



IMPROPER SEXUAL CONDUCT RESPONSE POLICY

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First Approved by:	University Council		
Custodian title & e-mail address:	Senior Manager, Governance governance@uow.edu.au		
Author:	Safe and Respectful Communities (SARC) Project Policy Coordinator		
Responsible Division & Unit:	Student Services Division Human Resources Division		
Supporting documents, procedures & forms:	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 IT Acceptable Use Policy Outbound Student Mobility Critical Incident Procedure Privacy Policy Professional Staff Misconduct Guidelines Sexual Harassment Prevention Policy Social Media Guidelines Social Media Policy Student Conduct Rules Student Charter Student Conduct in Residences Policy Procedure for Managing Alleged General Misconduct by a Student 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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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 unwanted sexual behaviours;
 - b. identify and describe unwanted sexual behaviours, defined as Improper Sexual Conduct;
 - c. provide details of the support and guidance available to individuals involved in Improper Sexual Conduct;
 - d. define the reporting options available within, or external to, UOW; and
 - e. outline UOW's response to dealing with allegations of Improper Sexual Conduct, Vexatious Action or Retaliatory Action 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> <ol style="list-style-type: none"> (a) is substantially intoxicated by alcohol or any drug, (b) is unconscious or asleep, (c) is intimidated, coerced or threatened, (d) is detained or held against their will, (e) is placed in a position where there may be abuse of a position of authority or trust (f) does not have the capacity to provide consent (such as due to age or cognitive impairment). <p>(The meaning of Consent is further described in Section 61HE of the <i>Crimes Act 1900</i> (NSW)).</p>
Disclosure	A person chooses to tell Staff about an incident involving Improper Sexual Conduct without UOW initiating formal investigation processes.



Formal Report	A formal account or statement about an alleged Improper Sexual Conduct to a person or organisation that has the authority to initiate an investigation and take appropriate action.
Improper Sexual Conduct	A collective term used in this policy to refer to unwelcome sexual behaviours including Sexual Offence and Sexual Harassment, perpetrated via any form of contact or communication which may include in person, online or via digital technologies.
Natural Justice	Principles that ensure that decision-making is fair and reasonable. These include decision-makers informing people of the case against them or their interests, giving them a right to be heard, not having a personal interest in the outcome, and acting only on the basis of logically probative evidence.
Retaliatory Action	Any interference with an investigation of alleged Improper Sexual Conduct, victimisation of any parties to an allegation of Improper Sexual Conduct or otherwise subjecting another person to detrimental action in relation to the making of a Disclosure, lodging of a Formal Report, providing support to an individual or reporting an incident of Improper Sexual Conduct.
Sexual Harassment	<p>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.</p> <p>Examples of unwelcome behaviours that may constitute Sexual Harassment include:</p> <ul style="list-style-type: none">• 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. <p>Some forms of Sexual Harassment may also constitute a Sexual Offence.</p>



Sexual Offence	<p>An action where a person engages in a sexual activity (including a sexual act, sexual intercourse or sexual touching) with another person without the Consent of the other person and who knows the other person does not Consent to the sexual activity.</p> <p>The meaning of each type of sexual activity is in accordance with Division 10 of the <i>Crimes Act 1900</i> (NSW).</p>
Specialist Area	<p>For the purpose of this policy, the Specialist Area may include:</p> <ol style="list-style-type: none">1. For Staff and Affiliates, the Employment Relations Unit or relevant Staff member in the Human Resources Division;2. For Students, the UOW's Safe and Respectful Communities team in the Student Services Division.
Staff	<p>All people employed by the University of Wollongong including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis.</p>
Student	<p>A person registered for a course at the University of Wollongong.</p>
Trauma-Informed	<p>An approach that acknowledges the impact of trauma; recognises the signs and symptoms of trauma in all individuals involved; fully integrates knowledge about trauma into policies, procedures and practices; and seeks to actively avoid re-traumatisation.</p>
UOW Community	<p>A collective term to include members of Council, relevant committees, Staff, Affiliates and Students, as well as those who use/have used the University's campuses or facilities for work, study, living and socialising, or other authorised activity.</p>
Vexatious Action	<p>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.</p>
Victim-Centric Approach	<p>An approach to systemically focus on the needs and concerns of an individual who has experienced Improper Sexual Conduct to ensure compassionate and sensitive delivery of services in a non-judgmental manner.</p>

