

Sexual Misconduct and Gender-Based Violence Prevention and Response Policy

It takes courage to reach out, but if you have experienced sexual harm, help is available.

How to Report

To report sexual misconduct or sexual harassment or other forms of gender-based violence:

- online anytime on the NIDA website via the form https://nida.qualtrics.com/jfe/form/SV_7aCTHrN2E2ncfc
- by email to counselling@nida.edu.au
- report to a staff member in person
- Call:
 - 000 to report to police
 - 1800 424 017 NSW Rape Crisis Centre
 - 1800 385 578 The Sexual, Domestic and Family Helpline

Assistance and support

- 1800RESPECT (1800737732) – 24/7 phone and webchat counselling
- 1800 497 212. The Rainbow Sexual, Domestic and Family Violence Helpline
- 1800 424 017 NSW Health Sexual Assault Services

Notice on use of language: this Policy relates to Sexual Misconduct, Sexual Harassment and Gender-Based Violence, which may be distressing. If you would prefer to discuss the content with support, please contact NIDA counsellors (students) or the People & Culture team (staff) to arrange an appropriate time.

Sexual Misconduct and Gender-Based Violence Prevention and Response Policy

Policy Number	NA04
Version	1.0
Approving Authority	Board
Date Implemented	December 2024
Date Last Reviewed	December 2024
Date of Next Review	January 2027
Responsible Officer	Director Learning and Innovation (Students), Director People & Culture (Staff)
Related Policies, Procedures and Documents	Anti-Discrimination, Bullying and Harassment Policy Equity and Diversity Policy Student Charter and Code of Conduct Student Misconduct Policy Code of Conduct (Staff) Performance Improvement and Misconduct Policy (Staff) Respect @ Work Prevention & Response Plan (Staff) Student Handbook Work Health Safety Policy

1. PURPOSE

1.1. The Sexual Misconduct and Gender-Based Violence Prevention and Response Policy (the Policy) establishes a framework to:

- a) recognise the impact of Sexual Misconduct, Sexual Harassment and Gender-Based Violence at NIDA and in the broader community;
- b) identify responsibilities, actions and strategies under the NIDA's zero tolerance commitment to Sexual Misconduct, Sexual Harassment and Gender-Based Violence;
- c) provide support for students, staff and affiliates wishing to report an incident of Sexual Misconduct, Sexual Harassment and Gender-Based Violence;
- d) take collective responsibility for the prevention of Sexual Misconduct, Sexual Harassment and Gender-Based Violence at NIDA, and make transparent NIDA's response, review and processes about investigating such conduct;
- e) describe how NIDA management and the governance framework aim to prevent and address occurrences of Sexual Misconduct, Sexual Harassment and Gender-Based Violence;
- f) enhance the transparency and accountability of NIDA's response to Sexual Misconduct, Sexual Harassment and Gender-Based Violence.

- 1.2. This Policy has been designed to respond to sector wide changes in Gender-Based Violence response and prevention and represents NIDA's enduring commitment to providing a safe environment for its staff and students.¹

2. SCOPE

2.1 This Policy and the associated NIDA misconduct procedures for staff and students does not replace or modify NIDA's obligations, including reporting requirements under state or federal law.

2.2 This Policy applies to NIDA Community Members, including:

2.2.1 current students, alumni;

2.2.2 visitors;

2.2.3 staff (whether full-time, part-time, casual or contract);

2.2.4 members of NIDA's governing bodies;

2.2.5 individuals engaged in providing services to NIDA, or receiving services from NIDA, such as contractors or consultants.

2.3 This Policy applies to any form of contact or communication that is relevant to NIDA activities, including but not limited to in-person interactions, audio-visual contact, verbal engagements, notes, letters, posters, images, email, phone, social media and other forms of communication.

2.4 This Policy applies to disclosures by NIDA Community Members reporting instances of Sexual Misconduct, Sexual Harassment and Gender-Based Violence, regardless of whether it occurred:

2.4.1 on NIDA Property;

2.4.2 using NIDA equipment or resources (e.g. communication technologies, vehicles and facilities);

2.4.3 when participating in any activity or representing NIDA at other venues that are arranged or managed by NIDA (e.g. field trips, conferences, placements, community meetings);

2.4.4 during functions or events in connection with a NIDA-endorsed activity including at places external to NIDA (e.g. at licensed premises, private residences, in the street);

2.4.5 outside NIDA where there is a significant or substantial connection to employment/study at NIDA;

2.4.6 when attending offsite events arranged or managed by NIDA that include personal time before or after learning or working activities have concluded.

