



## SEXUAL HARASSMENT PREVENTION POLICY

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<b>Supporting documents, procedures &amp; forms:</b>	<a href="#">Appointment of Visiting and Honorary Academics Policy</a> <a href="#">Bullying Prevention Policy</a> <a href="#">Child Protection Policy</a> <a href="#">Conflict of Interest Policy</a> <a href="#">Conflict of Interest Declaration Form</a> <a href="#">Close Personal Relationship Guidelines</a> <a href="#">Critical Incident Guidelines</a> <a href="#">Equity, Diversity and Inclusion Policy</a> <a href="#">Gender Identity and Affirmation Guidelines</a> <a href="#">Grievance Policy</a> <a href="#">Higher Degree Research (HDR) Supervision and Resources Policy</a> <a href="#">Sexual Harm Response Policy</a> <a href="#">Inclusive Language Guidelines</a> <a href="#">IT Acceptable Use Policy</a> <a href="#">Outbound Student Mobility Critical Incident Procedure</a> <a href="#">Privacy Policy</a> <a href="#">Procedures for Investigating Grievances</a> <a href="#">Procedure for Managing Alleged General Misconduct by a Student</a> <a href="#">Professional Staff Misconduct Guidelines</a> <a href="#">Respect for Diversity Policy</a> <a href="#">Social Media Guidelines</a> <a href="#">Social Media Policy</a> <a href="#">Student Charter</a> <a href="#">Student Conduct Rules</a> <a href="#">Student Conduct in Residences Policy</a> <a href="#">University Code of Conduct</a>		



	<a href="#">Work Health and Safety Policy</a>
<b>Relevant Legislation &amp; External Documents:</b>	<a href="#">Anti-Discrimination Act, 1977 (NSW)</a> <a href="#">Crimes Act, 1900 (NSW)</a> <a href="#">Crimes (Domestic and Personal Violence) Act 2007 (NSW)</a> <a href="#">Department of Foreign Affairs and Trade Preventing Sexual Exploitation, Abuse and Harassment Policy</a> <a href="#">Fair Work Act 2009 (Commonwealth)</a> <a href="#">Sex Discrimination Act, 1984 (Commonwealth)</a> <a href="#">Summary Offences Act 1988 (NSW)</a>
<b>Audience:</b>	Public

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## 1 Purpose of Policy

1. The purpose of this policy is to:
  - a. promote a safe and respectful university community that is free from all forms of harassment, including Sexual Harassment;
  - b. identify and describe the behaviours that do and do not constitute Sexual Harassment;
  - c. describe the strategies that the University of Wollongong (UOW) has in place to prevent Sexual Harassment;
  - d. outline the roles and responsibilities of Staff, Students and Affiliates relating to the prevention of Sexual Harassment.
2. This policy is to be read in conjunction with UOW's [Sexual Harm Response Policy](#). The Sexual Harm Response Policy provides details of the support and guidance available to individuals involved in unwanted sexual behaviours (which includes Sexual Harassment), outlines reporting options and UOW's response to allegations of unwanted sexual behaviours by current Staff, Students or Affiliates
3. This Policy sets out further obligations and requirements specific to DFAT-funded activities.

## 2 Definitions

Where available, definitions and terms have been sourced from NSW legislation including Crimes Act 1900 (NSW) and Anti-Discrimination Act 1977 (NSW).

Word/Term	Definition (with examples if required)
Affiliate	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.
Consent	<p>A person freely and voluntarily agrees to a sexual activity (a sexual act, sexual intercourse or sexual touching).</p> <p>Examples of the circumstances where a person is not able to freely and voluntarily provide Consent includes if that person:</p> <ul style="list-style-type: none"><li>• is substantially intoxicated by alcohol or any drug,</li><li>• is unconscious or asleep,</li><li>• is intimidated, coerced or threatened,</li><li>• is detained or held against their will,</li><li>• is placed in a position where there may be abuse of a position of authority or trust</li><li>• does not have the capacity to provide consent (such as due to age or cognitive impairment).</li></ul> <p>(The meaning of Consent in relation to sexual offences is further described in</p>



