

Sexual Harassment Response Policy

Section 1 - Summary

(1) This Policy affirms Victoria University's (VU) commitment to providing a work and study environment that is characterised by respect and collegiality and is, as reasonably practicable, free of sexual harassment.

(2) The Policy:

- a. Explains sexual harassment;
- b. Clearly states expectations of all members of the VU community;
- c. Provides a mechanism for addressing allegations of sexual harassment.

Section 2 - HESF/ASQA/ESOS ALIGNMENT

(3) HESF: Standard 2.3 Wellbeing and Safety

(4) ESOS: Standard 5 Younger overseas students; Standard 6 Overseas student support services

(5) [Standards for Registered Training Organisations \(RTOs\) 2015 \(Cth\)](#)

Section 3 - Scope

(6) This Policy applies to:

- a. all staff across the University, in all domestic and offshore locations, including but not limited to student residences, and while engaged in all work-related activities including but not limited to conferences and work-sponsored social occasions;
- b. all contractors and consultants performing work on University sites or on behalf of the University;
- c. all onshore and offshore students enrolled or registered in any University program, whether Award or Non-Award, including:
 - i. students with provisional enrolment status;
 - ii. people whose studies were completed or terminated within the six months prior to the bringing of their complaint under this Policy, provided that the matter to which the complaint relates occurred during the course of their enrolment; and,
 - iii. students undertaking field placements outside of the University;
- d. students from other academic institutions undertaking field placement at VU;
- e. visiting academics, honorary, adjunct and exchange staff;
- f. the Council and its committees;
- g. any volunteer in the workplace and study environment.

(7) This Policy only applies to a Complaint by a person who is a staff member, contractor, student, or former student of

VU as defined under section 3 of this policy. Persons who are not a staff member, contractor, student or former student (as defined under section 3 of this policy) may make a complaint under the [Public Complaints Policy](#) in these circumstances.

(8) This Policy applies to students over the age of 18. The [Safety and Welfare of Children and Young People Policy](#) and Procedure addresses sexual harassment against a student under 18 years of age.

Section 4 - Definitions

(9) Complaint: A notification to VU that a person has been sexually harassed on university premises or otherwise in connection to the university, upon which the person making the report expects VU to act or respond or VU is required to respond, including provision of immediate and appropriate support.

(10) Complainant: A person making a Complaint.

(11) Discloser: A person making a disclosure.

(12) Disclosure: A statement that a person has been sexually harassed on university premises or otherwise in connection to the university, however communicated. A disclosure can only be made by a person who has experienced the sexual harassment, rather than a person who has heard about or is otherwise aware of the sexual harassment.

(13) Respondent: The person whose behaviour is the subject of a Complaint.

(14) Sexual Harassment

(15) Victimization: To subject or threaten to subject a complainant or someone supporting a complainant to any detriment for making a complaint or supporting someone who has made a complaint as the case may be.

Section 5 - Policy Statement

(16) Sexual harassment is unlawful and will not be tolerated at VU.

(17) All members of the VU community have the right to work and study in an environment free of sexual harassment, including the right:

- a. To expect that VU will work to create an environment free of sexual harassment as reasonably practicable. This includes, but is not limited to, providing training and awareness raising programs for both staff and students.
- b. To be treated with compassion and dignity if you do experience sexual harassment.
- c. To be provided with any support services that you need to help you with the aftermath of the sexual harassment.
- d. To make your own decision about how you wish to progress the matter if appropriate, including whether you wish to proceed to a formal Complaint with the Victorian Equal Opportunity and Human Rights Commission, or not.
- e. To expect that VU will take action with regard to your complaint in a timely, fair and appropriate manner.
- f. To participate in a Complaints process that minimises further disruption to you.
- g. To not be victimised because you have made a disclosure or Complaint of sexual harassment or supported a person who has made a Complaint of sexual harassment.

(18) As a member of the VU community, you also have the responsibility:

- a. To not sexually harass others.
- b. If it is brought to your attention that you have engaged in sexual harassment, to immediately desist from that behaviour.
- c. To respond compassionately and appropriately if a disclosure of sexual harassment is made to you by any person.
- d. To speak out when witnessing incidents of sexual harassment.
- e. If the disclosure is made by a person aged under 18 years, to report the matter using the [Child Safety Reporting Process](#) outlined in the [Safety and Welfare of Children and Young People Procedure](#) (this is mandatory).
- f. To not victimise a person who has made a disclosure or complaint of sexual harassment.

(19) The University acknowledges the experiences, needs and perspectives of distinct population groups, including, but not limited to:

- a. those who identify as transgender or gender diverse;
- b. those who identify as LGBTIQ+;
- c. Aboriginal staff and students;
- d. staff and students with a disability;
- e. culturally and linguistically diverse staff and students; and
- f. international students.

Part A - What is Sexual Harassment?

(20) Sexual harassment is unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, and which a reasonable person, having regard to all the circumstances, would have anticipated as likely to cause offence, humiliate or intimidate.

(21) Sexual harassment also includes conduct that creates a sexually hostile working environment. Such conduct (e.g. displaying pornographic materials in the workplace) is equally unlawful.

(22) The laws relating to sexual harassment apply equally to women and men.

(23) A person does not need to offend, humiliate or intimidate to sexually harass another person.