3 Application and Scope

1. This policy applies to current, recent or historic incidents involving Improper Sexual Conduct.
2. This policy applies to:
 - a. Disclosures by any member of the UOW Community;
 - b. Formal Reports to UOW where allegations have been made against current Staff, Students and Affiliates in any of the following circumstances:
 - i. in attendance on any UOW owned or occupied property or facility;
 - ii. using UOW equipment or resources (e.g. communication technologies, vehicles, facilities);
 - iii. in attendance at a UOW event, function or activity;



- iv. participating in any activity as a representative or student of UOW (e.g. field trips, practicums, conferences, sporting trips, community meetings, participation in UOW affiliated clubs etc.);
 - v. carrying out functions in connection with a UOW-endorsed activity, including at places external to UOW premises (e.g. at a licensed premises, private residence, in the street);
 - vi. outside of UOW where there is a significant or substantial connection to the employment at UOW;
 - vii. 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.
3. UOW's Child Protection Policy outlines additional obligations in relation to the protection of people under 18 years of age.
 4. This policy is to be read in conjunction with the Sexual Harassment Prevention Policy.

4 Principles

1. UOW is committed to:
 - a. promoting a culture of safety, dignity, courtesy and mutual respect for all members of the UOW Community;
 - b. ensuring that individual wellbeing and the reduction of harm are key considerations in any response to Improper Sexual Conduct;
 - c. dealing with incidents involving Improper Sexual Conduct in a manner that is underpinned by Trauma Informed principles;
 - d. encouraging individuals who have experienced behaviour which may constitute Improper Sexual Conduct, to notify UOW as soon as possible so that appropriate support and guidance may be provided;
 - e. responding to all Disclosures and Formal Reports to UOW in a sensitive, fair, confidential and timely manner, to the extent possible, following the principles of Natural Justice.
2. UOW acknowledges that Improper Sexual Conduct 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 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 unwanted sexual behaviours.
2. UOW does not accept and will not tolerate the following behaviour:
 - a. Improper Sexual Conduct, Vexatious Action or Retaliatory Action as defined in this policy;
 - b. behaviour which induces another person to carry out Improper Sexual Conduct, Vexatious Action or Retaliatory Action;
3. Current Staff, Students or Affiliates must not engage in behaviour as described at 5.2.



4. A breach of 5.3 may constitute misconduct pursuant to UOW codes, policies and procedures and be subject to disciplinary action. Refer to section 14 of this policy for further information.
5. UOW strongly encourages the reporting of behaviour as described at 5.2 of the policy.
6. Staff and Affiliates have a responsibility to report to their manager, supervisor or appropriate Specialist Area any behaviour as described at 5.2 of this policy.
7. Supervisors and managers have an obligation to take appropriate action to prevent the occurrence or continuation of behaviour as described at 5.2 of this policy.
8. A guidance flowchart summarising UOW's response as detailed throughout this policy is attached at Appendix A.

6 Support First

1. UOW is committed to making its priority the safety and wellbeing of all individuals involved in incidents of Improper Sexual Conduct.
2. In an emergency, individuals who have experienced or become aware of incidents of Improper Sexual Conduct are encouraged to:
 - a. call an emergency service such as police or ambulance on triple zero 000; or
 - b. contact UOW Security on +61 2 4221 4900 or raise an emergency alert through UOW's SafeZone app. UOW will respond and contact the appropriate emergency service where required; or
 - c. go to the nearest hospital emergency department where medical and counselling support may be provided.
3. Staff, Students or Affiliates travelling internationally for UOW business or coursework may seek emergency assistance by contacting UOW's travel risk provider. Contact details can be found at <https://www.uow.edu.au/about/services/financial-services/frequently-asked-questions/>
4. UOW strongly encourages all individuals involved in incidents of Improper Sexual Conduct to seek support in the first instance. Support and assistance may be sought from UOW as well as relevant external services.
5. Individuals involved in incidents of Improper Sexual Conduct are encouraged to seek wellbeing support from the following internal and/or external support services:
 - a. Student Counselling Service: Students may contact UOW's Sexual Assault and Sexual Harassment Support Service or UOW's Counselling Service at <https://www.uow.edu.au/student/support-services/counselling/sexual-assault-support/>
 - b. Employee Assistance Provider: Staff and certain Affiliates may contact UOW's Employee Assistance Provider for either over the phone or face-to-face counselling at <https://www.uow.edu.au/about/services/safe-at-work/well-at-work/healthy-mind/employee-assistance-program/>
 - c. External Support Services: Visit UOW's Safe and Respectful Communities support page located at <http://uow.info/respect> for a list of external support services.
6. A Translating and Interpreting Service (TIS) is available for those individuals who prefer to provide information in their native language -1300 655 010. Website: [TIS](#)
7. Some incidents of Improper Sexual Conduct may constitute a criminal offence. Individuals are encouraged to contact police to report alleged criminal offences. Refer to section 10 of this policy for further information. NSW police also offer an online [Sexual Assault Reporting Option \(SARO\)](#) form for individuals to make a record of what occurred without making a Formal Report.