3 PRINCIPLES

3.1 All NIDA Community Members have a right to visit, work and learn in an environment that is free from all forms of Sexual Misconduct, Sexual Harassment and Gender-Based Violence.

3.2 NIDA acknowledges that inequality and unequal power relationships contribute to the social conditions for violence and acknowledges that Sexual Misconduct, Sexual Harassment and Gender-Based Violence is often experienced disproportionately by women, Aboriginal and Torres Strait Islander people, people with a disability, people from the LGBTQIA+ community including trans and gender diverse people, and people from culturally or linguistically diverse backgrounds.²³

¹ [Draft Action Plan addressing gender-based violence in higher education publication - Department of Education, Australian Government](#)

² [Priority area 1: Gender-based violence](#)

³ [National Plan to End Violence against Women and Children 2022-2032](#)

- 3.3 NIDA adopts a zero-tolerance approach to Sexual Misconduct, Sexual Harassment and Gender-Based Violence.
- 3.4 NIDA will provide support and implement sanctions as relevant consistent with the *Staff Code of Conduct*, the *Student Charter and Code of Conduct* and the relevant legislation.
- 3.5 Where NIDA receives a report of Sexual Misconduct, Sexual Harassment and/or Gender-Based Violence outside the scope of this Policy, NIDA will still make reasonable attempts to provide support to the reporter.
- 3.6 NIDA upholds principles of natural justice and all parties are afforded procedural fairness in all processes, unless doing so could result in risks to health and safety.
- 3.7 The reporting of incidents is always encouraged.
- 3.8 In its approach to the prevention and management of Sexual Misconduct, Sexual Harassment or Gender-Based Violence, NIDA will:
- 3.8.1 seek to prevent the occurrence of Sexual Misconduct, Sexual Harassment or Gender-Based Violence across all areas of NIDA's operations;
 - 3.8.2 ensure management is aware of its responsibilities for establishing controls and procedures for the prevention and detection of, response to, and recovery from instances of Sexual Misconduct, Sexual Harassment or Gender-Based Violence;
 - 3.8.3 ensure staff members are aware of NIDA's expectation to report promptly and respond effectively to cases of Sexual Misconduct, Sexual Harassment or Gender-Based Violence;
 - 3.8.4 treat all reports with confidentiality and care;
 - 3.8.5 provide assurances to the NIDA Community that appropriate action will be taken in response to reports of Sexual Misconduct, Sexual Harassment or Gender Based Violence; and
 - 3.8.6 provide support to survivors of Sexual Misconduct, Sexual Harassment or Gender-Based Violence to enable recovery and resumption of studies or employment.
- 3.9 NIDA remains committed to creating an environment that is safe and free from all forms of Sexual Misconduct, Sexual Harassment and Gender-Based Violence by implementing the strategies outlined in this Policy. As part of our commitment, NIDA also recognises emerging sector wide best practices including those around affirmative consent, bystander behaviour and trauma-informed response.

4 POLICY STATEMENTS

- 4.1 NIDA takes a zero-tolerance approach to Sexual Misconduct, Sexual Harassment and Gender-Based Violence.
- 4.2 NIDA is dedicated to providing a safe and supportive environment for NIDA Community Members and recognises the evolving best practices of preventing and responding to Sexual Misconduct, Sexual Harassment and Gender-Based Violence.
- 4.3 NIDA's measures and strategies focus on prevention, preparedness, response, and recovery, evolving based on best practices.

