



Ollscoil
Teicneolaíochta
an Atlantaigh

Atlantic
Technological
University

Preventing and Responding to Gender-Based Violence Policy Version 2.0

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Summary of Changes	<p>Changes from version 1.0 are substantive:</p> <ul style="list-style-type: none"> • Title has been changed; • Scope has been extended to include all forms of gender-based violence; • Definitions have been amended, • New definitions added; • Roles and responsibilities have been amended • New roles and responsibilities have been added
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Approval:

This document requires the following approvals:

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Approved By:	Governing Body
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Version:	2.0
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Approved by:	Governing Body
Approving Authority	Governing Body
Head of Function responsible	Vice President for EDI and Online & Flexible Learning
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This Policy was approved by the Approving Authority on **09 December 2024**. It shall be reviewed and, as necessary, amended by the University annually or at or at such time as is deemed necessary or if there has been a material change to any legislation or national guidelines informing this policy area. All amendments shall be recorded on the revision history section above.

Note: Prior to publication and dissemination of policies and procedures, documents must be reviewed for accessibility as part the University’s commitment to Equality, Diversity, and Inclusion (EDI). Further advice on accessibility can be obtained from the EDI Team.

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1. Overview/Introduction

- 1.1 The *ATU Gender-Based Violence Policy* sets out the University's commitment to providing a safe, supportive, inclusive, and respectful work and study environment for all members of its community. It is the responsibility of the University, together with all its staff and students, to ensure a working and learning environment where everyone is treated with equality, dignity, and respect.
- 1.2 Please note this Policy describes gender-based violence and may be distressing for some readers. If anything in this Policy has affected or distressed you, you are encouraged to seek support.
- 1.3 Gender-based violence refers to any type of harm that is perpetrated against a person or group of people because of their gender. For the purposes of this policy, gender-based violence also extends to any type of harm that is perpetrated against a person or group of people because of their sexual orientation or sex characteristics. Gender-based violence is based on an imbalance of power and is carried out with the intention to humiliate and make a person or group of people feel inferior and/or subordinate. Gender-based violence can happen anywhere including online. Gender-based violence can be experienced and perpetrated by anyone, however it affects women disproportionately. Gender-based violence can be sexual, physical, verbal, and/or psychological/emotional. It can be perpetrated by anyone including a current or former spouse/partner, a family member, a colleague from work, fellow students, friends, acquaintances, an unknown person. The University recognises gender-based violence as the umbrella term to be used in this policy, encompassing all forms of unacceptable behaviour as defined in section 3.1.
- 1.4 The University recognises the widespread prevalence of gender-based violence in Irish society. It recognises that all forms of gender-based violence are unacceptable. The University is committed to creating, promoting, and maintaining a culture in which all forms of gender-based violence will not be tolerated.

- 1.5 The University recognises the importance of an intersectional approach to responding to and preventing gender-based violence. The perpetration of any form of gender-based violence does not discriminate based on race, ethnicity, age, sexual orientation, family status, religion, disability, or socio-economic status. Not all people experience equal responses when seeking help and stereotypes and discrimination can create additional barriers for people from minority backgrounds seeking help. An intersectional approach to gender-based violence requires consideration of a person's individual identity to ensure equality of outcome for all.
- 1.6 The University has developed an Action Plan and is committed to a range of specific actions and preventative measures including training and awareness-raising which aim to end gender-based violence. This Action Plan will be reviewed and updated periodically in line with the University's needs and national policy priorities.
- 1.7 The University is developing and resourcing the implementation of procedures for preventing and responding to gender-based violence to support the effectuation of this policy. These procedures can be found at [insert link].

2. Purpose of Policy

- 2.1 The purpose of this policy is to set out the University's commitment to addressing gender-based violence in all of its various forms. Preventing and responding to gender-based violence is part of ATU's overarching commitment to the creation of a work and study environment that is safe, supportive, inclusive, and respectful.

