

Sexual Harm Policy

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Business Owner:	Executive Director People, Culture and Wellbeing
Approval Authority:	Vice-Chancellor

1. PURPOSE

This policy confirms Lincoln University's commitment to combating sexual harm in all forms within its community. Behaviour that is intimidating, abusive, disrespectful or threatening will not be tolerated and is unlawful (Crimes Act 1961; Human Rights Act 1993; Harmful Digital Media Communications Act 2015). Individuals and groups who commit or attempt to commit acts of sexual harm will be held accountable through a process that ensures procedural fairness.

The associated procedures specify the actions that the University will employ to address sexual harm through education, training and prevention programmes, the provision of support, reporting and complaints procedures, and fostering and promoting a culture of consent and healthy relationships.

2. DEFINITIONS

Consent: The active, ongoing, informed, specific and freely given agreement in response to a request to engage in physical contact or sexual activity. Consent cannot be given by someone who is incapacitated by, or under the influence of, drugs or alcohol, unconscious, or otherwise unable to understand and voluntarily give consent.

Lincoln University community: all staff members (whether permanent, temporary or part time), honorary staff, students (whether full time or part time), contractors, subcontractors, consultants, alumni, associates, business partners or official visitors or guests of members of Lincoln University.

Sexual assault: any kind of sexual contact initiated without actively seeking and gaining mutual consent. It includes, but is not limited to, unwanted kissing, touching of private body areas, fondling, oral or anal sex, intercourse, or other forms of penetration, or any other unwanted act of a sexual nature.

Sexual harassment: ongoing persistent unwanted remarks, behaviours, or communications of a sexually oriented nature, negative or derogatory behaviours or communications based on gender that promote gender-based harm, – where the person responsible for the remarks, actions, behaviours or communications knows or ought reasonably to know that these are unwelcome. Sexual harassment may also consist of unwanted attention of a sexually oriented nature such as personal questions about one's sex life, persistent requests for a 'date', or unwelcome remarks about someone's personal appearance.

Sexual harm: any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, and is committed, threatened or attempted against a person without that person's consent. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature. Acts of sexual harm can also be acts of sexism, racism, colonialism, ableism, homophobia, and/or transphobia.

3. SCOPE

This policy applies to all members of the Lincoln University community in circumstances where incidents of sexual harm take place on University property and premises or using University-owned or managed property or equipment. The scope includes incidents of sexual harm that occur off campus where the respondent is a member of the Lincoln University community and the incident is part of Lincoln University teaching, research, or other activities.

4. LIMITATIONS

Lincoln University does not have jurisdiction in situations where sexual harm is perpetrated by a person who is not part of the Lincoln University community, or if the incident precedes the employment or enrolment of the complainant at Lincoln University.

5. RELATED POLICIES AND PROCEDURES

- [Discipline Policy and Procedure](#) (staff)
- [Student Discipline Regulations](#)
- [Prevention of Bullying Harassment Policy](#)
- [Prevention of Bullying Harassment Discrimination Guidelines](#)

