# SEXUAL HARASSMENT PREVENTION POLICY

<table>
<thead>
<tr>
<th>Date first approved:</th>
<th>Date of effect:</th>
<th>Date last amended:</th>
<th>Date of Next Review:</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 November 2004</td>
<td>26 November 2004</td>
<td>(refer to Version Control Table)</td>
<td>25 July 2017</td>
</tr>
</tbody>
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First Approved by: University Council

Custodian title & e-mail address: Director, Human Resources Division

Author: Human Resources Division

Responsible Division & Unit: Human Resources Division

Supporting documents, procedures & forms:
- Bullying Prevention Policy
- Appointment of Visiting and Honorary Academics Policy
- Child Protection Policy
- Conflict of Interest Policy
- Conflict of Interest Declaration Form
- Close Personal Relationship Guidelines
- Employment Equity and Workforce Diversity Policy
- Grievance Policy
- Procedures for Investigating Grievances
- Professional Staff Misconduct Guidelines
- Social Media Guidelines
- Social Media Policy
- Student Conduct Rules
- Student Conduct in Residences Policy
- Procedure for Managing Alleged General Misconduct by a Student
- University Code of Conduct
- Workplace Health and Safety Policy

Relevant Legislation & External Documents:
- Anti-Discrimination Act, 1977 (NSW)
- Crimes Act, 1900 (NSW)
- Crimes (Domestic and Personal Violence) Act 2007 (NSW)
- Fair Work Act 2009 (Commonwealth)
- Sex Discrimination Act, 1984 (Commonwealth)
- Summary Offences Act 1988 (NSW)

Audience: Public

Submit your feedback on this policy document using the Policy Feedback Facility.
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1 Purpose of Policy

1. The University of Wollongong is committed to ensuring all members of the University community work and study in an environment that is free from intimidation and harassment.

2. The University does not tolerate sexual harassment under any circumstances, and expects its staff, students, affiliates and visitors to treat each other respectfully.

3. Disciplinary action may be taken against any employee, affiliate or student who breaches this policy.

4. The University aims to:
   a. create a work and study environment free from sexual harassment where staff, students and affiliates are treated with dignity, courtesy and respect;
   b. take a “support first” approach to allegations of sexual harassment so that staff, students and affiliates can access the advice and support services they need;
   c. provide an effective procedure for managing allegations of sexual harassment in a timely, sensitive and confidential manner and in accordance with the principles of procedural fairness;
   d. implement education and training strategies to ensure that staff, students and affiliates are aware of appropriate standards of conduct and know their rights and responsibilities; and,
   e. encourage the reporting of behaviour which breaches this policy.

2 Definitions

<table>
<thead>
<tr>
<th>Word/Term</th>
<th>Definition (with examples if required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affiliate</td>
<td>Includes people holding University of Wollongong Honorary Awards as conferred by the University Council, including the awards of Emeritus Professor, Honorary Doctor and University Fellow; people appointed in accordance with the University’s Appointment of Visiting and Honorary Academics Policy; and people engaged by the University as agency staff, contractors, volunteers and work experience students.</td>
</tr>
<tr>
<td>EO Online</td>
<td>A self-paced online equal opportunity training program for employees. It covers all aspects of harassment and bullying and provides case studies and real life examples.</td>
</tr>
<tr>
<td>RRR Online</td>
<td>An interactive online program for students which covers aspects of harassment and bullying and provides strategies for addressing situations described.</td>
</tr>
<tr>
<td>Sexual assault</td>
<td>Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, or if a child or young person under 18 years of age is exposed to sexual activities.</td>
</tr>
<tr>
<td><strong>Sexual harassment</strong></td>
<td>Any unwanted, unwelcome or uninvited behaviour of a sexual nature which a person should expect will make the recipient feel humiliated, intimidated or offended. 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 or study environment. For examples of sexual harassment, refer Section 4 of this Policy.</td>
</tr>
<tr>
<td><strong>Staff</strong></td>
<td>All people employed by the University including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis.</td>
</tr>
<tr>
<td><strong>Student</strong></td>
<td>A person registered for a course at the University of Wollongong</td>
</tr>
</tbody>
</table>

3 **Application and Scope**

1. This policy applies to all staff, students and affiliates of the University of Wollongong located within Australia and to all staff, students and affiliates of the University of Wollongong undertaking University activities overseas.

2. This policy applies to staff, students and affiliates:
   a. in attendance at a University campus, residence or facility;
   b. using University equipment (eg communication technologies, vehicles, facilities);
   c. in attendance at a University event, function or activity;
   d. participating in any activity as a representative or student of the University (eg field trips, practicums, conferences, clubs and sporting activities etc);
   e. carrying out functions in connection with the University, including at places external to University premises.

3. This policy applies to any form of contact or communication that is relevant to University activities whether initiated in person, by email, phone, fax or through online social media and other applications or any other means.

