

# Policy: Sexual misconduct

## Purpose

The Australian National University is responsible for providing a safe, inclusive and respectful campus where its members can study, work and live free from sexual assault, sexual harassment and all other forms of sexual misconduct.

## Overview

This policy outlines a set of overarching principles and the University's commitment to prevent and respond appropriately and effectively to incidents of sexual assault, sexual harassment and all other forms of sexual misconduct. To support this policy and foster a campus free from sexual misconduct, the policy also outlines the responsibilities of all staff, students and members of the community.

## Scope

This policy applies to all staff, students and/or individuals who enter particular relationships with the University for a specified time period or time periods; for example, members of Council and other University committees, visiting fellows, honorary appointees, contractors, visitors and volunteers.

The policy covers:

- a. All activities that take place on ANU grounds or at ANU residences, including activities run by ANU and the Students' Associations;
- b. All activities that take place outside ANU but are run, sponsored, or funded by ANU, including when individuals are in a relationship with the University of the kind referred to above are part of a University delegation or represent ANU at local, national or international conferences, functions, events or on exchange or fieldwork, including activities run by ANU, ANU Sport and the Students' Associations;
- c. All activities which take place online which are created, authorised, sponsored, or funded by ANU.

## Definitions

**Sexual misconduct** is a term encompassing any unwelcome behaviour of a sexual nature including sexual assault, sexual harassment, an act of indecency, making or distributing

sexually explicit photos or videos without consent, and any other non-consensual sexual conduct if a reasonable person would consider that conduct to be an invasion of their privacy, indecent or otherwise unacceptable conduct.

**Sexual assault** includes any offence of a sexual nature committed on another person where a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent, or they are unable to give consent.

**Sexual harassment** occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, including in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated and/or intimidated as defined in the [Sex Discrimination Act 1984 \(Cwlth\)](#). This includes sexist comments or words intended to be a joke.

Conduct of a sexual nature includes the making of a statement of a sexual nature to, or in the presence of, a person, whether the statement is made verbally or in writing (physically or online).

**Consent** is the voluntary agreement to engage in a sexual act/s, and the continued agreement to engage in the act/s. Voluntary agreement to engage or to continue to engage must be communicated through words or conduct. Consent can be withdrawn at any point. Consent cannot be given if the person is under 16 years of age; is threatened with harm, extortion or humiliation; is under the effect of drugs or alcohol; is asleep or unconscious; is incapacitated mentally or physically; or is unlawfully detained. Consent needs to be clearly given when someone is in a position of power over someone else.

**Disclosure** is the sharing of information regarding any incident of sexual misconduct with another person.

**Report** is the formal statement regarding the incident of sexual misconduct given to the University and/or police.

## Policy statement

1. Sexual assault and sexual harassment are unlawful, and all forms of sexual misconduct are in breach of University values, rules, policies and codes of conduct.
2. The University acknowledges that sexual misconduct can have adverse impact on members of the University community.
3. The University will work to ensure that people who disclose or report that they have experienced sexual misconduct, are treated with compassion and care, and provided with timely and appropriate trauma-informed support and other measures to continue to work or study in safety and free from further harassment.

4. The University will provide resources for those most likely to receive disclosures and or reports by providing access to adequate training and support.
5. The University will provide people who receive disclosures and or reports of sexual misconduct with appropriate access to opportunities to debrief with qualified professionals, either in the University or broader community.
6. The University recognises that while all people may experience sexual misconduct, certain groups within our community are more vulnerable, and people's sex, gender identity, sexuality, position/status, ability, age, socio economic status, culture, religion, etc. may affect their experience of sexual misconduct.
7. All members of the University community are encouraged to take responsibility for their own actions and ensure they are always acting in a respectful manner which supports the dignity, safety and wellbeing of others. They are encouraged to report any incidents of sexual misconduct they have witnessed, and to intervene where it is safe to do so.
8. The University is committed to reducing barriers to disclosing and reporting sexual misconduct and respects the rights of the person who has experienced the sexual misconduct to decide whether to report. The University encourages people to report and will support the safety of those who report.
9. The University provides an online sexual misconduct disclosure form as one avenue to facilitate disclosing and reporting of incidents of sexual misconduct. All disclosures are sent to the [Respectful Relationships Unit](#) which will provide support to the person who experienced sexual misconduct, and, with permission (except where there are mandatory reporting requirements), referrals to other parts of the University as appropriate. Refer to the [Respectful Relationships Unit website](#) for more information.
10. The University will manage any breaches of this policy or the [Code of conduct policy](#) in accordance with the [ANU Policy Framework](#). Refer to the Respectful Relationships Unit website for more information.
11. The University will respond promptly to reports and take timely action within its authority to ensure people's safety. Investigations and the application of outcomes will operate in accordance with the [Discipline Rule 2018](#) for students and for staff, the [ANU Enterprise Agreement 2017-2021](#).
12. University disciplinary procedures may be suspended if the University is notified of a criminal investigation. The University maintains its responsibility and commitment to support the safety and wellbeing of the person during this process.

13. The University will ensure all parties are treated with dignity and respect and are afforded procedural fairness once a report has been made. It will communicate with directly affected parties.
14. The University will safeguard privacy according to ANU policies and relevant legislation and ensure all reports are treated confidentially, except where there are mandatory reporting requirements. For example, where there is a serious concern for the safety of the person reporting or other people, the person reporting is under the age of 18 years old, or the person who is reported to have engaged in sexual misconduct is a staff member of the University.
15. The University will publicly report de-identified data of disclosures and reports to ensure transparency and accountability.
16. The University provides access to comprehensive and inclusive education and awareness campaigns with the aim of preventing and responding to sexual misconduct in line with the [ANU Sexual Violence Prevention Strategy 2019-2026](#).

## Document information

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