

# Sexual Harassment Prevention Policy



<b>Date approved:</b>	29/11/2018	<b>Date Policy will take effect:</b>	Immediately	<b>Date of Next Review:</b>	Nov 2020
<b>Approved by:</b>	Head of Marketing and Communications				
<b>Responsible Unit:</b>	UniClubs				
<b>Supporting documents, procedures &amp; forms of this policy:</b>	Guidelines on the Use and Management of Alcohol at University Functions Student Engagement Code of Conduct University of Wollongong Student Code of Conduct UOW Pulse Code of Conduct UOW Pulse Risk Management Process				
<b>References &amp; Legislation:</b>	Work Health and Safety Act 2011 Liquor Act 2007 Crimes Act 1900				
<b>Audience:</b>	University of Wollongong Students				
<b>Expiry Date of Policy (if applicable):</b>	In place until reviewed				

## Contents

1	Purpose of Policy	2
2	Definitions	2
3	Application & Scope	2
4	Responsibilities	2
5	What is Sexual Harassment?	3
6	Sexual Harassment and the Law	3
8	Support	4
9	Support in the community	4
10	Version Control Table and Change History	5



## 1 Purpose of Policy

- 1.1 This document outlines what constitutes sexual harassment.
- 1.2 UniClubs strongly supports the rights of all persons on campus to exist in an environment that is free from personal intimidation and harassment – this includes at club events or in a club environment. Sexual harassment is an unacceptable form of behaviour and it will not be tolerated under any circumstances.
- 1.3 UniClubs is committed to preventing and eliminating sexual harassment within the clubs program. Disciplinary action will be taken against any UniClubs member/executive who breaches this policy.
- 1.4 Many forms of harassment are unlawful; however, this policy is confined to addressing sexual harassment.

## 2 Definitions

Word/Term	Definition
<b>Discrimination</b>	Treating someone unfairly or differently because of – their sex, race (including colour, ethnicity and descent), disability, sexual preference, religion, transgender, pregnancy, marital status, social origin, political belief, 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.
<b>Harassment</b>	Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.
<b>UniClubs executive</b>	A person elected in an executive role of a UOW club and/or society.
<b>UniClubs member</b>	A member of a UOW club/ and or society
<b>Campus Community</b>	All staff, students and visitors (including non-student club members) to Pulse and the University of Wollongong.

## 3 Application & Scope

- 3.1 The UniClubs Sexual Harassment policy covers all club members (students and non-students) that are attending club events either on or off campus.
- 3.2 Sexual Harassment may amount to serious misconduct and will be treated as a serious disciplinary matter with repercussions that may include written warnings, expulsion from the club, and recommendations from UOW Student Complaints team being enforced by UOW, legal action if the complaint is substantiated and the severity of the issue warrants it. If any misconduct is substantiated, UniClubs will act to ensure that the misconduct does not continue.

## 4 Responsibilities

- 4.1 UniClubs executives & members (students and non-students) have a responsibility to:
  - i. Comply with the [UOW Sexual Harassment Prevention Policy](#);
  - ii. Not partake in any forms of harassment;



- iii. Report any incidents of actual or suspected harassment within the club to UniClubs.

## 5 What is Sexual Harassment?

- 5.1 Sexual harassment is defined in the Sex Discrimination Act 1984 as “Any unwelcome sexual advance, request for sexual favours or other conduct of a sexual nature, provided that a reasonable person would have anticipated that the person against whom the conduct is directed would be offended, humiliated or intimidated.”
- 5.2 Under anti-discrimination laws, there is no statutory defence to allegations of sexual harassment based on the subjective intentions or perceptions of the alleged harasser. The legal stand is an objective one.
- 5.3 In defining or identifying sexual harassment, it is normally the effect of the behaviour on the recipient which may determine whether sexual harassment has occurred.
- 5.4 Sexual harassment can range from intimidating sexist comments to criminal sexual assault. Such behaviours have a sexual focus and may include:
  - i. Sexually oriented comments on physical appearance;
  - ii. Dirty jokes, wolf whistling, leering, obscene gestures;
  - iii. Sexual or lewd suggestions;
  - iv. Persistent questions or insinuations about a person’s private life;
  - v. Deliberate and unwanted physical contact such as kissing, patting, slapping, pinching or brushing against another’s body;
  - vi. Using a greater physical presence to intimidate or block physical contact;
  - vii. Homophobic harassment;
  - viii. Sexually offensive written, telephone or electronic communications;
  - ix. Offensive displays of sexually suggestive, erotic or pornographic material. Works of art which may offend will have appropriate signage;
  - x. Requests for sexual activity in exchange for favours;
  - xi. Displays of nudity or inappropriate attire; or
  - xii. Sexual violence, including sexual assault.
- 5.5 In a club environment, it may typically occur among peers and/or club members.
- 5.6 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 Sexual Harassment and the Law

