Policy

Sexual Harm and Gender Based Violence Prevention and Response

Date of approval	4 June 2026	**Approved by**	Council
Date of effect	4 June 2026	**Review date**	30 June 2029
Relates to	Gender Based Violence Response Procedure	**Version**	v1 2026
Responsible Owner	Chief Executive Officer		
Functional Manager	Deputy Chief Executive Officer – Operations Deputy Chief Executive Officer – Academia		

1. Outline

Batchelor Institute (the Institute) is committed to providing a safe and respectful environment that supports the rights of all persons within the Institute community to work and study safely and free from gender-based violence. Gender-based violence is unacceptable and will not be tolerated under any circumstances.

Gender-based violence means any form of physical or non-physical violence, harassment, abuse or threats, based on gender, which results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy. Sexual assault and sexual harassment are recognised internationally as forms of gender-based violence, as a common behaviour that is used against someone because of their gender, gender expression or sexual orientation.

2. Summary

This policy makes clear that the Institute does not tolerate sexual harm or gender-based violence, including online harassment, in any setting. This applies across all environments associated with the Institute, including on campus, any student/residential accommodation, community-based training, on placements, during fieldwork, at conferences, in online learning or digital spaces, and at any activity where staff or students are representing the Institute in vocational or higher education contexts.

The policy is committed to safeguarding the physical and psychological safety of individuals who speak up about sexual harm or gender-based violence. It places the safety, dignity, choice, and wellbeing of those who report or disclose such conduct at the centre of all actions and decisions.

In responding to reports, the Institute adopts approaches that are safe, fair, person-centred, and trauma-informed. These responses are designed to recognise and address the differing needs of both VET and higher education students and staff.

The policy also promotes a culture of shared responsibility by encouraging individuals to safely intervene, speak up, and support others when they witness or become aware of harmful behaviour.

3. Acknowledgements

The Institute acknowledges that:

a. sexual harm and gender-based violence have substantial impacts, on individuals, workplaces, families and communities. These impacts may be physical, psychological or financial;

b. workplace diversity and gender equality are important for providing a safe, inclusive and respectful environment for our community;

c. inequality and power imbalance provide the underlying social conditions for personal violence. The following communities are disproportionately affected by sexual harm and gender-based violence:

   i. women;

   ii. Indigenous Australians;

   iii. culturally and linguistically diverse communities;

   iv. people with disability; and

   v. people of diverse sexual orientation and gender identity;

d. as educators and leaders:

   i. we have a responsibility to work towards long-term social and cultural change; and

   ii. the experiences and identities of people who report sexual harm and gender-based violence are diverse, varied and potentially intersect. This requires culturally appropriate and safe prevention and response measures.

4. Policy

4.1 Scope. This Policy applies to**:**

a. Members of Council,

b. Students, Staff, affiliates, and visitors;

c. Affiliated organisations;

d. Entities or persons undertaking activities for, or on behalf of, the Institute, or

e. All disclosures and complaints (reports) of sexual harm and gender-based violence by or about students, staff or others associated with Institute activities.

Where permitted by law, this Policy applies to conduct that occurs outside of Australia.

4.2 Prevention

The Institute will:

- undertake a positive duty to prevent and eliminate gender-based violence to the greatest extent possible, and foster an environment where all members of the Institute community are treated with dignity, courtesy and respect.

- implement prevention of gender-based violence training and awareness raising strategies to ensure that all persons know their rights and responsibilities, including the consequences for those persons who fail to take appropriate action to prevent incidents from occurring or continuing;

- actively promote appropriate standards of conduct at all times in accordance with the Institute Staff and Student Codes of Conduct.

- Implement additional gender-based violence screening procedures for prospective staff and council members, prior to appointment.

- Require employees to declare any existing or previous intimate personal relationships with:
    a. another employee: if one of them has, or is likely to have, any supervisory, oversight or decision-making responsibilities in relation to the other;
    b. a student: if the employee has, or is likely to have, any decision-making responsibilities in relation to the student.

- Require all employees involved in Student accommodation to declare whether they have previously been:
    a. investigated for an allegation of sexual harm or gender-based violence; or
    b. determined by a previous employer or in a legal process to have committed sexual
    c. harm or gender-based violence.

- Require affiliated accommodation providers to abide by the GBV Policy and produce a GBV plan.

