# Sexual Violence Response Procedure

# Section 1 - Preamble

(1)  Charles Darwin University ('CDU,' 'The University') is committed to eliminating sexual violence, and maintaining a safe, respectful and inclusive environment for all employees, students and broader community. 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.

(2) CDU acknowledges that disclosing and reporting sexual violence can be difficult. CDU recognise that incidents of sexual violence are significantly under-reported, and that individuals may face barriers in disclosing or making a formal report. CDU recognise and acknowledge that sexual violence is disproportionately experienced by women, people with a disability, young people, Aboriginal and Torres Strait islander people, people from culturally diverse backgrounds, and members of the LGBTQIA+ community.

(3) Aligned with the National Higher Education Code to Prevent and Respond to Gender-Based Violence, CDU is committed to ensuring all employees are adequately trained and supported to respond to disclosures of sexual violence, enforcing the need for positive duty and trauma informed care and practice in a University setting.

# Section 2 - Purpose

(4) This procedure outlines the process for persons to disclose or report sexual violence to CDU. It sets out how disclosures and reports will be managed and the accessible pathways available for victim survivors to seek support and information.

(5) CDU is committed to providing accessible and non-discriminatory response and support services for all members of the University who disclose or report sexual violence.

(6) Any member of the CDU community who experiences, witnesses, or is aware of an incident of sexual violence, is strongly encouraged to disclose the matter to CDU, even if they are uncertain about whether to make a formal report.

(7) For emergency contact points or support services, please refer to Table 1 and Table 2 within this document.

# Section 3 - Scope

(8) This procedure applies to all members of the CDU community including, but not limited to employees, students, Council members, volunteers, contractors, consultants, and visitors.

(9) This procedure applies:

a. at all times 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); and

b. 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.

(10) This procedure supports and gives effect to the University's Sexual Violence Prevention Policy.

(11) Where a disclosure or report is in relation to a current employee or student, these procedures should be read in conjunction with the following codes:

a. the Code of Conduct - Students where the subject of the disclosure/report is a student; or
b. the Code of Conduct - Employees where the subject of the disclosure/report is an employee.

(12) This procedure does not set out the disciplinary process in relation to employees or students who are the alleged person of concern in a disclosure or report about sexual violence.

# Section 4 - Procedure

(13) This procedure adopts a trauma-informed approach which emphasises the safety and well-being of anyone disclosing incidents of sexual violence, while addressing their individual needs through tailored support options.

## Disclosures

(14) Disclosures refer to the sharing of information with another person about an experience of sexual violence. Disclosures can be made to anyone and are usually made to a person who is known and trusted. A person who discloses an experience of sexual violence (the 'discloser') may be a victim survivor or a third party, and they may be seeking advice, information about resources, and/or support, and may or may not want to make a formal report.

(15) Reporting is one possible outcome of a disclosure, however, the decision to make a formal report is driven by the choice of the victim survivor.

### Making a disclosure

(16) Disclosures of sexual violence may be made to CDU via the pathways set out in this procedure, which includes various options to seek advice, support, express safety concerns, and/or explore formal reporting options.

(17) CDU recognises that disclosures may also be made outside these pathways to other members of the CDU community and encourages these individuals to seek support as per Table 2.

(18) Disclosures of sexual violence can be made on an anonymous basis where disclosing parties and/or individuals who are the subject of a disclosure of sexual violence may not be identified. CDU takes anonymous disclosures seriously; however, anonymity may impact CDU's ability to respond.

(19) A student or employee may receive a disclosure of sexual violence from a victim survivor, bystander, or person using violence. In these circumstances, the student or employee is encouraged to support the discloser to seek assistance and access resources by:

a. referring the discloser to the relevant resources in Table 1 so they can make contact directly if they wish; and/or
b. seeking information and support from the resources in Table 2 and sharing this with the discloser.

(20) A student or employee who has received a disclosure or is otherwise aware of an incident of sexual violence but was not directly impacted by it themselves may also make a disclosure or receive support via the resources listed in Table 2.

(21) Employees and students can make disclosures of sexual violence via the following link: online reporting tool.

**Direct action by CDU**

(22) CDU will support victim survivors of sexual violence by:

a. facilitating safety and wellbeing, and promoting the recovery of the victim survivor to the greatest extent possible;
b. providing information to guide the victim survivor decision-making;
c. connecting victim survivors with internal and external support services;
d. supporting victim survivors to access necessary academic adjustments and accommodations;
e. implementing precautionary safety measures where required; and
f. providing advice about internal and external reporting options.

(23) CDU will endeavour to respect and support a victim survivor's choices in disclosing sexual violence and empower them to decide the steps they wish to take, including whether or not to make a formal report to CDU or Police, or to access advice and support.