Prevention

- 4.4 NIDA promotes prevention through the following strategies:

- 4.4.1 **Culture** - NIDA promotes a culture of mutual respect and safety through a process of awareness, training, and monitoring. This is outlined in the *Staff Code of Conduct* and the *Student Code of Conduct*.
- 4.4.2 **Proactive intervention** - All members of the NIDA Community are, where it is reasonable and safe to do so, responsible for ensuring that Sexual Misconduct, Sexual Harassment and Gender-Based Violence, does not occur.
- 4.4.3 **Leadership** - NIDA will model a high level of commitment to the prevention of Sexual Misconduct, Sexual Harassment and Gender-Based Violence at NIDA.
- 4.4.4 **Staff awareness** - All staff members will be made aware of issues relating to Sexual Misconduct, Sexual Harassment and Gender-Based Violence in the higher education sector and understand how such conduct should be managed if it is reported, witnessed or suspected. The *NIDA Prevention & Response Plan* assists in outlining emerging issues.
- 4.4.5 **Student awareness** - Students are made aware of expected behaviours and receive information and guidance about on-campus and online safety – for example - student orientation includes a *Consent Matters* module. NIDA provides specialist support for navigating industry challenges including intimacy training, intimacy coordinators and training on cultural safety for productions. The *Student Charter*, *Student Code of Conduct* and *Anti-Discrimination and Bullying Policy* support developing this awareness.
- 4.4.6 **Risk assessments** - NIDA will conduct risk assessments for the identification and assessment of precursors, early warning signs, and 'red flags' for early intervention. Risk assessments will be conducted periodically, in particular after changes in staffing or to the campus. Risk assessments form part of the risk register activity and will be reviewed annually at Board and Executive level.
- 4.4.7 **Facilities** - As far as is reasonably practicable, campus facilities and onsite security are designed to prevent or minimise the risk of Sexual Misconduct, Sexual Harassment and Gender-Based Violence.

Preparedness

4.5 NIDA promotes preparedness through the following strategies:

- 4.5.1 **Training** – Dedicated staff members are provided with training to receive reports of Sexual Misconduct, Sexual Harassment and Gender Based Violence, including on privacy and confidentiality requirements, and to initiate a response from NIDA. Staff members responsible for investigating reports of Sexual Misconduct, Sexual Harassment and Gender Based Violence will be, and be seen as, impartial and free from bias, and will receive institutional support to conduct an effective, fair and prompt investigation.
- 4.5.2 **Information** - Information on immediate assistance in the case of Sexual Misconduct, Sexual Harassment and Gender Based Violence is made available in ways that students and staff can access, as and when needed, including key NIDA contacts and relevant external services, such as support helplines.
- 4.5.3 **External Services** - NIDA maintains a network of services to respond to Sexual Misconduct, Sexual Harassment and Gender Based Violence, including counselling services, local police, hospitals, sexual assault services, and legal centres.

Response

4.6 NIDA informs its response through the following strategies:

- 4.6.1 **Support** - NIDA provides support to the survivors of Sexual Misconduct, Sexual Harassment and Gender Based Violence, including professional support (e.g. personal counselling and access to Employee Assistance Program), reasonable adjustments, and other measures to enable recovery and return to study or employment. NIDA is further committed to providing support as outlined in the Respect @ Work | *Prevention and Response Plan* and incorporates the following principles:
- 4.6.1.1 ensuring emotional and physical safety;
 - 4.6.1.2 building trust by being sensitive to people's needs;
 - 4.6.1.3 providing agency and ensuring opportunity for choice;
 - 4.6.1.4 communicating a sense of 'doing with' rather than 'doing to';
 - 4.6.1.5 empowering people;
 - 4.6.1.6 respecting all forms of diversity.
- 4.6.2 **Investigation** – Where appropriate to do so, NIDA will investigate reports of NIDA-related Sexual Misconduct, Sexual Harassment and Gender Based Violence and will provide a response to the person who made the report.
- 4.6.3 **Sanction** – Those who are found to have perpetrated Sexual Misconduct, Sexual Harassment and/or Gender-Based Violence will face appropriate consequences, which may include termination of enrolment or employment.
- 4.6.4 **Referral to Police** – NIDA will refer cases to the Police only with the consent of the survivor or where legally required to do so.

