Gender-Based Violence Response Procedure - Australia

Section 1 - Purpose

(1) This procedure documents how RMIT will support people who experience gender-based violence and respond to matters involving gender-based violence.

(2) This procedure should be read in conjunction with the Gender-based Violence Prevention and Response Policy, and other applicable RMIT policies regarding behavioural standards and conduct which are listed in Section 7 below. Policies and procedures of relevant third parties may also apply in some circumstances (for example, the policies of industry partners hosting RMIT students on placement).

Section 2 - Authority

(3) Authority for this document is established by the Gender-based Violence Prevention and Response Policy.

Section 3 - Scope

(4) This procedure applies to the conduct of all members of the RMIT community, including staff and Other Workers, students and associates (RMIT University Council members, representatives, and volunteers) of the RMIT Group, regardless of the context in which the conduct occurs. This includes, but is not limited to, conduct occurring on campus; online or through technology; in student accommodation; during placements, practicums or fieldwork; while travelling or working on RMIT business; and at RMIT-related events, functions or conferences, whether in Australia or overseas. The RMIT Group is RMIT University and its controlled entities, currently RMIT Europe, RMIT Online, RMIT University Pathways and RMIT Vietnam.

(5) A separate procedure applies to RMIT Vietnam.

(6) The conduct of third parties is also within the scope of this procedure, so that RMIT can respond to and manage the risk of gender-based violence affecting its students and staff. Third parties include but are not limited to licensees and lessees, service providers, visitors, education agents, delivery partners, and partner organisations in Australia or overseas, where their conduct is connected with RMIT or its activities.

(7) Where a third party conducts activities on RMIT's behalf, is an affiliated organisation (an organisation that uses RMIT's intellectual property in its name, marketing, recruitment or governance), or operates on, uses or leases RMIT's land or facilities, this procedure applies to it and RMIT will require it to comply with this procedure.

(8) If gender-based violence is reported outside the scope of this procedure, such as from members of the public, RMIT will provide referral options to appropriate support services.

(9) The Child Safe Policy takes precedence over this procedure to the extent of any inconsistency regarding harm to children.

(10) This procedure is part of a policy suite that demonstrates RMIT's commitment to addressing gender-based violence (including sexual assault and sexual harassment, intimate partner violence, domestic and/or family violence, and other related forms of violence and harm). This includes building a culture of respect, collective care and safety to address the risk factors around inequality and disrespect that may increase gender-based violence.

(11) While people of all genders can experience gender-based violence, it disproportionately affects women, First Nations people, culturally and racially marginalised communities, people with disability and people of diverse sexual orientation and gender identity, including trans and gender diverse people and people with innate variations of sex characteristics (intersex people). Intersecting forms of discrimination can compound the impact of gender-based violence and create barriers to disclosing, reporting and seeking support, such as experiences of racism, concerns about cultural safety or confidentiality, or distrust of formal systems.

Section 4 - Procedure

Making a disclosure or formal report

(12) A disclosure refers to the sharing of information with RMIT about an experience of gender-based violence. Disclosures can be made to any trusted RMIT employee, however RMIT encourages disclosures to be made to Safer Community wherever possible, to ensure that support can be provided as soon as possible. Concerns that a person may engage in gender-based violence, including statements of intent or threats, should also be reported to Safer Community and will be assessed and managed as a risk (see clause 24).

(13) Anyone connected to RMIT is supported to make a disclosure about gender-based violence that they have experienced, or that has happened to someone else, without fear of sanction or inaction. This includes third parties where the conduct occurred in connection with RMIT, or the person engaging in the conduct was an RMIT student, staff member or Other Worker. RMIT’s timely response and available resolution options may depend on the impacted person's willingness to participate in the process.

(14) A disclosure will not necessarily lead to an investigation or a formal process. RMIT will seek and consider the views of the discloser and determine what action is appropriate in response to any disclosure (see (34) below). RMIT will provide support to any person who makes a disclosure, which may include referrals to specialist support services as appropriate.