	Section 61HE of the Crimes Act 1900 (NSW))
EO Online	EO Online is a mandatory self-paced online equal opportunity training program for employees upon commencement of employment and every two years thereafter. It covers all aspects of harassment and bullying and provides case studies and real life examples.
Consent Matters	An interactive online program for Students which covers aspects of harassment and bullying and provides strategies for addressing situations described.
Sexual Harassment	<p>A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.</p> <p>Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.</p> <p>Further examples of sexual harassment are listed in Section 5 of this Policy.</p>
Staff	All people employed by the University including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis.
Student	A person registered for a course at the University of Wollongong.
Vexatious Action	An action of a person in making a report that is without sufficient grounds or unjustified to prejudice, annoy or harm UOW or another person's reputation or standing.
Victimisation	Subjecting or threatening to subject an individual to some form of detriment

<b>Definitions specific to DFAT-funded activities</b>	
Contractor(s)	<p>A person or entity engaged pursuant to a contract for services. Includes: specified personnel nominated in a head agreement with an intermediary company (the contractor) to which a payment is made (although the specified personnel may themselves be employees and not independent contractors): or</p> <p>If the person performing the service is the service provider; he/she is an independent contractor.</p>
DFAT	Department of Foreign Affairs and Trade (Commonwealth).
DFAT Partner	Includes all suppliers, individuals and organisations with whom DFAT directly enters into an Agreement to deliver its objectives, including but not limited to:



	<ul style="list-style-type: none"><li>• suppliers of goods and services</li><li>• contractors and service providers including consultants, advisers and other directly contracted individuals</li><li>• non-Government Organisations (NGO), Civil Society Organisations (CSO)</li><li>• grant recipients</li><li>• multilateral organisations</li><li>• partner governments and bilateral donor partners</li><li>• other Australian Government entities.</li></ul>
DFAT Staff	A person engaged as an employee under section 22 of the Public Service Act 1999 as either an ongoing or non-ongoing employee, or a person engaged under a contract of employment by the Commonwealth outside of Australia. For the purposes of this Policy, Contractors are included in the definition of DFAT Staff.
Downstream Partner	Suppliers, individuals and organisations who are engaged by a DFAT Partner to perform DFAT business.
PSEAH	Preventing Sexual Exploitation, Abuse and Harassment
SEAH	Sexual Exploitation, Abuse and Harassment
Sexual Abuse	<p>The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.</p> <p>It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching).</p> <p>All sexual activity with someone under the age of consent (Refers to age of consent requirements specified for sexual activity in the law of the host country or the age of consent under the law of the Australian Capital Territory (16 years), whichever sets the greatest age) is considered to be sexual abuse.</p>
Sexual Exploitation	Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.
Third parties	For the purpose of DFAT-funded activities, partners, consultants, NGOs or members of the University Council and University Committees involved in DFAT-funded activities who are not staff, student or affiliates are third parties bound by the relevant sections of the Policy
Transactional Sex	The exchange of money, employment, goods or services for sex, including sexual favours.
Victim/Survivor	A person who is, or has been, sexually exploited, harassed or abused.



### 3 Application and Scope

1. This policy applies to Staff, Students and Affiliates in any of the following circumstances:
  - a. in attendance on any UOW owned or occupied property or facility;
  - b. using UOW equipment or resources (eg communication technologies, vehicles, facilities);
  - c. in attendance at a UOW event, function or activity;
  - d. participating in any activity as a representative or Student of UOW (eg field trips, practicums, conferences, overseas student mobility programs, sporting trips, participation in UOW affiliated clubs community meetings etc);
  - e. carrying out functions in connection with a UOW-endorsed activity, including at places external to UOW premises (eg at a licensed premises, private residence, in the street);
  - f. outside of UOW where there is a significant or substantial connection to the employment at UOW;
  - g. other special circumstances relating to educational institutions, including participating in any activity or carrying out functions in connection with their position at UOW where they come into contact with staff, students or affiliates of a separate educational institution.
2. This policy applies to any form of contact or communication which may include in person, online or via digital technologies.
3. For activities funded by the Commonwealth Department of Foreign Affairs and Trade (DFAT), the University is also required to comply with DFAT's Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) policy. See Section 11 of this Policy.
4. For DFAT-funded activities, this policy also applies to University staff, students, volunteers, affiliates and downstream partners engaged in DFAT-funded activities.

### 4 Policy Statement

1. UOW is committed to promoting appropriate standards of conduct in order to provide a safe and respectful community free from all forms of harassment, including Sexual Harassment.
2. UOW does not accept and will not tolerate the following behaviour:
  - a. Sexual Harassment or Vexatious Action, as described in this policy;
  - b. behaviour which induces another person to carry out Sexual Harassment or Vexatious Action;
  - c. Victimisation in relation to an individual's involvement in incidents of Sexual Harassment.
3. All applicable persons must not engage in behaviour as described at 4.2.
4. A breach of 4.3 may constitute misconduct pursuant to UOW codes, policies and procedures and be subject to disciplinary action.