(24) There are some circumstances where CDU may take action in relation to a disclosure, even if the victim survivor 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 the Independent Commissioner Against Corruption Act 2017 mandatory reporting obligations in accordance with the Whistleblower Reporting (Improper Conduct) Procedure.

(25) In such circumstances, and to the extent possible, CDU will take measures to avoid identifying the victim survivor.

(26) Where such matters involve alleged criminal conduct, CDU may contact the Police and suspend any action under this procedure pending an investigation by the police.

(27) CDU will inform the discloser about its obligations to take such direct action and will discuss and provide any advice and support required.

## Formal Reports

(28) A formal report refers to a victim survivor providing a detailed account of an alleged experience of sexual violence to a person or institution that has the authority to act and provide a formal response or resolution.

(29) Persons that have witnessed or become aware of sexual violence, may also chose to make a report. When this occurs, the report is referred to as a third-party report.

**Making a formal report to CDU**

(30) Victim survivors may choose to make a formal report relating to sexual violence via the pathways set out in Table 1. CDU supports the right of persons to decide whether to formally report instances of sexual violence either internally to CDU and/or to external agencies such as the Police as outlined in this document.

(31) When a third-party report is made, the person reporting will be asked confirm:

a. whether they have spoken to the victim survivor and communicated their intention to make a report ; and
b. whether the victim survivor has given permission to be named in the report .

(32) If the victim survivor has not given permission to be named, an anonymous report will be made.

(33) Formal reports can be made anonymously. Such reports are taken seriously and an assessment of the appropriate action for responding to the report will be made; however, anonymity may limit the actions able to be taken by CDU, including the ability to investigate the report or the provision of support or updates to the victim survivor.

(34) A victim survivor has the right to withdraw a report relating to sexual violence and may seek support to do so via the channels outlined in Table 1.

(35) Where an investigation or disciplinary action is already underway, a report may not be able to be withdrawn, however, CDU will respect the wishes of the victim survivor to withdraw from participating in the process.

## Direct action by CDU

(36) Where a victim survivor chooses to make a formal report, CDU may make enquiries into the report and undertake an investigation or an alternative resolution pathway including, but not limited to, facilitated discussions, non-disciplinary meetings, and/or referrals to educational programs.

(37) All formal reports will be investigated, and a formal conclusion reached within the time frames stipulated by the National Higher Education Code to Prevent and Respond to Gender Based Violence.

(38) When determining appropriate action, CDU will consider the seriousness of the report, the perspective and circumstances of the victim survivor and the alleged person of concern.

a. Where a student is the alleged person of concern, the report will be handled in accordance with the Code of Conduct - Students.
b. Where an employee is the alleged person of concern, the report will be handled in accordance with the Code of Conduct - Employees.
c. Where the alleged person of concern is both an employee and a student, the report will be handled in accordance with both or either of the Codes of Conduct depending on the nature of the report.
d. Where an associate is the alleged person of concern, the report will be referred to the relevant area for input or action, as set out in the relevant/applicable instruments of appointment and/or contract terms.
e. Where a visitor or another person who is not a CDU student, employee or associate is the alleged person of concern, CDU will support the victim survivor within the bounds of its authority and provide them with referrals to relevant external organisations.

(39) Individuals who are the alleged person of concern will be provided with details of the nature of the report as well as the opportunity to respond.

(40) CDU will actively provide information to the alleged person of concern about the steps involved in any resolution process and will seek to provide reasonable updates throughout such processes.

(41) Individuals who are the alleged person of concern in a report relating to sexual violence will be notified of:

a. any actions taken by CDU;
b. the option to have a support person attend meetings or interviews;
c. support options to overcome any cultural or linguistic barriers;
d. information about the Student and/or Employee Codes of Conduct and the University's Sexual Violence Prevention Policy;
e. detailed information about each step of the process by which the report is being managed;
f. possible outcomes that may arise in relation to the matter;
g. information about external support services; and

h. information and support to access counselling and psychological support through CDU Counselling for students and Employee Assistance Program for employees.

(42) If the victim survivor and the alleged person of concern are both seeking to access CDU counselling services, separate counsellors will be provided. Where this is not possible the person subject to the report will be provided with referrals to external services.

(43) Where an investigation is undertaken, CDU will seek to ensure the process is:

a. conducted by individuals trained in a trauma-informed approach to responding to sexual violence;
b. impartial and procedurally fair to all parties involved; and
c. responsive to complex and sensitive issues.

(44) Following an investigation that substantiates an allegation of sexual violence, the alleged person of concern who caused the sexual violence will be held accountable, and any action taken will be proportionate to the seriousness of the matter.