3. External Reference Documents

- 3.1 This policy has been developed with in line with prevailing national and EU legislation and policy including but not limited:

- EU Directive 2024/1385 on Combating Violence Against Women and Domestic Violence (2024)
- Central Statistics Office (CSO), *Sexual Violence Survey* (2023)
- Government of Ireland, *Zero Tolerance – Third National Strategy on Domestic, Sexual and Gender-Based Violence* (2022-2026)
- Higher Education Authority (HEA), *Ending Sexual Violence and Harassment in Higher Education Institutions Implementation Plan* (2022-2024)
- Technological Higher Education Association, *Promoting Consent and Preventing Sexual Violence (PROPEL)* (2021)
- Department of Education, *Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions* (2019)
- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011)
- Irish University Association- *Guidance for Universities- How to Respond to Alleged Staff or Student or University Related Sexual Misconduct*
- Irish Human Rights and Equality Commission – *Code of Practice on Sexual Harassment and Harassment at Work and S.I. No. 106/2022*

4. Definitions

The definitions below have been separated into explanations of the types of behaviour captured under this policy which amount to policy breaches and clarification of the terminology used throughout the policy.

4.1 Behaviours subject to this policy

4.1.1 Sexual Violence:

Sexual violence is broadly defined as all forms of sexual acts which are performed by another person without consent, and which are carried out intentionally. Note that it is for the person targeted by unwanted conduct to decide whether this behaviour is

unwelcome, not for the University or any of its officials. Sexual violence includes conduct that constitutes a criminal offence and/or conduct that constitutes a civil wrong. Sexual violence includes, but is not limited to, the following behaviour:

- (a) Engaging, or attempting to engage, in a sexual act with another individual without consent;
- (b) Sexually touching another person without their consent;
- (c) Showing sexual organs to another person without the other person's consent, including by electronic means (for example, cyber-flashing);
- (d) Sharing, or threatening to share, intimate images (including 'deep fake' images) of a person without their consent with or without intent to cause harm;
- (e) Repeatedly following another person without good reason and without their consent, for a sexual purpose;
- (f) Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature, or which violates the dignity of others in purpose or effect;
- (g) Organising, or participating, in group acts of sexual violence against an individual, and/or recording and distributing the resulting intimate images without consent;
- (h) Organising, or participating, in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced gender-based violence, for example, inappropriately themed social events or initiations;
- (i) Misuses of power enacted by staff especially in their relations with students or staff members, e.g., inappropriate or unwanted behaviour such as harassment, grooming, bullying, sexual invitations, comments and non-verbal communication with sexual content or overtones, creation of inappropriate sexual atmosphere, and inducing students to comply with their sexual demands by promising them some advantage in return, for example, a higher grade that would not otherwise be obtained.

4.1.2 **Sexual Harassment:** Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, being conduct which in either case has the purpose

or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

- 4.1.3 **Sexual Misbehaviour:** Sexual misbehaviour is any form of unwelcome behaviour of a sexual nature which is not captured by the definition of sexual violence or harassment.
- 4.1.4 **Domestic violence, intimate partner violence, and coercive or controlling behaviour** is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, physical violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexual orientation. It includes acts of domestic abuse and/controlling behaviour which take place online, such as cyber-surveillance and impersonation of the victim online. It also includes any other act which amounts to stalking or harassing the victim, whether the act takes place online or offline. Domestic violence and coercive or controlling behaviour therefore can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse.
- 4.1.5 **Stalking:** Stalking is described as any conduct that either puts the victim in fear of violence or causes the victim serious alarm and distress that has a substantial adverse impact on their usual day-to-day activities.
- 4.1.6 **Complicity:** Complicity is any act that knowingly helps, aids and abets, promotes, or encourages any of the above. Any person who acts complicitly to any of the above may also be subject to disciplinary action.

4.2 Terminology

- 4.2.1 **Consent (Freedom to):** Means the freely given verbal or non-verbal communication of a feeling of willingness to engage in sexual activity. Failure to resist is not consent, and consent once given may be withdrawn at any time before or during the act. The list of situations in which there is no consent is an open one.