7 Taking Action

1. UOW is committed to embracing Trauma Informed principles and a Victim-Centric Approach when responding to incidents involving Improper Sexual Conduct. UOW recognises the importance of minimising the number of times an individual has to make a Disclosure.
2. Individuals involved in incidents of Improper Sexual Conduct are encouraged to reach out to UOW for support and assistance.
3. Where appropriate and only where an individual **feels safe and confident** enough to do so, they may wish to raise their concern directly with the other party involved with the alleged Improper Sexual Conduct. This may include talking to the other party or sending an email explaining the effect of the conduct and asking for it to stop.
4. Staff and Affiliates may also choose to report the matter to their manager or supervisor, where appropriate.
5. Where the individual feels it is not appropriate, or has taken steps as per 7.3 and/or 7.4 but wishes to take further action then they may choose to either:
 - a. make a Disclosure (refer to section 8 of this policy); or
 - b. lodge a Formal Report to UOW (refer to section 9 of this policy).
6. Individuals who become aware of behaviour as described at 5.2 of this policy are encouraged to notify UOW, make a Disclosure or take action as discussed at section 13 of this policy.
7. Making a Disclosure does not automatically result in a Formal Report to UOW being initiated. There may be some circumstances where UOW may be required to take certain action. (Refer to 8.4 for further detail).
8. All parties involved in incidents of Improper Sexual Conduct may have the support of another person (such as a personal friend, family member, UOW Counsellor, Student or Staff). However, the role of the support person is not to act as a representative or an advocate.
9. All parties involved in making a Disclosure or lodging a Formal Report to UOW are expected to maintain confidentiality and respect the privacy of all individuals.

8 Making a Disclosure to UOW

1. Individuals involved in, or become aware of, incidents of Improper Sexual Conduct should contact the below Specialist Areas to make a Disclosure:
 - a. Students may contact:
 - i. UOW Sexual Assault and Sexual Harassment Support Service at <https://www.uow.edu.au/student/support-services/counselling/sexual-assault-support/> or
 - ii. UOW's Safe and Respectful Communities team in the Student Services Division via sarca-uow@uow.edu.au or on +61 2 4298 1135.
 - b. Staff and Affiliates may contact:
 - i. The Employment Relations Unit or a relevant Staff member in the Human Resources Division via employment-relations@uow.edu.au or on +61 2 4221 5902.
2. A Disclosure may also be made via the following alternate avenues:
 - a. UOW's online portal at <https://www.uow.edu.au/about/governance/complaints-management/> for electronic lodgement;



- b. any member of Staff in the first instance. The Staff member should then refer the Disclosure to their manager or the Specialist Area for appropriate action, where relevant.
3. Anonymous Disclosures may be made via any of the above contact avenues. However, UOW's ability to respond may be limited.
4. UOW will, to the extent possible, respect the right of an individual to choose how to take forward a Disclosure. However, there may be some circumstances where UOW (via the relevant Specialist Area) may be required to take certain action including:
 - a. where a Disclosure has been made which indicates a risk of harm to any individual, UOW may refer the matter to UOW Security and/or the HR Division (for staff-related matters) and/or a relevant external agency such as police for action. UOW may, where appropriate, inform the individual who has made the Disclosure of the action required to be taken.
 - b. UOW may also refer a Disclosure to a relevant external agency such as police where it has a legal obligation to do so. UOW may, where appropriate, inform the individual who made the Disclosure of the action required to be taken. UOW's legal obligation to inform police of an incident involving Improper Sexual Conduct is discussed at section 11 of this Policy.
5. When a Disclosure is made, Staff within the appropriate Specialist Area (as noted at 8.1) will:
 - a. explain available internal or external support services in the first instance;
 - b. provide assistance to ensure understanding of the available options. This may include making a Formal Report to UOW or reporting to a relevant external agency where appropriate;
 - c. encourage an individual who has experienced Improper Sexual Conduct to report any incidents that may constitute a criminal offence to police;
 - d. provide explanation of UOW's investigation processes and possible outcomes;
 - e. provide information and support available such as UOW's special consideration process for Students regarding their studies;
 - f. consider appropriate measures to minimise any potential for harm or discomfort such as consideration of emergency accommodation, relocation, possible change in subject timetables for Students and leave and safety plans for Staff and Affiliates;
 - g. explain UOW's duty of care and/or legal obligations where applicable, such as reporting to police or a relevant external agency.

