Prevention and Response to Gender-Based Violence Policy

Note on language:

This Policy contains references to gender-based violence and sexual harm. If anything in this Policy has affected or distressed you, you may wish to seek support. Information on support and translation is available on the University website and through Campus Care and external services.

Section 1 - Purpose

(1) The University of Newcastle (University) is committed to safe, respectful and inclusive study, work, living and social environments, and prohibits all forms of gender-based violence, including but not limited to sexual assault, sexual harassment and sex-based harassment. Through a whole-of-organisation approach, the University will prevent and respond to gender-based violence in a manner that prioritises safety, dignity, agency and wellbeing, addresses the drivers of harm and embeds continuous improvement.

(2) The University is committed to a zero harm and zero tolerance position on gender-based violence and will take actions that are proportionate and safe when gender-based violence is experienced or engaged in by students or staff, regardless of the context in which the conduct occurs.

(3) The University recognises that gender-based violence is driven by gender inequality and reinforced by harmful gender norms, power imbalances and intersecting forms of discrimination. The University further recognises that gender-based violence can impact anyone; however, it is disproportionately experienced by women, people with disability, neurodivergent people, young people, Aboriginal and Torres Strait Islander peoples, people from culturally and racially marginalised backgrounds including international students, and members of the LGBTIQA+ community, and that individuals may experience multiple and compounding marginalisations which inform the support required and the services provided.

(4) This Policy gives effect to the National Higher Education Code to Prevent and Respond to Gender-based Violence (Code) and is to be read alongside the University's whole-of-organisation Prevention and Response Plan, Outcomes Framework, and related policies and procedures.

Section 2 - Policy Scope

(5) This Policy applies to all members of the University community and applies wherever gender-based violence is experienced or engaged in by students or staff (on campus, online, off-campus, in placements and fieldwork, and in student accommodation owned, operated or controlled by the University).

(6) This Policy also applies to persons who are not members of the University community who wish to make a disclosure or formal report of gender-based violence by a current or former student or staff.

(7) This Policy does not set out the disciplinary process for students or staff alleged to have engaged in gender-based violence. Those processes are set out in the relevant governing documents and associated procedures.

(8) Reports involving children under 18 must be managed in accordance with the Child Safety and Wellbeing Policy, noting mandatory reporting obligations may apply.

Section 3 - Policy position and principles

(9) The University prohibits all forms of gender-based violence.

(10) Prevention and response will be co-designed with students and staff, including people with lived experience of gender-based violence and those disproportionally affected by gender-based violence, recognising the role of gender inequality and power imbalances and the compounded risks for disproportionally affected cohorts. The University will take a trauma-informed, culturally safe approach that is procedurally fair, evidence-informed and which will be evaluated for effectiveness, and continually improved.

(11) The University recognises that experiences and risks of gender-based violence can be shaped by intersecting forms of inequality and discrimination which can heighten the risk of harm and create additional barriers to recognising and reporting gender-based violence, and seeking support. The University will endeavour to embed an intersectional lens across its prevention and response, including in risk assessment, policy design, education and training, communications, support services, data collection and evaluation. This includes taking steps to reduce structural and practical barriers to disclosures and formal reports; ensuring accessible, culturally safe and inclusive pathways and supports; providing reasonable adjustments and language services where required; and partnering with disproportionately affected cohorts to co-design targeted measures.

(12) The University will provide information and deliver ongoing, evidence and trauma-informed education and training about what constitutes gender-based violence and foster a deeper understanding of the role each person plays in recognising, preventing and responding to such conduct.

(13) The University does not tolerate victimisation and will act to protect any person from detrimental action because they made or supported a disclosure or formal report, or engaged in ethical bystander intervention.

Section 4 - Leadership, governance and whole-of-organisation approach

(14) The University's Vice-Chancellor is accountable for compliance with the Code and this Policy. The University Council, with assistance from the People and Culture Committee will oversee implementation, receive six-monthly reports against the Outcomes Framework (including de-identified incident and trend data), and ensure adequate resourcing.

(15) A whole-of-organisation Prevention and Response Plan will be prepared, implemented, published on the University's website and reviewed, and will include a whole-of-organisation systemic risk assessment, actions across key domains, a Gender Equality Action Plan, and an endorsed review and analysis of responses to disclosures and formal reports.

