

 <b>BOND UNIVERSITY</b>	<b>SEXUAL HARM POLICY</b>
Policy Owner	Vice Chancellor & President
Contact Officers	Chief Integrity Officer (student related) or Chief People Officer (staff related)
Endorsement Authority	Vice Chancellor & President
Date of Next Review	August 2026

### 1. PURPOSE AND OBJECTIVES

Bond University (BU) is committed to fostering a healthy culture of respect and responsibility that provides safe and supportive study and work environments, free from all forms of [Sexual Harm](#) for all members of the Bond Community.

### 2. AUDIENCE AND APPLICATION

This Policy applies to all members of the [Bond Community](#) in a manner coterminous with the relevant BU code of conduct, i.e., Student Code of Conduct Policy or staff Code of Conduct Policy. Breaches of this Policy will be dealt with under the relevant BU code of conduct.

Members of the Bond Community (including staff, students and prospective students, recipients and awardees of scholarship programs) involved in organising or participating in an Outbound Student Mobility (OSM) activity should also refer to the [International Outbound Student Mobility Prevention of Sexual Harm Procedure](#).

The University is unable to investigate or impose sanctions in relation to an alleged Sexual Harm incident that is outside the scope of the relevant BU code of conduct. In such cases, the person disclosing or reporting will be directed to a range of external supports that may be able to provide appropriate resolution of the matter. Where the person disclosing or reporting is a BU student or staff member, they will also be offered internal University supports.

### 3. ROLES AND RESPONSIBILITIES

Role	Responsibility
Vice Chancellor	<ul style="list-style-type: none"> <li>Policy owner.</li> </ul>
Chief Integrity Officer (for students) or Chief People Officer (for staff)	<ul style="list-style-type: none"> <li>Investigation and/or management of cases which are under inquiry consistent with the relevant code of conduct. Where necessary an investigation may also be conducted and/or managed by a third party (Clause 5.1)</li> <li>Chief Integrity Officer coordinates internal reporting of student-related and staff-related Sexual Harm (Clause 5.3).</li> <li>Chief People Officer monitors and reports on information regarding staff-related Sexual Harm (Clause 5.4).</li> </ul>
Student Wellbeing & Safety Advisory Committee	<ul style="list-style-type: none"> <li>Monitors and reports on information regarding student-related sexual harm (Clause 5.4).</li> </ul>
Campus Security	<ul style="list-style-type: none"> <li>Manages contact with police on behalf of all minors (under 18 years of age) who report experiencing a <a href="#">Sexual Assault</a>. (Clause 5.2).</li> </ul>
Serious Incident Response Group ( <a href="#">SIRG</a> )	<ul style="list-style-type: none"> <li>Coordinates the University's response to <a href="#">Formal Reports of Serious Incidents</a> within the <a href="#">Bond Community</a> (Clause 6).</li> </ul>
University Registrar	<ul style="list-style-type: none"> <li>Convenes and chairs the SIRG.</li> </ul>

### 4. POLICY STATEMENT

These principles reflect the University's commitment and responsibility to provide safe and supportive study and work environments:

- 4.1 Our values of respect and equality will be embedded within all aspects of our University life, including our academic and extracurricular pursuits, our work environment, and our events, activities, and messages, both within the University and externally.
- 4.2 The University acknowledges that it has a [Positive Duty](#) of care encompassing awareness-raising and education and addressing prevention of Sexual Harm, and has committed to embedding relevant content into our academic curriculum to ensure that our students are well informed as to the issues our community faces and the importance of personal responsibility for action and change.