Recovery

- 4.7 NIDA informs its recovery through the following strategies:
- 4.7.1 **Ongoing support** – Survivors of, and persons who reported, Sexual Misconduct, Sexual Harassment and Gender-Based Violence will receive ongoing support from NIDA, including academic support, reasonable adjustments, employment support and other measures to enable participation and progression. Staff members and supervisors will take into consideration the psychological impact of Sexual Misconduct, Sexual Harassment and Gender-Based Violence and its negative consequences for staff and students.

REPORTS, DISCLOSURES AND COMPLAINTS

Making a Report, Disclosure or Complaint

- 4.8 Students can make reports or disclosures:
- a. verbally to the Director, Learning and Innovation; or
 - b. via the [Report Sexual Assault or Sexual Harassment](https://www.nida.edu.au/study/students/policies/) form on the NIDA policies page <https://www.nida.edu.au/study/students/policies/>
- 4.9 Where an incident of sexual assault has been alleged or reported NIDA will take immediate steps to provide appropriate support, which may include the engagement of external sexual assault services with consent or arrange for a confidential session with an appropriate staff member.
- 4.10 Staff can make reports or disclosures:
- a. verbally to the Director, People & Culture; or

b. via the [Report Sexual Assault or Sexual Harassment](https://www.nida.edu.au/study/students/policies/) form on the NIDA policies page <https://www.nida.edu.au/study/students/policies/>

4.11 Staff who witness or receive a report of sexual harm against a student must as soon as practicable lodge a report via the online reporting portal [Report Sexual Assault or Sexual Harassment](#), as well as immediately report it to the Director Learning and Innovation.

4.12 Any person who witnesses or receives a report of Sexual Misconduct, Sexual Harassment and Gender-Based Violence against a member of staff should make a report to the Director, People and Culture.

4.13 NIDA respects the reporter's needs and wishes regarding making a police report, however, in some instances NIDA may be legally required to engage with police or other agencies.

Withdrawal of a Disclosure, Report or Complaint

4.14 A reporter may withdraw a complaint/report made to NIDA at any time during the process. NIDA Community Members who wish to withdraw a complaint should advise People and Culture in writing via email to: peopleandculture@nida.edu.au.

5 INVESTIGATING REPORTS, DISCLOSURES AND COMPLAINTS

5.1 Any complaint by a student made in relation to this Policy will be managed in line with the *Non-Academic Complaints and Appeals Policy* with the considerations as outlined below.

5.2 Any complaint by a staff member made in relation to this Policy will be managed in line with the *Performance Improvement and Misconduct Policy (Staff)* with the considerations as outlined below.

5.3 NIDA management retains the right to engage external investigators to investigate claims of Sexual Misconduct, Sexual Harassment and Gender-Based Violence should it consider it necessary.

5.4 Whilst an internal or external investigator will endeavour to preserve the confidentiality of those involved, it may be necessary to speak with other people involved to determine what happened and to maintain the integrity of the investigation process.

5.5 NIDA will make reasonable efforts to investigate all reports of Sexual Misconduct, Sexual Harassment and Gender-Based Violence where appropriate, however, the extent to which an investigation will result in an outcome may be limited where the relevant parties are not identified. This will not preclude NIDA providing support to a known reporter.

5.6 Where Sexual Misconduct, Sexual Harassment or Gender-Based Violence is disclosed or reported to have occurred in relation to an occasion unconnected with NIDA, the matter will not be investigated by NIDA, but support services and referrals to other agencies will be offered, as appropriate.

5.7 When NIDA commences an investigation or makes a report to an external body such as the police, NIDA will endeavour to:

- a. provide appropriate support to those who have experienced Sexual Misconduct, Sexual Harassment and Gender-Based Violence and/or the reporter as appropriate;
- b. provide the opportunity to all relevant parties to be involved in the investigation (if conducted by NIDA) and be heard;
- c. explain confidentiality and privacy entitlements as outlined in this Policy and the Privacy Policy;
- d. communicate in writing the final outcomes of any NIDA initiated investigation process to the reporter and respondent.

Outcomes

5.8 Outcomes of an investigation will:

- a. be aligned with the principles of this Policy and the relevant staff or student misconduct Policy;
- b. be proportionate to the nature and seriousness of the incident;
- c. be evidence based;
- d. be aligned with procedural fairness and natural justice; and
- e. reflect NIDA's legal obligations.