- 4.2.2 **Consent (Capacity to):** Free consent cannot be given if the individual does not have the capacity to give consent. There is no consent if the victim is asleep or unconscious; force or the threat of force is used; s/he cannot consent because of the effect of alcohol/other drug; s/he cannot communicate consent because of a physical disability; s/he is mistaken about the act or about the identity of the other person; the only indication of consent came from a third person, or s/he is being unlawfully detained at the time of the act.
- 4.2.3 **Consent (Legal age of):** The legal age of consent to sexual activity is 17 years. It is a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years of age.
- 4.2.4 **Disclosure:** A disclosure can be informal or formal and occurs when an individual shares informally with another person who is part of the University community that they may have been subjected to gender-based violence. When a person discloses, they should be given information about all options available to them, including how to make a formal complaint. It should be made clear that support services, both internal and external, are available to them whether or not they choose to make a formal complaint.
- 4.2.5 **Formal Complaint:** A formal complaint occurs when a person makes a formal statement about gender-based violence to a designated staff-member in the University (e.g., the Sexual Violence Prevention and Response Manager or the Respect Team). The formal complaint will then be managed in accordance with the University's policy and accompanying procedures.
- 4.2.6 **Complainant(s):** The Complainant (there may be more than one Complainant) is the person who has allegedly been subject to gender-based violence and has made a formal complaint.
- 4.2.7 **Respondent(s):** The Respondent (there may be more than one Respondent) is the person who has allegedly carried out any form of gender-based violence and against

whom a formal complaint of gender-based violence has been made.

4.2.8 Sexual Violence Prevention and Response Manager (SVPRM): The SVPRM has operational responsibility for the implementation of this policy. The SVPRM is the person who has been nominated by the University to hold a key role in overseeing the management of all allegations of gender-based violence. As indicated by the title, this role will entail both prevention and response actions. They will play a central and proactive role in fostering a safe, respectful, inclusive, and supportive culture in the University.

4.2.9 Precautionary Measures: Precautionary measures are actions that may be taken by the University at any time after a formal complaint has been made with the aim of protecting all parties for example measures that ensure that both parties do not come into contact with each other whilst an investigation is underway. Any such measures will be reasonable and proportionate and will have the minimum possible impact on the Respondent(s), while also providing a safe environment for the Complainant(s). These measures are not disciplinary sanctions, and they do not indicate that the University has made conclusions regarding any alleged breach of discipline, failure to meet the required standard of conduct, or criminal offence. Examples of measures which may be taken include:

- **Accommodation:** If the incident(s) occurred in a shared Institution accommodation, or if the parties live in the same accommodation, temporary or permanent changes to the accommodation, where possible, may be offered by the University.
- **Education and Employment:** Changes in class scheduling or assigned lectures or tutorials, or the movement of a party onto online-facilitated learning. These measures must be carefully enacted to ensure no party is unnecessarily removed from their ability to access education or undertake their role as staff.
- **Hours of Access to Specific Facilities:** Parties could agree, through support, on hours of access to facilities such as libraries, sports facilities, or other areas of campus. If multiple facilities are serving the same purpose, parties could be assigned a facility for access.

HR will be consulted before any precautionary measures are implemented where a staff member is involved.

5. Scope

- 5.1 This policy applies to the behaviours set out in Section 3.1 above and to all University staff, students, employees, and those connected to the University in any capacity.

This Policy applies to conduct on campus, at student accommodation connected to the University, and between members of the community where their role or ongoing education would be impacted by the behaviour which is being reported. It is not limited to on-campus incidents but also encompasses allegations relating to conduct that occurs during university or related activities, including field trips, conferences, official social functions, clubs and societies activities, sporting events (both in Ireland or overseas) and other social activities considered to be part of usual university life. It also applies to University-related work placements and academic semesters that take place in other venues or places of learning, including overseas workplaces and universities.

