



People & Culture

Sexual Harassment Prevention Policy

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Approved by:	Chief Executive Officer				
Custodian title:	Head of People & Culture				
Author:	Head of People & Culture				
Responsible Unit:	People & Culture				
Supporting documents, procedures & forms of this policy:	UOW Pulse Bullying Prevention Policy UOW Pulse Children on Campus Policy UOW Pulse Grievance Policy UOW Pulse Procedures for investigating Grievances UOW Pulse Code of Conduct UOW Pulse Performance Management Policy UOW Pulse Equal Employment Opportunity and Anti-Discrimination Policy UOW Pulse Personal Use of Social Media Policy UOW Pulse Work Health and Safety Policy UOW Pulse Conflict of Interest policy UOW EO Online website				
References & Legislation:	Anti-Discrimination Act 1997 Sex Discrimination Act 1984 (Commonwealth) Australian Human Rights Commission Act 1986 Equal Opportunity in the Workplace for Women Act 1999 (Commonwealth) Fair Work Act 2009 Work Health and Safety Act 2011 Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)				
Audience:	Internal				
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1 Purpose of Policy

- 1.1 UOW Pulse is committed to ensuring that all persons who work, visit or conduct business with us do so in a safe and respectful environment that is free from intimidation and all forms of harassment, including sexual harassment.

2 Definitions

Word/Term	Definition
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)
Customer	<p>A member of the public who visits the campus and either purchases products or utilises the services or facilities of UOW Pulse.</p>
Discrimination	<p>Treating someone unfairly or differently because of – their sex, pregnancy, race (including colour, ethnicity and descent), disability, sexual preference, religion, transgender, carer’s responsibilities, marital status, social origin, political belief, employee association activity, irrelevant criminal record or age. Discrimination also includes treating someone the same as someone else, but where the result of doing this unreasonably disadvantages substantially more people of that person’s sex, race, disability etc.</p>
Employee	<p>All people employed by UOW Pulse.</p>
EEO Online	<p>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.</p>
Manager	<p>An employee of UOW Pulse who acts in a supervisory or leadership capacity (whether acting or permanent) to other team members of UOW Pulse.</p>
Serious misconduct	<p>Serious misconduct is conduct that is wilful or deliberate and that is inconsistent with the continuation of the employment contract. It is also conduct that causes serious and imminent risk to the health and safety of a person or to the reputation, viability or profitability of the employer's business.</p> <p>Serious misconduct includes theft, fraud, assault, sexual harassment, intoxication at work and the refusal to carry out lawful and reasonable instructions consistent with the employment contract.</p>
Sexual assault	<p>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.</p>

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>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.</p> <p>For examples of sexual harassment, refer Section 4 of this Policy.</p>
Student	A person registered for a course at the University of Wollongong.
Victimisation	Subjecting or threatening to subject an individual to some form of detriment.
Visitor	An external person or business representative visiting the campus but not necessarily to purchase or utilise services, including but not limited to contractors, franchisees, interns, students gaining work experience, members of the community and volunteers.

3 Application & Scope

- 3.1 This policy applies to all UOW Pulse employees, customers, students and visitors of all campuses of UOW.
- 3.2 This policy applies to all employees, customers and visitors:
- i. In attendance at a UOW Pulse place of work.
 - ii. Utilising UOW Pulse businesses or facilities.
 - iii. Participating in any activity as a representative of UOW Pulse (e.g. field trips, conferences, clubs and sporting activities etc.).
 - iv. Carrying out functions or participating in events in connection with UOW Pulse, including at places external to University premises.
- 3.3 This policy applies to any form of contact or communication which may include in person, online or via digital technologies.

4 Introduction / Background

- 4.1 UOW Pulse does not tolerate sexual harassment under any circumstances, and expects its employees, customers and visitors to treat each other respectfully.
- 4.2 Any breach of this policy may constitute misconduct and the employee may be subject to disciplinary action being taken them.
- 4.3 UOW Pulse aims to:
- i. Create an environment free from sexual harassment where employees, customers and visitors are treated with dignity, courtesy and respect.
 - ii. Take a “support first” approach to allegations of sexual harassment so that employees, customers and visitors can access the advice and support services they need.
 - iii. 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.
 - iv. Implement education and training strategies to ensure that employees are aware of the importance of appropriate standards of conduct and know their rights and responsibilities.
 - v. Encourage the reporting of behaviour which breaches this policy.
- 4.4 Any breach of this policy may constitute misconduct and the employee may be subject to disciplinary action being taken against them, up to and including termination of employment.