(24) Sexual harassment consists of both physical and non-physical behaviours. Examples include:

- a. Physical:
 - i. Physical contact, such as pinching, touching, grabbing, kissing or hugging.
- b. Non-physical:
 - i. Staring or leering at a person or at parts of their body.
 - ii. Persistent requests to go on dates that are refused.
 - iii. Suggestive comments about a person's body or appearance.
 - iv. Sexual jokes or comments, sexually explicit conversations.
 - v. Displays of offensive material such as posters, screen savers, internet material etc.
 - vi. Accessing or downloading sexually explicit or inappropriate material from the Internet.
 - vii. Sending rude or offensive emails, attachments or text messages (including pictures of body parts).
 - viii. Advances on email, social networking websites, internet chat rooms or other electronic mediums.
 - ix. Intrusive questions about a person's private life or physical appearance.
 - x. Sexually explicit gifts e.g. 'Kris Kringle' gifts.

(25) Sexual harassment is unwelcome behaviour. Accordingly, behaviour which is based on mutual attraction, flirtation or friendship, or which is mutual, consensual, welcome or reciprocated, is not sexual harassment.

Part B - Victimisation

(26) Victimisation is unlawful and will not be tolerated at VU.

(27) Every member of the VU community is encouraged to raise concerns about workplace behaviour that potentially constitute sexual harassment. No one will be treated less favourably because they have made a complaint.

(28) If you become aware of a complaint:

- a. You must not retaliate or treat detrimentally other employees who raise genuine complaints of unacceptable behaviour under this Policy or another policy.

(29) If you have raised a complaint and are concerned about how you were treated after making your complaint, you are encouraged to raise your concerns in accordance with the complaint procedure relevant to this Policy.

(30) Examples of victimisation might include:

- a. Excluding or isolating a person because they have lodged a complaint.
- b. Failing to promote a person because they have lodged a complaint.

Part C - Breaches of this Policy

(31) VU treats all disclosures and complaints of sexual harassment seriously.

(32) In addressing complaints of sexual harassment:

- a. VU will exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially.
- b. Confidentiality will be maintained wherever possible in the handling of complaints.

Part D - Disclosures and Complaints

(33) Disclosures may arise anywhere and at any time within VU.

(34) If someone makes a disclosure of sexual harassment to you, you must, to the best of your ability and in accordance with the wishes of the discloser:

- a. assist the discloser to access and understand University [policies and procedures](#);
- b. advise the discloser of counselling and support services available;
- c. refer the discloser to the relevant area for help and advice:
 - i. People & Culture (staff); and
 - ii. Safer Community Unit (students).

(35) A disclosure is not a Complaint and is not investigated as one. A person who makes a disclosure may or may not proceed to make a Complaint.

(36) Complaints are made, investigated and determined following the processes outlined in the [Staff Complaints Resolution Procedure](#).

Disclosures by witnesses or people who have heard of sexual harassment

(37) If you have witnessed sexual harassment or possible sexual harassment, or have heard reports from others that sexual harassment may have taken place, you should discuss your concern with the relevant area as detailed in Clause 31(c).

(38) Your discussion will be treated with the same degree of confidentiality as a disclosure from an individual who has been sexually harassed would be.

Mandatory and other Reporting

(39) In all cases where a child is involved, the University is mindful of the mandatory reporting obligations under section 327 of the [Crimes Act 1958 \(Vic\)](#), the [Child Wellbeing and Safety Act 2005 \(Vic\)](#) and Part 4.4 of the [Children, Youth and Families Act 2005 \(Vic\)](#), and those of other legislative schema such as the National Law under the [Health Practitioners Regulation National Law Act 2009](#).

If you have been sexually harassed

(40) If you experience sexual harassment at VU, you are strongly encouraged to disclose the matter. You may choose to:

- a. Disclose the matter to a member of staff or fellow student whom you trust.
- b. Disclose the matter with relevant area as detailed in Clause 31(c).

(41) After making a disclosure, you may choose to lodge a complaint.

(42) The processes for lodging a Complaint, and the methods through which matters are explored and resolved, are detailed in the [Staff Complaints Resolution Procedure](#).

If an allegation is made that you have sexually harassed someone

(43) If an allegation is made against you, VU will follow the procedure as detailed in the [Staff Complaints Resolution Procedure](#).

(44) Disciplinary action will also be taken against anyone who retaliates against or victimises a person who has made a complaint.

After a Complaint is completed

(45) After finalisation of any investigative or disciplinary, VU will continue to provide assistance and support measures as required to:

- a. protect the safety and welfare of all parties, and
- b. facilitate the recovery of any person who has been sexually harassed.

Section 6 - Procedures

(46) [Sexual Harassment Response Procedure](#)

(47) [Sexual Harassment Response - Department of Foreign Affairs and Trade \(DFAT\) Preventing Sexual Exploitation, Abuse and Harassment \(PSEAH\) Procedure](#)

Section 7 - Guidelines

(48) Nil.

Status and Details

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Glossary Terms and Definitions

"Sexual Harassment" - Unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, and which a reasonable person having regard to all the circumstances would have anticipated as likely to cause offence, humiliate or intimidate.

"Aboriginal" - The use of the word Aboriginal throughout VU Policy and Procedure refers to Aboriginal and Torres Strait Islander people connected to and/or residing in South East Australia.