

SEXUAL HARASSMENT AND GENDER-BASED HARASSMENT PREVENTION POLICY AND PROCEDURE



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1 PURPOSE

- 1.1 This policy and procedure provides a framework for CQUniversity employees to appropriately prevent and resolve alleged cases of [sexual](#) or [gender-based harassment](#).
- 1.2 This policy and procedure supports the [Code of Conduct](#) in building and maintaining a positive working environment built on mutual respect and consistent with the University's values.

2 SCOPE

- 2.1 This policy and procedure applies to alleged [sexual](#) or [gender-based harassment](#) by or to CQUniversity employees, Council and Committee members, visitors and contractors who are engaged in CQUniversity related activities either on University property or off campus.
- 2.2 [Sexual assault](#) is a reportable criminal offence. [Individuals](#) who have experienced [sexual assault](#), please contact 000, University Security (by activating the Emergency function on the SafeZone mobile application and/or call 0418 792 982, or 07 4936 1331), or attend the nearest Emergency Department.
- 2.3 This policy and procedure does not apply to:
 - [complaints](#) from students. Refer to the [Complaints Policy and Procedure](#).
 - complaints regarding alleged [sexual harassment](#) or [gender-based harassment](#) by students. Refer to the [Student Conduct Policy and Procedure](#).

3 POLICY STATEMENT

- 3.1 The University will not tolerate [sexual](#) or [gender-based harassment](#), and is committed to providing a workplace free from this behaviour.

- 3.2 The University has developed a prevention plan (*internal access only*) for [sexual](#) and [gender-based harassment](#) which:
- aligns with relevant [discrimination and work health and safety legislation](#)
 - promotes respectful behaviour within the University by utilising effective communication, policy documents and training
 - is clear and accessible to all [individuals](#) in the workplace
 - identifies and assess workplace risks, considering factors such as workforce demographics, power dynamics, and organisational culture
 - outlines the specific control measures implemented to manage identified risks i.e. training, enforcing respectful behaviour policy documents, reporting channels, support systems, disciplinary procedures
 - actively engages and consults with employees through focus groups, surveys, and regular risk assessments to gather feedback
 - establishes clear, confidential, and easily accessible procedures for reporting [sexual](#) or [gender-based harassment](#), with guaranteed protection against retaliation for those who come forward
 - clearly defines the process for investigating [sexual](#) and [gender-based harassment](#) reports, ensuring all investigations are conducted fairly and are resolved in a timely manner, and
 - will be reviewed periodically, following reports of [sexual](#) or [gender-based harassment](#) or at least every three years, to ensure its ongoing effectiveness and relevance.
- 3.3 The University will provide training for all employees on [sexual](#) and [gender-based harassment](#) prevention, how to report incidents, and the expected standards of behaviour within the workplace.
- 3.4 [Individuals](#) have a responsibility to provide a safe work environment by ensuring that their actions do not negatively affect another [individual's](#) health, wellbeing or career. [Individuals](#) must behave responsibly by complying with this policy and procedure, not tolerate unacceptable behaviour, and immediately report incidents to the appropriate person. Employees must ensure they behave consistently with the [Code of Conduct](#).
- 3.5 [Sexual](#) or [gender-based harassment](#) can be considered serious misconduct and a valid reason for dismissal. Employees found to have [sexually](#) or [gender-based harassed](#) a [University member](#), or to have condoned such behaviour, will be subject to [disciplinary action](#) in accordance with the provisions of the [Central Queensland University Enterprise Agreement](#).
- 3.6 [Individuals](#) have the right to seek external advice and/or resolution to their complaint by agencies such as the Anti-Discrimination bodies, Unions or Individual State/Territory governing bodies.