- 4.3** The University will coordinate and align the advisory and [Support](#) services available to students and staff, including but not limited to:
- counselling;
  - wellbeing advisers;
  - medical services;
  - interpreter services; and
  - [security services](#).
- whilst remaining respectful of the rights of students and staff to self-determination, empowerment, privacy and confidentiality.
- 4.4** Care and consideration for a person's wellbeing is the primary focus when responding to any [Disclosure](#) or addressing any Formal Report of Sexual Harm.
- 4.5** The safety and wellbeing of the person disclosing or formally reporting an alleged incident of Sexual Harm, the safety and wellbeing of the [Respondent](#), and the safety and wellbeing of the Bond Community are a priority to the University.
- The University is committed to appropriately supporting all those adversely impacted, including the coordination of [Interim Measures](#) for students and staff.
- 4.6** Members of the Bond community, particularly security staff, supervisors, managers, and residence staff are expected to respond in a respectful, supportive, and sensitive manner when they are made aware of information regarding Sexual Harm.
- Our actions are guided by the principles of Trauma-informed Care and Practice and the knowledge that the level of support received from people around a [Victim/Survivor](#) will impact their recovery.
- 4.7** People who experience Sexual Harm can report their allegation to the police, and should they wish, the University can offer support to assist them in making this report.
- 4.8** The University will work with the Queensland Police Service (QPS), the Australian Human Rights Commission, Fair Work Ombudsman and other external agencies, where appropriate, to ensure individuals reporting incidents are treated with sensitivity and professionalism.
- 4.9** The University aims to streamline and simplify incident reporting procedures, to ensure they are accessible and available through multiple avenues and minimise the number of times a student or staff member needs to recount a traumatic experience. Response to reports of incidents will be impartial, timely and effective. Any case under formal investigation will be managed promptly, fairly, and confidentially, ensuring [Procedural Fairness](#) to all parties.
- The University may be required to provide details of the Disclosure or Formal Report and the information contained within any subsequent investigation to the QPS or other investigating agency if requested.
- 4.10** Bond University uses a Balance of Probabilities standard of proof used in misconduct procedures. The University's formal investigation process is not a substitute for a criminal process. Sanctions available vary from a warning through to expulsion.
- 4.11** The University will not tolerate [Victimisation of a Discloser, Respondent, or person legitimately associated with the resolution of a grievance under this Policy](#). Adverse action taken against a [Discloser](#) may be unlawful under the *Fair Work Act 2009 (Cth)* and the *Whistleblowers Protection Act 1994 (QLD)*.
- 4.12** The University recognises that the potential for Sexual Exploitation, including [Transactional Sex](#) and [Fraternalisation](#) is heightened where significant power imbalances are at play.
- Power imbalances attributable to one party's student/staff status, ethnic background, Indigenous identity, religion, gender identity, sexual orientation, age, health, disability or financial circumstances will be taken into consideration when relevant.
- 4.13** Bond University is committed to the creation of an environment, online as well as on campus, where everyone is treated fairly and with respect, and free from racism and unlawful discrimination. All staff and students are required to comply with the University's Anti-discrimination Policy.

## **5 INVESTIGATION, REPORTING, AND MONITORING**

### **5.1 Investigation and Management of Incidents**

Any investigation initiated under the relevant code of conduct will be managed by either Chief Integrity Officer (students) or the Chief People Officer (staff).

## 5.2 External Reporting Obligations

The University has a mandatory reporting obligation to the relevant police service (i.e., QPS) if a student is under the age of 18 years. Contact with the relevant police service in these circumstances will be managed by Security.

Legal adults (18+ years of age) may make their own choice regarding police involvement, except when evidence brought forward indicates that the broader safety of the community could be in jeopardy. Such instances may invoke the University's duty of care and the University reserves the right to identify risks and implement appropriate actions to ameliorate that risk to provide a safe study and work environment.

## 5.3 Internal Reporting

The Chief Integrity Officer will coordinate the student and staff report to the Vice Chancellor and to University Council through the University Management Committee.

## 5.4 Monitoring

The University Student Wellbeing & Safety Advisory Committee will monitor and report on information regarding student-related Sexual Harm including:

- the number and types of [Disclosures](#) made;
- the number and types of [Formal Reports](#) made;
- the number of Disclosures and Formal Reports also reported to the Police or other external agency;
- whether further action was taken in response to Formal Reports, including the number referred for a disciplinary process;
- the types of support provided by the University and the number of instances of each;
- the types of Interim Measures implemented and the number of instances of each;
- a summary of any patterns that emerge from the monitoring conducted, including any recommendations for further improving the University's relevant policies and procedures; and
- any further statistics it considers necessary.

The Chief People Officer will monitor and report on information regarding staff-related Sexual Harm.

## 6. DEFINITIONS, TERMS, ACRONYMS

<b>Agency</b>	Means recognising that a person who has experienced Sexual Harm may make decisions about what, when and how they want to respond.
<b>Balance of Probabilities</b>	Decisions made on the balance of probabilities require the decision maker to consider whether the evidence is sufficient to determine that the allegation is more likely to be true than not true.
<b>Bond Community</b>	Means current students, staff, other workers, volunteers, official visitors, recognised individuals, honorary position holders, adjunct academic and support position holders, suppliers of academic placements or official suppliers of academic-related activity (including mentors), and anyone else contractually bound to comply with this Policy.
<b>Consent</b>	<p>Means voluntary agreement to the act or acts in question and to continue to engage in the act or acts. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct.</p> <ul style="list-style-type: none"><li>▪ Consent can only be freely and voluntarily given by a person with the cognitive capacity to do so;</li><li>▪ Consent can be withdrawn at any time during the act or acts in question.</li><li>▪ Consenting to a sexual activity with an individual or individuals does not mean that consent is given for another sexual activity with an individual or individuals, and consent only applies to each specific instance of sexual activity.</li><li>▪ Circumstances in which a person does not consent to an act or acts include:<ol style="list-style-type: none"><li>a) the person is asleep or unconscious;</li><li>b) the person is incapable of consenting, such as where they are affected by alcohol or another drug;</li><li>c) the person submits to the act because of force or the fear of force; threats or intimidation; fear of harm; exercise of authority; or false or fraudulent representations about the nature or purpose of the act; or</li><li>d) the person submits to the act because of false or fraudulent representation of identity.</li></ol></li><li>▪ Consent cannot be given by a person under the age of 16 years.</li></ul>