5.9 Where Sexual Misconduct, Sexual Harassment and/or Gender-Based Violence has been established the recommendations will include appropriate responses and any NIDA-level actions that may need to occur, such as adjustment to, or increase in training or awareness programs.

5.10 In line with the relevant student or staff complaints and appeals process, the reporter and respondent(s) will receive written notification at the conclusion of the investigation which will advise on:

- a. the findings and outcome of the investigation
- b. the responses and/or penalties to be applied where appropriate
- c. the right of either party to the complaint to appeal the decision.

5.11 The response will be implemented in accordance with either the *Student Misconduct Policy* or the *Performance Improvement and Misconduct Policy (Staff)* and may include the mandatory completion of a Sexual Misconduct, Sexual Harassment and Gender Based Violence awareness program, through to suspension or exclusion from enrolment or termination of employment.

5.12 Where the outcome of an investigation involves an international student and the determination is to exclude or suspend said student from studies, NIDA will also report this decision via PRISMS as required under Section 19 of the ESOS Act.

Appeals

5.13 Any appeal by a student respondent made in relation to this Policy will be managed in line with the *Non-Academic Complaints and Appeals Policy*.

5.14 Any appeal by a staff respondent made in relation to this Policy will be managed in line with the *NIDA Grievance Handling Policy*.

5.15 Reporters who are not satisfied with the outcome of a NIDA initiated investigation will be provided with information on other available support and advice.

5.16 The commencement of a NIDA investigation does not prevent a reporter making a report to the Police or other relevant external agency at any time.

6 CONFIDENTIALITY & PRIVACY

6.1 The safety and wellbeing of the person making the report / the person who has experienced the reported behaviour is one of NIDA's key priorities.

6.2 This means that NIDA will approach each report in a way that is, so far as is reasonable, centred on the needs, values, and preferences of the person making it, and which seeks to understand how the person may be impacted by trauma, to avoid further harm to them and to promote their health and wellbeing through its processes.

6.3 NIDA will treat the matter as confidentially as possible but may need to speak to others to appropriately deal with the report.

6.4 Reports made under this Policy will be managed in accordance with NIDA's Privacy Policy.

7 RECORDS

7.1 An individual, confidential file is opened for each incident and all positive findings of Sexual Misconduct, Sexual Harassment or Gender Based Violence are recorded.

7.2 A record of actions taken, NIDA Community Members involved, and any available outcomes/supporting documents will be included in the file.

7.3 It is the responsibility of the Director, Learning and Innovation, and the Director, People and Culture together, to ensure that complete records are kept for reports of Sexual Misconduct, Sexual Harassment and Gender Based Violence.

8 MONITORING

8.1 NIDA collects de-identified data on reports of Sexual Misconduct, Sexual Harassment and Gender Based Violence and any follow-up actions.

8.2 NIDA uses de-identified data collected from the *Incidents Register* to monitor trends and emerging issues.

8.3 NIDA will improve its strategies for Sexual Misconduct, Sexual Harassment and Gender Based Violence prevention, response and recovery based on the collected de-identified data.

8.4 The Director, Learning and Innovation, and the Director, People and Culture together, will submit an annual report to the Board of Directors on the adequacy and effectiveness of NIDA's strategies.

8.5 NIDA is required to, and will, report material changes to TEQSA, including reoccurring incidents of Sexual Misconduct, Sexual Harassment and Gender Based Violence.⁴

9 GOVERNANCE

9.1 The Board of Directors will annually review deidentified reports provided by the Director, Learning and Innovation and the Director, People and Culture, on disclosures made under this Policy. The deidentified reports will include the nature of the incident, the time taken for the investigation, the outcome, and any action plans that may arise from an investigation.

9.2 The Board of Directors are responsible for ensuring that any recommendations for Institute-level changes are implemented.

10 ROLES AND RESPONSIBILITIES

10.1 All NIDA's students are responsible for:

- a. ensuring their behaviour and conduct always reflects the standards of NIDA's *Student Charter and Code of Conduct*;
- b. complying with and supporting the Policy at all times;
- c. reporting any behaviours that contravene this Policy and or that pose a potential risk to NIDA Community Members or NIDA's reputation.