5 Examples of Sexual Harassment

5.1 Sexual Harassment may include but is not limited to:

- i. Uninvited touching
- ii. Uninvited kisses or embraces
- iii. Sexually suggestive comments or jokes
- iv. Making promises or threats in return for sexual favours
- v. Displays of sexually graphic material including posters, pin-ups, cartoons, graffiti, computer screen savers or messages left on notice boards, desks or common areas
- vi. Repeated invitations to go out after prior refusal
- vii. Exposing genitals or making sexual gestures
- viii. Insults, taunts, teasing or name-calling of a sexual nature
- ix. Staring or leering at a person or parts of their body
- x. Intrusive questioning about a person's private life or body
- xi. An unwanted invitation to go out on dates
- xii. Unwelcome physical contact such as massaging a person without invitation, deliberately brushing up against them or forcing a person to perform sexual acts
- xiii. 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
- xiv. Requests for sex
- xv. Sexually explicit conversations
- xvi. persistent questions or insinuations about a person's private life
- xvii. Offensive phone calls, letters or sending sexually explicit information or images in electronic form
- xviii. Inappropriate advances on social networking sites
- xix. Accessing sexually explicit internet sites
- xx. 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

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

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

5.4 Sexual harassment may also include:

- i. 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.
- ii. Consent that is based on fear.

6 What is Not Sexual Harassment

- 6.1 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.
- 6.2 UOW Pulse discourages sexual relationships between employees, customers or visitors where:
- i. One party is in a position to control or affect the career or other employment opportunity of the other; or
 - ii. The relationship creates a conflict of interest or potential negative impact to UOW Pulse business, reputation or operations (as outlined in the UOW Pulse Code of Conduct Policy).
- 6.3 Where such relationships exist employees should review the UOW Pulse Conflict of Interest Policy. Employees are strongly encouraged to disclose the relationship in accordance with the UOW Pulse Conflict of Interest Policy so that the professional aspects of the relationship can be appropriately assessed and managed.

7 Unlawful Sexual Harassment

- 7.1 Some forms of sexual harassment constitute criminal offences. These include:
- i. Sexual assault
 - ii. Indecent assault
 - iii. Indecent exposure
 - iv. Stalking
 - v. Obscene or threatening communications
- 7.2 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)*.
- 7.3 It is unlawful for employees, customers or visitors to sexually harass other employees, customers or visitors and they may be held liable under the *Anti-Discrimination Act 1977 (NSW)* and the *Sex Discrimination Act 1984 (Cth)*.
- 7.4 Employers may be held liable for their own behaviour and the behaviour of the people they employ.
- 7.5 Managers may be held liable for sexual harassment in their work area, particularly if they fail to take appropriate action to prevent its occurrence or continuation. Seeking Help

8 Making a Complaint

- 8.1 Employees 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.
- 8.2 Employees who have been, or are being, sexually harassed can report the matter to their immediate manager if they feel comfortable to do so and provided that person is not the harasser.
- 8.3 If employees are not comfortable in speaking or writing to the offender themselves, or speaking to their manager then they may report the matter to either the senior manager or to a member of the People and Culture team. Any such discussions will be treated with the strictest confidence and handled sensitively.
- 8.4 Employees may also wish to lodge a formal complaint regarding any matter contained within this policy and UOW Pulse commits that any such complaint will be treated seriously, impartially and be investigated promptly in line with the UOW Pulse Grievance Policy.
- 8.5 Employees who believe they have been or are being sexually harassed may choose to discuss the issue with a member of the University Counselling team.
- 8.6 Customers and visitors who have been sexually harassed are encouraged to have a confidential conversation with the People and Culture Manager by phoning 4221 8000 and asking to be directed through. Alternatively email correspondence can be initiated via pulse-people@uow.edu.au.

- 8.7 Employees, customers and visitors may also wish to lodge a complaint externally with the NSW Anti-Discrimination Board or the Australian Human Rights Commission.