(45) Such action for a student may include:

a. disciplinary action up to and including exclusion from CDU;
b. reassignment of a person's study location or class allocation; or
c. temporary ban on a person attending campus or parts of campus.

(46) Such action for employees may include:

a. disciplinary action up to and including termination of employment;
b. reassignment of a person's work location; or
c. temporary ban on attending campus or parts of campus.

(47) An individual who makes a disclosure with frivolous, vexatious, or malicious intent will be subject to disciplinary misconduct procedures under the Code of Conduct - Students or the Code of conduct - Employees.

## Communication between CDU and parties

(48) When a report is made by a student, the discloser will be contacted by the Associate Director Student Support, Safer Communities Specialist Counsellor or alternatively appointed CDU representative within two (2) business days.

(49) Where the report is made by an employee, the discloser will be contact by Deputy Director People and Employee Relations or alternatively appointed CDU representative within two (2) business days.

(50) Throughout the investigation, where the discloser is the victim survivor of sexual violence, they will be provided with updates on the investigation every five (5) - ten (10) business days or as otherwise applicable depending on the status of the investigation.

(51) In person, phone or email communication will be provided to the victim survivor, based on their personal preference. Where in person or phone meetings occur, the victim survivor may choose to have a support person present.

(52) Throughout any investigation process, whereby the discloser is a bystander or third party, the discloser will be provided with updates of the investigation only when directly relevant to the discloser.

(53) The outcome of any investigation will be communicated to the victim survivor by the professional conducting the

investigation or another nominated party. If the victim survivor is a student, the Associate Director Student Support, Safer Communities Specialist Counsellor or alternatively appointed CDU representative may attend this meeting if requested by the victim survivor. If the victim survivor is an employee, the Deputy Director People and Employee Relations may attend this meeting if requested by the victim survivor.

(54) The time frame for notifying the subject of the report will be determined following case consultation between relevant CDU staff where trauma-informed approaches will consider the nature of the report, the victim survivor requests, resources required and safety of all parties.

(55) During any investigation process, the subject of the report will be provided with updates on the investigation every five (5) - ten (10) business days or as otherwise applicable depending on the status of the investigation.

(56) In person, phone or email communication will be provided to the alleged person of concern, based on their personal preference. Where in person or phone meetings occur, the alleged person of concern may choose to have a support person present.

(57) The outcome of any investigation will be communicated to the subject of the report by the CDU employee conducting the investigation or another nominated party.

## Making a report to the Police

(58) While CDU can assess and investigate formal reports of sexual violence and make a determination on the balance of probabilities that the alleged sexual violence did occur, constituting a breach of CDU policy, this is not a substitute for a criminal process.

(59) Sexual violence may amount to criminal conduct and anyone who has experienced sexual violence may report their experience to the Police, regardless of any decision to make a disclosure or report to CDU.

(60) If there is a Police investigation or legal proceeding arising from sexual violence that is also subject to a formal report to CDU, the police investigation or legal proceeding takes precedence over any CDU process, procedure, schedule or investigation.

(61) CDU processes may be suspended until any police investigation or legal proceeding is finalised, however, reasonable action may still be taken by CDU to support safety and manage risk.

(62) Any action taken by CDU in relation to a formal report of sexual violence will be conducted in a way that avoids, to the extent possible, interference or perceived interference with current, pending or future Police investigations or legal proceedings.

## Precautionary measures and interim supports

(63) CDU takes a trauma-informed approach to responding to incidents of sexual violence and may facilitate, negotiate and implement precautionary measures to support the safety and wellbeing of the victim survivor and the CDU community.

(64) Precautionary measures can be implemented even if a formal report has not been made.

(65) CDU may decide to implement precautionary measures after receiving a disclosure or formal report of sexual violence, noting that:

a. the precautionary measures may be ongoing for the duration of an alleged person of concern's association with CDU, or may apply for a set period of time;
b. the precautionary measures will be reasonable and proportionate to the seriousness of the circumstances; and

c. precautionary measures do not constitute a penalty or sanction, nor indicate that CDU has determined that a breach of the Code of Conduct - Students or Code of Conduct – Employees has occurred.

(66) The victim survivor's wellbeing and wishes will be at the centre of the decision-making process when determining any precautionary measures to implement. Such measures may include, but are not limited to:

a. reviewing the access to buildings and/or CDU property of the person who is the subject of a disclosure of sexual violence;
b. temporarily preventing attendance at specified activities (such as classes or participation in non-academic activities for students, or workplace activities for employees);
c. supporting the victim survivor to block communication from the person who is the subject of a disclosure of sexual violence via channels including, but not limited to, social media, email, letter, telephone or through a third party; and
d. making reasonable adjustments to course requirements, study arrangements, study locations and contact persons within the University.