9 Making a Formal Report to UOW

1. UOW is committed to investigating all Formal Reports to UOW of allegations of behaviour as described at 5.2 of this policy, made against any current Staff, Student or Affiliate in the circumstances as outlined in this policy. However, there may be some circumstances where UOW may not be able to investigate a Formal Report to UOW.
2. Examples of the circumstances where UOW may not be able to investigate a Formal Report to UOW include where:
 - a. there is insufficient information to enable an investigation to be carried out;
 - b. the allegation is made against an individual who falls outside the scope of this policy;
 - c. the Formal Report is not made by the individual who has experienced the behaviour as



- described at 5.2 of this policy;
- d. the Formal Report is lodged as an anonymous report; or
 - e. the individual who lodged the Formal Report does not wish the substance of the allegation to be made known to the alleged party.
3. Where UOW decides that it will not investigate a Formal Report to UOW, it may, where appropriate, inform the individual who lodged the Formal Report to UOW of its decision and will provide appropriate support and referral pathways.
 4. UOW strongly encourages individuals who have experienced behaviour as described at 5.2 of this policy to lodge a Formal Report to UOW via the below avenues:
 - a. Students may contact the following Specialist Area:
 - i. UOW's Safe and Respectful Communities team in the Student Services Division via sarca-uow@uow.edu.au or on +61 2 4298 1135.
 - b. Staff and Affiliates may contact the following Specialist Area:
 - i. The Employment Relations Unit or a relevant Staff member in the Human Resources Division via employment-relations@uow.edu.au or on +61 2 4221 5902.
 - c. UOW's online portal at <https://www.uow.edu.au/about/governance/complaints-management/> for electronic lodgement.
 - d. UOW's Complaints Management Centre via email at uow-complaints@uow.edu.au or on +61 2 4221 5170.
 5. Anonymous Formal Reports to UOW may be made via any of the above avenues. However, UOW's ability to respond may be limited and UOW may not be able to investigate the matter.
 6. Where an allegation of Improper Sexual Conduct may be identified as a criminal offence, individuals will be encouraged to report the matter to police. Refer to section 10 of this policy for further information.
 7. Where a Formal Report to UOW is lodged and an investigation is initiated, UOW's relevant Specialist Area will investigate the matter for the purpose of determining whether the behaviour, if proven, amounts to misconduct under its existing Staff and Student UOW codes, policies and procedures. Any such investigation will be managed in accordance with those codes, policies and procedures which may include (but are not limited to):
 - a. For Students: Student Conduct Rules and Student Conduct in Residences Policy;
 - b. For Staff and Affiliates: Relevant UOW policies such as the University Code of Conduct and Bullying Prevention Policy.
 8. There may be some circumstances where the Specialist Area may be required to take certain action including:
 - a. where a Formal Report to UOW has been made which indicates a risk of harm to any individual, UOW may refer the matter to UOW Security and/or the HR Division (in cases involving Staff and Affiliates) and/or a relevant external agency for appropriate action. UOW may, where appropriate, inform the individual who has lodged the Formal Report of the action required to be taken.
 - b. UOW may also refer a Formal Report to UOW to the police or a relevant external agency where it has a legal obligation to do so. UOW may, where appropriate, inform the individual who made the Formal Report to UOW regarding the referral to an external agency. UOW's legal obligation to inform police of an incident involving

Improper Sexual Conduct is discussed at section 11 of this Policy.

