

Sexual Misconduct and Gender-Based Violence Prevention and Response Procedure – Students

Document

Procedure Name	Sexual Misconduct and Gender-Based Violence Prevention and Response Procedure – Students
Overarching Policy	Gender Based Violence Prevention and Response Policy
Brief Description	This Procedure outlines how SIBT prevents, responds to and manages disclosures and reports of sexual misconduct and gender-based violence involving students, including the provision of support, risk assessment, investigation and response processes.
Responsible Officer	SIBT General Manager
Endorsing Committee	Student Voice Committee
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Version Control

Date Approved	Version No.	Summary of Changes	Approver
10/09/2026	1	Initial Issue	Senior Management Team

Related Documents

Name	Location
Gender Based Violence Prevention and Response Policy	SIBT Website
Immediate Incident Escalation and Reporting Policy	Policy Hub
Staff-Student Relationships Policy	Policy Hub
Student Code of Conduct	SIBT Website
Student Life Guide	SIBT Website
Sexual Misconduct and GBV Prevention and Response Procedure – Staff	SIBT Website

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1. Purpose

- a) This Procedure sets out how SIBT prevents, responds to, and manages disclosures and reports of sexual misconduct and gender-based violence involving students.

2. Application

- a) This Procedure applies to all students and members of the SIBT community (including staff, contractors and visitors) when engaged in SIBT-related activities or present at SIBT facilities.
- b) Incidents unconnected to SIBT-related activities will not be investigated by SIBT; however, support, safeguarding advice and referrals to specialist and statutory services will be offered as appropriate.
- c) This Procedure operationalises the [Gender Based Violence Prevention and Response Policy](#), incorporates the Universities Accord National Higher Education Code to Prevent and Respond to Gender-Based Violence (2025) and ensures compliance with applicable Commonwealth, State and Territory legislation, regulations, standards and regulatory requirements relating to gender-based violence, sexual misconduct, safeguarding, discrimination, work health and safety, and child safety. Refer to the Related Documents section.

3. Definitions

Term	Meaning
Affirmative Consent	A knowing, voluntary and mutual decision to engage in sexual activity by a person capable of giving consent; ongoing and can be withdrawn at any time.
Amnesty	An arrangement under which disciplinary action will not be taken against a discloser for Code of Conduct violations specified in this Policy. The purpose of the amnesty is to encourage disclosures and formal reports of gender-based violence and support the safety and wellbeing of those involved.
Bystander	A person who witnesses, observes, becomes aware of, or receives information about an incident of sexual misconduct involving others.
Child Abuse Material	Any material that depicts a person who is or appears to be under 18 in a sexual context, including synthetic/manipulated imagery.
Consent	All sexual activity must be underpinned by affirmative consent between the participants involved in the activity. Sexual consent is a free, voluntary and informed agreement between to participate in a sexual act, given by a person capable of giving consent. This agreement is only present when these people mutually and genuinely feel they want to engage in that sexual act and actively make sure their partner does too. Due to an inherent power imbalance and lack of capacity to appropriately infer consent, SIBT prohibits all staff members pursuing or engaging in close personal or intimate relationships with students for