4 **Examples of Sexual Harassment**

1. Sexual harassment may include but is not limited to:
   a. uninvited touching
   b. uninvited kisses or embraces
   c. sexually suggestive comments or jokes
   d. making promises or threats in return for sexual favours
   e. displays of sexually graphic material including posters, pin-ups, cartoons, graffiti, computer screen savers or messages left on notice boards, desks or common areas
   f. repeated invitations to go out after prior refusal
   g. exposing genitals or making sexual gestures
h. insults, taunts, teasing or name-calling of a sexual nature
i. staring or leering at a person or parts of their body
j. unwelcome physical contact such as massaging a person without invitation, deliberately brushing up against them or forcing a person to perform sexual acts
k. touching or fiddling with a person’s clothing including lifting up skirts or shirts, flicking bra straps, or putting hands in another person’s pocket
l. requests for sex
m. sexually explicit conversations
n. persistent questions or insinuations about a person’s private life
o. offensive phone calls, letters or sending sexually explicit information or images in electronic form
p. inappropriate advances on social networking sites
q. accessing sexually explicit internet sites
r. behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent assault, sexual assault, stalking, or obscene communications.

2. Sexual harassment can be obvious or indirect, repeated or one off.

3. Sexual harassment can occur between people regardless of their age, sex or gender identification.

4. Sexual harassment may also include:
   a. reluctant consent, where there is a disparity in relative authority or power or where a person is in a position to make a decision more or less favourable;
   b. ‘consent’ that is based on fear; or
   c. 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;

5 What Sexual Harassment is Not

1. 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.

2. The University discourages sexual relationships between staff, students and affiliates 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.

3. Where such relationships exist staff members, students and affiliates should review the Conflict of Interest Policy and the Close Personal Relationship Guidelines. Staff members must and students and affiliates are strongly encouraged to disclose the relationship in
accordance with the Conflict of Interest Policy and the Close Personal Relationship Guidelines so that the professional and study related aspects of the relationship can be appropriately managed.

6 Unlawful Sexual Harassment

1. Some forms of sexual harassment constitute criminal offences. These include:
   a. Sexual assault
   b. Indecent assault
   c. Indecent exposure
   d. Stalking
   e. Obscene Communications

2. Sexual harassment is unlawful in employment, within the workplace and in educational institutions under the *Anti-Discrimination Act, 1977* (NSW) and the *Sex Discrimination Act, 1984* (Cth).

3. It is unlawful for staff, students or affiliates to sexually harass other staff, students or affiliates or people seeking to become a staff member, student or affiliate and they may be held liable under the *Anti-Discrimination Act, 1977* (NSW) and the *Sex Discrimination Act, 1984* (Cth.).

4. Employers may be held liable for their own behaviour and the behaviour of the people they employ.

5. Supervisors and managers may be held liable for sexual harassment in their work area or educational setting, particularly if they fail to take appropriate action to prevent its occurrence or continuation.

7 Seeking Help

Support

1. Staff, students or affiliates who have been, or are being, sexually harassed can access support from the UOW Security (02 4221 4900) if they require immediate assistance.

2. Students who have been sexually harassed are encouraged to contact the University's Sexual Assault and Sexual Harassment Support Service on 1300 303 455.

3. Staff and affiliates of the University who have been sexually harassed are encouraged to contact the Employee Assistance Program for support.

4. Where an allegation of sexual harassment has been made that includes behaviour that may also be considered to be sexual assault victims are encouraged to contact the Violence, Abuse and Neglect Service (VAN) for crisis, medical and counselling support (1300 792 755), or the NSW Rape Crisis Centre (1800 424 017 / http://www.nswrapecrisis.com.au/) for online and telephone counselling.

5. Where an allegation of sexual harassment has been made that includes behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent assault, sexual assault, stalking or obscene communications, victims are encouraged to report the incident behaviour directly to NSW Police.
6. Further information about internal and external avenues for support and advice for students are available on the University’s counselling website: https://www.uow.edu.au/student/counselling/index.html and for staff and affiliates from the Human Resources Division or the Complaints Management Centre.

Making a Complaint

7. Staff, students or affiliates who have been, or are being, sexually harassed, are encouraged to promptly tell the offender directly or in writing that their behaviour is offensive and request that it stops immediately, if they feel comfortable to do so.

8. If staff, students or affiliates are not comfortable in speaking or writing to the offender themselves, they can seek advice from a counsellor, their supervisor, the Complaints Management Centre or the Human Resources Division to discuss strategies to resolve the issue.

9. Staff, students or affiliates may wish to lodge a formal complaint. Staff, students or affiliates who make a complaint about sexual harassment will be treated seriously, impartially and complaints will be investigated promptly.

10. Staff or affiliates who have been, or are being, sexually harassed can report the matter to their immediate supervisor or manager in the first instance if they feel comfortable to do so and provided that person is not the harasser.

11. Staff or affiliates who do not wish to report the matter to their immediate supervisor can report the matter to a supervisor or manager at the next level of seniority, to the Complaints Management Centre or to the Human Resources Division.