<b>Discloser</b>	A person who makes a Disclosure or a Formal Report on their own behalf. It also includes a person on whose behalf a Disclosure or Formal Report is made by a <a href="#">Third-party Reporter</a> .
<b>Disclosure</b>	<p>Means the sharing of information about an alleged incident(s) of Sexual Harm with another person. Disclosures can be made to anyone and are usually made to a person who is known and trusted. A person who discloses may not want to make a Formal Report and may instead be seeking information about resources and welfare and/or academic support.</p> <p>For the purposes of this Policy, a Disclosure is considered to be made by the sharing of information regarding Sexual Harm to a staff member either verbally or through the BondCare Sexual Harm reporting button on the BondCare webpage.</p>
<b>Formal Report</b>	Refers to the provision of a formal account or complaint about an alleged experience of Sexual Harm to a person or institution that has the authority to act. A formal statement regarding Sexual Harm given to the police or another external agency will also be considered a formal report, provided that the University is made aware of its existence, and it is referred by the Discloser or Third-party Reporter to a member of the <a href="#">SIRG</a> .
<b>Fraternisation</b>	Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.
<b>Interim Measures</b>	Arrangements or adjustments that may be implemented on a case-by-case basis where a Disclosure or Formal Report has been made. (Refer to the <i>Interim measures, investigation, and response</i> tab on the <a href="#">Response to Sexual Misconduct</a> website).
<b>Positive Duty</b>	Pursuant to Australia's Respect@Work initiatives, the positive duty is about addressing the systemic causes of sex discrimination, sexual harassment and victimisation.
<b>Procedural Fairness</b>	Procedural fairness is concerned with the process used in decision making, rather than the outcome of a decision. It requires that the person who might be adversely affected by a decision should be notified of the key issues and given a reasonable opportunity to respond, and the decision maker should be impartial and make evidence-based findings.
<b>Respondent</b>	A person about whom a Disclosure of Sexual Harm is made as part of a Formal Report.
<b>Serious Incident</b>	Unacceptable behaviour that causes serious and imminent risk to the health or safety of a person including Sexual Harm, bullying, discrimination, and violence.
<b>Serious Incident Response Group (SIRG)</b>	<p>The SIRG is comprised of the University Registrar and:</p> <ul style="list-style-type: none"> <li>▪ Staff matter: the Vice President Operations and the Chief People Officer.</li> <li>▪ Student matter: the Director, Student Success &amp; Wellbeing and the Chief Integrity Officer</li> </ul> <p>who are responsible for coordinating the University's responses to Disclosures or Formal Reports of Serious Incidents within the Bond Community. The University Registrar may include other members onto the respective response teams as required.</p>
<b>Sexual Assault</b>	Sexual assault occurs when a person is forced, coerced or tricked into sex or sexual acts without their <a href="#">Consent</a> , including when they have withdrawn their consent. Sexual assault includes a range of unwanted sexual behaviours, each of which is unacceptable and constitutes a criminal offence.
<b>Sexual Exploitation</b>	Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another, whether through Transactional Sex, Fraternalisation, or otherwise.
<b>Sexual Harassment</b>	Occurs where a person: <ul style="list-style-type: none"> <li>a) <i>makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person; or</i></li> </ul>

b) engages in other unwelcome conduct of a sexual nature in relation to another person;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person would be offended, humiliated or intimidated.

Sexual Harassment includes, but is not limited to:

- Unwelcome touching, hugging, cornering or kissing;
- Inappropriate staring or leering that made you feel intimidated;
- Sexual gestures, indecent exposure or inappropriate display of the body;
- Sexually suggestive comments or jokes that made you feel offended;
- Sexually explicit pictures, posters or gifts that made you feel offended;
- Repeated or inappropriate invitations to go out on dates;
- Intrusive questions about your private life or physical appearance that made you feel offended;
- Inappropriate physical contact;
- Requests or pressure for sex, or other sexual acts;
- Other unwelcome conduct of a sexual nature (excluding online);
- Sexually explicit emails or SMS messages;
- Repeated or inappropriate advances on email, social networking websites or internet chat rooms;
- Inappropriate commentary, images or film of you distributed on some form of social media without your consent;
- Online conduct of a sexual nature.