Term	Meaning
	whom they have responsibility as outlined in the Navitas Staff-Student Relationships Policy .
Discloser	A person who provides information about an experience of sexual misconduct or submits a formal report of sexual misconduct. A discloser may be a person who has experienced sexual misconduct or a bystander.
First Responder	A person who provides support first and is confided in by a person who has experienced or is currently experiencing adverse effects of an incident.
Formal Report	A complaint requiring Navitas to initiate investigation and/or disciplinary processes.
Gender-Based Violence (GBV)	Any form of physical or non-physical violence, harassment, abuse or threats based on gender, that result in, or is likely to result in harm, coercion, control, fear or deprivation of liberty or autonomy.
Grooming	Behaviours used to build trust or secrecy particularly with a child or adolescent to facilitate exploitation or abuse (in-person or online).
Higher-risk Group	A group of people identified through research, evidence or experience as being at an increased risk of experiencing sexual misconduct, harassment or gender-based violence due to factors such as age, gender, disability, cultural background, sexual orientation, gender identity, power imbalances or other forms of disadvantage.
Non-disclosure Agreement	An agreement that restricts a person from disclosing information about an incident, complaint, report, investigation or outcome to other people.
Non-disparagement Agreement	An agreement that restricts a person from making statements that may criticise, complain about, or negatively describe another person, organisation, incident, complaint, report, investigation or outcome.
Person-centred	An approach that puts the person at the centre of the process, respects their needs and preferences, and supports them to make their own informed decisions whenever possible.
Respondent	Person responding to an allegation of sexual misconduct.
Sexual harassment	When a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome or non-consensual conduct of a sexual nature in relation to another person. This occurs in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated by the conduct. Sexual harassment can be subtle and implicit rather than explicit.
Sexual misconduct	Includes any of the following: • rape • sexual assault • sexual exploitation • sexual harassment • stalking

Term	Meaning
	• indecent exposure • voyeurism • the recording and distribution of an intimate image without the consent of the individual depicted in the image • gender-based harassment or violence • an attempt to commit an act of sexual misconduct or a threat to commit an act of sexual misconduct.
SIBT-Related Activity	Any activity connected to SIBT (facilities, functions, placements, ICT resources, student groups, travel, representation, accommodation).
Technology-Facilitated Abuse	Use of digital/online tools to coerce, control, harass or harm (e.g., doxxing, surveillance, image-based abuse).
Trauma-Informed Approach	Practices that recognise the impacts of trauma, prioritise safety and choice, and avoid re-traumatisation.

4. Awareness of Sexual Violence and Its Effects (GBV)

- a) Gender-based violence may include sexual and non-sexual forms of harm, including:
 - i. Sexual harassment and sexual assault;
 - ii. Domestic and family violence;
 - iii. Intimate partner violence;
 - iv. Coercive control;
 - v. Stalking;
 - vi. Image-based abuse;
 - vii. Technology-facilitated abuse;
 - viii. Financial abuse; and
 - ix. Psychological or emotional abuse.
- b) SIBT recognises that sexual misconduct and gender-based violence can have significant impacts on a person's safety, wellbeing, academic participation and mental health, and that some individuals and groups may be at a higher risk of experiencing sexual misconduct or gender-based violence.

5. Behavioural Expectations

- a) All members of the SIBT community must treat others with dignity and respect, obtain and respect affirmative consent, cease unwelcome behaviour immediately, and refrain from conduct that causes harm, fear or distress.

5.1 Examples: Sexual Misconduct and Harassment

- a) Examples include:
 - i. Sexual harassment;
 - ii. Sexual assault;
 - iii. Grooming of a child/adolescent;
 - iv. Sexualised communications or exposure involving a child;
 - v. Possession/creation/distribution of child abuse material (including manipulated images);
 - vi. Domestic/family violence;

- vii. Coercive control;
- viii. Stalking;
- ix. Image-based abuse;
- x. Technology-facilitated abuse;
- xi. Exploitation of power/authority (e.g., staff–student).

5.2 Examples: Sexual Assault

- a) Examples include:
 - i. Forced sexual activity after consent is withdrawn;
 - ii. A supervisor coercing sexual acts in exchange for marks;
 - iii. Forcing sexual contact in a secluded setting.

5.3 Inadvertent Sexual Harassment

- a) Intention is not relevant in determining whether conduct constitutes sexual harassment. The test is whether, objectively, the conduct is of a sexual nature and could reasonably be expected to offend, humiliate or intimidate.
- b) Where appropriate, SIBT may use educational and preventative measures to address behaviour and reduce the likelihood of recurrence.

5.4 Consent (Affirmative)

- a) Consent is a knowing, voluntary and mutual decision to engage in sexual activity.
- b) Consent cannot be given where a person is:
 - i. Under the legal age of consent;
 - ii. Asleep or unconscious;
 - iii. Incapacitated, including by alcohol or drugs;
 - iv. Coerced or threatened; or
 - v. Subject to a power imbalance, such as between a staff member and a student.
- c) Silence or lack of resistance does not constitute consent.