(15) A formal report is a report made through formal channels of information about a person's experience of gender-based violence. A formal report requires RMIT to consider taking steps beyond the offer and provision of support services, including (without limitation) the commencement of an investigation and/or a disciplinary process in appropriate circumstances.

Ways to make a disclosure

(16) In an emergency or in circumstances of immediate danger, disclosers are to contact Victoria Police and emergency services (000) or RMIT Security.

(17) Individuals who want to make a disclosure or are considering whether to make a formal report of gender-based violence are encouraged to contact Safer Community. Safer Community provides specialist trauma-informed, safety first, inclusive and intersectional support and advice, regardless of:

a. where or when the violence or harm occurred, and
b. whether the person wants to make a disclosure of violence but not a formal report, or
c. whether they want to make a formal report about it.

(18) Safer Community offers information on reporting procedures, which may vary depending on the individual's status (student, staff or Other Worker, or third party) and the status of the respondent.

Disclosures

(19) Disclosures can be made by any person directly to Safer Community (in person, via email or over the phone) or using the online Support Form. Disclosures can be made anonymously, although this may impact the level of support RMIT can provide to the discloser, and the action that can be taken in response to the disclosure.

(20) All RMIT employees who receive information about an incident of gender-based violence must let the discloser know that support is available from Safer Community and encourage them to make contact. An employee who receives a disclosure:

a. may contact Safer Community at any time for advice on next steps and for support for their own wellbeing, without identifying the discloser
b. may share the discloser's identifying details with Safer Community only if the discloser has agreed
c. must contact Safer Community, and may share identifying details without the discloser's agreement, where there is a serious and imminent risk to a person's safety or where sharing the information is required by law (for example, where a person under 18 is at risk). Where it is safe to do so, the employee will tell the discloser that this is happening.

Formal reports

(21) Individuals who disclose gender-based violence may choose to make a formal report, but it is not mandatory. A formal report involves providing information about the incident and seeking a formal, timely response and resolution from RMIT. A formal report can be made as follows:

a. Students can make a formal report by contacting Safer Community or directly to Student Complaints
b. Staff and Other Workers (including employees and contractors) can make a formal report by contacting Safer Community or by putting in a report to the SafetyNow system.
c. Third parties can make a formal report by contacting Safer Community or the Central Complaints and Investigations team.

(22) Formal reports can be made in person, via email or over the phone. Like disclosures, formal reports can be made anonymously, although this may impact the level of support RMIT can provide to the discloser, and the action that can be taken in response to the formal report.

Support Services

(23) RMIT Safer Community offers support to all persons who are affected by gender-based violence, including persons who make disclosures or formal reports, as well as the person about whom a report is made.

(24) Safer Community will undertake a risk assessment in response to all disclosures and formal reports, which considers the threat posed to the discloser and the broader RMIT community.

(25) Safer Community will also work collaboratively with the discloser and, where relevant, the respondent, to develop a tailored support plan that is safe, person-centred, trauma-informed and responsive to the person's identity, culture and circumstances, which may include:

a. to the extent possible, offering information, resources, and support to minimise the need for the discloser to repeatedly share their story, including by coordinating across other RMIT areas on the person’s behalf, with their consent. This includes sharing information on incidents of gender-based violence between RMIT and

student accommodation providers

b. connecting Aboriginal and Torres Strait Islander students with the Ngarara Willim Centre, and supporting any person to involve a support person of their choosing, such as an Elder, cultural support person or trusted family member
c. listening to the discloser and advising on the supports available, including options associated with informal or formal processes
d. providing information and support in how to report directly to police
e. providing information and referrals to specialist and community services outside of RMIT to ensure all relevant parties have access to expert-led support specific to their experiences
f. referring a person to a relevant representative body (e.g. RMIT University Student Union [RUSU]) or support organisations, staff wellbeing services or student counselling services, privately sourced counselling services, Safer Community, or the RMIT Multi-faith Chaplaincy
g. where the discloser is a student, facilitating the discloser's access to academic adjustments to support them to continue their studies
h. where the discloser is a staff member or Other Worker, supporting them to access work adjustments and leave entitlements, including family and domestic violence leave
i. other support mechanisms or facilities as appropriate, such as emergency accommodation or safety measures.

