

# Preventing and responding to workplace sexual misconduct

## 1. Leadership statement

Everyone has the right to feel safe.

The University of Queensland Union College (Union College) has a duty to provide a safe, respectful, and inclusive workplace free of sexual misconduct. This policy communicates Union College's responsibility and commitment to ensuring the prevention, response, and management of sexual misconduct in the workplace.

Sexual misconduct is a broad term encompassing any unwelcome behaviour of a sexual nature without consent. It includes conduct that could amount to a sexual offence and/or sexual harassment. Sexual misconduct is unethical, unlawful and may be a criminal offence. Sexual misconduct is unacceptable in any Queensland workplace.

All employees and residents are responsible for behaving respectfully and inclusively and ensuring the safety and well-being of others. Union College is committed to providing support to all members of our community who have experienced, witnessed, or otherwise been exposed to sexual misconduct.

These expectations are outlined in:

- the Codes of Conduct for The University of Queensland Union College – Staff and Resident

Under the Code, employees and residents must report behaviour that could amount to wrongdoing, including conduct inconsistent with the Code, where it is safe to do so.

Union College:

- must educate and support all employees and residents to prevent, intervene early and respond to offensive behaviour
- acknowledges the significant impact of sexual misconduct on employees or residents who experience or witness it
- is committed to a person-centred, trauma-informed approach when addressing allegations of sexual misconduct
- is committed to ensuring leaders and managers will listen to, respect, empower and support employees who report allegations of sexual misconduct and act to resolve concerns.

Under the *Human Rights Act 2019* (HR Act), Union College must act and make decisions that are considered and compatible with human rights. Managers and decision-makers must comply with human rights obligations when making decisions or acting under this policy.

## 2. Principles and Key Requirements

The following principles reflect Union College's commitment to preventing all forms of sexual misconduct, supporting members of the Union College community who are affected by sexual misconduct, and responding appropriately and sensitively when sexual misconduct occurs.

Union College prohibits all forms of sexual misconduct and requires all members of the Union College community to comply with this prohibition.

Union College acknowledges that education and awareness are important aspects of prevention and is committed to educating the Union College community to assist in preventing sexual misconduct in the community.

All Union College community members must take all reasonable steps to maintain a safe and respectful environment at or related to Union College.

Members of the Union College community will be made aware of the responsibility they have in responding appropriately when they receive information regarding sexual misconduct, particularly taking account of trauma-informed approaches.

Union College acknowledges that sexual misconduct may include conduct that could also amount to a sexual offence if proven in a court exercising criminal jurisdiction. Union College does not have jurisdiction to determine criminal responsibility and does not make findings regarding criminal responsibility, including whether a sexual offence has occurred. However, Union College can and will decide whether alleged sexual misconduct amounts to 'general misconduct', 'misconduct' or 'serious misconduct' (as the case may be) according to the Code of Conduct. Union College can and will act regarding breaches of its rules, policies and procedures according to its disciplinary framework. Union College will cooperate with and, where provided for in the procedure, report matters to the police or other external agencies.

The safety, welfare and support of the Union College community is paramount. Union College recognises that any sexual misconduct is likely to harm members of the Union College community and is committed to supporting those affected.

Union College will implement options for support and formal reports that are simple, accessible and available through multiple avenues.

Union College will bring sensitivity and timeliness when supporting and responding to formal reports.

Confidentiality and information privacy will be upheld per legislative requirements and Union College policies and procedures.

Union College does not tolerate victimisation.

Union College recognises that sexual misconduct may be experienced by all people regardless of their sexuality or gender identity.

A formal report of sexual misconduct may attract protections under the *Public Interest Disclosure Act 2010* (Qld).

### 3. Application

This policy applies to all Union College workers and residents, including:

- All residents living on campus
- permanent, fixed term temporary, full-time, part-time, or casual employees
- anyone in any other capacity for Union College, including volunteer workers and contractors.

It applies to employees in all their work-related dealings with each other, customers, contacts or clients, all residents living on campus, and their guests.

It applies to employees and residents while:

- on campus, in the workplace or when working off-site
- at Union College functions (including social functions and celebrations)
- on work-related travel or
- attending conferences.

