



SEXUAL HARASSMENT PREVENTION POLICY

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



	Work 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

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Contents

1	Purpose of Policy	4
2	Definitions.....	4
3	Application and Scope	5
4	Policy Statement.....	6
5	What is Sexual Harassment.....	6
6	What Sexual Harassment is Not.....	7
7	Sexual Harassment Prevention Strategies	8
8	Responding to incidents of Sexual Harassment	8
9	Roles & Responsibilities	8
10	Version Control and Change History	10



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 Improper Sexual Conduct Response Policy. The Improper Sexual Conduct 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.

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">• is substantially intoxicated by alcohol or any drug,• is unconscious or asleep,• is intimidated, coerced or threatened,• is detained or held against their will,• is placed in a position where there may be abuse of a position of authority or trust• does not have the capacity to provide consent (such as due to age or cognitive impairment). <p>(The meaning of Consent in relation to sexual offences is further described in Section 61HE of the Crimes Act 1900 (NSW))</p>



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	Sexual harassment is an unwelcome sexual advance, or an unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all of the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated. For examples of sexual harassment, refer Section 5 of this Policy.
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

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, 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.



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. Victimization in relation to an individual's involvement in incidents of Sexual Harassment.
3. Current Staff, Students or Affiliates 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. UOW strongly encourages the reporting of behaviour as described at 4.2 of this policy.
6. 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. Refer to the Roles and Responsibilities section for further information.
7. 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.

5 What is Sexual Harassment

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

Examples of unwelcome behaviours that may constitute Sexual Harassment include:

- unwelcome touching, hugging, cornering or kissing
- inappropriate physical contact
- inappropriate staring or leering that makes a person feel intimidated
- sexual gestures, indecent exposure or inappropriate display of the body
- displaying, sending, requesting or threatening to share sexually explicit pictures, posters or gifts that make a person feel offended
- repeated or inappropriate invitations to go out on dates
- intrusive questions about a person's private life or physical appearance that make a person feel offended
- sexually explicit comments made in person, via emails, SMS messages, social media or other electronic platforms or systems
- repeated or inappropriate advances on email, social networking websites or internet chat rooms
- comments or jokes of a sexual nature that make a person feel offended



- indecent phone calls, including someone leaving a sexually explicit message on voicemail or an answering machine
 - requests or pressure for sex or other sexual acts
 - any other unwelcome conduct of a sexual nature
 - sexual humiliation, including acts of hazing
 - stalking behaviours which include being followed, watched or someone loitering nearby.
2. Some forms of Sexual Harassment may also constitute a criminal offence. Refer to the Improper Sexual Conduct Response Policy for further information.
 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. 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).
 7. 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 Responding to incidents of Sexual Harassment

1. UOW's Improper Sexual Conduct Response Policy:
 - a. provides details of the support and guidance available to individuals involved in Sexual Harassment and other unwelcome sexual behaviours;
 - b. defines the reporting options available within, or external to, UOW; and
 - c. outlines UOW's response to allegations of Sexual Harassment or other unwelcome sexual behaviours by current Staff, Students or Affiliates.

9 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.
 - i. 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 or on +61 2 4221 5902.
 - ii. The specialist area for student-related matters is UOW's Safe and Respectful Communities team in the Student and Accommodation Services Division and can be contacted via sarca-uow@uow.edu.au or on +61 2 4298 1135.
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. Students are responsible for complying with this policy and other associated policies and legislation, where relevant.
5. 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 in the Student and Accommodation Services Division via sarca-uow@uow.edu.au or on +61 2 4298 1135.
 - 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 or on +61 2 4221 5170.



10 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.



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13	18 December 2020	Chief Operating Officer	Administrative amendments to reflect divisional and faculty realignments.
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