⁴ [Material change notification policy | Tertiary Education Quality and Standards Agency](#)

- 10.2 All NIDA's staff are responsible for:
- a. ensuring their behaviour and conduct always reflects the standards of NIDA's *Staff Code of Conduct*;
 - b. Complying with and supporting the Policy at all times;
 - c. reporting observed or alleged Sexual Misconduct, Sexual Harassment and Gender Based Violence promptly;
 - d. protecting, as required, the confidentiality of information relating to reports of Sexual Misconduct, Sexual Harassment and Gender Based Violence;
 - e. supporting students to lodge a formal complaint where they wish to do so.
- 10.3 The Director Learning and Innovation is responsible for:
- a. ensuring the accessibility of this Policy by students;
 - b. implementation of this Policy;
 - c. approving findings, recommendations and penalties arising from investigations into Sexual Misconduct, Sexual Harassment and Gender Based Violence affecting students;
 - d. escalating any substantial or systemic issues relating to Sexual Misconduct, Sexual Harassment and Gender-Based Violence to the CEO and Board of Directors as they emerge;
 - e. assisting in authoring an annual report to the Board of Directors on the adequacy and effectiveness of NIDA's strategies;
 - f. meeting reporting obligations including the recommendation of reporting material breaches to TEQSA where required.
- 10.4 The Director People and Culture is responsible for:
- a. ensuring the accessibility of this Policy to staff;
 - b. implementation of this Policy;
 - c. approving findings, recommendations and penalties arising from investigations into Sexual Misconduct, Sexual Harassment and Gender Based Violence affecting staff;
 - d. escalating any substantial or systemic issues relating to Sexual Misconduct, Sexual Harassment and Gender Based Violence to the CEO and Board of Directors as they emerge;
 - e. assisting in authoring an annual report to the Board of Directors on the adequacy and effectiveness of NIDA's strategies;
 - f. meeting reporting obligations including the recommendation of reporting material breaches to TEQSA where required.
- 10.5 The NIDA Board of Directors are responsible for:
- a. approving this Policy;
 - b. receiving and reviewing reports generated through this Policy;
 - c. assessing effectiveness of current strategies in this Policy, approving additional strategies or resources deemed necessary in support of this Policy;
 - d. ensuring the overall governance of this Policy.

11 DEFINITIONS

Term	Definition
Affirmative Consent	Affirmative consent means honest, conscious, voluntary, sober and ongoing agreement to participate in sexual activity. Each person involved is responsible for ensuring that there is active consent to engage in each sexual act. ⁵
Allegation	A claim or assertion that someone has done something unlawful or wrong that has not yet been proven to be true.
Bystander	A person who witnesses an incident or is told about an incident of sexual harm. Staff who are informed of an incident by a member of the NIDA community are responders not bystanders.
Bystander Intervention	Bystander intervention, where it is reasonable and safe to do so, involves actions and interventions by those who witness any incident of sexual harm, or who are informed about such an incident, to prevent the occurrence or prevent a continuation of the behaviour. ⁶ NIDA encourages the practice of Bystander Intervention.
Complaint	An expression of dissatisfaction about another person or a NIDA Policy or procedure that is drawn to the attention of NIDA and requires appropriate action by NIDA.
Confidentiality	Limiting disclosure of information to as few people as possible and only to those who are legitimately involved in a matter (i.e. to only those with a need to know).
Consent	Consent is when a person freely and voluntarily agrees to a sexual activity (a sexual act, sexual intercourse or sexual touching). ⁷ Examples of when a person is <i>not able</i> to freely and voluntarily provide Consent include if that person: <ul style="list-style-type: none"> • is substantially intoxicated by alcohol or any drug; • is unconscious or asleep; • is unclear about the identity of the person performing the sexual act; • is tricked into doing something they do not want to do; • is intimidated, coerced or threatened; • is detained or held against their will; • is pressured to engage in the sexual activity by another person who is in a position of power or authority over them; • does not have the capacity to provide consent (e.g. due to age or cognitive impairment); • is under 16 years of age; or • under 18 years of age and the person performing the act is a Staff member of NIDA.
Course Leader	The staff member responsible for the delivery of a specific program of study at NIDA.
Decision Maker	A person with the delegated authority to make decisions on behalf of NIDA.
Gender-Based Violence	Gender-based violence is the term for harmful acts directed toward an individual based on their gender. Gender-based violence covers “ intimate

