



Gendered Violence Policy

Purpose

This policy sets out principles and responsibilities for preventing and responding to incidents of gendered violence occurring at or connected with the UNSW community.

Scope

The UNSW community includes students¹, all employees and affiliates².

The principles and responsibilities of this policy apply to any function, action, inaction and communication by a member of the UNSW community including (but not limited to) the following contexts:

- on all premises where study, research, work or work integrated learning is undertaken, on campus, facilities or at conferences, clinical or work placements, internships, exchanges, fieldwork, or other types of practicum
- UNSW controlled entities³
- in virtual spaces⁴ and systems arranged or facilitated by UNSW, or connected to UNSW study, research, work or the student experience
- when using UNSW technology assets
- through interactions with third parties
- by Arc@UNSW and at any of its club activities
- in residential accommodation owned, operated by or affiliated with UNSW, including live-in accommodation
- at social, sporting and cultural activities
- visitors while on UNSW campuses or premises.

UNSW is committed to supporting affected students to remain positively engaged in their studies and staff to maintain productive employment. This may include providing support to access program leave, special consideration or flexible work arrangements. See section 5 of this policy [or the website](#) for further support options. Support and referrals will be also offered to reporters who are affected by incidents beyond the scope of this Policy, for example for historical incidents or events occurring at private premises.

¹ Students includes former student's conduct while a student, exchange students and candidates.

² Affiliates means conferred title holders; consultants and contractors; agency staff; members of University committees; and any other person appointed or engaged by the University to perform duties or functions for the University.

³ Except where the controlled entity has had their own gendered violence policy approved by the UNSW policy owner.

⁴ Virtual spaces include online forums, communities, platforms and social media.

Our Commitment

UNSW is committed to:

- prevent gendered violence
- increase awareness of the support services and other measures implemented by UNSW
- respond to incidents of gendered violence
- make every effort, where reasonably practicable, to eliminate or control risks from psychological and physical health, wellbeing and safety hazards of all parties involved in a report of gendered violence and
- respond appropriately and effectively to reports of gendered violence.

UNSW is committed to playing our part as individuals and as a community to making UNSW a safer place for all. Our commitment is reflected in the University's Values in Action and Code of Conduct (link) and UNSW's Gendered Violence Strategy. It is further reinforced by our legal obligations including, but not limited to, laws, regulations and standards dealing with education and research, human rights, foreign and domestic student rights, and employee entitlements.

Where used in this policy, the term 'gendered violence' refers to harmful acts directed at an individual based on their gender. It is embedded in gender inequality, the abuse of power and harmful norms. Gendered violence includes, but is not limited to sexual assault, sexual harassment, domestic and family violence, intimate partner violence, dating violence, gendered misconduct, and gendered harassment.

Principles

1. Gendered violence has no place at UNSW

Gendered violence is conduct which is contrary to UNSW principles and responsibilities and involves a failure to behave in a respectful and/or lawful manner. Members of the UNSW community who experience gendered violence are encouraged to make a report and seek help.

All members of the UNSW community who report gendered violence will be responded to respectfully and with compassion. UNSW will also provide support, referrals and education to respondents.

Every member of the UNSW community has a responsibility to report incidents to the university. Many acts of gendered violence are a breach of the law and can result in criminal prosecution. These acts include sexual assault, making a record of and/or distributing intimate images without consent, grooming and other predatory behaviour. It is also unlawful to subject another person to a workplace environment that is hostile (offensive, intimidating or humiliating), on the ground of sex.

All reports of gendered violence made to UNSW will be examined to consider whether the report, if substantiated, may constitute a breach of the Code of Conduct. Breaches of the Code of Conduct can result in a range of disciplinary consequences, up to exclusion from the University or termination of employment, engagement or affiliation with the University.

2. UNSW community members are empowered to respond to gendered violence

All members of the UNSW community have a right to feel safe, respected, valued and treated as an equal in their place of study and work. UNSW will empower all UNSW community members to take action to prevent and respond to gendered violence by:

- Committing to a safe and respectful UNSW
- Being aware of what constitutes gendered violence
- Reporting incidents of gendered violence to the UNSW Gendered Violence Reporting portal (see section 7 below)
- Raising concerns with relevant faculties, schools or business units
- Increasing confidence to access supports available both within and external to UNSW
- Taking action as a bystander where it is appropriate and safe to do so.

3. UNSW will provide a trauma informed approach

Our approach will focus on:

- **Safety** – ensuring physical, psychosocial and emotional safety on campus and in virtual spaces
- **Choice** – individuals have choice and control of their information and the support that best suit their circumstances
- **Empowerment** – prioritising enablement and skills building
- **Trustworthiness** – ensuring privacy and confidentiality.