6. Rules on Sexual Misconduct and Harassment

- a) Sexual misconduct and gender-based violence are not acceptable.
- b) All disclosures and reports will be taken seriously and assessed promptly.
- c) Disciplinary action may be considered where breaches are substantiated.
- d) No person will be victimised for making a disclosure or report in good faith.

7. Induction and Training for Students

- a) Students will receive information on:
 - i. Consent;
 - ii. Respectful relationships;
 - iii. Gender-based violence and sexual misconduct;
 - iv. Reporting options;
 - v. Support services; and

- vi. Bystander intervention.
- b) Information may be provided through orientation programs, training modules, the SIBT website, the Student Learning Portal, the [Gender Based Violence Prevention and Response Policy](#) and associated procedures, and other student-facing communication channels.
- c) The mandatory training module will be available to students from Orientation (O-week). Students will be expected to complete the module between Weeks 5 and 9, with completion monitored and followed up after the census date.
- d) Training materials must be developed and approved by an accredited specialist.

8. Responding to Disclosures and Formal Reports

8.1. General Principles

- a) Matters will be managed fairly, promptly and without bias.
- b) SIBT will apply a trauma-informed approach to minimise the risk of re-traumatisation.
- c) Privacy will be protected and information will be shared on a need-to-know basis.
- d) Procedural fairness will be afforded to all parties involved.
- e) Outcomes and actions will be proportionate to the findings.

8.2. Reporting and Response Pathways

- a) SIBT adopts a "No Wrong Door" approach to disclosures and reports of sexual misconduct and gender-based violence.
- b) Disclosures or formal reports may be made through SIBT's [Donesafe](#) reporting platform, by email, or in person to a Student Counsellor, teacher or any staff member. Information about who to contact for reporting and support is also available in the SIBT Student Life Guide.

Student Counsellor appt: <https://calendly.com/student-services-teams>,

Student Services ph: 02 9964 6555

Student Services email: studentservices@sibt.nsw.edu.au.

- c) Disclosures and formal reports may be made either formally or anonymously. Where a report is made anonymously, SIBT may be limited in its ability to investigate the matter or provide updates. SIBT will, however, assess and respond to any safety concerns or risks identified from the information provided, to the best of its ability.
- d) There is no time limit on reporting.
- e) All employees who become aware of gender-based violence or sexual misconduct must lodge a report (anonymised if requested) to enable risk assessment and support.
- f) Interim protective measures may include:
 - i. Timetable changes;
 - ii. No-contact directions;
 - iii. Assessment flexibility;
 - iv. Security or access controls; and
 - v. Escorts.
- g) Where Police are or may be involved, SIBT will pause fact-finding activities that could prejudice criminal processes while maintaining interim safety measures.

8.3. Confidentiality and Records

- a) Evidence and records are stored securely in [Donesafe](#).
- b) Information is shared only as needed to address safety or legal obligations (e.g., mandatory reporting).
- c) Parties are informed and supported if exceptions apply.

8.4. Reporting to External Bodies

- a) Students may report to Police or other regulators/complaints entities.
- b) External reporting does not prevent SIBT from taking safety actions or determining internal outcomes unless advised otherwise by authorities.

8.5. Mandatory Reporting – Children and Young People

- a) Where a disclosure, report or incident involves a child or young person under 18 years of age, SIBT staff members must comply with applicable child protection, reportable conduct and mandatory reporting obligations in New South Wales, including requirements under the Children and Young Persons (Care and Protection) Act 1998 (NSW) and the Child Protection (Working with Children) Act 2012 (NSW).
- b) Where under-18 students are involved, staff must follow local child protection/reportable conduct requirements.

8.6. Discloser Survey (Opt-In)

- a) With the consent of the discloser, SIBT may offer a brief post-outcome survey to support continuous improvement of its prevention, response and support processes.
- b) Participation in the survey is voluntary. Responses will be stored securely and reported only in a de-identified and aggregated form.