This policy is aligned with [The University of Queensland Sexual Misconduct Prevention and Response Policy](#)

### 4. Authority

This policy has been approved by The University of Queensland Union College Board and is consistent with the following legislation and codes:

- [Work Health and Safety Act 2011](#)
- [Managing the risk of psychosocial hazards at work: Code of Practice 2022](#)
- [Anti-Discrimination Act 1991](#)
- [Human Rights Act 2019](#)
- [Public Interest Disclosure Act 2010](#)
- [Criminal Code Act 1899](#)

### 5. Effective date:

1 March 2025

### 6. Responsibilities

All employees and residents are responsible for treating each other with respect and dignity and having the right to work and live on campus without sexual misconduct.

They must:

- model the Code and Union College values, including behaving in a way that promotes a safe, respectful and inclusive campus free from sexual misconduct and discrimination
- comply with this policy and follow reasonable instructions and procedures to prevent and respond to allegations of sexual misconduct
- familiarise themselves with available support options and specialist referral services

- offer support to sensitively communicate with colleagues who have experienced sexual misconduct, maintain their confidentiality and encourage them to seek assistance
- report sexual misconduct through the channels outlined within this policy
- support those who have experienced sexual misconduct to report it through the channels outlined within this policy
- comply with the abovementioned responsibilities and confidentiality requirements and follow all reasonable instructions if they are involved with a grievance relating to alleged workplace sexual misconduct.

**Chief Executive/Head of College and Deputy Heads of College will:**

- model the Code and Union College's values and behave in a way that promotes a safe, respectful and inclusive workplace free from sexual misconduct
- provide and maintain safe and inclusive workplaces that protect the health and safety of employees
- identify and address inappropriate behaviours and advocate for zero tolerance of sexism
- monitor the workplace and resident cohort to ensure acceptable standards of conduct
- treat alleged sexual misconduct seriously and take immediate, appropriate and proportionate action when responding by considering:
  - the severity of the reported behaviour
  - the wishes of the person who reported the alleged behaviour
  - how to demonstrate respect and support for employees who report alleged sexual misconduct
- ensure employees who report alleged sexual misconduct, lodge grievances or witness sexual misconduct are not victimised or discriminated against
- support employees and residents to take appropriate and proportionate action when responding to reports of alleged sexual misconduct
- take all reasonable action to identify the risk of sexual misconduct associated with Union College's operations and workforce context
- consult with employees and their representatives about sexual misconduct-related health and safety issues
- seek advice and support for managing complex or severe matters from human resources, ethical standards, professional standards, or legal advisers.
- promote and implement this policy as part of their work
- use appropriate resources, control measures (e.g. training) and processes to address sexual misconduct risks
- ensure employees who report alleged workplace sexual misconduct are advised of their rights and obligations under the *PID Act* and *Criminal Code Act 1899*
- use person-centred, trauma-informed practices and prioritise the care and support of impacted employees in Union College's approach to resolving sexual misconduct issues.
- support impacted employees and residents to ensure they have had input into their preferred way for issues to be managed
- promote this policy and resources to support:
  - employees and residents who report alleged sexual misconduct (the complainant)

- managers or supervisors managing sexual misconduct matters
- employees who have been named in an allegation of sexual misconduct (the respondent)
- provide guidance and support to managers or supervisors managing sexual misconduct matters on options to resolve issues
- ensure appropriate internal and external support avenues are available to employees and residents:
  - who report alleged sexual misconduct
  - identified as respondents to alleged sexual misconduct
- ensure that any response to sexual misconduct is managed in line with UC policies and other regulatory obligations.
- report on an agreed data set to the Board twice per year.

## 7. Policy

### Recognising sexual misconduct

Sexual misconduct in Australia is broadly defined by various state and federal laws, regulations, and policies. While there isn't a single unified definition, several key elements are consistently present: sexual harassment, sexual assault, and sexual abuse.

Sexual abuse is specifically defined in relation to children (under 15 years old). It involves any act by an adult involving a child in sexual activity beyond their understanding or contrary to accepted community standards.

Sexual assault is defined as an act of a sexual nature carried out against a person's will using physical force, intimidation, or coercion.