Further details on our trauma informed approach is detailed in [UNSW's Gendered Violence Strategy](#).

4. The person affected by gendered violence decides what is reported to UNSW and the types of support they wish to access

UNSW recognises that a student, staff member or affiliate disclosing that they have experienced gendered violence is entitled to decide what information they provide in the portal report.

UNSW expects staff and students to provide information about incidents of gendered violence reported to them or that they have witnessed. A portal report can be de-identified and made anonymously.

UNSW respects the wishes of complainants to remain anonymous and will accept anonymous portal reports where possible. However, our ability to respond to the report may be limited, if the information provided is de-identified, incomplete or the report is made anonymously. Any third-party reporter must have the express consent of the person affected if they are providing identifiable information in their report. Permission is not required for an anonymous report.

Wherever possible, UNSW will endeavour to provide appropriate referral services and support.

5. UNSW will support students and staff affected by gendered violence

UNSW recognises that an experience of gendered violence can impact individuals, workplaces and communities. UNSW is committed to providing support where an incident of gendered violence impacts a staff member's capacity to engage in their employment or a student's capacity to

participate in their academic program. Students or staff will have the ability to continue their studies and/or work at UNSW without variation if they choose to do so.

UNSW offers support and referrals that students and staff may choose to engage in including:

- [Psychology and Wellness counselling](#)
- [UNSW Health Service](#)
- Targeted financial support including, in some cases, [fee remission](#)
- [Student support services](#)
- [Equitable Learning Services](#)
- [Special Consideration](#) for students, which may include permitted withdrawal from courses without penalty, fee remission and other academic considerations
- Legal support (students – [Arc Legal and Advocacy](#); students and staff – [Kingsford Legal Centre](#))
- [Employee Assistance Program](#)
- Domestic violence leave and flexible work arrangements
- Staff may be permitted time off from work responsibilities or changes in workload
- Support in making a report to ACT or NSW Police.

Staff and students affected by gendered violence may also be referred to a range of external supports and resources as specified in Responsibility 14 of this policy.

6. Protection from reprisal

Victimisation (such as alienation, threats, intimidation, or less favourable working or studying conditions) towards someone because they have reported (or suspected to have reported) an incident of gendered violence, or they are participating in the process of responding to an incident of gendered violence, is unacceptable and will result in disciplinary action.

The University will make all reasonable efforts to protect parties involved, including witnesses, from adverse consequences as a result of making a report or responding to a report of gendered violence.

Responsibilities - Reporting and Responding

7. UNSW will provide a Gendered Violence Reporting Portal

7.1. The [Gendered Violence Reporting Portal](#) (the 'portal') has two critical functions:

- A central location to report gendered violence and access information about support options.
- A central data collection point for all incidents of gendered violence involving any member of the UNSW community.

Reports to the portal can be made anonymously, or by a third party or by the person(s) directly affected. A report to the portal can:

- provide options for support

- if requested, be treated as a staff or student complaint for potential investigation, or
- a combination of the above.

All reports of gendered violence will be treated sensitively.

It is the responsibility of the entire UNSW community to report gendered violence to :

- improve physical and psychosocial safety and security for the UNSW community,
- identify areas of concern for increased communications and engagement, and
- assist in monitoring, evaluation and implementation of improvements to the UNSW Gendered Violence Strategy.

Staff who have received any information about gendered violence occurring at UNSW or within the UNSW community must report it using the portal. Staff making a report on behalf of another are encouraged (where possible and appropriate) to seek the permission of the person affected before making a report.

Students are strongly encouraged to also report to the portal any incident of gendered violence that they experience or become aware of occurring within the UNSW community.

UNSW owned, operated or affiliated accommodation providers are expected to report to the portal information received about gendered violence.

The option remains for the portal report to be completely deidentified and/or anonymous, as may be requested by the affected individual.

8. Other reporting methods

In addition to the Gendered Violence reporting portal, students and staff can disclose information about any incidents of gendered violence in any of the following ways:

- Contacting [UNSW Sydney Security](#) or UNSW Canberra Security
- Contacting [UNSW Psychology and Wellness](#), [UNSW Health Services](#) or UNSW Canberra Equity and Diversity Manager (mail to: EquityUnit@adfa.edu.au) or [Student Counsellor](#)
- Contacting a [First Responder](#) (see Responsibility 13 of this policy)
- Contacting the Dean, Master, Director or Manager at the university or affiliated accommodation
- Contacting a member of staff
- Making a complaint through the [UNSW complaints portal](#)
- Making a Police report
- Making a report to the [Australian Human Rights Commission](#), [Fair Work Commission](#) or the [Industrial Relations Commission of NSW](#).