(26) External specialist support and advice services are listed on the Safer Community website.

Reporting to the Police

(27) If a person who has experienced gender-based violence wants to make a report to the police, Safer Community can support a person to make a police report. However, Safer Community cannot make a police report on that person’s behalf.

(28) In certain circumstances, RMIT may have a duty to notify the police in its own name, even if the individual does not wish to do so. This may occur where there is a serious or imminent risk to the safety of the discloser or others, or to meet RMIT's legal obligations (including obligations relating to children under the Child Safe Policy and Child Safe Reporting Procedure). Otherwise, the choice to report to police rests with the person who has experienced the violence.

(29) Other than in an emergency, a notification to the police by RMIT in its own name must be approved by the Chief Operating Officer (if the respondent is a staff member, Other Worker or a third party) or the University Secretary and Academic Registrar (if the respondent is a student), taking into account:

a. evidence of an unacceptable risk to RMIT’s community, or the public
b. the number of disclosures, formal reports, or complaints made about similar conduct by the same person (although a single incident may warrant reporting to police)
c. advice from the Critical Incident Management Team in accordance with the Business Resilience Policy, and other relevant groups including Health, Safety and Risk, Compliance, the University Secretary and Academic Registrar, and Legal Services
d. advice from Safer Community
e. the wishes of the person who has experienced the gender-based violence or who initially made the disclosure or formal report.

(30) Approval under clause 29 is not required in an emergency. Where there is an immediate risk of harm to any person:

a. anyone can call emergency services (000) or RMIT Security
b. RMIT Security will contact emergency services if there is an emergency or imminent safety threat to anyone and notify Safer Community of the incident as soon as practicable so support can be offered and the matter managed under this procedure.
c. Safer Community will inform the relevant approver under clause 29.

(31) Safer Community will advise the person who has disclosed or reported the gender-based violence about RMIT's decision to notify the police and, to the extent possible, will keep the person informed of any actions that result from that notification.

(32) A decision to report an incident of gender-based violence to police will not necessarily prevent RMIT from investigating or otherwise responding to that conduct. However, RMIT's processes may have to be suspended pending completion of a police investigation or other criminal process.

Responding to a disclosure or formal report

(33) All disclosures and formal reports made or reported to Safer Community will be acknowledged by RMIT within 1 business day.

(34) In determining what action to take in response to a disclosure or formal report, RMIT will take into account matters including the wishes of the discloser, and the potential risk to the health, safety and wellbeing of the discloser and other members of the RMIT community.

(35) In responding to any disclosure or formal report, RMIT will adopt an approach that is trauma-informed and person-centred. This means that RMIT prioritises safety and wellbeing and ensures the voices and needs of people who have experienced gender-based violence guide all support efforts, fostering an environment of compassion and respect. This also means that RMIT will consult the person who has experienced the gender-based violence before making decisions about how to address the relevant conduct. RMIT will seek to prioritise the safety and wellbeing of the person affected, while balancing any corresponding need to maintain procedural fairness for any ongoing investigation into the allegation of gender-based violence.

(36) Where appropriate, RMIT may offer options other than a formal investigation. These include restorative processes which focus on the discloser being heard and the harm recognised and acknowledged by RMIT.

(37) Persons who make a disclosure or formal report will be provided with information about the steps involved for any formal or informal resolution process, and they will be kept appropriately informed about the progress and outcome of those steps.

(38) All parties, including the discloser and the respondent, can bring a support person when RMIT asks them about the matters in the disclosure or formal report. A party can choose anyone as their support person, including a family member or friend, an Elder or cultural support person, an advocate, an RMIT staff member, or a legally trained person. A support person is there to give emotional and practical support. During any meeting with RMIT, the support person cannot answer questions for the party or speak for them as their legal representative. RMIT will explain this role to both the party and their support person.

(39) To the extent that clause 9 regulates RMIT's response to harm to children, this procedure otherwise sets out how RMIT will manage and respond to a disclosure or formal report of gender-based violence.