- 5.2 Where the complaint relates to a child and/or vulnerable adult, the complaint will be addressed in line with the University's Child Protection Policy.
- 5.3 The policy relates to all types of gender-based violence allegations: staff-to-staff; student-to-student; staff-to-student; and student-to-staff. Further, the policy applies not only to conduct of staff and students but to conduct of those connected to the University including those who provide or avail of its services including but not limited to third party contractors, international students and those students on placement. Where the Respondent is neither a student nor a staff member, action(s) to be taken will necessarily be determined on a case-by-case basis in accordance with the role/function of the individual in question (for example, the matter may be referred to the relevant third-party employer, precautionary measures may be taken by the University, etc.).

- 5.4 When a formal complaint is made to the University, a case management process will be initiated in order to assess safety and risk with a view to establishing whether any precautionary measures are required.
- 5.5 There is no time limit within which formal complaints may be lodged as it is in the interest of the University to receive such complaints, even if delayed, however any delay in making a report may affect the University's ability to investigate. Formal complaints are limited to incidents that occurred when the Complainant is/was a student/staff/employee of the University and where the Respondent is a current student/staff/employee/or is otherwise currently engaged by, or connected with, the University.
- 5.6 Whilst it would be exceptional for the University to pursue a formal investigation where an individual chooses not to make a formal complaint, such a decision may be taken on a case-by-case basis by the Sexual Violence Prevention and Response Manager (SVPRM) in consultation with a Preliminary Review Panel (PRP) and a member of the Executive Management Team as nominated by the President, and informed by legal advice as appropriate. Examples (non-exhaustive) of such circumstances include where there have been numerous formal disclosures in respect of the same individual from students/staff/others which are similar, in nature and gravity, to the complainant under scrutiny and/or where the incident reported is exceptionally serious in itself and/or there are credible witnesses to it and/or independent supporting evidence (e.g., high quality CCTV footage). The University will also consider how to respond to reports of gender-based violence from third parties such as an alleged witness or bystander and anonymous reports.
- 5.7 Some instances of gender-based violence may also constitute a criminal offence which may need to be reported by the University to the Gardaí. A person who discloses an allegation of this nature will be given clear guidance regarding the options open to them, including internal support and reporting options, attending the nearest HSE

Sexual Assault Treatment Unit (SATU) and/or referral to the Gardaí and/or specialist support services such as a Rape Crisis Centre or Domestic Violence Support Service. Where alleged incidents may also constitute a criminal offence, these may be investigated through criminal proceedings, internal disciplinary proceedings, or both. The University reserves the right to suspend its internal investigation until that of An Garda Síochána has concluded so as not to prejudice or undermine the criminal investigation. The decision regarding whether or not to pause an investigation will be determined by the SVPRM, informed by An Garda Síochána and legal advice. Where it is possible to do so, the investigation will proceed. If the University process is paused, the University will consider any necessary Precautionary Measures to protect all parties in the interim. Only where legally required, and with specific legal advice, will the University report a disclosure to the Gardaí contrary to the wishes of the individual.

- 5.8 The criminal process and investigations conducted in adherence to University policy are fundamentally different. Only a court can find a person guilty of a criminal offence. Different standards apply to each process. The burden of proof in an internal investigation is the balance of probabilities, not beyond reasonable doubt. In addition, the University's investigations are limited to making findings of a breach of this policy. When the criminal process has concluded, the University may refer the matter for consideration under its disciplinary procedures. Where the Respondent is acquitted following a criminal investigation, the University may still take disciplinary action.
- 5.9 Where there are multiple reports concerning gender-based violence within a department, school, faculty or function, the University may conduct a global fact-finding investigation with staff and/or students within that department, school, faculty or function. Such an investigation would aim to understand the behaviours in more detail, so as to identify and implement appropriate support and interventions and may lead to disciplinary or other action. The commencement of a global fact-finding investigation is intended to ensure effective resolution of complaints and prevention of future unacceptable behaviours.

