations that emphasize aggression, dominance, and disrespect towards women

¹ Student surveys such as the AHRC Change the Course (2017) and National Student Safety Survey (2021) were only open to students attending the 39 public universities in Australia. Comparable data on student experiences of gender-based violence in private university contexts in Australia are not available as these have not been investigated to date.

Any act of gender-based violence is an affront to human dignity. The University of Divinity does not tolerate such behaviour and will take action to prevent and respond to gender-based violence within the University community.

4. Principles

- 4.1 Acts of gender-based violence are unacceptable and must not be tolerated at the University or within its community.
- 4.2 Gender-based violence can impact anyone, regardless of their gender identity, sexual orientation, age and background, however research consistently demonstrates that gender-based violence can disproportionately affect women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity.
- 4.3 Conduct which breaches this policy may result in disciplinary action in accordance with appropriate University policies and procedures.
- 4.4 Legally required notification of a criminal act, such as child abuse, will be made to the appropriate authority.
- 4.5 The Council and senior leadership of the University takes its responsibility to provide a safe environment for all University members very seriously. Any disclosure or formal report relating to gender-based violence must be responded to in an appropriate manner, in the strictest of confidence and with respect to the privacy of the individual.
- 4.6 The University has policies and procedures that provide students and staff with options to make a disclosure or formal report of gender-based violence.
- 4.7 The University is committed to taking action to prevent gender-based violence by providing awareness and training initiatives to its staff and students, including how to intervene as an Ethical Bystander.

The University will adopt a respectful, compassionate, proportionate and supportive approach in all cases, including ensuring procedural fairness. Where the University investigates a formal report of gender-based violence, any findings made will be determined according to the balance of probabilities.

All members of the University are responsible for their behaviour and actions, and are required to:

- a) Comply with this policy
- b) Behave appropriately in accordance with the University's Code of Conduct
- c) Promote an environment of mutual respect
- d) Maintain appropriate confidentiality concerning any disclosure, formal report, or investigation
- e) Manage disclosures and formal reports about gender-based violence in a timely and confidential manner, following due process.

5. Definitions

- 5.1 **Consent:** It is the free and voluntary agreement to engage in sexual activity by a person who is of the age of consent. The age of consent to sexual activity across Australia is 16 years of age, except for South Australia and Tasmania where the age of consent is 17 years. Consent to sexual activity requires agency, safety and freedom from coercion and can be withdrawn at any time during the sexual activity. A person who is unconscious or asleep, incapacitated, or affected by alcohol or other drugs cannot give consent.
- 5.2 **Discloser:** A person who has shared information about their experience of gender-based violence.
- 5.3 **Disclosure:** The sharing of information regarding an incident of gender-based violence either verbally or in writing, anonymously or through a third-party. A disclosure does not necessarily involve formally reporting an incident but is done for the purpose of seeking information and support. A person making a disclosure may at a later time choose to change this to a formal report. There is no time limit on converting a disclosure to a formal report and a person may choose to do so at any time. If the person about whom a disclosure or formal report is being made is no longer a student or member of staff at the University, the University will provide the discloser with support and advice on external reporting options. The University will not investigate disclosures unless there is an imminent threat to the health and safety of a person, or a pattern of disclosures is revealed indicating the same perpetrator may be responsible for the incident/s. The University will seek and consider the views of the discloser before progressing to an investigation of a disclosure and will inform the discloser when it is necessary for the disclosure to be investigated to ensure the safety and wellbeing of students and/or staff.
- 5.4 **Ethical Bystander:** A person who witnesses a situation involving harassment, bullying, abuse, disrespectful, harmful or inappropriate behaviour, and chooses to intervene in a way that is safe and effective.
- 5.5 **First Responder:** A designated staff member who may provide support and information to anyone who has been subjected to gender-based violence. Where another member of staff has received a formal report of gender-based violence and is not the First Responder, they must provide support and assistance for the reporter to liaise with the First Responder.
- 5.6 **Formal Report:** A formal account or statement made with the intent that the University investigate the report. The University must investigate all formal reports of gender-based violence where the respondent is a student or staff member of the University, regardless of the context in which the gender-based violence occurred.
- 5.7 **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. Examples of gender-based violence include physical, sexual, emotional, psychological, social, financial, and cyber abuse, stalking or monitoring, as well as family and domestic violence or intimate partner violence.