### 5 Sexual Harassment

1. Sexual Harassment is as defined in section 2 of this policy.



2. Examples of unwelcome behaviours that may constitute Sexual Harassment include (but are not limited to):
  - a. unwelcome touching, hugging, cornering or kissing
  - b. inappropriate physical contact
  - c. inappropriate staring or leering that makes a person feel intimidated
  - d. sexual gestures, indecent exposure or inappropriate display of the body
  - e. displaying, sending, requesting or threatening to share sexually explicit pictures, posters or gifts that make a person feel offended
  - f. repeated or inappropriate invitations to go out on dates
  - g. intrusive questions about a person's private life or physical appearance that make a person feel offended
  - h. sexually explicit comments made in person, via emails, SMS messages, social media or other electronic platforms or systems
  - i. repeated or inappropriate advances on email, social networking websites or internet chat rooms
  - j. comments or jokes of a sexual nature that make a person feel offended
  - k. indecent phone calls, including someone leaving a sexually explicit message on voicemail or an answering machine
  - l. requests or pressure for sex or other sexual acts
  - m. any other unwelcome conduct of a sexual nature
  - n. sexual humiliation, including acts of hazing
  - o. stalking behaviours which include being followed, watched or someone loitering nearby
  - p. insults or taunts of a sexual nature
  - q. sharing/exposing persons to sexually explicit internet sites
3. Sexual Harassment can be obvious or indirect, repeated or one off.
4. Sexual Harassment can be experienced by any individual or group regardless of their characteristics, including age, race, sexual orientation, gender identity, gender expression, intersex status, marital or relationship status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, disability or physical or mental disability.
5. Sexual Harassment may occur in instances where a person is not able to provide Consent. 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.
6. Some forms of Sexual Harassment may also constitute a criminal offence. Refer to the [Sexual Harm Response Policy](#) for further information.
7. 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).
8. Special circumstances relating to educational institutions include:





- a. It is unlawful for Staff, Students or Affiliates to sexually harass other Staff, Students or Affiliates or people seeking to become Staff, or Student or Affiliate and they may be held liable under the Anti-Discrimination Act, 1977 (NSW) and the Sex Discrimination Act, 1984 (Cth.).
- b. Supervisors and managers may be held liable for Sexual Harassment particularly if they fail to take appropriate action to prevent its occurrence or continuation in the circumstances as outlined in the Application and Scope section of this policy.

## 6 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 existence of close personal relationships between Staff, Students and Affiliates may give rise to actual, potential or perceived conflicts of interest. Examples of circumstances that may indicate an actual, perceived or potential conflict of interest may include where:
  - a. one person is in a position to control or affect the career or other employment opportunity of the other; or
  - b. one person is in a position to control or affect the grades, course work or educational opportunity of the other.
3. Where close personal relationships arise or exist, Staff and Affiliates are required to comply with the Conflict of Interest Policy and the Close Personal Relationship Guidelines. These relationships must be disclosed to UOW, so that any professional and study related aspects of the relationship are appropriately managed.
4. Students are strongly encouraged to disclose close personal relationships to a senior staff member of a relevant faculty or division.

## 7 Sexual Harassment Prevention Strategies

1. UOW is committed to education and awareness strategies to prevent Sexual Harassment from occurring. Examples of preventative strategies include:
  - a. providing training and awareness sessions via Staff induction programs and initiatives;
  - b. all Staff are required to complete [EO Online](#) Module One within six months of their appointment and every two years from then on. Completion of EO Online Module One is a condition of probation;
  - c. supervisors and managers are also required to complete EO Online Module Two;
  - d. all incoming Students are strongly encouraged to complete [Consent Matters](#) Module;
  - e. communication of this policy via relevant UOW communication channels (such as Universe or email).

## 8 Reporting

1. UOW strongly encourages the reporting of behaviour as described at 4.2 of this policy.
2. Staff and Affiliates have a responsibility to report to their manager, supervisor or appropriate specialist area, any behaviour as described at 4.2 of this policy. The specialist area for staff-related



matters is the Employment Relations Unit or a relevant Staff member in the Human Resources Division and can be contacted via [employment-relations@uow.edu.au](mailto:employment-relations@uow.edu.au) or on +61 2 4221 5902.