Precautionary measures

(40) Safer Community may recommend certain temporary or precautionary safety measures in response to a disclosure or formal report of gender-based violence whilst a resolution process is undertaken, to protect the wellbeing and safety of all students, staff and Other Workers, and third parties, and where there may be an ongoing risk to the

broader RMIT community. Precautionary measures are not a punitive measure and do not indicate that RMIT has concluded that the conduct has occurred and/or that the student, staff member or Other Worker has breached an applicable code of conduct or policy. Safer Community will consult with the relevant areas of RMIT in implementing appropriate precautionary measures where needed, including Health, Safety and Risk, the University Secretary and Academic Registrar and Legal Services.

(41) Examples of precautionary measures that may be recommended include:

a. in respect of students, interim safety measures under the Student Safety Measures Procedure, which may include but are not limited to:
    i. changes to class timetables and class locations
    ii. temporary remote learning arrangements
    iii. temporary restriction of access to campus
    iv. academic adjustments
    v. 'no contact' directives
    vi. a recommendation regarding an executive suspension, in accordance with the Student Conduct Policy and the Student Conduct Regulations.
b. in respect of RMIT staff members and Other Workers, interim measures under the Managing Conduct Procedure, which may include directions not to attend the workplace, and temporary modification of duties or reporting lines. For Other Workers engaged as a contractor to perform work for RMIT, this may also include rescheduling or relocating scheduled works or requesting that the contractor replace or reassign the worker.
c. in respect of student accommodation providers and other third parties who are engaged by RMIT, there may be additional precautionary measures provided in their agreement with RMIT. This may include requesting a room or building change, or changes to staff access and rostering to address any underlying concern.

(42) In managing a response to a critical incident, the Safer Community team will provide expert advice and guidance to the Critical Incident Management Team (or equivalent), to inform the management of risks and issues associated with gender-based violence.

Managing disclosures

(43) There are some circumstances where RMIT may take formal action in relation to a disclosure, even if the discloser does not want to make a formal report or does not want any further action to be taken. This may occur where, for example, there is a serious or imminent risk to the safety of another person or persons, there have been repeated disclosures or formal reports of similar conduct by the same person, or to meet RMIT's legal obligations. RMIT will seek and consider the views of the discloser before taking formal action (such as an investigation) in response to a disclosure. To the extent possible, RMIT will take measures to avoid identifying the discloser in any formal process (including an investigation), if that is the discloser's preference.

(44) If RMIT determines that it is necessary to investigate a disclosure, RMIT will explain to the discloser why the matter is being investigated and provide them an opportunity to be involved in the investigation process if they wish to do so. RMIT will also provide information relating to support for the discloser.

(45) Other options for managing a disclosure include:

a. a facilitated discussion or mediation between the discloser and the respondent (where it has been assessed as safe to do so and provided all parties freely agree to participate);
b. an agreed resolution between the discloser and respondent about how they will interact with each other in the future (where it is safe to do so);
c. providing support to the discloser to manage their safety; and/or

d. training, coaching or counselling.

Managing formal reports

(46) RMIT will manage formal reports as follows:

a. formal reports about staff and Other Workers will be managed in accordance with the Managing Conduct Procedure and any applicable enterprise agreement or award; and
b. formal reports about students will be managed in accordance with the Student Conduct Policy.

(47) If a respondent is both a student and a staff member or Other Worker, RMIT will determine whether the formal report should be considered under the policies and procedures applying to students, and/or those applying to staff and Other Workers. Processes may proceed concurrently, where necessary.

(48) RMIT will investigate all formal reports where the respondent is a student, staff member or Other Worker, regardless of the context in which the gender-based violence occurs. If the formal report has no connection to RMIT other than the status of the respondent, RMIT will consider the safety and wellbeing of students, staff and Other Workers when determining the scope of the investigation or any other action.

(49) All staff and Other Workers involved in responding to a formal report (including conducting an investigation or determining a disciplinary proceeding) will have relevant expertise and experience.

Investigations

(50) Where an investigation is required, the investigation will be undertaken by a specialist investigator in gender-based violence with necessary knowledge, expertise and experience, with support from fully qualified and trained advisors.

