

# Sexual Harassment Prevention (Students) - Governing Policy



/explore/policies-and-procedures/sexual-harassment-prevention-students-governing-policy

## 1. Purpose of policy

The University is committed to promoting the principles of responsible and respectful behaviour to ensure all students can enjoy a productive learning, teaching and research environment, and their life as a student, free from sexual harassment.

The University will not tolerate sexual harassment and will take all reasonable steps to prevent behaviour that does not conform with the University's acceptable behaviour standards. In the event that an incident occurs, the University will provide support to students to make complaints and to seek resolution.

## 2. Policy scope and application

This policy applies to all students of the University.

Specifically, this policy addresses sexual harassment, that is behaviour of a sexual nature which is unwelcome and which a reasonable person would anticipate in the circumstances that the person who was harassed would be offended, humiliated and/or intimidated.

Harassment that is based on a person's sex may be considered a form of sex discrimination, even if there is no sexual element – refer to the the Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Governing Policy relating to matters of discrimination, bullying and harassment more generally.

## 3. Definitions

Please refer to the University's Glossary of terms for policies and procedures. Terms and definitions identified below are specific to these procedures and are critical to its effectiveness:

Sexual harassment means any unsolicited, unwelcome and unreciprocated behaviour, act or conduct of a sexual nature that offends, humiliates or intimidates other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault and including but not limited to the following examples:

- inappropriate jokes or comments with sexual connotations
- the display of offensive material
- stares and leers or offensive hand or body gestures
- comments and questions about another person's sexual conduct and/or private relationships
- persistent unwelcome invitations
- requests for sexual favours
- offensive written, telephone or electronic mail or any other electronic means of communication
- unnecessary close physical proximity including persistently following a person
- unwelcome physical contact such as brushing against or touching a person
- denigrating comments regarding a person's gender or sexual preference
- negative behaviours, e.g., intimidation or exclusions related to the sex of the recipient

In addition, and in accordance with the Anti-Discrimination Act 1991 (Qld), any other unwelcome conduct of a sexual nature in relation to a person, in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

### APPROVAL AUTHORITY

Council

### RESPONSIBLE OFFICER

Vice-Chancellor and President

### DESIGNATED OFFICER

Pro Vice-Chancellor (Students)

### FIRST APPROVED

10 April 2017

### LAST AMENDED

14 July 2017

### EFFECTIVE START DATE

15 May 2017

### REVIEW DATE

11 April 2022

### STATUS

Active

### RELATED DOCUMENTS

Acceptable Use of Information Technology Resources - Governing Policy

Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Governing Policy

Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Procedures

Enterprise Risk Management - Governing Policy

Equity and Diversity - Governing Policy

Health, Safety and Wellbeing - Governing Policy

Social Media - Managerial Policy

Staff Code of Conduct - Governing Policy

Student Conduct - Governing Policy

Student General Misconduct - Procedures

Student Grievance Resolution - Governing Policy

Student Grievance Resolution - Procedures

### RELATED LEGISLATION / STANDARDS

Anti-Discrimination Act 1991 (Qld)

Work Health & Safety Act 2011

Australian Human Rights Commission Act 1986 (Cwlth)

Sex Discrimination Act 1984 (Cwlth)

USC Student Charter

Criminal Code 1899 (Qld)

Human Rights Act 2019 (Qld)

[usc.edu.au/policy](http://usc.edu.au/policy)

## 4. Principles

4.1 The University will not tolerate sexual harassment under any circumstances and will take all reasonable steps to eliminate such behaviours or actions towards students in reference to the USC Student Charter, or by students in accordance with the Student Conduct – Governing Policy.

4.2 The University will use educative approaches for the prevention of sexual harassment of students, ensuring students are aware of their rights and responsibilities, and to encourage reporting of behaviour that breaches this policy.

4.3 The University recognises that sexual harassment can cause a range of issues including difficulty with academic tasks. Provision of dedicated support services for students who have experienced sexual harassment is integral to ensuring their wellbeing and continued participation in their education.

4.4 Students who have experienced sexual harassment may report the incident without initiating a formal complaint, or may initiate a formal complaint.

4.5 The University also recognises the possible effects on students who are accused of suspected sexual harassment, and will ensure that those students are afforded procedural fairness (natural justice) and provided with relevant support throughout any investigative procedures.

## 5. Responding to allegations

5.1 Students who believe they are being, or have been, sexually harassed should contact Student Wellbeing in the first instance. Student Wellbeing may escalate the matter and contact other support services where necessary. Additionally, students may contact one of the specialist sexual assault services in their local area or phone 1800 RESPECT (1800 737 732).

5.2 If the sexual harassment involves physical assault or the threat of physical assault, it should be reported to USC Security or Police. Student Wellbeing is available to support any further reporting.

5.3 The University will implement reasonably available interim measures to protect the reporting student and facilitate their continued access to University educational programs and activities.

5.4 When a formal complaint is made by a student, the University will take timely and appropriate action to investigate allegations through the following policies and procedures:

- in the case of a student making an allegation against a member of staff or other member of the University community – the Staff Code of Conduct – Governing Policy.
- in the case of a student making an allegation against another student – the Student Conduct – Governing Policy and Student General Misconduct – Procedures.

5.5 The principles of natural justice apply to all allegations. This means that before a decision is taken, the respondent to a formal complaint (i.e. the person accused of potential misconduct) has the right to:

- a. be informed about the nature and content of the issue;
- b. be heard;
- c. have an unbiased decision maker.

5.6 Grievance resolution is carried out in good faith. A complaint found to be vexatious may be dismissed by the University and may constitute misconduct under the Student Conduct – Governing Policy.

## 6. Confidentiality and Recordkeeping

6.1 All information associated with investigations and outcomes associated with allegations of sexual harassment/misconduct must be treated as confidential and not released to any third party or external agency unless required by law or the student expressly consents to its release in writing. The University will respect confidentiality by disclosing only information necessary to consider and respond to a request for resolving a formal complaint.

6.2 All relevant records must be captured in an approved records management system, in line with the University's Information Management Framework – Governing Policy.

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