As defined by s119 of the [Anti-Discrimination Act 1991](#), sexual harassment happens if a person:

- a) subjects another person to an unsolicited act of physical intimacy (For example, physical contact, such as patting, pinching or touching in a sexual way, or unnecessary familiarity, such as deliberately brushing against a person.); or
- b) makes an unsolicited demand or request (directly or by implication) for sexual favours from the other person (For example, sexual propositions.); or
- c) makes a remark with sexual connotations relating to the other person. (For example, unwelcome and uncalled-for remarks or insinuations about a person's sex or private life or suggestive comments about a person's appearance or body.) ; or
- d) engages in any other unwelcome conduct of a sexual nature concerning the other person; and the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so:
  - e) to offend, humiliate, or intimidate the other person; or
  - f) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated, or intimidated by the conduct.

Union College's workplace and campus extend beyond physical workspaces, worksites or grounds. Sexual misconduct may occur in the workplace or work-related locations, including any sites or public spaces where Union College work is conducted.

It may also occur outside regular working hours at college-related events such as conferences, social events, and business trips, as well as through different mediums, such as text messaging, face-to-face, email, or social media.

## **Preventing sexual misconduct**

Preventing sexual misconduct is everyone's responsibility. Union College is committed to building and maintaining a positive workplace culture free of sexual misconduct and discrimination. It promotes gender equality, part of its positive duty under the *Work Health and Safety Act 2011* and the *Anti-Discrimination Act 1991*.

Current prevention activities within Union College include:

- The Diversity, Equity, Inclusion, and Belonging Committee meets quarterly and works to promote and develop an inclusive, diverse, equitable workplace and college where everyone feels they belong.
- Union College will train all employees on preventing sexual misconduct and creating respectful workplaces. This training will be available for employees by 1 February 2025, and additional training for Resident Mentors and other interested residents will also be available by 1 March 2025.

## **Support options**

We are committed to supporting employees and residents who have reported alleged sexual misconduct. This includes informing complainants of their rights and options to report concerns formally or informally with the agency or through external pathways, as outlined later in this document.

Support and regular communication will be provided through any resolution or investigation process.

Current support activities within Union College include:

- RespectX
- Seeking support from the Head of College or a Deputy Head of College
- Support agencies listed in the Handbook
- Union College counselling service

## **Counselling support services**

Union College offers employee assistance to all employees and their immediate family members through free and confidential support services such as face-to-face, telephone, and online counselling.

The University of Queensland Ethical Integrity Unit can also advise the CEO/Head of College and Deputy Heads of College on how best to support employees or residents who have experienced sexual misconduct.

## Reporting incidents of sexual misconduct

Employees and residents have internal and external avenues to act regarding workplace sexual misconduct.

A complainant may follow any of the options listed below and is not limited to one option.

The complainant's preference about the most appropriate option or action to address the behaviour will depend on their circumstances. Within Union College, the options available to act on sexual misconduct include:

- addressing the behaviour through self-management or local action
- making an individual grievance
- external pathways, such as UQ Respect, Police Link, Triple Zero, and Sexual Assault Helpline.

## Addressing the behaviour through self-management or local action

### Self-management

If a complainant believes they are experiencing or have witnessed sexual misconduct and feels comfortable doing so, they may take steps to deal with the behaviour themselves. This may include talking directly to the other person, drawing attention to the specific behaviour, and asking the person to stop.

Where a complainant chooses to deal with the behaviour directly, the complainant should record what happened, when and where it happened, who was involved, and anything else the complainant believes may be important. This record will be relevant should the behaviour continue and the complainant proceeds with the options outlined below.

### Local action

A complainant may seek the support of any appropriate person within Union College to deal with the behaviour. This may include asking a person to be present during a conversation with the respondent to facilitate the discussion or asking them to speak with the other person on their behalf. If this is a more appropriate support option, a complainant may seek support from a member of the Union College team.

### Workplace-based complaints

While the employee may ask the manager to only deal with the behaviour through local action, managers must deal with any wrongdoing they are aware of. In some cases, further action may be required, even where the employee has stated they do not want any further action to be taken. This may be the case in situations where the behaviour can be classified as a work health and safety risk or requires disciplinary action to be taken. The manager will work with the employee to consider their views and keep communicating with them if further action needs to be taken.