8.7. Amnesty Policy for Disclosers

- a) A discloser acting in good faith who provides information about or submits a formal report on an incident of sexual misconduct will not be subject to [Staff/Student Code of Conduct](#) action for violations of alcohol and/or drug use policies occurring at or near the time of the incident.

9. Investigating Disclosures and Formal Reports

9.1. Deciding Whether an Investigation Will Occur

- a) Following a disclosure or report of Gender-Based Violence (GBV), SIBT will consult with the discloser where appropriate before deciding whether an investigation is required.
- b) SIBT will carefully consider the wishes of the discloser, including any request not to proceed with an investigation. However, SIBT may commence an investigation where it considers this necessary to:
 - i. Protect the safety, wellbeing or welfare of students, staff or others;

- ii. Manage a serious or ongoing risk;
 - iii. Meet legal, regulatory or duty of care obligations; or
 - iv. Address conduct that may constitute a serious breach of SIBT policies.
- c) Where an investigation is to proceed, SIBT will normally advise the discloser and respondent in writing of:
 - v. The decision to conduct an investigation;
 - vi. The scope of the investigation;
 - vii. The expected process; and
 - viii. Available support services.

9.2. Conduct of Investigations

- a) Investigations will be conducted in a trauma-informed, fair, impartial and person-centred manner.
- b) Investigators will possess appropriate qualifications, training, experience or expertise relevant to GBV matters.
- c) During an investigation:
 - i. The discloser, respondent and relevant witnesses may be invited to provide information;
 - ii. Each party will be given a reasonable opportunity to present relevant information and respond to matters raised;
 - iii. All parties may be accompanied by a support person at meetings or interviews; and
 - iv. Confidentiality will be maintained to the extent reasonably possible.
- d) SIBT will not require a discloser or respondent to provide physical evidence in order for an investigation to proceed.

9.3. Findings

- a) The investigator will assess all available information and evidence.
- b) Findings will be determined on the balance of probabilities. This means that a matter will be substantiated where it is more likely than not to have occurred.
- c) The investigator will provide findings and recommendations to the authorised decision-maker.

9.4. Decision-Making and Outcomes

- a) The person responsible for determining any disciplinary or corrective action must not be the investigator.
- b) Following consideration of the investigation findings, SIBT may:
 - i. Determine that no further action is required;
 - ii. Implement protective or wellbeing measures;
 - iii. Initiate student misconduct processes;
 - iv. Impose sanctions in accordance with relevant policies and procedures; and/or
 - v. Take any other action considered appropriate and reasonable in the circumstances.
- c) The discloser and respondent will be advised of the outcome of the investigation to the extent permitted by privacy, confidentiality and legal obligations.

- d) Unless the discloser requests otherwise, SIBT will provide the discloser with written notification of the outcome and any action taken where the allegations have been substantiated.

10. Support Services for People Who Experience Harassment or Sexual Misconduct

10.1. SIBT-Provided Support

- a) SIBT may provide or facilitate access to:
 - i. Counselling and wellbeing support services;
 - ii. External specialist support services and referrals;
 - iii. Academic adjustments, including special consideration where appropriate;
 - iv. Safety planning and other special arrangements to support a student's continued involvement with the SIBT community;
 - v. Information and assistance regarding reporting options; and
 - vi. Practical support and culturally safe services for students from diverse backgrounds and higher-risk groups.
- b) Support will be provided in a person-centred and trauma-informed manner.
- c) A tailored support plan will be developed with the discloser and respondent, as applicable.
- d) The same staff member must not be assigned to support both the discloser and the respondent.

10.2. First Response – How to Support a Peer

- a) When supporting a peer who has experienced sexual misconduct or gender-based violence, students should:
 - i. Listen without judgement;
 - ii. Avoid repeated disclosures;
 - iii. Acknowledge distress;
 - iv. Check whether the person feels safe and, where appropriate, ask whether they need support from a trusted person or to move to a safer space;
 - v. Affirm that it is not their fault;
 - vi. Provide accurate information;
 - vii. Respect autonomy and decisions;
 - viii. Maintain privacy; and
 - ix. Refer the person to a student counsellor or other appropriate support services.