12. Students who have been or are being sexually harassed can report the matter through the following University officers:
   a. Subject Coordinator;
   b. Head of Students / Head of Postgraduate Studies;
   c. Executive Dean;
   d. Student Support Adviser (SSA);
   e. Student Residence Manager;
   f. Complaints Management Centre;
   g. UOW Security;
   h. Student Advocacy Officer.

13. Staff, students and affiliates may wish to lodge a complaint externally with the NSW Anti-Discrimination Board or the Australian Human Rights Commission.

8 Responding to Complaints of Sexual Harassment

1. Complaints about sexual harassment will be managed in accordance with the University’s Grievance Policy and related Procedures for Investigating Grievances.

2. Staff responsible for investigating allegations of sexual harassment will follow the Procedures for Investigating Grievances.
3. The University will not tolerate victimisation or reprisal in relation to investigations of sexual harassment.

4. Where sexual harassment constitutes misconduct, the matter may be referred for investigation under the relevant student conduct policy framework (for students) or the relevant policy, industrial instrument or agreement (for staff and affiliates).

5. Penalties for staff, students and affiliates found to have engaged in sexual harassment will vary depending on the nature of the harassment but may include:
   a. for staff - a directed apology, formal reprimand, counselling, demotion or dismissal;
   b. for students - a formal reprimand, suspension or exclusion
   c. for affiliates – a formal reprimand, or termination of engagement.

9 Roles & Responsibilities

1. The Vice-Chancellor, Deputy Vice-Chancellor (Academic) and Chief Administrative Officer are responsible for setting and managing equal opportunity, discrimination and harassment policies for staff, students and affiliates.

2. Development, coordination and implementation of this Policy and preventative strategies are the responsibility of the Director Human Resources Division (staff), and the Director of Student Services Division (students).

3. Accountability for ensuring the elimination of sexual harassment throughout university accommodation, faculties, schools, departments and divisions rests with all Senior Executives, Executive Deans, Associate Deans, Directors, unit Heads, Managers and Supervisors.

4. All staff, students and affiliates 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; and,
   c. maintain confidentiality if they provide information during the management of a complaint.

5. Staff, students and affiliates are encouraged to report early concerns in relation to unwelcome behaviour before it becomes a serious sexual harassment complaint.

6. All staff are required to complete EO Online Module One within six months of their appointment and every two years from then on.

7. Completion of EO Online Module One is a condition of probation for all staff.

8. All supervisors and managers are required to complete EO Online Module Two.

9. All incoming students are strongly encouraged to complete Responsibilities Rights and Respect Online (RRR Online).
## 10 Version Control and Change History

<table>
<thead>
<tr>
<th>Version Control</th>
<th>Date Effective</th>
<th>Approved By</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>26 Nov 2004</td>
<td>University Council</td>
<td>New Policy</td>
</tr>
<tr>
<td>2</td>
<td>28 Oct 2008</td>
<td>Administrative Committee</td>
<td>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.</td>
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<tr>
<td>3</td>
<td>6 May 2009</td>
<td>Vice Principal (Administration)</td>
<td>Migrated to UOW Policy Template as per Policy Directory Refresh</td>
</tr>
<tr>
<td>4</td>
<td>13 Aug 2009</td>
<td>Deputy Vice Chancellor (Academic)</td>
<td>Minor amendment to update references to SEDLOs to refer to Student Support Advisers.</td>
</tr>
<tr>
<td>5</td>
<td>17 May 2011</td>
<td>Director, Employment Equity and Diversity Unit</td>
<td>References to Anti-Bullying Policy amended to Bullying Prevention Policy</td>
</tr>
<tr>
<td>6</td>
<td>2 Dec 2011</td>
<td>University Council</td>
<td>Amendments to include provision on completion of RRR Online by new students.</td>
</tr>
<tr>
<td>7</td>
<td>16 Jan 2013</td>
<td>Vice-Principal (Administration)</td>
<td>Updated to reflect title change from DVC(A) to DVC(E).</td>
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<tr>
<td>8</td>
<td>13 Feb 2014</td>
<td>Deputy Vice-Chancellor (Education)</td>
<td>Updated to reflect change from Dean of Students to Student Ombudsman.</td>
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<tr>
<td>9</td>
<td>15 Jul 2015</td>
<td>Vice-Chancellor</td>
<td>Minor amendments. Removal of reference to Senior Deputy Vice-Chancellor and Deputy Vice-Chancellor (Education) renamed Deputy Vice-Chancellor (Academic).</td>
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<tr>
<td>10</td>
<td>5 Jul 2016</td>
<td>Vice-Chancellor</td>
<td>Consequential amendment following minor amendment to Coursework Student Academic Complaints Policy – removal of reference to Student Ombudsman at clause 6.2 and 8.2. Transfer to rebranded template.</td>
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<tr>
<td>11</td>
<td>25 Jul 2017</td>
<td>Vice-Chancellor</td>
<td>Amendments to policy to reflect recommendations from the Australian Human Rights Commission and sector best practice.</td>
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