(51) An investigation will usually include:

a. gathering relevant information in relation to the conduct, which could include speaking with the discloser, other people who may have witnessed the conduct, and obtaining documentary and other records;
b. providing the respondent with an opportunity to respond to the allegations about their conduct; and
c. reporting on the enquiries that were made as part of the investigation, which may include findings and recommendations as to appropriate next steps.

(52) The standard of proof applied by RMIT when making findings is the 'balance of probabilities', which means that the alleged conduct is more likely to have occurred than not, based on the available evidence.

(53) For the avoidance of doubt, RMIT cannot require any person to provide physical evidence relating to a disclosure or formal report.

(54) Following an investigation, RMIT may take whatever action it considers appropriate, which may include:

a. a resolution that is implemented with the agreement of the discloser and respondent;
b. the implementation of safety measures without progressing to a disciplinary process;
c. a decision not to proceed to a disciplinary process; or
d. a decision to progress to a disciplinary process.

(55) RMIT will continue to provide appropriate and reasonable assistance and support to prioritise and protect the safety and wellbeing of all parties after the conclusion of any investigative process or disciplinary action, including the recovery of any person who has been sexually harmed or assaulted.

Timeframes

(56) RMIT will complete the investigation, disciplinary action, and outcomes as expeditiously as possible. RMIT's processes are designed to allow finalisation of formal reports (including any disciplinary processes) within 45 business days, however, this timeline may be extended (either prospectively or retrospectively) where required, including for one of the following reasons:

a. to allow additional time for coordination and communication with external parties (eg. Victoria Police);
b. to afford the respondent procedural fairness;
c. to allow RMIT sufficient time to investigate (having regard to the availability of key participants), consider the relevant material and make a decision, or obtain legal advice;
d. because the conduct the subject of the formal report is also the subject of legal proceedings or a court process;
e. where necessary for the health, safety or wellbeing of participants, including where required to ensure the process is trauma-informed; or
f. to comply with an industrial instrument.

(57) Conduct or a decision of RMIT is not invalid merely because it occurs outside the timeframes specified in this procedure.

(58) Disclosers and respondents will be kept informed of the progress of the disclosure or formal report where possible and in accordance with their wishes, including being advised of any delays that may arise.

Privacy, Confidentiality and Record-keeping

(59) Disclosures and formal reports of gender-based violence will be handled confidentially in accordance with RMIT's Privacy Policy. Information may be shared on a need-to-know basis with appropriate RMIT officers or external authorities as part of RMIT's duty of care obligations, to inform future prevention strategies, to enable an appropriate response to the disclosure or formal report, or as required by law.

(60) All parties must maintain confidentiality during any investigation, disciplinary or appeal process, including its conduct, materials and outcomes (such as the identities of parties or witnesses, evidence, correspondence and findings). Consistent with clause 17 of the Policy, this requirement is not punitive and does not prevent any person from speaking about their own experience of gender-based violence. A failure to maintain confidentiality will only be treated as potential misconduct where a person shared information outside the permitted purposes below, was intended to prejudice the process or a party, or created a risk to a person's safety. RMIT does not treat it as a breach of confidentiality when a person seeks support, obtains advice from a health or legal practitioner, or considers or pursues external recourse. Permitted purposes may include:

a. obtaining support, including from family members, close friends, legal advisers, medical practitioners, mentors, counsellors or psychologists, or student or union representatives;
b. reporting any matter to Police, or making a complaint or report to any external regulatory body or external complaint-handling or recourse body, including the National Student Ombudsman, the Victorian Ombudsman, the Tertiary Education Quality and Standards Agency and the Australian Human Rights Commission; or
c. for a student, seeking academic adjustments including special consideration or variation to their enrolment status.

(61) At the conclusion of the investigation and any related disciplinary or appeal process, the same process-related confidentiality requirements may not need to continue being applied. RMIT's obligations to handle personal information under the Privacy Policy continue to apply.

(62) RMIT will explain the scope, purpose, limits and end point of any confidentiality requirement in plain English to all

parties at the start of the process and if applicable, RMIT will confirm the scope of release from process-related confidentiality in outcome correspondence.