4 PROCEDURE

- 4.1 [Individuals](#) who have concerns about a particular behaviour, or is unsure if it constitutes [sexual](#) or [gender-based harassment](#), should contact the Workplace Relations Team in the People and Culture Directorate. Employees may also seek support from the University's [Employee Assistance Program](#) (EAP) (*internal access only*). [Sexual](#) or [gender-based harassment](#) can be a single incident.
- 4.2 [Individuals](#) who have concerns about, or becomes aware of, behaviour that may constitute [sexual](#) or [gender-based harassment](#) have an obligation and a duty of care to actively and promptly intervene to prevent such conduct continuing.
- 4.3 Parties involved will treat incidents, investigations and [complaints](#) confidentially. Steps to address a complaint may include an investigation and/or [disciplinary action](#) procedures as specified in the [Enterprise Agreement](#).

Reporting an incident

- 4.4 Where an incident is occurring on campus, [individuals](#) should:
- call 000 and report the incident to the police department or one of the emergency services (*where there is immediate danger*), then

- report the incident to University Security (by activating the Emergency function on the SafeZone mobile application and/or call 0418 792 982, or 07 4936 1331).

Making a complaint

- 4.5 The University will accept [complaints](#) where it is appropriate to do so. Reasons will be given by the Executive Director People and Culture if a complaint is not accepted.
- 4.6 The University will respect an [individual's](#) decision whether to make a [complaint](#). When an [individual](#) decides not to make a formal [complaint](#), discussions will be kept confidential other than in exceptional circumstances, where required by law or where there is a significant risk of harm to the health and safety of the [individual](#) or other [University members](#). In such circumstances, the University may notify third parties, such as the police or other relevant bodies. If the University is aware that an incident has occurred, it is obligated to record the incident and any actions taken in the University's confidential reporting system, confidentiality will be maintained.
- 4.7 [Sexual](#) or [gender-based harassment complaints](#) can be made by through the University's Confidential Risk Reporting System (CAMMS) by using the [Report a Confidential Incident Form](#), or by making a complaint with the Workplace Relations Team. A Workplace Relations Officer will review the confidential incident and determine what action is appropriate. If a formal investigation is required, the Executive Director People and Culture (or nominee) will commence that process by appointing an appropriate investigator within five working days.
- 4.8 An investigator must be independent of the parties and can be internal or external to the University, depending on the seriousness of the alleged behaviour. The investigator will normally interview the parties and witnesses identified in the [complaint](#).
- 4.9 The investigation report will be provided to the Workplace Relations Team for determination of the appropriate action. Where the allegation is substantiated, [disciplinary action](#) proceedings as defined in the [Enterprise Agreement](#) may be instigated. The investigation report is confidential and releasing the report to any affected party will be determined by the Executive Director People and Culture (or nominee).
- 4.10 If criminal proceedings commence at any time, the investigation will be suspended. If the criminal process ends, the investigation may recommence.

Witnesses/bystanders

- 4.11 [Sexual](#) or [gender-based harassment](#) can also be behaviour that while not directed at a particular [University member](#), affects a [University member](#) who is exposed to, or witnesses, it (such as overhearing a conversation, rumours or seeing sexually explicit posters in the workplace).
- 4.12 [Individuals](#) who are a witness or [bystander](#) to behaviour that they consider may constitute [sexual](#) or [gender-based harassment](#) have a duty of care to report the issue through the [Report a Confidential Incident Form](#) or raise their concerns to either the relevant supervisor or Workplace Relations Team.

False, malicious or vexatious allegations

- 4.13 Employees who make false, malicious or vexatious allegations are in breach of the [Code of Conduct](#). Breaches of the [Code of Conduct](#) may be treated as [disciplinary action](#) in accordance with the [Enterprise Agreement](#).

Victimisation

- 4.14 [Individuals](#) must not [victimise](#) or otherwise subject other [individuals](#) to detrimental action because of that [individual](#) raising, providing information about or otherwise being involved in the resolution of a [complaint](#) of [sexual](#) or [gender-based harassment](#).
- 4.15 Where the University has a reasonable concern for the wellbeing or safety of the [individual](#) making the [complaint](#), it may put in place measures to protect the party. Such measures may include suspension of the alleged perpetrator or directions to not engage in activities that will bring the parties into contact.