(67) Decision making in relation to precautionary measures will be escalated to the Provost for students and the Director People and Culture for employees. Interim measures will be provided in written notice to the alleged person of concern within twenty four (24) hours and will contain:

a. the terms of the interim measures;
b. the period of the interim measures;
c. the reasons for the interim measures;
d. information and support to access counselling and psychological support through CDU Counselling for students and Employee Assistance Program for employees, and information about how to access external support services; and
e. a copy of the Sexual Violence Prevention Policy and this procedure.

(68) A student's failure to comply with a precautionary measure may constitute a breach of the Code of Conduct - Students.

(69) An employee's failure to comply with a precautionary measure may constitute a breach of the Code of Conduct - Employees.

## Services and support

### Making a disclosure or report

(70) Table One sets out the appointed CDU primary contacts to make a disclosure or formal report of sexual violence. Disclosures and formal reports can be made to these contacts irrespective of where the alleged sexual violence occurred. In an emergency or concerning an incident requiring immediate response, individuals should refer to the emergency response contacts listed in Table Two.

### Table One

| Employees | Students |
|---|---|
| Via the online online reporting tool | Via the online online reporting tool |

| Employees | Students |
|---|---|
| In person or over the phone to People and Culture Phone: 08 8946 6284. The receiver of the disclosure will confirm the discloser's safety and wellbeing and take the employee through the online reporting tool. Alternatively, People and Culture can fill the form out on behalf of the employee. | In person or over the phone to CDU Student Support Student Support Phone: 08 8946 6288. The receiver of the Report will confirm reporter's safety and wellbeing and take the student through the online reporting tool. Alternatively, Student Support can fill the form out on behalf of the student. |

(71) Disclosures or reports made to other areas of the University will also be accepted. Any disclosure made to an employee about sexual violence involving a member of the University Community, or associated with the University, must be reported via the online reporting tool.

### Seeking support

(72) CDU provides services and support for victim survivors who are experiencing, have experienced, or witnessed sexual violence. Table 2 details key contacts who can provide emergency assistance, and advice, support and referrals to external services relating to sexual violence.

(73) Further guidance for all members of the University Community on how to support a victim survivor is available via the Respect Now Always website. Respect. Now. Always. | Charles Darwin University.

### Table Two

| | 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 |

## Protection from victimisation

(74) CDU will not tolerate conduct that victimises a person who:

a. makes an allegation, disclosure or report of sexual violence to CDU or any external agency;
b. files a complaint with the Police;
c. is involved in or is a witness in an investigation or hearing in relation to an allegation of sexual harm; or
d. is otherwise associated with a student or employee who has pursued rights under this procedure.

(75) Any conduct that victimises a person relating to sexual harm may constitute a breach of University policies and may result in action taken by CDU in accordance with those policies.

## Privacy

(76) If an involved party provides ‘personal information’ or ‘health information’ in the course of making, responding to, or otherwise participating in, the handling of a disclosure or report of sexual violence, CDU will comply with the CDU Privacy and Confidentiality Policy with regards to the use, processing, and management of that information.

(77) To protect the rights and privacy of all persons involved, all employees, students and associates must handle

information related to disclosures and reports sensitively, and with respect to the people who may be identified from the information.

(78) Limitations to privacy may apply in circumstances where CDU takes direct action relating to sexual violence in response to a serious or imminent risk to safety, or where required by law.

(79) As outlined in the Sexual Violence Prevention Policy, data relating to disclosures and reports of sexual harm is collected and reported on in a de-identified manner for the purposes of understanding the nature and prevalence of sexual violence in the CDU community, responding to risk, identifying trends, and measuring the impact of prevention and response activity.

# Section 5 - Non-Compliance

(80) 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.

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

(82) 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.

## Status and Details

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|---|---|
| **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<br>Provost |
| **Implementation Officer** | Peta Preo<br>Director People and Culture |
| **Enquiries Contact** | Peta Preo<br>Director People and Culture<br><br>People and Culture |

## Glossary Terms and Definitions

**"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.

**"Victim survivor"** - Victim survivor is a term used to describe a person against whom violence has been perpetrated including a child or young person. The term is often used to recognise a victim survivor's agency and individual capacity (Domestic, Family and Sexual Violence Action Plan 2, NT Gov).

**"Person using violence"** - Person using violence is a term used to refer to a person who uses violence, abuse or coercive control against a current or former intimate partner, or a member of their family or household, regardless of whether they have been convicted of a crime. This term separates the behaviour from the person and recognises the potential for people to change their behaviour (Domestic, Family and Sexual Violence Action Plan 2, NT Gov).