5.10 Members of the University community making a complaint of sexual harassment or harassment are encouraged to utilise this policy and associated procedures before making a complaint to the Workplace Relations Commission (WRC) or the Circuit Court. If it is not possible or reasonable to do so, a Complainant will need to explain this to the WRC or court when they begin their case with them. A complaint of sexual harassment or harassment must be made to the WRC within 6 months of the last date of the unwanted conduct. harassing behaviour (this timeframe can be extended to 12 months for reasonable cause). This timeframe is not impacted by ATU's internal procedures.

6. Roles and Responsibilities

- 6.1 All staff and students, contractors, and visitors have a responsibility to treat all members of the community with equality, dignity, and respect. All employees must respect the dignity of others in the workplace. Both employees and other members of the University community should contribute to a work culture free of gender-based violence by co-operating with the University to eliminate it from the University environment.
- 6.2 Gender-based violence as defined herein constitutes [gross] misconduct and may lead to disciplinary action for employees or other sanctions for non-employees.
- 6.3 The President, Executive Management Team, and all senior managers have a responsibility for promoting a safe, supportive, inclusive and respectful culture in the University.
- 6.4 The President will assign specific responsibility for the overall implementation of the policy to a member of the Executive Management Team.
- 6.5 The SVPRM has operational responsibility for implementing this policy across the University. The SVPRM is supported by the Respect Team.

- 6.6 The University will appoint and train GBV Support Officers, the role of whom is to support students and staff who experience gender-based violence, informing them of the options open to them and the support services that are available internally in the University and externally in the community.
- 6.7 In addition to training the GBV Support Officers, the University is committed to training managers, supervisors and all staff on strategies to prevent gender-based violence, including at induction and through other awareness-raising initiatives. This training will help staff to identify the factors which contribute to a respectful working environment in which everyone is treated with dignity and with due regard for their personal and human rights. It will also familiarise participants with their responsibilities and the problems that they are likely to meet. The training needs of staff primarily responsible for implementing this policy and processing complaints will be prioritised.
- 6.8 The composition of the Preliminary Review Panel (PRP) will differ depending on the parties involved in a complaint.

If the complaint involves two student parties, the PRP will consist of: Head of School (or nominated Head of Department); VP for Students and Teaching and Learning and Registrar (or nominee); and a Student Services Manager.

If the complaint involves both a staff member and a student, the PRP will consist of the VP for Finance and Corporate Services(or nominee); VP for Students and Teaching and Learning and Registrar (or nominee); and a Student Services Manager.

If the complaint involves two members of staff, the PRP will consist of the VP for Finance and Corporate Services (or nominee); the VP for Student and Teaching and Learning and Registrar (or nominee); and HR (Senior Employee Relations Officer).

- 6.9 Heads of Departments/Line Managers, Human Resources, Equality, Diversity and Inclusion (EDI) staff, Trade Union Representatives and the Employee Assistance Programme are available to support staff.
- 6.10 Student Health and Wellbeing service incl. counselling service, nurses, pastoral care, Students' Union officers, Heads of Faculty & Department & EDI staff are available to support students.
- 6.11 The University through the responsible officers will do its best to communicate awareness of this Policy through newsletters, training manuals, welcome packs, induction and training courses, leaflets, websites, emails and notice boards, and also through a staff handbook/other document which covers everything to do with gender-based violence.

7. Policy Statement

- 7.1 The University acknowledges that gender-based violence is prevalent in Irish society. The University encourages all members of the University community to disclose incidents of gender-based violence. The University acknowledges that gender-based violence can be experienced by any individual and is committed to creating, promoting, and maintaining a culture of zero tolerance. No form of gender-based violence will be tolerated by any part of the university community and could lead to disciplinary action, in the case of employees, and other sanctions such as suspension of contracts or services or exclusion from premises for non-employees. The University will respond in a timely and appropriate and sensitive manner to all alleged incidents of gender-based violence that come to its attention in order to ensure the preservation of a safe, supportive, inclusive and respectful work and study environment. Such complaints will be treated fairly and in as confidential a manner as possible. No-one who makes a complaint or who supports someone who does, or who gives evidence in proceedings, will be victimised by the University in any way.