⁵ [5 core concepts of consent | Department of Social Services, Australian Government](#)

⁶ [Bystander Approaches to Sexual Harassment in the Workplace | Australian Human Rights Commission](#)

⁷ [Age of consent laws in Australia | Australian Institute of Family Studies](#)

partner violence, sexual assault (partner and non-partner), workplace sexual harassment and street harassment. It includes physical, sexual, emotional, psychological, social, cultural, spiritual, financial and technology-facilitated violence or abuse, and stalking. This violence occurs in the home, in workplaces, in social settings and public spaces, in residential care, in institutions and online. It can be a one-off incident, or an ongoing pattern of deliberately coercive and controlling behaviour.”
(<https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-summary-AA.pdf>)

Gendered violence includes any type of harm that is perpetrated against a person or group of people because of their actual or perceived sex, gender, sexual orientation and/or gender identity.

Investigator	A person with the delegated authority to investigate a complaint or allegation. An Investigator may be a nominated NIDA staff member or an externally engaged person.
NIDA Community Member	Current students, alumni, visitors, staff (whether full-time, part-time, casual or contract), members of NIDA's governing bodies, individuals engaged in providing services to NIDA, or receiving services from NIDA, such as contractors or consultants including Work-integrated learning (WIL) Partners and those associated with WIL activity.
NIDA Property	Any premises leased, owned, operated or supervised by NIDA, including NIDA vehicles and any location at which NIDA activities occur.
Natural Justice	Natural Justice requires the right to be heard, the right to be treated without bias, and a decision being based on relevant evidence. ⁸
Report	A written statement given by a person about an alleged incident of Sexual Misconduct, Sexual Harassment or Gender Based Violence to a person or organisation that has the authority to initiate an investigation and take appropriate action (also see – Disclosure)
Reporter	A person who makes an allegation, disclosure, complaint or report under this Policy
Respondent	A person against whom an allegation or complaint has been made.
Sexual Misconduct	Any sexual act that a person does not consent to, including sexual assault, sexual assault by forced self-manipulation, sexual touching, sexual acts, voyeurism, recording or distributing a sexual image. The term Sexual Misconduct covers a range of unwanted sexual behaviours. Sexual Misconduct can be experienced by people of all ages, genders and sexualities, within or outside a relationship. Sexual Misconduct is an abuse of power and is never the fault of the person who does not Consent to the sexual behaviour.

Some incidents of Sexual Misconduct may constitute a sexual offence, including, but not limited to, the offences of Sexual Assault (rape), Indecent Assault, an Act of Indecency and Sexual Assault by Forced Self-Manipulation, and the aggravated forms of those offences found in Division 10 of the Crimes Act 1900 (NSW).⁹

For the purposes of this Policy, Sexual Misconduct includes any sexual act that a person does not actively consent to, including:

(a) Sexual Assault (Rape)

- penetration to any extent of the vagina of a person (including a surgically constructed vagina), or anus of a person with any part of

⁸ [Procedural fairness: the duty and its content | ALRC](#)

⁹ [CRIMES ACT 1900](#)

the body of another person (including their fingers), or with an object manipulated by another person, without the first person's consent; and/or

- sexual connection occasioned by the introduction of any part of the penis of a person into the mouth of another person without that person's consent, or use of the tongue or lips on the vagina, penis, scrotum or anus of another person without that person's consent;

(b) Indecent Assault (Sexual Touching)

Kissing or touching a person's body in a sexual manner without their consent, including unwanted touching of a person's breast, bottom or genitals.

(c) Act of Indecency (Sexual Acts)

Doing an act of a sexual nature with or towards another person without their consent, or making another person do an unwanted act of a sexual nature, including:

- a person showing another person their genitals ('flashing');
- making a person show another person their breasts, bottom or genitals;
- masturbating in front of another person;
- pretending to masturbate in front of another person.