(16) The Vice-Chancellor will report to the Secretary of the Department of Education every two years and the University will implement any feedback within specified timeframes.

Section 5 - Safe environments, declarations and

conflicts of interest

(17) The University will maintain physically and psychologically safe environments, including:

a. mandatory pre-engagement declarations for prospective staff and Council/committee members regarding prior gender-based violence investigations and determinations;
b. ongoing working with children check compliance as applicable;
c. mandatory declarations of intimate personal relationships where there is or is likely to be a supervisory, oversight or decision-making relationship (including with students); and
d. conflict of interest management plans with permanent alternative arrangements as necessary (see Disclosure of Interest Policy).

(18) Where a declaration is made, the University will assess any risks arising from the declaration, prioritising the safety and duty of care owed to students and staff. The University will conduct a proportionate, role-based suitability assessment to determine what, if any, action needs to be taken in response to ensure the safety of students and staff.

(19) Where an existing or previous intimate personal relationship is declared, the University will develop a conflict of interest management plan that may include temporary or permanent alternative teaching, supervision and/or working arrangements as where necessary to ensure safety and integrity and in consideration of the University's duty of care to its staff and students.

(20) For the avoidance of doubt, the purpose of the declarations required under this section is so all prospective staff or people seeking to join the University are aware that gender-based violence is unacceptable and to enable the University to engage in proactive prioritisation of safety and risk.

Section 6 - Prohibition on non-disclosure agreements (NDAs) and confidentiality

(21) NDAs and non-disparagement clauses will not be used in matters relating to gender-based violence unless specifically requested by the discloser and only where they do not impede access to support or the University's reporting obligations.

(22) The University will implement recommendations directed to it by the National Student Ombudsman in respect of its prevention and response to gender-based violence.

(23) Any agreement which prevents the discloser from seeking support and advice is prohibited.

Section 7 - Prevention, education and capability

(24) The University will:

a. deliver ongoing, comprehensive, evidence-informed prevention education and training to students, staff and leadership; and
b. provide training on how to respond to disclosures of gender-based violence (training).

(25) Training will be tailored to roles and risk, co-designed with experts and disproportionately affected cohorts, and evaluated for effectiveness.

(26) Training content will address drivers of gender-based violence, respectful relationships, affirmative consent,

ethical bystander action, responding to disclosures, procedural fairness, and trauma-informed practice.

(27) Staff involved in triage, risk assessment, investigations, decision-making or appeals must have the knowledge experience and expertise required by the Code, with training refreshed at least every three years and external experts engaged where needed.

Section 8 - Safety, support and adjustments

(28) Following each disclosure or formal report, the University will undertake a prompt risk assessment by appropriately qualified personnel and manage and monitor identified risks.

(29) The University will provide or facilitate access to internal and external specialist support services for disclosers and respondents. See Contacts and Support details in Section 18.

(30) The University will explain available supports, and implement proportionate safety measures and adjustments, including reasonable academic adjustments for students and reasonable workplace adjustments for staff and accessible and translated information reflective of community demographics.

(31) Respondents will be offered independent support, with procedural fairness ensured in any disciplinary processes, and the same staff member will not support both the respondent and the discloser.

(32) Support will be made available regardless of whether a disclosure or formal report is lodged.

Section 9 - Disclosures and Formal Reports

(33) Clear, accessible information will be published on where and how students, staff and third parties can make a disclosure or a formal report; what to expect; privacy and confidentiality; and how reports are managed through student conduct and staff disciplinary processes.

(34) Multiple reporting pathways, including anonymous options where available, will be provided.

(35) The University will, to the extent consistent with safety, legal and regulatory obligations, respect an individual's choice about whether and how to make a disclosure or to proceed to a formal report. In some circumstances, the University may be required to take action, including:

a. where a disclosure indicates an immediate or ongoing risk to any person, referring the matter to Safety and Security Services, an appropriate internal function, and/or an external agency for urgent action;
b. where a disclosure warrants an investigation for the safety and wellbeing of students or staff;
c. where appropriate and safe to do so, informing the discloser of any action the University is required to take and the reasons for it; and
d. taking action that is required by law, the Code, or applicable University policies and procedures.