The UNSW contact points listed above are required to submit a report to the portal regardless of whether another reporting avenue is initially adopted.

9. Timeframes

UNSW will monitor and respond to reports of gendered violence submitted to the portal and offer options for assistance where contact information is provided. Our intention is to respond to reports submitted to the portal within 72 business hours.

UNSW encourages the prompt reporting of gendered violence to maximise our ability to respond promptly and effectively. However, UNSW recognises that the length of time between an alleged incident of gendered violence and the making of a report to the portal may vary, depending upon a range of factors. The 12-month time limit generally applicable to student or staff complaints does not apply to reports of gendered violence. However, UNSW may in its discretion determine that it is unable to investigate and/or take action in respect of incidents of gendered violence which have occurred more than 12 months prior to the report. This is because the University's ability to fairly and effectively investigate, educate and take disciplinary action in relation to substantiated gendered violence can diminish over time.

10. UNSW will respond to reports of gendered violence

A gendered violence report may be investigated by UNSW in accordance with the Code of Conduct and associated procedures. A report or complaint of gendered violence made to UNSW is not a substitute for a criminal process. It is important to note that UNSW cannot investigate or determine whether a crime or a civil wrong has occurred; rather, it can only determine whether a breach of the Code of Conduct (or other relevant policy or agreement) is substantiated. If a reporter wishes to pursue an outcome through the criminal justice system, UNSW will support them to make a report to police.

UNSW may report the incident to police with consent from the person who disclosed, or in certain circumstances, as required by law and/or considering the potential serious consequences for the safety of individuals. UNSW may also initiate urgent interim measures, such as restricting access to campus buildings and/or UNSW property (where there is an immediate threat to the safety of any person), to temporarily suspend a person from the University and/or specified activities and/or positions of leadership. Failure to comply with interim measures may lead to disciplinary action.

UNSW understands that a member of the UNSW community who is affected by gendered violence may choose to make a report directly to the police or another external body. Any university process concerning a report of gendered violence is likely to be paused whilst police processes are in progress.

11. UNSW will ensure confidentiality and privacy of information submitted to the portal

Information stored in the portal from which an individual's identity is apparent or can be ascertained is personal information. The University will only permit information stored in the portal to be accessed and used by staff who have a need to access and use the information in order to carry out actions and responsibilities described under this policy, to comply with the University's legal obligations and to reflect the University's positive duty to take reasonable and proportionate measures to eliminate sex discrimination and sexual harassment. This may mean on occasion acting upon information even where a complainant has requested that a report not be actioned. Staff (where possible and appropriate) will endeavour to advise the affected person before taking such action. The express consent of the affected person will be obtained for any use of personal

information not outlined in this policy.

Personal information will only be disclosed outside the University where:

- the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person; or
- the individual to whom the information relates has expressly consented to the University disclosing the information; or
- the University is lawfully authorised or required to disclose the information, for example because:
 - the information indicates evidence of a serious indictable offence;
 - of a subpoena or warrant issued to the University; or
 - a mandatory reporting requirement arises in regard to children and young persons.

An individual whose personal information has been stored in the portal is entitled, subject to limited exceptions prescribed by the *Privacy and Personal Information Protection Act 1998 (NSW)*, to ascertain if the University holds personal information about them and may request access to that information.

Personal information stored in the portal will be kept for no longer than is necessary for the purposes set out in this policy.

Responsibilities - Support

12. UNSW will provide gendered violence education and training

UNSW provides awareness and response education and training about gendered violence to staff and students as appropriate to their role and responsibilities.

This education will focus on consent and respectful relationships and will be targeted to groups that are particularly vulnerable. UNSW will prioritise in-person education and training wherever possible. This education and training will be supplemented by further education and training focused on intersectional experiences in the university context.

13. UNSW will make First Responders available

First Responders comprise of a small group of staff with the skills and training to respond to gendered violence disclosures. Initial contact with a first responder can be by email or phone. They can listen to your concerns, talk with you about your options and assist in making a portal report or complete the report on their behalf. First Responders' contact details are available online at <https://www.unsw.edu.au/planning-assurance/safety/safer-communities/gendered-violence/find-first-responders>

14. UNSW will provide referrals to external service providers

UNSW will also ensure that any person reporting or seeking support for an experience of gendered violence is provided with referrals to any applicable specialist service. UNSW appreciates a person's right to report externally and will cooperate with any external process.

Links for these referrals can be found: <https://www.unsw.edu.au/planning-assurance/conduct-integrity/gendered-violence/support>

Consultation draft