9. Where an allegation of Improper Sexual Conduct is referred to, or lodged with, an external agency for investigation, UOW may choose to not commence, or to suspend its investigation of a Formal Report to UOW, until those external investigations have concluded. UOW may take interim measures to safeguard the parties involved in an allegation of Improper Sexual Conduct. Failure to comply with interim measures may result in disciplinary action in accordance with UOW's codes, policies and procedures.
10. Outcomes of Formal Reports to UOW will be determined in accordance with relevant UOW codes, policies and procedures and may include (but are not limited to):
 - a. education and training strategies to ensure that Staff, Students and Affiliates are aware of appropriate standards of conduct;
 - b. disciplinary action, where a finding of misconduct has been made against a current Student, Staff or Affiliate (refer to section 14 of this Policy);
 - c. identification of any changes/improvement opportunities to UOW codes, policies and procedures, training or contractual arrangements;
 - d. referral to police or relevant external agency.

10 Reporting to Police

1. Individuals are encouraged to contact police to report alleged criminal offences. The options involving police include:

- a. Make a Formal Report to police only.

An individual may choose to report the incident to police and have the matter formally investigated by police only. However, where UOW is made aware of an incident, there may be some instances where UOW may have a responsibility to take certain action, depending on the nature of the allegation and any potential risk of harm to other UOW Community members. Section 11 of this policy provides details of the circumstances where UOW is required to report to police.

UOW is committed to supporting the welfare of all persons involved in Improper Sexual Conduct and implementing interim measures where appropriate.

- b. Make a Formal Report to police and UOW.

An individual may choose to report an incident to police as well as lodge a Formal Report to UOW. Where a criminal investigation or judicial proceedings are likely to commence or are ongoing, UOW may choose to not commence or to suspend its investigation until it has received appropriate advice from the police regarding their investigation process and/or judicial proceedings process. Regardless, UOW will continue to support the welfare of all persons involved and implement interim measures where appropriate.

Where, following a police investigation, a decision has been made by the police to take no further action, or where judicial proceedings have completed (regardless of the outcome), UOW may still proceed with its investigation process as discussed at 9.7.

Where a Staff, Student or Affiliate is convicted of a criminal offence or accepts a police caution in relation to behaviour that falls within the scope of this policy, the conviction/caution may be taken into consideration by UOW when proceeding with its investigation as discussed at 9.7.

11 UOW's obligation to report to Police

1. An individual who has experienced Improper Sexual Conduct has the right to choose not to report the matter to police, but may wish to lodge a Formal Report with UOW only. UOW supports the rights of individuals in deciding not to report to police. However, in some circumstances, UOW may be obliged to report the matter to police in accordance with its obligations under s.316(1) of the *Crimes Act 1900* (NSW). The obligation to notify police is enlivened where UOW:
 - a. knows or believes that an offence punishable by imprisonment has been committed by another person; and
 - b. knows or believes that the information it holds may be of material assistance in securing the apprehension or prosecution of a person who UOW believes may have committed a serious indictable offence.

12 Other External avenues

1. In addition to NSW Police, individuals who wish to lodge a Formal Report of an incident of Improper Sexual Conduct may do so via a relevant external agency such as the NSW Anti-Discrimination Board or the Australian Human Rights Commission. UOW encourages Staff, Students and Affiliates to lodge a Formal Report to UOW in the first instance.
2. Where a Formal Report is lodged with an external agency for investigation, UOW may choose to not commence, or to suspend its investigation of a Formal Report to UOW, until those external investigations have concluded. Where appropriate, outcomes of external investigations may be taken into consideration by UOW.
3. During the course of an external investigation, UOW may undertake appropriate actions in accordance with its codes, policies and procedures and may also take interim actions to safeguard all parties involved in allegations of Improper Sexual Conduct.

13 Witness intervention

1. Without putting oneself or others in danger, UOW encourages and values reasonable intervention by members of the UOW Community to prevent or stop behaviour as described at 5.2 of this policy, from occurring or continuing. If required, contact UOW Security on +61 2 4221 4900 for assistance or raise an emergency alert through UOW's SafeZone app.

14 Breach of this Policy

1. Allegations of behaviour, as described at 5.2 of this policy, by current Staff, Students and Affiliates may, if proven, constitute misconduct pursuant to UOW codes, policies and procedures and be subject to disciplinary action. The standard of proof to be satisfied in any investigation involving an allegation of behaviour as described at 5.2 of this policy is 'on the balance of probabilities'.
2. For current Students:
 - a. Allegations of behaviour, as described at 5.2 of this policy will be managed in accordance with the Student Conduct Rules, Student Conduct in Residences Policy and associated procedures;
 - b. Where a finding of misconduct has been made, disciplinary action may be taken in accordance with the Student Conduct Rules, Student Conduct in Residences Policy and associated procedures depending on the nature and severity of the breach.
3. For current Staff and Affiliates:
 - a. Allegations of behaviour, as described at 5.2 of this policy will be managed in

accordance with the relevant staff-related policies and processes.