## Making an individual grievance

Where a complainant isn't comfortable dealing with the behaviour directly or with the assistance of another person, they may choose to make an individual grievance.

A complainant who makes a grievance can identify the appropriate resolution. Union College will consider this when managing and resolving the concerns. This may involve less formal outcomes, such as the other person being spoken to about stopping the behaviour or other appropriate management action. Where possible, Union College will explain its reasons if it does not handle or resolve the matter as the complainant requested.

A complainant who lodges an individual employee grievance for sexual misconduct raises the matter directly with the Head or Deputy Heads of College. The complainant is not required to have attempted to resolve the matter in any way in the first instance.

## External pathways

A complainant may lodge concerns about sexual misconduct to external organisations.

External organisations that are responsible for sexual misconduct complaints are:

- The Queensland Industrial Relations Commission (QIRC)
- The Queensland Human Rights Commission (QHRC)
- Crime and Corruption Commission (CCC)
- The University of Queensland Sexual Misconduct Support Unit
- The relevant Sexual misconduct Unit at their university.
- Optional, Queensland Police Service (where the conduct, such as alleged sexual assault, could or does constitute a criminal offence)

Employees may:

- lodge an [industrial dispute](#) with the QIRC
- make a complaint to the QHRC about [sexual harassment](#) (within 12 months of the alleged conduct occurring)
- also, if required, apply to the QIRC for an order to protect an employee's [interests](#)
- ask the [QIRC](#) for help if the QHRC can't resolve the complaint or the QHRC hasn't actioned the complaint after 6 months.

## Responding to incidents of sexual misconduct

When an employee or resident reports alleged sexual misconduct, Union College will support the complainant and consider their wishes when deciding how to manage the issue. Union College will respect their wishes and best interests as far as possible. However, it may not solely determine the organisation's response or the outcome.

Reported allegations of sexual misconduct will be taken seriously, with a focus on supporting the complainant through a trauma-informed approach.



Union College may take interim action to ensure all employees and residents' ongoing health and safety. Any actions taken will be supportive and sensitive. Union College will make every effort to ensure the complainant's safety in the workplace. Where possible, Union College will relocate the alleged respondent before relocating the complainant unless the complainant requests different safety measures.

Throughout the resolution of the issues, Union College will communicate regularly with the complainant and their support person if they advise that a support person represents them.

### **Possible outcomes**

Where issues can't be dealt with informally, an investigation or possible disciplinary action will be considered.

### **Consequences for responsible employees**

Where sexual misconduct allegations are substantiated, the Head of College/CEO will act consistent with and proportionate to the allegations. The possible outcomes also depend on whether the complainant preferred an informal resolution or a formal grievance. The management plan lists possible outcomes for the responsible employees or residents, including action that may result if serious sexual misconduct allegations are substantiated.

## **8. Confidentiality and disclosure**

The details surrounding sexual misconduct issues will be kept confidential. The complaint and response should be known only to those resolving or preventing further incidents.

On occasion, a complainant may ask to limit who is aware of the information about alleged sexual harassment. This may not always be possible, particularly when:

- the issues are serious
- involve a senior leader in the organisation
- there are safety risks to others
- Union College has a legislated obligation to report the alleged sexual misconduct to another entity.

### **Outcome advice**

Union College recognises the positive impact on complainants when the outcome of grievance processes is known.

The management plan requires organisations to advise a complainant of the outcome of a grievance process.

Complainants can request advice on the outcome of management action taken and the result of any disciplinary process arising from the grievance. Union College will provide this information. The complainant must keep it confidential. However, the complainant may disclose it:

- if required by law

- to an immediate family member, support person, union representative or confidential counsellor, provided that any such person agrees to keep the information confidential.

## 9. Definitions

Unless otherwise defined, the terms in this policy have the meaning set out in the *Public Sector Act 2022*.