10.3. Support for Respondents

- a) Respondents are entitled to procedural fairness, confidentiality, access to support services, and information about process and timelines.

11. Intimate Relationships Between Staff and Students

- a) Personal, romantic, or sexual relationships between any staff member and any student are strictly prohibited, regardless of the student's age, enrolment status, whether the staff member has direct, indirect or perceived authority, or whether the relationship is described as consensual.
- b) This prohibition recognises the inherent power imbalance and associated risks to student safety, wellbeing, academic integrity and public trust. Where a student is under 18 years of age, any sexual or intimate conduct is never permitted and may constitute sexual misconduct, child-safety/reportable conduct, and/or a criminal offence.
- c) Staff members who become aware of an actual or developing intimate relationship with a student have a disclosure obligation and must immediately report the matter to the SIBT General Manager (or delegate) for appropriate safeguarding actions. Breaches are serious misconduct and may result in disciplinary action up to termination, removal from campus, and reporting to authorities.

12. Use of Non-Disclosure Agreements or Non-Disparagement Clauses

- a) Non-Disclosure Agreements (NDAs) will not be used unless requested by the discloser and must not restrict access to support or lawful reporting.
- b) Settlement terms must not include non-disparagement clauses that effectively silence experiences of sexual misconduct.

13. Freedom of Speech

- a) SIBT values freedom of speech and academic freedom within the law. Exposure to course-related content or debate does not, of itself, constitute harassment.
- b) Freedom of speech does not excuse harassment or GBV.

14. Internal Reporting Requirements

- a) SIBT will compile annual de-identified reports on the incidence and response to sexual misconduct/GBV to inform continuous improvement.
- b) SIBT will maintain privacy by ensuring that access to identifiable information is limited to personnel who require the information to perform their duties.