- b. Where a finding of misconduct is made, disciplinary action may be taken in accordance with those policies and processes.
4. Disciplinary action may include, but is not limited to, formal warning or reprimand, re-training, suspension, exclusion, expulsion or in the case of Staff and Affiliates, may include termination of employment or engagement.
5. Any disciplinary action taken by UOW may be in addition to the outcomes from any criminal proceedings or actions from relevant external agencies.

15 Recordkeeping, data collection, privacy

1. UOW will take all reasonable steps to ensure that information relating to Disclosures and Formal Reports to UOW are handled in a confidential manner and in accordance with its privacy obligations, unless an exception applies under law.
2. The collection and use of an individual's personal information will be limited, to the extent that is reasonably necessary, in order to deal with the Disclosure or Formal Report in line with UOW's relevant policies and processes.
3. Information will not be released outside UOW, unless the individual to whom the information relates provides consent, or the release is otherwise permitted or authorised under law, such as where:
 - a. it is necessary to prevent a serious and imminent threat to the life, health or safety of any individual; or
 - b. UOW has a legal obligation to release the information, such as under subpoena; or
 - c. there is a legal requirement to report to relevant agencies, such as NSW Police.
4. Records relating to Disclosures and Formal Reports to UOW will be retained in accordance with UOW's Records Management Policy.
5. Non-identifying information will be used by UOW to monitor trends on campus, inform our support strategies and design educational and preventative campaigns.

16 Roles and Responsibilities

1. Students are responsible for complying with this policy and other associated policies and legislation, where relevant.
2. Staff and Affiliates are responsible for:
 - a. complying with this policy and other associated policies and legislation, where relevant;
 - b. providing support to individuals, where appropriate, in response to behaviour as described at 5.2;
 - c. reporting any behaviour described at 5.2 of this policy to their manager, supervisor or the Specialist Area (as described at 8.1).
3. Senior Executives, Executive Deans, Associate Deans, Directors, Unit Heads, Managers and Supervisors are responsible for:
 - a. taking all reasonable steps to promote the elimination of behaviour described at 5.2 of this policy in the workplace;
 - b. modelling acceptable standards of conduct;
 - c. taking appropriate action to prevent the occurrence or continuation of behaviour as described at 5.2 of this policy, in circumstances as outlined in the Application and Scope section of this policy;



- d. treating all incidents involving Improper Sexual Conduct seriously, whether observed or reported, 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.
 - f. understanding their obligations under this policy.
4. The Employment Relations Unit (or relevant Staff member) in the Human Resources Division is the Specialist Area responsible for:
- a. providing appropriate information and guidance regarding Staff and Affiliate-related incidents of behaviour as described at 5.2 of this policy;
 - b. managing Disclosures and/or Formal Reports to UOW lodged directly with the Employment Relations Unit by Staff and Affiliates, as detailed in this policy; and
 - c. managing Disclosures and/or Formal Reports to UOW which have been referred by managers, where the matter may be particularly complex or serious.
5. The Safe and Respectful Communities team in the Student Services Division is the Specialist Area responsible for:
- a. handling Disclosures and/or Formal Reports to UOW by Students, as detailed in this policy;
 - b. providing appropriate information and guidance regarding Student-related incidents of behaviour as described at 5.2 of this policy;
 - c. data management, education and training.
6. UOW Security is responsible for:
- a. managing UOW emergency response to incidents involving Improper Sexual Conduct;
 - b. responding to initial reports of incidents involving Improper Sexual Conduct.
7. Other roles and responsibilities are as detailed throughout this policy.

17 Dissatisfaction with UOW's response under this policy

1. Members of the UOW Community who are dissatisfied with UOW's handling of a report of behaviour as described at 5.2 of this policy may lodge a formal complaint via the Complaints Management Centre online portal at <https://www.uow.edu.au/about/governance/complaints-management/>.



18 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	3 April 2020	University Council	First Version

Appendix 1 - Improper Sexual Conduct Response Policy Guidance Flowchart

This flowchart should be used as a guide only. Refer to the Improper Sexual Conduct Response Policy document for details and definitions of terms.