4.3 Preparedness

The Institute will:

- Develop, implement, monitor and report against a whole-of-organisation Gender-Based Violence Prevention and Response Plan;
- maintain effective complaints procedures based on the principles of procedural fairness;
- provide written procedures that provide clarity and transparency for the management of gender-based violence disclosures in a timely and sensitive manner;
- create a safe environment for disclosure through training employees to manage disclosures of gender-based violence, including where these lead to formal reports; and
- Create campaigns, awareness raising and educational initiatives highlighting drivers and reporting and support pathways.

4.4 Response

The Institute will:

- encourage ethical bystander intervention and support members of its community who witness, become aware of or experience any incidents of gender-based violence to disclose these matters. Disclosures can be made through the processes outlined in the Gender-based Violence Response Procedure;

- respond with care and compassion to disclosures of gender-based violence, prioritising the needs of the victim survivor and focusing on their health, safety and wellbeing through safety first, trauma-informed support;

- ensure that the victim survivor is kept informed about subsequent action to be taken, respecting their right to decide whether to proceed with an internal complaint, and/or proceed with a police report, unless mandatory reporting is required by legislation;

- ensure disclosers of gender-based violence are provided with culturally appropriate and accessible support resources and services, both within the Institute and within their local community, including access to free and confidential counselling services, provided by a qualified professional;

- treat all disclosures of gender-based violence seriously, including conducting prompt, impartial and confidential investigations where appropriate, noting that:
    a. the Institute may take action in relation to a disclosure, even if the discloser 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 the Institute's legal obligations. This includes but is not limited to Child Protection and Domestic Family Violence mandatory reporting requirements, and disclosures of misconduct made under the Whistleblower Reporting (Improper Conduct) Procedure in accordance with the *Independent Commissioner Against Corruption Act 2017* and other state and territory mandatory reporting obligations; and
    b. referral of a case to the Police does not preclude the Institute from dealing with the matter through its internal disciplinary procedures.

- will act to protect any person making a gender-based violence disclosure or complaint against victimisation and reprisals;

- will act in accordance with the Privacy and Confidentiality Policy;

- will prohibit the use of a non-disclosure agreement (NDA) in relation to an allegation of or investigation into gender- based violence, unless a victim survivor requests this. If a victim survivor requests an NDA, the Institute will ensure that:
    a. the NDA does not stop the victim survivor from sharing their experience for the purpose of seeking support and advice or prevent the Institute from complying with their reporting obligations under the Code; and
    b. any settlement terms agreed between the victim survivor and the Institute does not contain a non-disclosure that could have the effect of requiring the victim survivor to keep their experience of gender-based violence confidential.

- Gender-based violence disclosures and complaints can also be made to the relevant external organisation, such as:
    a. National Student Ombudsman;
    b. the Police;
    c. Anti-Discrimination Commissioner;
    d. Australian Human Rights Commissioner; and/or
    e. Fair Work Australia Ombudsman.

4.5 Recovery

The Institute will:

- support the victim survivor in a person-centred and trauma-informed way, and also support the person to continue to meet their work or study goals, making the necessary arrangements for changes to deadlines or schedules as required;

- ensure that first responders and bystanders are provided with information on a range of options designed to minimise further disruption to study or work goals, support their wellbeing and assist in increasing personal safety;

- ensure that the disclosure of incidents of gender-based violence will be considered as grounds for special circumstances or special consideration in academic matters, academic and workplace adjustments, facilitated by the Institute to minimise the need for further disclosure; and

- regularly consider de-identified reports of gender-based violence disclosures, including any trends or patterns noted in the data, to ensure that the Institute continues to improve its efforts to prevent, prepare for or respond to such matters.

4.6 Confidentiality.

- The Institute will keep all information relating to a report confidential, unless the person making the report agrees to share some or all of the information, or agrees to its use for a specific purpose.

- Information may be disclosed without consent if required by law, or if there is a serious risk to the health or safety of any person. This may include situations where the same respondent is named in multiple reports, or where the respondent is connected to an affiliated organisation, student accommodation provider, or placement provider.

- If a complaint relates to a student accommodation provider, affiliated accommodation, an activity, or a placement, the Institute may share relevant information with the appropriate organisation to help manage and resolve the matter. Where possible, the person making the report will be informed before any information is shared.

- Complainants and respondents must also maintain confidentiality. This includes not sharing the existence of the complaint, the identities of those involved, any information from the process, any interim measures, or the outcome of the complaint, unless permitted under this Policy.

4.7 Right of Appeal/Reviews

- There is a right of appeal/review for any decision made by the Institute in respect of a complaint or disclosure. Parties will be notified of their appeal/review rights.