- 6.1 Sexual harassment is unlawful in education under the [NSW Anti-discrimination Act \(1977\)](#) and the [Sex Discrimination Act 1984 \(Commonwealth\)](#). It is unlawful for:
  - i. Students to sexually harass anyone in the campus community.
  - ii. Campus community to sexually harass students
  - iii. Students to sexually harass students
  - iv. Students to sexually harass staff
- 6.2 Under anti-discrimination laws, liability may not be limited to the actual harasser. UniClubs Executives may be held responsible for their own behaviour and the behaviour of their members if the actions are known and the executive chooses not to report it
- 6.3 UniClubs Executives are expected to take appropriate action if sexual harassment knowingly takes place at club events. It is their responsibility to take action to cease



its occurrence or continuation. Also, anyone who in any way victimises a person who makes a complaint, or raises a grievance, relating to sexual harassment may be prosecuted.

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- 6.4 Actions that UniClubs may take against the harasser through disciplinary procedures include removal from club, de-affiliation of club, and/or escalation to UOW. Please refer to the *UniClubs Contravention of Policy Document* for more details

## **7 What can UniClubs executives/members do if they believe they are being harassed?**

- 7.1 If a club person believes they have been subject to harassment:
- i. Make it clear that the behaviour is offensive and unacceptable. Ignoring the behaviour may often be taken as consent;
  - ii. keep a record of dates, places, times and witnesses of harassing behaviour;
  - iii. Seek support (see next section);
  - iv. Inform UniClubs Coordinator or UniClubs Manager;
  - v. Warn others who may be at risk
  - vi. Ignore remarks which trivialise the concern;
  - vii. Do not feel guilty. Obtain counselling or seek advice. The University counselling service is available free of charge to students and can be contacted on 4221 3445 (Monday-Friday 9:00am-4:30pm Australian EST);
  - viii. Approach a support person, such as another club member, friend, family, UOW staff to assist in bringing a complaint forward.

## **8 Support**

### **General UOW support**

- 8.1 All UOW students, staff or members of the public on UOW campuses or grounds can call the UOW Sexual Assault & Sexual Harassment Support Service on 1300 303 455 (available 9am to 4.30pm weekdays) for information on support and UOW policies procedures and investigation processes.

### **General UniClubs support**

- 8.2 If an incident occurs at a club event, you can report it to the Club Executive or directly to UniClubs. The matter will be treated confidentially and UniClubs can work with the club and UOW to make sure the correct UOW procedures are followed.

### **UOW support for students within Australia**

- 8.3 All UOW students within Australia have free and confidential 24 hour access to a trained Crisis Support Worker through the UOW After Hours Crisis Support line. You can use this service if you are experiencing a crisis yourself or if you are supporting someone else who is emotionally distressed. The Crisis Support Line can be accessed by calling 1300 036 149 or via text on 0488 826 347.
- 8.4 Non-UOW Support for anyone who has experienced or witnessed sexual assault or sexual harassment

## **9 Support in the community**

- 9.1 NSW Police: call 000 in an emergency, or the Police Assistance Line on 131 444 for non-emergencies.
- 9.2 After hours:
- i. 1800 211 028 Rape and Domestic Violence Services Australia (RDVSA), 24/7 National specialist counselling and referral service resourced by staff with expertise in sexual assault and family violence
  - ii. NSW Rape Crisis Centre for 24/7 online or telephone support phone 1800 424 017



## 10 Version Control Table and Change History

Version Control	Date Effective	Approved By	Amendment
1	29/11/2018	Peter Doran, UniLife Manager	Policy Created
2	7/12/2020		Removed/Amended "UniLife" from policy