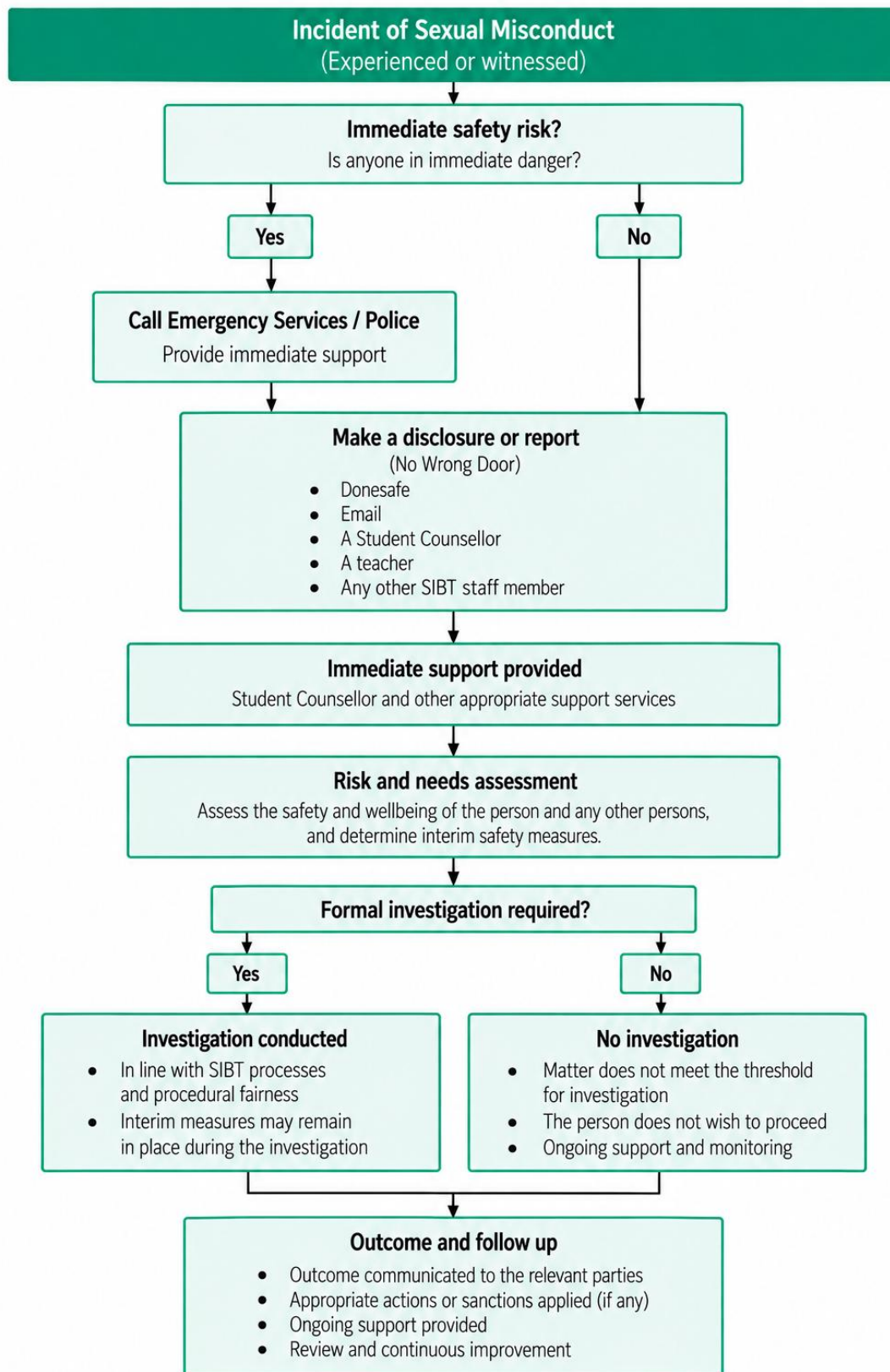
15. Responsibilities

Responsibility	GM	QCM	SSM	AD	SASH First Responders	Investigators	Reviewers/Decision Makers	SC	WHSC Chair	ITM	ALL
Procedure ownership & approval	A	R	C	C	I	I	I	I	I	C	I
Student training & communications	C	R	A	A	S	I	I	S	I	I	I
Receive disclosures / provide immediate support	I	C	A	C	R	I	I	R	I	I	S
Lodge Donesafe reports	I	C	A	C	R	I	I	I	I	I	R
Risk & needs assessment; interim measures	C	R	A	C	S	I	I	S	S	I	I
Mandatory reporting (U18/reportable conduct)	A	R	A	C	S	I	I	R	S	C	I
Investigation management	I	C	C	C	I	R	I	I	I	I	I
Outcome decision & sanctions	A	C	C	C	I	I	R	I	I	I	I
Conduct Opt-In Survey	A	C	C	C	I	I	R	I	I	I	I
Confidential records & privacy controls	I	C	C	I	I	I	I	I	I	R	I
Data security (tech-enabled abuse, evidence)	I	I	I	I	I	I	I	I	I	R	I
Annual de-identified reporting	C	R	C	C	I	I	I	I	I	C	I
Continuous improvement & audit	C	R	C	C	I	I	I	I	C	C	I
GM = SIBT General Manager, QCM = Quality & Compliance Manager, SSM = Student Services Manager, AD = Academic Director, SC = Student Counsellors, ITM – IT Manager											
All = Staff, R = Responsible, A = Accountable, S = Supporting, C = Consulting, I = Informed											

16. Review

- a) This Procedure is reviewed by the Responsible Officer and the Student Voice Committee annually and updated with any changes to the regulatory compliance requirements, legislation, regulation, and guidelines as required.
- b) This review process aims to ensure alignment to appropriate strategic direction and continued relevance to SIBT's current and planned operations.

Appendix A – Reporting and Response Process



Appendix B – Student Disclosure and Reporting Process

