



Employment Equity and Diversity Unit

SEXUAL HARASSMENT PREVENTION POLICY

Date approved:	26 November 2004	Date Policy will take effect:	On approval	Date of Next Review:	2011
Approved by	University Council				
Custodian title & e-mail address	Director, Employment Equity and Diversity Unit lynne_wright@uow.edu.au				
Author	Director, Employment, Equity and Diversity Unit				
Responsible Faculty/ Division & Unit	Employment, Equity and Diversity Unit				
Supporting documents, procedures & forms of this policy	Grievance Investigation Procedures				
References and Legislation	Anti-Bullying Guidelines Conflict of Interest Policy Equal Opportunity and Affirmative Action Policy Student Conduct Rules University Code of Conduct – Staff Anti-Discrimination Act, 1977 (NSW) Sex Discrimination Act, 1984 (Commonwealth) Grievance Policy				
Audience	Internet – public access				
Expiry date of Policy	2011				



Contents

[1 Purpose of Policy.....3](#)

[2 Definitions.....3](#)

[3 Application & Scope - Exclusions or Special Conditions4](#)

[4 Sexual Harassment and the Law.....4](#)

[5 Sexual Harassment in a University Environment.....4](#)

[6 Roles & Responsibilities.....5](#)

[7 Making a Complaint.....5](#)

[8 Seeking Help.....5](#)

[9 Version Control and Change History.....5](#)



1 Purpose of Policy

1. The University of Wollongong supports the rights of all persons on campus to work or study in an environment that is free from personal intimidation and harassment. Sexual harassment is an unacceptable form of behaviour and it will not be tolerated under any circumstances. The University is committed to preventing and eliminating sexual harassment on campus. Disciplinary action will be taken against any employee or student who breaches this policy.

2 Definitions

1. The following definition apply each time the listed word appears in this document:

Word/Term	Definition (with examples if required)
Sexual harassment	<p>Sexual harassment is any unwanted, unwelcome or uninvited conduct of a sexual nature which a person should expect will make the recipient feel offended humiliated or intimidated. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment.</p> <p>In defining or identifying sexual harassment, it is normally the effect of the behaviour that is important rather than the intent. The impact of the behaviour on the recipient may determine whether sexual harassment has occurred.</p> <p>It can range from intimidating sexist comments to criminal sexual assault. Such behaviours have a sexual focus and may include:</p> <ol style="list-style-type: none"> 1. sex-oriented comments on physical appearance; 2. dirty jokes, wolf whistling, leering, obscene gestures; 3. sexual or lewd suggestions; 4. persistent questions or insinuations about a person's private life; 5. deliberate and unwanted physical contact such as kissing, patting, slapping, pinching or brushing against another's body; 6. using a greater physical presence to intimidate or block physical access of others without unwanted physical contact; 7. homophobic harassment; 8. sexually offensive written, telephone or electronic communications; 9. offensive displays of sexually suggestive, erotic or pornographic material. Works of art which may offend will have appropriate signage; 10. requests for sexual activity in exchange for favours in the workplace or good grades, etc; 11. displays of nudity or inappropriate attire; or 12. sexual violence, including sexual assault. <p>Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.</p>
Staff	An employee, honorary or visiting appointee or the holder of a University office or a member of a University committee or a contractor or their sub-contractor.
Student	A person registered for a course.



3 Application & Scope - Exclusions or Special Conditions

1. This policy applies to all staff and students of all campuses of the University of Wollongong located within Australia and to all staff of the University of Wollongong employed within Australia undertaking activities overseas.
2. Many forms of harassment are unlawful; however, this policy is confined to addressing sexual harassment.
3. Where a fulltime student is also an employee, or a fulltime employee is also a student, the alleged perpetrator will be dealt with according to the capacity they hold at the time of the alleged offence.
4. The University would take seriously any form of sexual harassment by a member of the public against staff or students, which occurs on university grounds.

4 Sexual Harassment and the Law

1. Sexual harassment is unlawful in employment and education under the Anti-Discrimination Act, 1977 (NSW) and the Sex Discrimination Act, 1984 (Commonwealth). It is unlawful for:
 - a. staff members to sexually harass other staff members
 - b. staff members to sexually harass students
 - c. students to sexually harass other students
 - d. students to sexually harass staff members
2. Employers may be held responsible for their own behaviour and the behaviour of the people they employ.
3. Supervisors and managers may also be held responsible for sexual harassment in their work area or educational setting, particularly if they fail to take appropriate action to prevent its occurrence or continuation.