(36) The University will investigate all formal reports where the respondent is a current student or staff member, regardless of where the conduct occurred, and will determine scope when the only University connection is the respondent's status. Parties will be notified of commencement (discloser being notified first) and of outcomes in a timely, trauma-informed manner, communicated on the same day, subject to privacy.

(37) The University will endeavour to ensure that a proportionate and safe response can be made following a disclosure, including by:

a. a resolution that is implemented by agreement with the discloser and respondent;

b. the implementation of safety measures, with or without progressing to an investigation; and
c. a decision not to proceed to an investigation of a disclosure.

(38) Anonymous disclosures will be used to identify any trends and inform prevention and risk management. Anonymous formal reports will be actioned where fairness can be maintained and sufficient particulars are available.

Section 10 - Misconduct processes and decision-making

(39) Determinations and any disciplinary action will be made in accordance with the Student Conduct Rule for students, and applicable employment instruments or contracts for staff, or under relevant contracts and policies for other community members. Processes will be procedurally fair, timely, transparent, and proportionate to risk and impact.

(40) The University will seek to make determinations within 45 business days and appeals within 20 business days.

(41) The Vice-Chancellor may authorise extensions to the above determination and appeal period with regard to the context of a request (including safety and in consideration of a request by the discloser or third party, such as Police). Communications will be trauma-informed and focused on safety.

Section 11 - Student Accommodation

(42) This Policy applies to student accommodation that are:

a. directly owned, operated and/or managed by the University; and
b. not owned but otherwise under the University's control.

(43) For any disclosure or formal report relating to student accommodation or events organised by it, immediate and proportionate safety action must be taken in accordance with this Policy. The discloser may elect that the University leads the response, and student accommodation providers must cooperate and implement outcomes.

(44) A risk assessment must be completed within 48 hours (or immediately when required), with safety measures informed by the disclosers views and tailored support plans must be in place within 48 hours.

(45) Where allegations of gender-based violence are substantiated, student accommodation providers may enable the permanent removal of the person from the accommodation where necessary to protect safety, after seeking the disclosers views.

(46) Staff working in student accommodation must complete mandatory training, make required declarations (including whether they have been investigated or determined to have engaged in conduct that constitutes gender-based violence along with any existing or previous intimate personal relationships with a resident), and comply with conflict of interest requirements. (See Disclosure of Interest Policy).

(47) Affiliated student accommodation providers that are not owned, operated or controlled by the University must comply with the requirements of the Code as a condition of any agreement or affiliation with the University. Any instance of non-compliance with the Code will be escalated and reported in accordance with the Code.

Section 12 - Data, privacy and record-keeping

(48) Information relating to disclosures, formal reports, supports and outcomes, including those made to student accommodation, will be collected in a safe, trauma-informed and person-centred manner, stored and held securely in accordance with applicable privacy and records governance requirements. (See Privacy Management Plan and Records Governance Policy).

(49) De-identified data will be used to inform prevention and response, evaluate against the Outcomes Framework, identify trends, and meet reporting obligations to the University Council and the Secretary of the Department of Education in the prescribed manner and form, with protections for privacy and confidentiality to the extent practicable and appropriate.

(50) Records and de-identified data will be used by the University to inform prevention and response strategies.

Section 13 - Accessibility, inclusion and engagement

(51) The University will ensure that information about policies, procedures, reporting pathways and supports is publicly available, easy to find, drafted in plain English, accessible, and may be translated into languages that reflect the demographics of the University community upon request.

(52) Policy development, review and implementation will be undertaken through engagement and collaboration with students and staff, those disproportionately affected by gender-based violence; people with lived experience; subject matter experts; and third parties hosting placements and practicums.

Section 14 - Roles and responsibilities

Role	Responsibility
University Council	Endorses the plan and Outcomes Framework, oversees compliance, receives six-monthly reports including de-identified data.
Vice-Chancellor	Accountable for compliance with the Code and this Policy; submits the Plan and Outcomes Framework; reports to the Secretary of the Department of Education biennially; ensures implementation and resources.
Executive Leadership Team, Senior Leadership Team and People Leaders	Model expected behaviour; ensure role-appropriate training; manage conflicts; ensure timely risk assessments and proportionate safety measures.
Specialist Functions (Campus Care, Student Living, Conduct & Appeals, HR/Workplace Relations, Safety and Security Services, Health Safety and Wellbeing Team)	Provide trauma-informed first response, triage and risk assessment; coordinate supports and adjustments; manage investigations and decision-making in line with required expertise; maintain records and de-identified reporting.
All staff and students	Contribute to a safe, respectful environment; complete mandatory training; disclose conflicts per Section 5; comply with policy and procedures.