(63) Disclosers will be entitled to receive written notification from RMIT of the following matters, if they so choose:

a. the commencement of an investigation (prior to any notification to the respondent);
b. the outcome of the investigation, including whether a disciplinary process will be commenced (on the same day the respondent is notified);
c. the outcome of the disciplinary process, including the decision, any relevant sanctions, reasons for the outcome, and the right to make an internal and/or external complaint, including to the National Student Ombudsman (for higher education students) or the Victorian Ombudsman (for vocational education students) (on the same day the respondent is notified);
d. the lodgement of any appeal (within two business days of lodgement); and
e. the outcome of any appeal, including the decision, any relevant sanctions, reasons for the outcome, and the right to make an internal and/or external complaint, including to the National Student Ombudsman (for higher education students) or the Victorian Ombudsman (for vocational education students).

(64) Safer Community maintains a confidential register of disclosures and formal reports. All information will be collected, stored, and accessed in accordance with RMIT's Privacy Policy and applicable laws. RMIT will also use de-identified, collated data from disclosures and formal reports to provide high-level, public-facing reporting on known incidents of gender-based violence.

Internal Reporting and Continuous Improvement

(65) RMIT will use de-identified data from disclosures and reports to inform preventive interim safety measures, if necessary, to focus on the level and nature of the risk as part of assessment and proactive ongoing monitoring. For example, de-identified data is reported every six months to Council via NRPPC and the Vice-Chancellor's Advisory Group for Addressing Gender-based Violence, and other areas of RMIT as required. Access to this information will be managed in accordance with RMIT's Privacy Policy. The reports:

a. identify trends and systemic issues
b. contribute to evaluation of prevention programs,
c. identify opportunities for improvements and preventative actions aligned with RMIT's Whole-of-Organisation Prevention and Response Plan.

(66) Information may also be provided to the Chief Operating Officer to inform internal decision-making, including where serious sexual assault has occurred on campus, emergency services have been involved or a staff member or Other Worker has been temporarily stood down from duties for the purposes of an investigation. Where possible, identifying details of the impacted parties will be protected by Safer Community.

(67) There are some limited circumstances, such as where RMIT is required by law to report an incident to the police or a regulator, in which RMIT may be required to share identifying information about a person who has made a disclosure or report of gender-based violence or about whom the disclosure or report has been made. This will only be done where necessary for the safety and wellbeing of the RMIT community, including for the safety of the person identified.

(68) At least every three years, Health, Safety and Risk will review this procedure and related practices to check that they are fair, protect confidentiality, and do not have the effect of silencing, deterring or restricting disclosures or formal reports. The review will draw on the data and reports under clause 65 and feedback from people who have used these processes. Findings and any recommended changes will be reported to Council.

External Reporting

(69) RMIT may provide information to a third party, such as a regulator, where required by law.

(70) RMIT provides de-identified data to external agencies or bodies, where required, to ensure compliance with legislated reporting requirements including but not limited to those detailed under the Gender Equality Act 2020 (Vic) and the Workplace Gender Equality Act 2012 (Cth). Access to this information will be managed in accordance with RMIT's Privacy Policy.

(71) If disclosed or reported incidents indicate material breaches in safety or preventative controls, including recurring incidents of gender-based violence, Safer Community will notify the Director, Education Regulation immediately to determine if it is appropriate to notify the Tertiary Education Quality and Standards Agency (TEQSA). If deemed appropriate, a recommendation will be made to the Deputy Vice-Chancellor Education that TEQSA be notified within 14 days of the incident in accordance with Higher Education Standards Framework 2021 and TEQSA's Material Change Notification Policy.

(72) If disclosed or reported incidents occurred in relation to an activity funded in whole or in part by the Department of Foreign Affairs and Trade (DFAT), Safer Community will notify the Executive Director, Health, Safety and Risk, who will determine if it is appropriate to notify DFAT. If deemed appropriate, a recommendation will be made to the Chief People Officer that DFAT be notified in accordance with the Department of Foreign Affairs and Trade (DFAT) Preventing Sexual Exploitation, Abuse and Harassment Policy (2019). This notification must be made within two working days of RMIT becoming aware of an alleged incident.