- Where possible, an initial appeal/review will be managed internally by the Institute.

- If internal Institute processes fail to settle a complaint, the complainant, may have the decision reviewed by an appropriate third party.

4.8 Children

Where there is any inconsistency between this policy and the 'Child Safety and Working with Children Clearance Policy' in relation to children, that policy will prevail.

4.9 Data Collection and Reporting

- The Institute collects organisational data on the implementation of this Policy, related procedures, and associated activities. It also collects de-identified information about incidents of sexual harm and gender-based violence, as well as de-identified demographic data about reporters and respondents, and, for students, enrolment and related details.

- This data is used to better understand the nature and prevalence of sexual harm and gender-based violence, identify systemic or cultural barriers to prevention and response, and analyse trends. It also helps the Institute understand the needs within the community, measure progress, and improve policies, procedures, prevention and response plans, education and training programs, and communication initiatives. In addition, the Institute collects and uses this data to meet its obligations under the National Higher Education Code to Prevent and Respond to Gender-based Violence.

- The Institute is required to report annually to the Department of Education on the data collected and key insights. The data will also be shared with the Institutes governing council as part of their monitoring responsibilities.

4.10 Data Management

- The Institute collects and manages data in a safe, trauma-informed, and person-centred way. All data is stored and handled securely, and reporting is done using de-identified information to protect privacy and prevent individuals from being identified.

- Access to information about a disclosure or complaint is limited to Institute employees and consultants who require it to perform their responsibilities under this Policy and the associated procedures.

- Data and information held by the Institute is managed in accordance with the Privacy and Confidentiality Policy and applicable legislation.

4.11 Record Keeping and Notifications

- All complaints are to be recorded on a confidential complaints register.

- Decisions about complaints and appeals will be recorded including the time taken to reach a resolution.

- All information held about a decision may be made available to an external independent third party that is reviewing the decision.

5. Responsibilities

5.1 Chief Executive Officer and Institute Leadership

- Promote and maintain a culture in which sexual harm and gender-based violence are not tolerated.
- Encourage members of the Institute community to report sexual harm and gender-based violence.

- Establish, oversee, and evaluate education and training programs on preventing sexual harm and gender-based violence and responding to disclosures, including consulting with the Institute community and setting requirements for participation where appropriate.
- Monitor and evaluate the effectiveness of support services, prevention initiatives, and related communications.
- Oversee decisions on reviews of interim measures imposed on students, staff, and other individuals.
- Coordinate the Institute's annual report on sexual harm and gender-based violence.

5.2 GBV Project Officer

- respond to disclosures and complaints of sexual harm and gender-based violence in a compassionate, empathetic and trauma-informed way;
- support and assist people who have experienced or witnessed sexual harm or gender-based violence;
- assist students, staff, affiliates and others to make reports;
- Data collection and reporting;
- Implementation of policy, and GBV Outcomes Framework and Action plan; and
- Implementation of the Institute Respect and Equality action plan.

5.3 Student Wellbeing/Services

- support and assist students who have experienced or witnessed sexual harm or gender-based violence; and
- support and assist students who are respondents to reports of sexual harm or gender-based violence.
- Maintain support pathways and networks.

5.4 All Staff, Students, Visitors and other members of the Institute Community.

- Have a personal responsibility to ensure appropriate conduct that maintains a safe working and learning environment free from sexual or gender gender-based violence, harassment or discrimination.
- Foster a study, work and social environment free from gender-based violence, where all members of the Institute community and treated with dignity, courtesy and respect and to uphold the behaviours set out in the Student Code of Conduct and the Staff Code of Conduct and follow reasonable directions to reduce health and safety risks.
- Respond in a compassionate, empathetic and supportive manner to any person who discloses that they have experienced, witnessed or have information about gender-based violence and to actively support and consent to a referral.
- Encouraging the reporting of sexual harm and gender-based violence, and completing all required training.
- Staff are responsible for disclosing to their manager any current or previous personal relationships with other employees or students and complying with any management plans put in place to appropriately manage such relationships.

5.5 Staff with Managerial Responsibilities/Managers and Senior Lecturers

- Promote and support a culture in which sexual harm and gender-based violence are not tolerated.
- Encourage reporting of sexual harm and gender-based violence.
- Complete required training on preventing sexual harm and gender-based violence and responding to disclosures.
- When involved in recruitment, consider any pre-employment declarations made by prospective employees.
- Take into account relevant information, including any substantiated allegations of sexual harm or gender-based violence, when making decisions about employment, promotion, recognition, or other forms of reward.
- Implement appropriate management plans for staff who have a current or previous personal relationship with another employee or a student.
- Monitor students, staff, and others on Institute campuses to ensure compliance with behavioural standards set out in the Student Code of Conduct, Staff Code of Conduct, and other relevant Institute policies.
- Model appropriate behaviour, including safe bystander action where appropriate.
- Promote this Policy and relevant procedures within their work areas.