<p><b>Corrupt conduct</b></p>	<p>In the context of sexual harassment, section 15 of the <i>Crime and Corruption Act 2001</i> defines corrupt conduct as conduct by anyone that adversely affects the performance of functions or exercise of powers of an individual or department and results in the performance of functions or the exercise of power that:</p> <ul style="list-style-type: none"> <li>• is not honest or impartial</li> <li>• knowingly or recklessly breaches trust placed in a person holding an appointment</li> <li>• involves a misuse of information or material acquired in connection with work.</li> <li>• If proved, it would be a criminal offence, or a result in a disciplinary breach providing reasonable grounds for terminating a person's services.</li> </ul> <p>Corrupt conduct also involves specific types of conduct that impairs, or could impair, public confidence in public administration.</p> <p>For example, sexual misconduct committed by a senior departmental official may be corrupt conduct if it adversely affects the exercise of powers of the individual, knowingly breaches trust placed in a person holding an appointment and is a criminal offence.</p>
<p><b>Person-centred</b></p>	<p>A person-centred approach to responding to sexual misconduct involves the individual being at the centre of decision-making and having control, as much as possible, over the actions/services they receive.</p> <p>See: (<a href="#">Person-centred approaches to workplace sexual misconduct   Respect@Work (respectatwork.gov.au)</a>).</p>
<p><b>Public Interest Disclosure</b></p>	<p>Chapter 2 of the <i>Public Interest Disclosure Act 2010</i> (PID Act) defines a public interest disclosure as the disclosure, in the public interest, of information about wrongdoing in the public sector. This can include information about:</p> <ul style="list-style-type: none"> <li>• a substantial and specific danger to the health and safety of a person with a disability</li> <li>• an offence or contravention of legislation that would cause a substantial and specific danger to the environment</li> <li>• reprisal because of a belief that a person has made or intends to make a public interest disclosure</li> </ul>

	<ul style="list-style-type: none"> <li>• corrupt conduct</li> <li>• maladministration that adversely affects a person’s interest in a substantial and specific way</li> <li>• a substantial and specific danger to public health or safety</li> <li>• a substantial and specific danger to the environment.</li> </ul>
<p><b>Trauma-Informed Support</b></p>	<p>Trauma-informed support recognises and acknowledges the impact of distress experienced by an employee and focuses on understanding the elements necessary to support the employee’s recovery.</p> <p>Some key principles to consider in providing trauma-informed support include, but are not limited to:</p> <p><b>Safety:</b> Employees should feel physically and psychologically safe. Personal interactions should promote a sense of safety and not trigger further trauma.</p> <p><b>Trust and transparency:</b> Decisions should be made openly and transparently to build trust. Employees should be communicated clearly about what support is available.</p> <p><b>Collaboration:</b> Power differences between employees and managers should be levelled to support shared decision-making and healing.</p> <p><b>Empowerment:</b> Employee’s strengths should be built upon and validated, including a belief in resilience and the ability to heal from trauma.</p> <p><b>Choice:</b> Every employee’s experiences are unique, and managing them requires an individual approach.</p> <p>See: <a href="https://www.mhaustralia.org/trauma-informed-practice">Trauma informed practice   Mental Health Australia (mhaustralia.org)</a></p>

## 10. Sexual Misconduct Prevention Plan

### Risk Identification and Assessment

The following risks related to sexual misconduct have been identified:

- Power imbalances between staff and residents
- Close living quarters of residents
- Alcohol consumption at college events
- Isolated areas on campus
- Online/social media harassment

A comprehensive risk assessment will be conducted annually, with input from staff, students, and external experts.

### Control Measures

To mitigate identified risks, the following control measures will be implemented:

- Mandatory sexual misconduct prevention training for all staff and residents
- Clear codes of conduct for staff-student interactions
- Increased security measures in isolated areas
- Policies limiting alcohol at official events
- Moderation of college social media accounts
- Bystander intervention training program

### Consultation Process

Staff and students will be consulted on risks and control measures through:

- Annual anonymous surveys
- Focus groups with diverse representation
- Open forums each semester
- Dedicated feedback channels (online portal, suggestion boxes)

Feedback will be reviewed by the Residents Advisory Forum (RAF) and incorporated into updated policies and procedures.

### Reporting and Complaints Process

Multiple avenues for reporting sexual misconduct will be available:

- In-person to designated contact officers

- Confidential online reporting form
- Anonymous reporting email

All reports will be taken seriously and handled with sensitivity. Complainants will be provided support and kept informed throughout the process.