Section 15 - Related documents

(53) Whole-of-organisation Prevention and Response Plan and Outcome Framework.

(54) Child Safety and Wellbeing Policy

(55) Health and Safety Guidelines

(56) Health and Safety Key Risk Area Procedures

(57) Records Governance Policy

(58) Student Code of Conduct

(59) Staff Code of Conduct

(60) Student Conduct Rule

(61) Work, Health and Safety Policy

(62) Disclosure of Interest Policy

(63) Disclosure of Interest Procedure

(64) Privacy Management Plan

(65) Agreements aligned to the Code.

Section 16 - Review

(66) This Policy will be reviewed every three years, with engagement and collaboration with students, staff, disproportionately affected groups, people with lived experience, subject matter experts, and third parties hosting placements and practicums, and may be amended intermediately to reflect changes in the Code, government guidance, Ombudsman recommendations, or findings from evaluation and assurance.

Section 17 - Defined Terms

(67) In the context of this document, the following definitions apply:

a. “affiliated student accommodation providers” means an accommodation provider that is not owned, operated or controlled by the University, and are affiliated with the University by:
    i. statute, constitution, or legal instrument;
    ii. a service agreement or other agreement with the University; or
    iii. is promoted or otherwise endorsed by the University.
b. “anonymous report” means a disclosure or formal report where the discloser or complainant does not provide identifying information, and which may be actioned where fairness and procedural integrity can be maintained and sufficient particulars are available;
c. “consent” refers to free and voluntary agreement to a sexual act and is defined in the Crimes Act 1900 (NSW). Consent must be ongoing and can be withdrawn at any time, is not presumed, and is absent in circumstances including where a person is:
    i. asleep or unconscious;
    ii. incapable of consenting;
    iii. submits due to force, fear, threats, intimidation, exercise or authority or abuse of a relationship of authority or trust;
    iv. is subject to unlawful detention, mistaken identity, or intoxication that renders them incapable of consenting or withdrawing consent. A belief in consent is not reasonable if a person did not say or do anything to find out whether the other person was consenting;
d. “discloser” means a person who has made a disclosure or formal report about gender-based violence or sexual

harm;

e. “disclosure” means the sharing of information about an experience of gender-based violence or sexual harm with the University by the discloser or another person. Disclosures can be made to anyone and may or may not result in a formal report;
f. “formal report” means the provision, through designated reporting channels, of information by a discloser about their experience of gender-based violence, that requires the University to consider taking steps beyond support services, including the commencement of an investigation and/or a disciplinary process where appropriate;
g. “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, as described in the Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence Act 2025 (Cth)), including without limitation sexual harm and sexual harassment, sex-based harassment, intimate partner violence, family and domestic violence, stalking or monitoring, technology-facilitated abuse, coercive control, reproductive coercion, forced marriage, sexual trafficking, and patterns of abusive behaviour;
h. “person-centred” means an approach that places an individual’s needs and preferences at the centre of decisions made in response to a disclosure or formal report, affirming dignity and supporting healing while ensuring safety and wellbeing;
i. “respondent” means a person alleged to have engaged in conduct amounting to gender-based violence;
j. “sexual assault” is any sexual act or touching in circumstances where the person engaging in the act or the touching does not have the consent of the other person to the act or the touching. Sexual assault is a crime under the Crimes Act 1900 (NSW). Touching can be ‘sexual’ because of:
    i. the area of the body that is touched or used in the touching, including (but not limited to) the genital or anal region, the buttocks or the breasts;
    ii. the fact that the person doing the touching seeks or gets sexual arousal or sexual gratification from the touching; or any other aspect of the touching, including the circumstances in which it is done;
k. “sexual harassment” occurs where a person makes an unwelcome sexual advance or request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. A single incident can constitute sexual harassment. It can happen in person, over the phone or online (including on social media);
l. “sexual harm” is any unwelcome behaviour of a sexual nature without consent and includes conduct that could amount to a sexual offence and/or sexual harassment (including non-consensual sexual touching or acts, sexual assault, voyeurism, and the recording or distribution of intimate images without consent;
m. “student accommodation” means accommodation that is owned, operated or controlled by the University including University of Newcastle Department of Rural Health.
n. “trauma-informed” means an approach that recognises that an unsafe response can escalate and compound trauma and that is focused on maximising the safety, wellbeing and support provided to individuals who make disclosures or formal reports by upholding their agency, safety, dignity and wellbeing;
o. “University community” includes all current and former staff, Council members, all current and former students; members and employees of student organisations and alumni networks; University campus tenants; University volunteers, partners,visitors, affiliated and controlled entities, including their employees and consultants;
p. “victimisation” happens if a person does an act, or threatens to do an act, against a discloser or another person associated with a disclosure or formal report, because they have made or intend to make a disclosure or formal report, are involved in a proceeding, or have supported another person, and does not include action for a false or malicious complaint;
q. “whole-of-organisation” means an approach applied across all areas of operations at all levels that is evidence-informed, uses multiple strategies, and is subject to ongoing monitoring and evaluation across leadership,