5.6 People and Culture Staff

- As part of the recruitment and selection process, ensure applicants have been asked to declare whether they have been investigated for an allegation of Gender-based Violence, or determined to have engaged in conduct that constitutes Gender-based Violence during the course of their previous employment, or otherwise in a legal process.

6. Acronyms & Terms

Acronym/Term	*Definition/Description*
Definitions and descriptions of acronyms and terms related to sexual harm, gender-based violence and harassment are listed in Appendix A.	

7. Supporting Documents

- Batchelor Institute Union Enterprise Agreement,
- Whole of Organisation Gender-Based Violence Prevention and Response Plan and Outcomes Framework,
- Gender-Based Violence Prevention and Response Procedure,
- Staff Code of Conduct,
- Student Code of Conduct,
- Council Members Code of Conduct,
- Child Safety and Working with Children Clearance Policy,
- Information and Communication Technology Policy,
- Diversity Equity and Inclusion Policy,

- Complaints Policy,
- Student and External Grievances Complaints Appeals Procedure,
- Workplace Health and Safety Policy,
- Fraud and Corruption Control Policy,
- Whistleblower Reporting (Improper Conduct) Procedure and Guideline,
- Privacy and Confidentiality Policy,
- Student Conduct in Residence Guidelines,
- Batchelor Institute Respect and Equality Action Plan 2026-2029

8. Related documents

- *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025,*
- *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025,*
- Regulatory Guidance for the national Higher Education Code to Prevent and Respond to Gender-based Violence, Department of Education, 3 February 2026,
- *Work Health and Safety (National Uniform Legislation) Act 2011* (NT),
- *Work health and Safety (Sexual and Gender-based Harassment) Code of practice 2025,*
- *Higher Education Support Act 2003,*
- *Higher Education Standards Framework (Threshold Standards) 2021,*
- *National Vocational Education and Training Regulator (Outcome Standards for Registered Training Organisations) Instrument 2025*
- *Respect@Work amendments to the Sex Discrimination Act 1984 (Cth);*
- *Anti-discrimination Act 1992 (NT);*
- *Care and Protection of Children Act 2007 (NT).*
- *Care and Protection of Children (Screening) Regulations 2010 ,*
- TEQSA - Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector – July 2020 (as at June 2026).

9. Non-Compliance

9.1 Non-compliance with Governance Documents is considered a breach of the Staff Code of Conduct and is treated seriously by the Institute. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures.

9.2 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 and Guideline.

10. Modification history

Date	***Version***	***Authority***	***Section Modified - Details***
Jun 2026	v1 2026	Council	New policy

11. Feedback

If you have any comments or feedback about this policy, please contact the respective Functional Manager.

Appendices

A. Acronyms and Terms.

Appendix A.

Acronyms and Terms

Acronym/Term	*Definition/Description*
Gender-based violence	means any form of physical or nonphysical violence, harassment, abuse or threats, based on gender, which results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy. Sexual assault and sexual harassment are recognised internationally as forms of gender-based violence, as a common behaviour that is used against someone because of their gender, gender expression or sexual orientation.
Sexual harm or gender-based violence	Examples of sexual harm and gender-based-violence can include, but not exclusively; Physical actions such as: • unwanted physical contact, brushing up against another person, inappropriate touching, • molestation or physical assault, • rude gestures or Verbal comments • persistently requesting 'dates' after having been refused, • unwelcome flirtations, • unwelcome advances or propositions, • using sexual innuendo, • using rude language; or Non-verbal actions such as: • staring, leering, • displays of explicit material such as photographs, • emailing of explicit material, or • sharing of rude comments on social media about another staff member. In more general terms Gender-based violence may also include: (a) physical or sexual abuse; (b) emotional or psychological abuse; (c) damaging real or personal property of the other person; (d) intimidation; (e) coercive control; (f) causing the other person to fear for their safety or the safety of another person; (g) stalking; (h) economic abuse; (i) using technology (including internet, social media and other electronic communications) as a means to commit conduct mentioned in sub-paragraphs (a) to (h); (j) attempting or threatening to commit conduct mentioned in paragraphs (a) to (i).