5 Sexual Harassment in a University Environment

1. Sexual harassment is the result of unwelcome conduct which includes reluctant consent. Where there is a disparity in relative authority or power, there is a danger that 'consent' is based on fear, intimidation or other circumstances relating to the relative status of those involved. For example, a student may find it difficult to refuse an advance from an academic supervisor out of fear of a potential impact on future results. In these circumstances, a perceived consensual relationship may be found to be sexual harassment.
2. Sexual harassment does not arise in the context of friendships or mutual attraction between people provided these relationships are based on genuine choice and consent.
3. Sexual harassment may occur:
 - a. among peers, co-workers, or fellow students;
 - b. between members of the same or different sexes;
 - c. where a person seeks sexual favour in return for control or attempts to influence or affect the career or other employment opportunity of someone over whom they exert actual or perceived authority;
 - d. where a person uses sexual behaviour to control, influence or affect the grades, course work or educational opportunity of someone over whom they exert actual or perceived authority;
 - e. to a member of the public in the course of study or University business; or
4. For the protection of all parties, this University discourages sexual relationships between parties where:
 - a. one party is in a position to control or affect the career or other employment opportunity of the other; or



- b. one party is in a position to control or affect the grades, course work or educational opportunity of the other.
5. Where such relationships do exist, the senior party is required to notify the appropriate senior manager of the relationship's existence. In these circumstances the relationship is considered a conflict of interest and should be declared following guidelines in the Conflict of Interest Policy.

6 Roles & Responsibilities

1. The Vice-Chancellor and the Deputy Vice-Chancellors (Operations and Academic) are responsible for equal opportunity, discrimination and harassment policies.
2. Development, coordination and implementation of the this and preventative strategies are the responsibility of the Director of Employment Equity & Diversity (EED), in consultation with the EED Committee and the Dean of Students.
3. Accountability for ensuring the elimination of sexual harassment throughout faculties, schools, departments and divisions rests with all Deans, Associate Deans, Directors and unit Heads.
4. All staff and students have a responsibility to:
 - a. comply with this policy;
 - b. offer support to anyone who is being harassed and let them know where they can get help and advice (they should not however, approach the harasser themselves); and
 - c. maintain complete confidentiality if they provide information during the investigation of a complaint.
5. It is compulsory for all staff to complete [EOOnline](#) within six months of their appointment. EOOnline is an online program which educates staff about discrimination and harassment matters.

7 Making a Complaint

1. Staff members who believe that they have been subjected to sexual harassment should discuss the problem with their immediate supervisor in the first instance, provided that person is not the harasser. If that is the case, the matter should be raised with the supervisor at the next level. Advice may also be sought from the [EED Unit](#) or from Human Resource Advisors.
2. Students who believe that they have been subject to sexual harassment should discuss the problem with their Student Support Adviser (SSA), Subject Coordinator, Faculty Sub-Dean or Dean in the first instance provided that person is not the harasser. Advice may also be sought from the [Dean of Students](#) or from the Student Advocacy Officer.
3. Staff of the University who investigate sexual harassment complaints will follow the Grievance Policy and Procedures.
4. Staff and students may lodge complaints with the NSW Anti-Discrimination Board or Federal Human Rights and Equal Opportunity Commission. Normally, once a complaint has been lodged externally, internal processes will not be activated, or if already commenced may be ceased.

8 Seeking Help

1. In cases where the form of sexual harassment is sexual assault, the [Sexual Assault Protocol](#) should be followed.
2. The University provides a [Counselling Service](#) to both students and staff.

9 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	26 November 2004	University Council	New Policy



2	28 October 2008	Administrative Committee	Revised and updated with links to new policies and documents. Some material has been extracted which is now better represented in other policies and documents.
3	6 May 2009	Vice Principal (Administration)	Migrated to UOW Policy Template as per Policy Directory Refresh
4	13 August 2009	Deputy Vice Chancellor (Academic)	Minor amendment to update references to SEDLOs to refer to Student Support Advisers.