5 RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 The Executive Director People and Culture is responsible for implementing, monitoring, reviewing and ensuring compliance with this policy and procedure.

Reporting

- 5.2 Government agencies may require annual reporting of instances of [sexual](#) or [gender-based harassment](#). Any reports will be made in the strictest of confidence and no identifying information disclosed.

Records management

- 5.3 Records in relation to formal [complaints](#) will be retained by the People and Culture Directorate for confidential filing.
- 5.4 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping system.
- 5.5 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#) (*internal access only*). Before disposing of any records, approval must be sought from the Records and Privacy Team (email records@cqu.edu.au).

6 DEFINITIONS

- 6.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Bystander: individuals who observe the behaviour firsthand or are subsequently informed of the incident. Includes a person who observes someone sexually harassing another person or harassing someone based on their gender.

Complaint: lodged by a person/s about inappropriate conduct or behaviour by another person/s which may constitute sexual or gender-based harassment. Where more than one individual is aggrieved by the same or related actions that may constitute sexual or gender-based harassment, they may choose to act as a group on this matter. Group complaints are an acceptable form of complaint and will be dealt with as a group complaint.

Disciplinary action: action by the University to discipline an employee covered by the [Enterprise Agreement](#) for unsatisfactory performance, misconduct or serious misconduct and is limited to:

- reprimand or counselling
- demotion by one or more classification levels or increments
- withholding of an increment
- suspension with or without pay, and
- termination of employment.

Termination of employment can only be used in the event of proven unsatisfactory performance or serious misconduct under the conditions outlined in the [Enterprise Agreement](#).

Gender-based harassment: the harassment of a person on the basis of the person's sex or gender, by unwelcome conduct of a demeaning nature, with the intention of offending, humiliating the person or in circumstances where a reasonable person would have anticipated the person would be offended, humiliated or intimidated by the conduct. Examples include:

- derogatory, offensive or demeaning comments about a person because of their sex, sexuality or gender
- comments, insults or jokes which are sexist

- deliberately misgendering someone, including using incorrect pronouns to belittle them
- intrusive questions or comments about a person's physical appearance or bodily functions (menstruation or anatomy), or
- gendered double standards or different repercussions for the same actions.

Individual: a collective term for employees, Council and Committee members, visitors and contractors who are engaged in University related activities either on University property or off campus, who must adhere to this policy and procedure.

Sexual assault: behaviours of a sexual nature directed at someone who has not given consent or is incapable of giving consent, regardless of their relationship. This may include using verbal coercion, threats, intent of contact and/or physical force to the targeted individual in any setting. Sexual assault is when a person:

- touches an individual inappropriately without their consent – groping is a form of sexual assault
- forces an individual against their will to commit an act of gross decency – a sexual act that does not involve penetration, for example forcing an individual to touch their genitals, or
- forces an individual to see an act of gross indecency, for example masturbating in front of an individual.

Sexual assault is a reportable criminal offence. Individuals who have experienced sexual assault should contact 000, University Security (by activating the Emergency function on the SafeZone mobile application and/or call 0418 792 982, or 07 4936 1331), or attend the nearest Emergency Department.

Sexual harassment: any unwelcome sexual behaviour, that a reasonable person could anticipate may make another person feel offended, intimidated or humiliated in that situation.