Section 5 - Compliance

(73) Breaches of this procedure are reportable via the Organisational Breach Reporting Form and are managed in accordance with the Compliance Breach Management Procedure. Examples include where a disclosure was not acknowledged, support was not offered, or a process was not followed as set out in this procedure. Concerns can also be raised through the Student and Student-Related Complaints Procedure or the Whistleblower Procedure, or externally with the National Student Ombudsman or the Victorian Ombudsman. Compliance breach reports are managed by Central Compliance, independently of the teams that deliver this procedure, and outcomes are communicated to the person who raised the concern and reported through RMIT's compliance reporting to Council.

(74) A breach of this procedure may result in disciplinary action. Depending on the nature and impact of the breach, other actions may also be instigated, including legal action.

(75) In cases where non-compliance issues arise, RMIT will utilise various investigative tools to actively monitor and address these issues. This may include:

a. conducting proactive audits
b. undertaking investigations when non-compliance is suspected

(76) This procedure supports RMIT's obligations under the:

a. Charter of Human Rights and Responsibilities Act 2006 (Vic)
b. Child Wellbeing and Safety Act 2005 (Vic)
c. Gender Equality Act 2020 (Vic)
d. Protected Disclosure Act 2012 (Vic)
e. Sex Discrimination Act 1984 (Cth)
f. Department of Foreign Affairs and Trade (DFAT) Preventing Sexual Exploitation, Abuse and Harassment Policy

(2019)

g. Higher Education Standards Framework 2021
h. Education Services for Overseas Students (ESOS) Framework
i. Occupational Health and Safety Act 2004
j. Fair Work Act 2009
k. Equal Opportunity Act 2010 (Vic)
l. Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025 (Cth) and National Higher Education Code to Prevent and Respond to Gender-based Violence 2025.

(77) This procedure supports RMIT's commitment to adhering to sector best practice informed by:

a. Australian Human Rights Commission – Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth) (AHRC)
b. Action Plan for Addressing Gender-based Violence in Higher Education 2024
c. Universities Australia Sexual Harm Response Guidelines 2023
d. National Student Ombudsman — Can I talk about this? The use of confidentiality requirements in university complaint handling (2026)

Section 6 - Other Relevant Policies

(78) RMIT policy suites regarding behavioural standards and conduct that are relevant to this policy include:

a. Student Conduct Policy
b. Student Conduct Procedure
c. Code of Conduct
d. Workplace Behaviour Policy
e. Workplace Behaviour Standard
f. Managing Conduct Procedure
g. Child Safe Policy and Child Safe Code of Conduct
h. Health, Safety and Wellbeing Policy
i. Inclusion, Diversity and Equity Policy.

Section 7 - Definitions

Term	Definition
Child	A person who is under the age of 18 years.
Consent	As defined in section 36 of the Crimes Act 1958 (Vic), consent means free and voluntary agreement. Consent cannot be assumed. Consent must be ongoing and mutual. It must be present every time, including for the duration of any sexual act. Consent can be withdrawn at any time. Consent to one act does not mean consent is agreed to in any other act. Consent to an act with one person does not mean consent is agreed to in an act with a different person, or with the same person on a different occasion.
Disclosure	Where a person first makes known an incident of gender-based violence to RMIT (e.g., by telling a staff member or Safer Community). This may or may not lead to a formal report being made.