3. Students are strongly encouraged to report early concerns in relation to unwelcome sexual behaviour before it becomes a serious Sexual Harassment complaint. Concerns may be reported via:
  - a. UOW's Safe and Respectful Communities team via [uow-sarc@uow.edu.au](mailto:uow-sarc@uow.edu.au) or on +61 2 4221 3344.
  - b. [UOW's online portal](https://www.uow.edu.au/about/governance/complaints-management/) at <https://www.uow.edu.au/about/governance/complaints-management/> for electronic lodgement.
  - c. UOW's Complaints Management Centre via email at [uow-complaints@uow.edu.au](mailto:uow-complaints@uow.edu.au) or on +61 2 4221 5170.

## 9 Responding to incidents of Sexual Harassment

1. Incidents of sexual harassment will be responded to in accordance UOW's [Sexual Harm Response Policy](#).
2. Supervisors and managers have an obligation to take appropriate action to prevent the occurrence or continuation of any behaviour as described at 4.2. Refer to the Roles and Responsibilities section for further information.

## 10 Roles & Responsibilities

1. UOW has a legal responsibility to prevent Sexual Harassment and can be held liable for the behaviour of its employees.
2. All Staff and Affiliates are responsible for:
  - a. complying with this policy and other associated policies and legislation, where relevant;
  - b. reporting any behaviour described at 4.2 to their manager, supervisor or specialist area.
3. Senior Executives, Executive Deans, Associate Deans, Directors, unit Heads, Managers and Supervisors are responsible for:
  - a. taking all reasonable steps to promote this policy and the elimination of behaviour described at 4.2 of this policy in the workplace;
  - b. modelling acceptable standards of conduct;
  - c. taking appropriate action to prevent the occurrence or continuation of behaviour described at 4.2, as outlined in the Application and Scope section of this policy;
  - d. treating all Sexual Harassment matters seriously and taking immediate action to resolve the matter in accordance with UOW's codes, policies and procedures;
  - e. engaging with the appropriate specialist area to obtain information and guidance. Where the matter may be particularly complex or serious, it is to be referred to the specialist area. Refer to 9.2.b for details of specialist areas.
4. Employment Relations is responsible for investigating and responding to reports of Sexual Harassment that relate to Staff, in accordance with the [Sexual Harm Response Policy](#).
5. Safe and Respectful Communities is responsible for investigating and responding to reports of Sexual Harassment that relate to Students in accordance with the [Sexual Harm Response Policy](#).



6. Students are responsible for complying with this policy and other associated policies and legislation, where relevant.
7. DFAT funded affiliates are responsible for complying with this policy and the additional requirements as outlined in Section 11 of this policy.

## 11 Specific Requirements for DFAT Funded Activities

### General Measures

1. All staff, students, affiliates and third parties engaged by a contractor or civil society organisation to perform any part of an activity funded by DFAT are responsible for complying with this policy and the DFAT PSEAH Policy, including undertaking PSEAH training.
2. All University staff, students, affiliates, third parties partners and subcontractors who are engaged by a contractor and or civil society organisation to perform any part of an activity funded by DFAT must sign up to and abide by the University's Preventing Sexual Exploitation, Abuse and Harassment Code of Conduct set out at Appendix A of this policy.

### Background Checks

3. For activities that are assessed as high risk, all staff, students, affiliates and third parties engaged by a contractor or civil society organisation to perform any part of an activity funded by DFAT (where the appropriate PSEAH minimum standards are applicable) are required to have the following recruitment and screening checks undertaken in accordance with DFAT's PSEAH Policy:
  - a. Recent Criminal Record Check where possible;
  - b. Verbal Referee Check;
  - c. Documented request for an applicant to disclose whether they have been charged with SEAH related offences and their response.
4. The Faculty, Division or Research Institute coordinating the DFAT-funded activity will ensure that the above checks are undertaken (in consultation with the Research and Innovation Division or relevant Division) before the individual is permitted to commence their tasks.
5. In the event that work is being undertaken in a jurisdiction where Criminal Records Checks are not available, a statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to SEAH, may be accepted in lieu. For assistance with appropriate documentation, please contact the Office of General Counsel.
6. Records of the requisite Criminal Records Checks and Verbal Referee Checks shall be retained by the Faculty or Research Institute coordinating the DFAT-funded activity and by the Research and Innovation Division and recorded by Human Resources Division.
7. No disqualified person or person with a criminal record will be retained in or allowed to commence DFAT-funded activity.