### Investigation Procedure

1. Initial assessment of complaint within two working days
2. Appointment of an impartial investigator
3. Interviews with complainant, respondent, and witnesses
4. Collection and review of relevant evidence
5. Preparation of investigation report
6. Determination made on the balance of probabilities

Investigations will be conducted promptly while ensuring thoroughness and procedural fairness.

### Outcomes and Follow-up

- Complainant and respondent will receive a summary of investigation findings.
- Appropriate disciplinary action is taken if the complaint substantiated
- Ongoing support offered to all parties involved
- Review of prevention measures to address any systemic issues identified

### Continuous Improvement

This plan will be reviewed annually and updated based on:

- Feedback from staff and students
- Outcomes of investigations
- Changes to relevant legislation
- Emerging best practices in sexual misconduct prevention

By implementing this comprehensive plan, UQ Union College demonstrates its commitment to fostering a safe, respectful environment free from sexual misconduct for all staff and residents.

## 11. Sexual Misconduct Risk Assessment for Union College

### Hazard Identification

The following potential sexual misconduct hazards have been identified:

1. Power imbalances between staff and students
2. Close living quarters of residents
3. Alcohol consumption at college events
4. Isolated areas on campus
5. Online/social media interactions
6. Cultural and diversity factors

### Risk Assessment

Hazard	Likelihood	Consequence	Risk Level
Power imbalances	High	Severe	High
Close living quarters	Medium	Moderate	Medium
Alcohol consumption	High	Severe	High
Isolated areas	Medium	Severe	High
Online interactions	Medium	Moderate	Medium
Cultural factors	Low	Moderate	Low

### Control Measures

1. Power imbalances
  - Implement clear policies on staff-student interactions
  - Provide training on professional boundaries
  - Establish multiple reporting channels

2. Close living quarters
  - Develop and enforce resident behaviour codes
  - Implement security measures (e.g., secure fob access)
  - Provide education on respectful cohabitation
3. Alcohol consumption
  - Limit alcohol at official events
  - Provide alcohol-free social alternatives
  - Train staff in responsible service of alcohol
4. Isolated areas
  - Improve lighting and surveillance in high-risk areas
  - Implement buddy systems for after-hours movement
  - Increase security patrols
5. Online interactions
  - Develop social media guidelines
  - Moderate college-affiliated online spaces
  - Provide digital citizenship training
6. Cultural factors
  - Promote diversity and inclusion initiatives
  - Offer cultural sensitivity training
  - Ensure diverse representation in leadership roles

## Implementation and Monitoring

1. Training and Education
  - Conduct mandatory sexual misconduct prevention training for all staff and residents
  - Provide bystander intervention training
  - Offer ongoing education on consent and respectful relationships
2. Communication Policy
  - Establish clear communication channels for reporting incidents
  - Ensure confidentiality and protection against retaliation

- Regularly communicate policies and expectations

### 3. Support System

- Develop a comprehensive support system for affected individuals, including counselling services
- Provide resources for both complainants and respondents
- Establish partnerships with local support organisations

### 4. Incident Response

- Create a robust incident response team trained to handle sexual misconduct cases
- Develop clear investigation procedures
- Ensure timely and fair resolution of complaints

### 5. Regular Review

- Conduct annual reviews of the sexual misconduct prevention plan and control measures
- Collect ongoing feedback through surveys and focus groups
- Analyse incident data and trends to identify areas for improvement

### 6. Reporting Structure

- Establish a reporting structure to communicate findings and updates to all stakeholders
- Ensure transparency in the handling of sexual misconduct issues
- Provide regular updates on prevention efforts and outcomes

## Consultation and Engagement

- Involve student bodies in the development and promotion of prevention initiatives
- Conduct regular consultations with staff, students, and health and safety representatives
- Establish a diverse working group to oversee sexual misconduct prevention efforts

## Continuous Improvement

- Make necessary adjustments to control measures based on review outcomes and feedback
- Stay updated on best practices and emerging research in sexual misconduct prevention
- Regularly assess the effectiveness of implemented measures and adjust as needed