culture and environment structures, norms and practices; systems and infrastructure; teaching and learning; policies and procedures; management and governance; community engagement; business; research; and partnerships.

Interpretation

(68) Unless otherwise defined in this document, the Code or other relevant University instruments may establish definitions of terms used in this document. Where there is inconsistency between this Policy and the Code, the Code prevails to the extent of this inconsistency.

Section 18 - Contacts and Supports

Campus Care

Online:	Campus Care
Email:	campuscare@newcastle.edu.au
Phone:	+61 2 4921 8600

Respect at Work

Online:	Respect at Work
Email:	staffcare@newcastle.edu.au
Phone:	+61 2 4921 8600 (Campus Care)

After-Hours Support Line

Online:	After Hours Support Line
After-hours support line	1300 653 007
After-hours SMS:	0488 884 165

University Safety and Security Services

Online:	Security Safety & Help
Email:	security-services@newcastle.edu.au
Phone:	02 4921 5888

Employee Assistance Program

Online:	Employee Assistance Program
Email:	reception@newpsych.com.au
Phone (including 24/7 crisis service):	02 4926 5005

Health Services

Online:	Medical Centres
Phone (Callaghan):	02 4921 6000
Phone (Central Coast):	02 4348 4060

External Services

In an emergency:	Call 000
NSW Policy Assistance Line:	Call 131 444
1800 Respect	Call 1800 737 732 Text 0458 737 732
Full Stop Australia	Full Stop Australia Call 1800 385 578
NSW Health Sexual Assault Services	NSW Health Sexual Assault Services
Rainbow, Sexual, Domestic and Family Violence Helpline	Call 1800 497 212
13 YARN	Call 13 92 76

Status and Details

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Responsible Executive	Alex Zelinsky Vice-Chancellor alex.zelinsky@newcastle.edu.au
Enquiries Contact	Office of the Vice-Chancellor

Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Council member" - A person who is a member of the University Council as described in Section 8B of the University of Newcastle Act, 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Risk management" - The co-ordinated activities of assessing, controlling, monitoring, and reviewing risk in the pursuit of the University's objectives.

"Risk assessment" - The overall process of risk identification, risk analysis, and risk evaluation.

"Campus" - means any place or premises owned or controlled by the University, but may also specifically refer to a designated operating location such as the Callaghan Campus.

"Campus Care" - The program which has been set up as a central point of enquiry for information, advice and support in managing inappropriate, concerning or threatening behaviours.

"Controlled entity" - Has the same meaning as in section 16A of the University of Newcastle Act 1989.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"International student" - A student (as defined by the University) who is not an Australian citizen, Australian Permanent Resident or New Zealand citizen (or dual citizenship holders of either Australia or New Zealand). This includes students who will be studying offshore and those who will be studying onshore and have a student visa, provisional residency, temporary residency, bridging visa, or any other category of non-permanent visa for Australia.