- 5.8 **Person-centred** means ensuring that the Discloser's needs and preferences are at the centre of decisions made in response to the disclosure or formal report of gender-based violence. The University's response systems, policies and procedures affirm the dignity of the discloser and aim to support their healing from the effects of the gender-based violence by genuinely considering their wishes and the impact that decisions made in response to the disclosure or formal report may have on them, while at all times ensuring the safety and well-being of the Discloser and other staff and students.
- 5.9 **Precautionary actions:** Actions taken to promote safety and well-being of the members of the University.
- 5.10 **Respondent:** A person whom it is alleged has engaged in conduct that amounts to gender-based violence.
- 5.11 **Sexual assault:** Sexual assault is an inclusive term used to describe any type of unwanted sexual act inflicted upon a person that they have not freely and voluntarily consented to, have withdrawn consent to, or occurs in circumstances where they are incapable of giving free and voluntary consent. It is inclusive of a variety of unwanted sexual behaviours a person may be subjected to, ranging from activities such as unwanted sexualised touching through to sexual intercourse without consent. Sexual assault can include sexual behaviours that involve the use of force, threats, coercion or control towards a person. Sexual assault typically involves an exploitation of vulnerability, betrayal of trust and the misuse of positional power.
- 5.12 **Sexual harassment:** Under relevant State and Commonwealth legislation, sexual harassment is an unwelcome sexual advance or request for sexual favours or 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.
- Sexual harassment can involve:
- a) unwanted ongoing declarations of affection or approaches for affection, including gifts
 - b) unwelcome touching, hugging or kissing
 - c) staring or leering
 - d) exhibiting sexually explicit pictures, screen savers or posters
 - e) sharing sexually explicit photographs that have been taken with consent but shared without permission
 - f) offensive hand or body gestures
 - g) the display of sexually suggestive material
 - h) sending sexually explicit emails, SMS messages or social media
 - i) unwelcome invitations to go out on dates or requests for sex
 - j) use of the University's computer systems for the retention and distribution of sexually explicit material.

Sexual harassment is unlawful under the *Sex Discrimination Act* in different areas of public life, including employment, service delivery, accommodation and education. Some types of sexual harassment may also be criminal offences.

It is also unlawful for a person to be victimised for making, or proposing to make, a formal report of sexual harassment.

- 5.13 **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 from the effects of gender-based violence to the greatest extent possible.

6. Implementation

- 6.1 The University Secretary is the University's Authorised Officer responsible for the development and publishing of procedures or information on the University website.
- 6.2 The procedures or information must cover incident reporting, response and prevention.
- 6.3 The Authorised Officer must ensure that training is provided to relevant staff.
- 6.4 The Authorised Officer must annually review the information provided and report on its effectiveness to the People and Culture Committee.

7. Monitoring and evaluation

- 7.1 The University's People and Culture Committee must provide the data required under Standards 6.13 and 6.14 of the National Code in relation to disclosures and formal reports of gender-based violence for the previous calendar year to the Gender-based Violence Regulator by 30 June each year and to Council annually.

These data include but are not limited to the following:

- a) The total number and type of gender-based violence disclosures and formal reports made
- b) The number of issues reported to the police or other external agencies
- c) Any further action that was taken in response to the disclosure or formal report
- d) Referrals made as a response to a disclosure or formal report.

8. Date of next review

- 8.1 This Policy must be reviewed no later than 31 August 2027.