9 Responding to Complaints of Sexual Harassment

- 9.1 Complaints about sexual harassment will be formally investigated by UOW Pulse in accordance with the UOW Pulse Grievance Policy and Procedure for Investigating Grievances.
- 9.2 UOW Pulse will not tolerate victimisation or reprisal in relation to investigations of sexual harassment.
- 9.3 Following a formal investigation, if a case of harassment is upheld, further action against employee/s who have engaged in this behaviour may be managed under the UOW Pulse Performance Management Policy and offenders may be disciplined depending on the nature of the behaviour up to and including termination of employment in the most serious cases.
- 9.4 Customers and visitors found to have engaged in harassing behaviour may receive partial or full bans from visiting UOW Pulse facilities, services or the UOW campus.

10 Support

- 10.1 Employees, customers and visitors who have been, or are being, sexually harassed can access support from the UOW Security either through phoning **02 4221 4900** or via the **UOW SafeZone App** if they require immediate assistance.
- 10.2 Students who have been sexually harassed are encouraged to contact the University's UOW Student Wellbeing Support Line, which is available for 24/7 support. You can **call 1300 036 149** or **text 0488 884 164**.
- 10.3 Employees who have been sexually harassed are encouraged to have a confidential conversation with either their manager, member of the People and Culture team or contact the free and confidential Employee Assistance Program (Telus Health – 1300 361 008) for support.
- 10.4 Customers and visitors who have been sexually harassed are encouraged to have a confidential conversation with their manager or the People and Culture Manager by calling 02 4221 8000 and asking to be directed through. Alternatively email correspondence can be initiated via pulse-people@uow.edu.au.
- 10.5 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), National Sexual Assault, Domestic Family Violence Counselling Service – 1800RESPECT (**1800 737 732**) or the Full Stop Australia (**1800 385 578** / <https://fullstop.org.au/>) for online and telephone counselling. 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.
- 10.6 Further information about internal and external avenues for support and advice are available on the University's counselling website: <https://www.uow.edu.au/student/counselling/index.html> or by contacting the People and Culture team or Chief Executive Officer.

11 Roles & Responsibilities

- 11.1 UOW Pulse Management are responsible for setting and managing equal opportunity, discrimination, harassment and bullying prevention policies for employees, customers and visitors.
- 11.2 Employees, customers and visitors are encouraged to report concerns early in relation to unwelcome behaviour before it becomes a serious sexual harassment complaint.
- 11.3 All employees have a responsibility to:
- i. Comply with this policy.

- ii. Offer support to anyone who is being harassed and let them know where they can get help and advice.
- iii. Report an incident of sexual harassment that they have experienced or witnessed.
- iv. Maintain confidentiality if they provide information during the management of a complaint.
- v. Complete EO Online training within the first week of employment with UOW Pulse, noting that this training is a condition of probation for all employees.

11.4 All managers are required to:

- i. Implement this policy in their work area to enable a working environment that is free of sexual harassment.
- ii. Ensure that any incident of harassment that is observed or reported is dealt with promptly.
- iii. Provide leadership in preventing harassment and demonstrating an intolerance for harassment.
- iv. Role model appropriate, respectful professional behaviour.
- v. Ensure all new starters complete EEO Online training prior to commencing employment with UOW Pulse.

12 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	1 Oct 2009	Wayne Clark, Assistant General Manager	New policy developed to supersede the 'Anti Sexual Harassment Policy'.
2	July 2011	Wayne Clark, Assistant General Manager	Migrated into the new QA format; links updated
3	Jan 2014	Wayne Clark, Assistant General Manager	Updated logo consistent with brand guidelines; added definition of EO Online; added contact of UOW Counselling; sec 9.2 added EO Online to be refreshed periodically.
4	Jan 2017	Wayne Clark, Assistant General Manager	Replaced UniCentre Logo with 'Pulse' logo and replaced 'UniCentre with 'Pulse throughout document
5	27 Jul 2017	Kelly Stehr, Head of People and Culture	Document reviewed and aligned with UOW Policy with amendments to reflect recommendations from the Australian Human Rights Commission and sector best practice.
6	December 2021	People and Culture	Updated Legislation links Added examples of sexual harassment in accordance with Respect@Work changes from Fair Work, September 2021 Updated contacts in Section 7 – Support
7	September 2023	People & Culture Manager	Addition of <i>Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)</i> . Updated EEO online training requirements.