Sexual harassment can be physical, spoken or written. Examples include one-off or repeated incidences of:

- unwanted or unsolicited intimate physical contact such as patting, pinching or touching in a sexual way
- unnecessary familiarity such as brushing up against a person
- sexual propositions
- unwelcome and unsolicited remarks or insinuations about a person's sex or private life, including jokes, insults or taunts
- suggestive comments about a person's appearance or body
- offensive telephone call, texts, emails or social media posts of a sexual nature
- staring or leering
- subjecting a person to sexually offensive screen savers or images in electronic or other forms, or
- behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is not:

- sexual contact that has been engaged in with consent of the recipient, when the consent has not been obtained through fear, intimidation, threats or force or where there is a power imbalance in the relationship
- flirting that is invited and not unwelcome
- attraction or friendship that is invited and not unwelcome
- conduct of non-sexual nature such as requesting a person to do a favour that is not sexual in nature (which may be considered harassment or bullying), or
- sexual interaction, flirtation, attraction, or friendship which is invited, mutual, consensual or reciprocated.

The [Sex Discrimination Act 1984](#) (Cwth) defines the nature and circumstances in which sexual harassment is unlawful. It is also unlawful for a person to be victimised for making, or proposing to make, a complaint of sexual harassment to the [Australian Human Rights Commission](#).

University member: a collective terms for members of the University community. University members include:

- members of the University Council and Committees
- an office holder or board member in a University controlled or non-controlled entity
- adjunct or honorary appointees of the University
- University employees and students, and
- any other person/s appointed or engaged by the University to perform duties or functions on its behalf, including contractors, consultants, volunteers or organisations providing placement or practicum opportunities and their employees and clients.

Victimisation: subjecting a person to negative treatment because they:

- refused to do something that would contravene equal opportunity or anti-discrimination law
- complained, or intend to complain, about something that would contravene equal opportunity or anti-discrimination law
- is or has been involved in a proceeding under equal opportunity or anti-discrimination law, including as a witness, or supplying information, or
- are believed to have done or intend to do any of the above.

7 RELATED LEGISLATION AND DOCUMENTS

[Anti-Discrimination Act 1977](#) (NSW)

[Anti-Discrimination Act 1991](#) (Qld)

[Anti-Discrimination Act 1992](#) (NT)

[Anti-Discrimination Act 1998](#) (TAS)

[Central Queensland University Enterprise Agreement](#)

[Charter of Human Rights and Responsibilities Act 2006](#) (Vic)

[Code of Conduct](#)

[Discrimination Act 1991](#) (ACT)

[Equal Opportunity Act 1984](#) (SA)

[Equal Opportunity Act 1984](#) (WA)

[Equal Opportunity Act 2010](#) (Vic)

[Effectively preventing and responding to sexual harassment: A Code of Practice for Employers \(2008\)](#)
(Australian Human Rights Commission)

[Fair Work Act 2009](#) (Cwth)

[Human Rights Act 2019](#) (Qld)

[Occupational Health and Safety Act 2004](#) (Vic)

[Occupational Health and Safety Policy](#)

[Report a Confidential Incident Form](#)

[Sex Discrimination Act 1984](#) (Cwth)

[Sexual Harassment \(A Code in Practice\) – What is sexual harassment](#) (Australian Human Rights Commission)

Sexual Harassment and Gender-Based Harassment Prevention Plan (*internal access only*)

[Work Health and Safety Act 2011](#) (ACT)

[Work Health and Safety Act 2011](#) (NSW)

[Work Health and Safety Act 2011](#) (Qld)

[Work Health and Safety Act 2012](#) (SA)

[Work Health and Safety Act 2020](#) (WA)

[Work Health and Safety Regulation 2011](#) (Qld)

[Workplace Gender Equality Act 2012](#) (Cwlth)

8 FEEDBACK

8.1 Feedback about this document can be emailed to policy@cqu.edu.au.

9 APPROVAL AND REVIEW DETAILS

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Delegated Approval Authority	N/A
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Notes	This document was previously combined with the Workplace Harassment (including Sexual Harassment), Workplace Bullying and Unlawful Discrimination Policy and Procedure (updated on 09/09/2015). This document was formerly known as the Sexual Harassment Policy and Procedure (updated 26/06/2025).