Acronym/Term	*Definition/Description*
Coercive control:	a pattern of controlling behaviour, used by a perpetrator to establish and maintain control over another person. Coercive control is almost always an underlying dynamic of family and intimate partner violence.
Consent	Consent in relation to sexual or gender-based violence: "(1) Consent, to a sexual act, means free and voluntary agreement to the act. (2) Circumstances in which a person does not consent to a sexual act include circumstances in which: (a) the person submits to the act because of force or the fear of force to the person or to someone else; or (b) the person submits to the act because the person is unlawfully detained; or (c) the person submits to the act because of a false representation as to the nature or purpose of the act; or (d) the person is asleep or unconscious or is so affected by alcohol, a drug or another substance as to be incapable of consenting; or (e) the person is incapable of understanding the sexual nature of the act; or (f) the person is mistaken about the sexual nature of the act; or (g) the person is mistaken about the identity of another person involved in the act..". This definition is taken from the *Criminal Code Act 1982* S208GA (NT).
Economic and financial abuse:	involves a pattern of behaviour that controls a person's ability to acquire, use and maintain economic resources, in a way that threatens their economic security and potential for self-sufficiency.
Emotional and psychological violence	can include a range of controlling behaviours such as control of finances, isolation from family and friends, continual humiliation, threats against children or being threatened with injury or death.
Sexual harassment	The definition of Sexual harassment adopted by the Institute is that defined under the Sex Discrimination Act 1984 (Cth); namely: i. Sexual harassment is 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 in relation to a person, 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 or intimidated. ii. The circumstances to be considered include, but are not limited to, the following: ▪ the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status; ▪ religious belief, race, colour, or national or ethnic origin, of the person harassed;

Acronym/Term	*Definition/Description*
	▪ the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct; ▪ any disability of the person harassed; or ▪ any other relevant circumstance.
Conduct of a sexual nature'	includes making a statement or a physical gesture of a sexual nature to a person or in the presence of a person. It can be physical, verbal, written or through some technological means.
Sexual harassment includes image-based abuse:	Image based Abuse or harassment can include: ▪ person (A) intentionally distributes an intimate image of another person (B) to a person other than (B) (including via social media), and ▪ the distribution of the image is contrary to community standards of acceptable conduct ▪ except where (B) is an adult and has expressly consented or implied consent to the distribution of the intimate image and how it was distributed. ▪ an intimate image is one that depicts: a person engaged in sexual activity, a person in a manner or context that is sexual, or the genital or anal region of a person, or breasts for a female, or a person who identifies as female. ▪ sexual harassment also occurs where a person threatens to send an intimate image of another person.
Complaint (formal; disclosure)	issue that has been formally submitted and recorded on the register and requires a formal process for resolution. It may also require various levels of support within and external to the Institute. It will require the commencement of an investigation process; and could lead to disciplinary or legal processes.
Disclosure	means the provision of information about an experience of gender-based violence. A Disclosure can be made by any person, including a person who was a witness to gender-based violence or a bystander, or a victim-survivor or a person, who has been the subject or target of gender-based violence, or a person that a victim-survivor has told about their experience of gender-based violence.
Informal disclosure	a disclosure made to a colleague, fellow student or other person at the University who does not deliver support services or receive reports or complaints. Members of the institute community who received an informal disclosure are required to inform the Director Student Experience (for students) or the Director People and Culture (for staff and others); but can provide deidentified information if the person who makes the informal disclosure does not wish to have their details provided.
Investigation	means any steps or process taken by the institute in response to information about gender-based violence to understand more facts or circumstances relevant to the incident or occurrence. Investigations may be undertaken either for the purpose of implementing precautionary measures or as part of the risk assessment process. It includes the processes which the Institute may follow where a discloser may not wish to progress the disclosure to a formal report or complaint; or for the purpose of determining whether a breach of the student or staff code of conduct, or other policy, has occurred.

Acronym/Term	*Definition/Description*
Procedural fairness	in a decision-making context, means the decision is made in accordance with the rule against bias and the hearing rule (i.e., a Respondent is given an opportunity to present their case with knowledge of any prejudicial material that may be taken into account by the decision-maker).
Staff	means individuals who are employed or engaged, by or for the Institute, and whether for reward or on a voluntary basis. It includes adjuncts, volunteers, contractors and individuals employed by contractors within or outside the Northern Territory. Contractors do not include trade contractors such as those employed by facilities or campus operations.