

Sexual Misconduct and Gender-based Violence Prevention and Response Policy (MPF1359)

Background

The re-named Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#)) (the Policy) is being updated to align with and support University compliance with new legal obligations relating to the [National Higher Education Code to Prevent and Respond to Gender-based Violence 2025](#) (the National Code).

The National Code is made under the *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025* (Cth), and the National Code comes into effect on 1 January 2026.

Key Changes

Changes made to the Policy include:

- Updating definitions and terminology used in the Policy to better align with the National Code (the definition of ‘gender-based violence’, replacing ‘complaint’ with ‘disclosure’ or ‘formal report’, replacing ‘victim-survivor’ with ‘discloser’, among other technical or editorial amendments);
- Revisions to include content that is mandated by the National Code, including, but not limited to:
 - scope and application to a wider range of University staff (‘other workers’),
 - articulating policy positions capable of being applied by a wider range of affiliated organisations (subject to agreed modifications appropriate and adapted to each organisation),
 - commitments to disclosers regarding what to expect from the University, including how the University will keep a discloser informed, manage information about them, and restrain the use of non-disparagement or non-disclosure agreements for a discloser (unless the discloser requests it),
 - commitments to respondents regarding what to expect from the University, including how the University is required to collect and manage information about them, and maintain procedural fairness,
 - mandatory pre-employment declarations to enable the University to assess the risk of gender-based violence and suitability for employment at the University.
- Updating roles and responsibilities for employee disciplinary proceedings, and assigning roles and responsibilities to manage and respond to disclosures or

formal reports about a University worker who is not an employee (eg, volunteers, honoraries and independent contractors).

- Revisions to clarify the pathways available to a discloser to make a disclosure or formal report to the University about sexual misconduct including gender-based violence, and key staff responsibilities for assessing and managing risks and keeping the discloser informed about the University's response.
- Revisions to clarify the University's options for responding to a disclosure or formal report, including support available to a discloser, including disclosers who are not staff or students, and clarifying when the University may investigate a disclosure or report or implement other actions.
- Revisions designed to ensure that a staff or student disciplinary proceeding arising from a formal report is capable of being finalised within 45 days, unless that timeframe is extended during or after the proceeding for a permitted reason to ensure the proceeding is safe, trauma-informed, procedurally fair, and compliant with applicable industrial instrument(s);
- Clarify arrangements for the collection and management of data relating to a disclosure or formal report of sexual misconduct to identify trends and develop appropriate University responses, and to support the University to meet its various reporting and information sharing obligations to the Commonwealth under the National Code and enabling legislation, in addition to the existing University reports about sexual misconduct.
- Clarify that the Policy will be reviewed at least triennially in accordance with the National Code, unless amendments are required earlier to address recommendations made by the National Student Ombudsman or systemic risks or issues proactively identified by the University.