Sexual Harassment may be constituted by a single incident of harassing behaviour that meets this definition.

Sexual Harassment is a serious issue and will not be tolerated at Bond University. Such conduct is a breach of this Policy and will result in disciplinary action.

Note: Sexual harassing behaviour is unlawful when it meets the statutory criteria in section 119 of the *Anti-Discrimination Act 1991* (Qld) /or section 28A of the *Sex Discrimination Act 1984* (Cth). Some forms of Sexual Harassment may also be a criminal offence.

<b>Sexual Harm</b>	Any unwanted behaviour of a sexual nature including Sexual Assault, Sexual Exploitation, Sexual Harassment, and any other unwanted sexual behaviour, whether online or in person including image-based abuse. The harm may result in a person feeling uncomfortable, frightened, distressed, intimidated, or harmed either physically or psychologically.
<b>Support</b>	All reasonable steps to support all parties affected by Sexual Harm, which will normally be coordinated by the SIRG. (Refer to the <i>Supporting your physical wellbeing</i> and <i>Supporting your emotional wellbeing</i> tabs on the Bond University <a href="#">Response to Sexual Harm</a> website).
<b>Third-Party Reporter</b>	A person who makes a Disclosure or Formal Report on behalf of, or in relation to, another person.
<b>Transactional Sex</b>	The exchange of money, employment, goods or services for sex or other sexual acts.
<b>Trauma-informed care and practice</b>	A trauma-informed approach involves understanding, anticipating, and responding to the needs of Victim-Survivors. This includes active listening, projecting empathy and providing the person with <a href="#">Agency</a> .
<b>Victim/Survivor</b>	This expression is used to acknowledge a that a victim is defined by the harm that has come to them and a survivor is defined by their experience after Sexual Harm has occurred. However, a person impacted by Sexual Harm may choose to use these terms inter-changeably or not at all.
<b>Victimisation</b>	Happens when a person does an act, or threatens to do an act against another person because:

- they have made a Disclosure, (Discloser), or are associated with a person who has made a Disclosure, under this Policy, or
- they have had a Disclosure / Formal Report made against them (Respondent) or are associated with a person who has had a Disclosure / Formal Report made against them, under this Policy.

## 7. RELATED DOCUMENTS

### Bond University documents:

- [International Outbound Student Mobility Prevention of Sexual Harm Procedure](#)
- [Student Code of Conduct Policy \(SS 5.2.1\)](#)
- [Student General Misconduct Procedure](#)
- [Safety Respect Care Consent Student Support Strategy](#)
- [Student Charter](#)
- [Student Housing Handbook](#)
- [Support for Victims of Family and Domestic Violence Policy \(HR 6.1.2\)](#)
- [Staff Code of Conduct Policy \(HR 2.8.4\)](#)
- (Staff) [Bullying & Harassment Policy \(HR 1.8.2\)](#)
- [Anti-discrimination Policy \(GOV 1.1.6\)](#)
- [Academic Staff Workplace Investigation Policy \(HR 2.8.8\)](#)
- [Professional Staff Grievance Policy \(HR 2.10.1\)](#)
- [Professional Staff Workplace Investigation Policy \(HR 2.8.5\)](#)
- [Working with Children Policy \(GOV 1.8.1\)](#)
- [Whistleblower and Public Interest Disclosure Policy \(HR 2.8.3\)](#)
- [Accessibility and Inclusion Policy \(SS 5.8.6\)](#)
- [Privacy Policy \(INF 6.5.1\)](#)
- [Social Media Policy \(INF 6.1.1\)](#)

### Resources:

- [Universities Australia Charter on Sexual Harm](#)
- [Safe Work Australia: Workplace Sexual Harassment \(2022\)](#)
- [Sexual Assault Response Team Resilience and Recovery](#)
- [TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector](#)
- [National Principles for Child Safe Organisations](#)

### Legislation:

- [Whistle-blowers Protection Act 1994 \(QLD\)](#)
- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Fair Work Act 2009 \(Cth\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)

## 8. MODIFICATION HISTORY

Date	Sections	Source	Details
13 Feb 2024	1	Registrar	V3.1: added information and link to International Outbound Student Mobility Prevention of Sexual Harm Procedure
	4.13	Provost	Added anti-discrimination statement
August 2023	All	Chief Integrity Officer	V3 Change of policy name and major re-write
16 June 2021			V2
24 July 2019			Date First Approved as Sexual Assault & Sexual Harassment Policy

**APPROVAL AUTHORITY:** Vice Chancellor