### Risk Assessments

8. A SEAH specific risk assessment covering all activities funded by DFAT will be carried out that identifies the level of risk of SEAH occurring, and applies the PSEAH Minimum Standards commensurate with the level of risk identified. [Refer to the [DFAT PSEAH policy for details of the PSEAH Minimum Standards and Guidance on assessing the risk](#)]



9. Prior to any overseas mobility program occurring, the Office of Global Student Mobility will coordinate with the relevant UOW Department or Faculty to undertake a risk assessment which includes evaluating the risk of SEAH occurring for the student mobility program. All risk assessments will be submitted through SafetyNET and approved by the appropriate WHS delegate.

## Reporting

10. All staff, students, affiliates and third parties engaged by a contractor or civil society organisation to perform any part of an activity funded by DFAT are responsible for reporting any suspected or alleged cases of SEAH or PSEAH Policy noncompliance.
11. Reports are to be submitted to UOW:
  - a. As per the UOW Sexual Response Policy requirements
  - b. The Office of Global Student Mobility if a SEAH incident occur involving an outbound student mobility program or student.
12. Reports are to be submitted to to DFAT:
  - a. In accordance with [DFAT requirements](#)



## 12 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	26 Nov 2004	University Council	New Policy
2	28 Oct 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 Aug 2009	Deputy Vice Chancellor (Academic)	Minor amendment to update references to SEDLOs to refer to Student Support Advisers.
5	17 May 2011	Director, Employment Equity and Diversity Unit	References to Anti-Bullying Policy amended to Bullying Prevention Policy
6	2 Dec 2011	University Council	Amendments to include provision on completion of RRR Online by new students.
7	16 Jan 2013	Vice-Principal (Administration)	Updated to reflect title change from DVC(A) to DVC(E).
8	13 Feb 2014	Deputy Vice-Chancellor (Education)	Updated to reflect change from Dean of Students to Student Ombudsman.
9	15 Jul 2015	Vice-Chancellor	Minor amendments. Removal of reference to Senior Deputy Vice-Chancellor and Deputy Vice-Chancellor (Education) renamed Deputy Vice-Chancellor (Academic).
10	5 Jul 2016	Vice-Chancellor	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.
11	25 Jul 2017	Vice-Chancellor	Amendments to policy to reflect recommendations from the Australian Human Rights Commission and sector best practice.
12	3 April 2020	University Council	Amendments to policy to complement new Improper Sexual Conduct Response Policy.



13	18 December 2020	Chief Operating Officer	Administrative amendments to reflect divisional and faculty realignments.
14	1 June 2023	Vice-Chancellor	Amendments to incorporate DFAT requirements and updates to role and position names.



## APPENDIX A: Preventing Sexual Exploitation, Abuse and Harassment Code of Conduct (for DFAT Funded Activities)

To be signed and complied with by University staff, students, affiliates, third parties partners and subcontractors who are engaged by a contractor and or civil society organisation to perform any part of an activity funded by the Department of Foreign Affairs and Trade.

### Preventing Sexual Exploitation, Abuse and Harassment Policy Code of Conduct

I, [insert name] \_\_\_\_\_, acknowledge that I have read and understand the University of Wollongong’s [Sexual Harassment Prevention Policy](#) and the University of Wollongong’s [Sexual Harm Response Policy](#), and agree that in the course of my association with the University of Wollongong and its clients, I must:

1. Treat all people with respect,
2. Not use language or behaviour towards people that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
3. Be aware of behaviour and avoid actions or behaviours that could be perceived by others as Sexual Exploitation, Abuse and Harassment (SEAH);
4. Not engage children (persons under the age of 18) in any form of sexual intercourse or sexual activity, including paying for sexual services or acts, regardless of the age of majority or consent locally (see UOW Child Protection Policy);
5. Not engage in transactional sex, defined as the exchange of money, employment, goods or services for sex, including sexual favours, or other forms of humiliating, degrading or exploitative behaviour;
6. Not engage in fraternisation, that is, any relationship occurring in the course of DFAT-funded activities that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position, that may include voluntary sexual behaviour; immediately report concerns or allegations of SEAH or PSEAH Policy non-compliance in accordance with appropriate procedures,
7. Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with the University of Wollongong that relate to SEAH.
8. Otherwise comply with all requirements of the University of Wollongong’s [Sexual Harassment Prevention Policy](#) and the University of Wollongong’s [Sexual Harm Response Policy](#).

I understand that the onus is on me, as a person engaged by the University of Wollongong to use common sense, avoid actions or behaviours that could be construed as SEAH, and report any suspected SEAH incidents to the University of Wollongong when implementing University of Wollongong activities.

Signature .....

Date .....