(d) Sexual Assault by Forced Self-Manipulation

Threatening a person in a way that the other person could not reasonably be expected to resist engaging in self-manipulation.

(e) Voyeurism

For the purpose of obtaining sexual arousal or sexual gratification, observing a person who is:

- in a state of undress
- using the toilet, showering or bathing; or
- engaged in a sexual act without their consent.

(f) Recording or Distributing an Intimate Image

of another person without their consent, whether in person or by electronic, digital or other means, including a still or moving image of:

- a person's breast, bottom or genitals, whether bare or covered by underwear;
- a person in a state of undress;
- a person using the toilet, showering or bathing;
- a person engaged in a sexual act.

What is not Gendered Violence, Sexual Misconduct or Sexual Harassment:

Sexual Misconduct and Sexual Harassment are not behaviours based on mutual attraction, friendship, or respect. If an interaction or sexual activity (including sexual intercourse, sexual touching, and sexual acts) is consensual, welcome, and reciprocated, it is not Sexual Misconduct or Sexual Harassment.

Class and production work at NIDA often requires physical interaction and touching, including but not limited to:

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- a. partner dancing;
 - b. combat exercises;
 - c. voice and body partner work;
 - d. rehearsal and improvisation;
 - e. costume measurement and fitting;
 - f. dressing and costume changes in performance;
 - g. hair cutting, styling and make-up application;
 - h. microphone and body microphone fitting and adjustments;
 - i. harness fitting and adjustment;
 - j. props and effects fitting and adjustment;
 - k. body cleaning in performance and rehearsal settings.

These activities do not constitute Sexual Misconduct or Sexual Harassment when undertaken in the context of the training environment however affirmative consent is still required. However, if a person considers the contact has been inappropriate, they should discuss the matter with their Course Leader or make an informal or formal complaint to the Director of People and Culture.

Sexual Harassment

Sexual Harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Acts of Sexual Harassment may also constitute Sexual Misconduct.

Examples of sexually harassing behaviour include, but are not limited to:

- unwelcome touching;
- staring, leering or wolf-whistling;
- suggestive comments or jokes;
- sexually explicit pictures or posters;
- unwanted invitations to go out on dates;
- requests for sex;
- intrusive questions about someone's private life or body;
- unnecessary familiarity, such as pinching, patting, massaging or deliberately brushing up against a person;
- kissing or hugging someone, unless it is clear this contact is welcome;
- unnecessarily leaning over someone or standing too close to them;
- insults or taunts based on sex;
- sexually explicit physical contact; and
- sexually explicit emails or SMS text messages.

Staff	Employees (Permanent, Casual Staff and Contractors) of NIDA.
Student	A person enrolled in a program of study at NIDA, i.e an undergraduate student or postgraduate (Honours, Masters, PhD, VET Diploma) student
Support Person	Someone that an individual can nominate to attend a meeting with them to provide emotional support and reassurance. They are not an advocate.
Vexatious or Malicious Complaint or Allegation	A complaint or allegation which is groundless, made in bad faith or without merit.

12 ACKNOWLEDGEMENTS

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- Western Sydney University
- University of NSW
- Sydney University
- University of Wollongong
- University of Technology Sydney

This Policy and Procedures document should be read in conjunction with:

Legislation and Regulatory Frameworks	Crimes Act 1900 (NSW) Australian Human Rights Commission Act 1986 (Cth) Sex Discrimination Act 1984 (Cth) Work Health and Safety Act 2011 (NSW) Crimes (Domestic and Personal Violence) Act 2007 (NSW) Privacy and Personal Protection Information Act 1988 (NSW) Privacy Act 1988 (Cth) Sex Discrimination Act 1984 (Cth) Education Services for Overseas Students Act 2000 (Cth) Higher Education Standards Framework (Threshold Standards) 2021 National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (Cth) Higher Education Support Act (Cth) Action Plan Addressing Gender-based Violence in Higher Education - Department of Education, Australian Government Action Plan Addressing Gender-based Violence in Higher Education - Department of Education, Australian Government Guidance note: Wellbeing and safety Tertiary Education Quality and Standards Agency
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14. CHANGE HISTORY

Date	Change Description	Reason for Change	Author	Version
November 2024		Policy created		1.0