In particular, the University will:

- Provide good example by treating all in the University community with courtesy and respect;
- Promote awareness of the University's policy and complaints procedures;
- Be vigilant for signs of gender-based violence and take action before a problem escalates;
- Respond sensitively to anyone who makes a complaint of gender-based violence;
- Explain the procedures to be followed if a complaint of gender-based violence is made;
- Ensure that any Responding Party is treated fairly;
- Ensure that no employee is victimised for making a complaint; and
- Monitor the situation (if appropriate) after the complaint is made to prevent it recurring.

8. Privacy and Confidentiality

- 8.1 Confidentiality will be maintained, where possible, throughout the disclosure, reporting and investigative processes in recognition of the sensitive nature of gender-based violence. To this end, information will only be shared with relevant individuals/entities, internal and external to the University, with the agreement of the Complainant.
- 8.2 However, the law in Ireland means that there is a duty on people who work with children and/or vulnerable adults to report any knowledge, belief, or reasonable suspicion that a child (or vulnerable person) has been harmed, is being harmed, or is at risk of being harmed. Where mandatory reporting is not required as per legislation, there is no obligation to make a formal report of the disclosure, and this should not be undertaken without the knowledge, consent, and wishes of the reporting party.
- 8.3 Immediately following a disclosure, the member of staff or student who makes a disclosure would be assisted to contact further supports if they wish, such as a counselling service, a rape crisis centre, or a SATU, regardless of whether they wish to make a formal complaint. Information about an informal or formal disclosure should never

be shared without permission from the person disclosing except where there is a legal obligation to do so.

- 8.4 A formal complaint should only be made if the reporting party wishes to. It is important that those who receive disclosures are aware of this, and do not pressure disclosing parties to submit formal complaints, but also that they do not prevent them from doing so.
- 8.5 The University reserves the right, and may be under an obligation, to share information in certain circumstances. An individual's right to confidentiality may be lawfully restricted where the processing of the information is required: for the purpose of detecting or investigating offences or prosecuting offenders; to prevent injury or other damage to the health of a person or serious loss of, or damage to, property; by a court of law; by statute, for example, under the Children First Act 2015.
- 8.6 All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential. Any unauthorised disclosure of confidential information will be considered a policy violation and will be addressed accordingly. Throughout all proceedings, the University will act in compliance with data protection laws and other relevant University policies and procedures.

9. Policy Compliance/ Monitoring and Review

- 9.1 The University is committed to implementing systems to support students and staff to disclose and report incidents of gender-based violence. The University shall collect data on the nature and reported incidence of gender-based violence in order for the university to ensure adequate policies and resources are made available to support all members of its community. The SVPRM has a particular role in overseeing the development of these monitoring processes. The ATU Ending Sexual Violence and Harassment (ESVH) Working Group will receive a report at least annually from the SVPRM on the implementation of this Policy and will report progress, at least annually, to the University Planning Team (UPT). The Policy will be reviewed at least annually to ensure its

effectiveness, identify issues and ensure its compliance with any emerging legislative and policy requirements. In addition to these measures, from time to time the University will carry out anonymised questionnaires, staff surveys, discussions at training sessions and other appropriate activities to monitor effectiveness of this Policy.

- 9.2 Ultimately the development and implementation of this Policy is a role for the University, however the University recognises Trade Unions may play an important role in creating a culture free of gender-based violence by contributing to the development and implementation of policies and procedures, through their own information and training services, and through the collective bargaining process. Trade unions may also play a role in providing information, advice and representation to employees who have been victims of gender-based violence or who have been accused of it, however their participation is not mandatory.