Formal report	The provision to RMIT, through formal reporting channels, of information about a person's own experience of gender-based violence, which requires RMIT to consider taking steps beyond the offer and provision of support services, including (without limitation) the commencement of an investigation and/or a disciplinary process in appropriate circumstances.
Gender-based violence	Any form of physical or non-physical violence, harassment, abuse or threats based on gender that results in or is likely to result in harm, coercion, control, fear or deprivation of liberty or autonomy. Violence or harm can be physical, sexual, emotional, psychological, social, cultural, spiritual, financial and technology-facilitated abuse (including image-based abuse), and stalking.
Intersectionality	The ways in which different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation. Intersectionality acknowledges that factors such as sex, gender identity, gender expression, sex characteristics, sexual orientation, disability, neurodiversity, being First Nations, being from a culturally and racially marginalised community, visa status and socio-economic background can compound the impact of gender-based violence. This can result in some people experiencing disproportionate impacts of gender-based violence and additional structural, social or institutional barriers to safety, disclosure, reporting and support.
Other Workers	Any person who carries out work in any capacity for RMIT, including employees; officers; contractor and subcontractors; employees of a contractor or subcontractor; employees of a labour hire company who have been assigned to work at RMIT; outworkers; apprentices or trainees; students gaining work experience; and volunteers. This has the same meaning as "worker" under the model Work Health and Safety Act. Other Workers in this procedure includes associates of the RMIT Group, such as RMIT University Council members, representatives, and volunteers.
Person-centred	Ensuring that the needs and preferences of the person who made a disclosure or formal report are at the centre of decisions made in response to the disclosure or formal report, including by genuinely considering their wishes and the impact that decisions may have on them, while at all times ensuring their safety and wellbeing, and the safety and wellbeing of other students, staff and Other Workers.
RMIT Group	RMIT University and its controlled entities (RMIT Europe, RMIT Online, RMIT Vietnam and RMIT University Pathways).
Sexual assault	When: 1. a person (A) intentionally touches another person (B) and the touching is sexual 2. person (B) who was touched did not agree or consent to the touching, and 3. person (A) did not reasonably believe that person (B) consented. If person (A) knew that (B) was not consenting, this will be sexual assault; and if person (A) did not believe on reasonable grounds that person (B) was consenting, this will also be sexual assault. For the purposes of this procedure, RMIT also includes the following acts defined in the Crimes Act 1958 (Vic): (i) rape, (ii) rape by compelling sexual penetration, (iii) sexual assault by compelling sexual touching, (iv) assault (being the non-consensual application of force) with intent to commit a sexual act, and (v) threat to commit a sexual assault or rape. For succinctness, the specific elements of each are not set out separately in this procedure. Additional examples and explanations are set out in the Gender-based Violence Prevention and Response Policy Schedule 1 – Explanations and Examples. RMIT cannot make findings of criminal responsibility, including whether a person has engaged in sexual assault under criminal law. However, RMIT can and will determine whether alleged conduct breaches RMIT's policies and procedures.
Sexual harassment	When a person: 1. makes an unwelcome sexual advance, or an unwelcome request for sexual favours, or 2. engages in other unwelcome conduct of a sexual nature in relation to a person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Additional examples and explanations are set out in the Gender-based Violence Prevention and Response Policy Schedule 1 – Explanations and Examples.
Staff	As defined in the Royal Melbourne Institute of Technology Act 2010 (Vic). Staff means persons employed by RMIT.

Student	A person who is enrolled as a student with RMIT or is undertaking a course of study or a unit of study with RMIT, including: 1. a student as defined in the Royal Melbourne Institute of Technology Act 2010 (Vic), being a person enrolled at the University in a course leading to a degree, diploma, certificate, licence or other award; or a person who is designated as a student or is of a class of persons designated as students by the Council; and 2. a student undertaking a higher education degree by research, non-award study, enabling or bridging course, foundation program or vocational education and training course.
Third Parties	Any person or entity external or separate to RMIT, including contractors, consultants, volunteers, visiting appointees and visitors as well as members of the public.
Trauma-informed	A strengths-based framework that applies the core principles of safety, trustworthiness, choice, collaboration for shared decision-making, empowerment and respect for diversity. Trauma-informed services recognise the physiological, emotional, psychological and neurological effects of trauma; minimise the risk of re-traumatisation and promote healing; emphasise physical and emotional safety; and focus on the whole context in which a service is provided – not just on what is provided.

Status and Details

Status	Current
Effective Date	2nd November 2026
Review Date	22nd October 2031
Approval Authority	Manager, Central Policy
Approval Date	22nd October 2026
Expiry Date	Not Applicable
Policy Owner	Mish Eastman Interim Chief Operating Officer & Vice-President
Policy Author	Shah Abdul-Rahman Executive Director, Health, Safety and Risk
Enquiries Contact	Prevention and Respect Team