



# Sexual Misconduct Prevention and Response Policy

## Purpose

This Policy sets out the principles for preventing and responding to incidents of sexual misconduct occurring at or connected with UNSW. Sexual misconduct will be “connected with UNSW” when it occurs in circumstances described within the “Scope” below.

## Scope

This Policy applies to the following :

- x all enrolled UNSW students (regardless of which campus or UNSW facility they are attending)
- x all staff and affiliates of UNSW
- x former students and students currently on leave, where the behaviour governed by this Policy occurred whilst they were enrolled. (When a former student reports an incident of sexual misconduct, UNSW may decline to undertake a misconduct investigation but may refer the former student to support services within the wider community)
- x all UNSW owned, operated or Affiliated Accommodation providers

## 1. Principles

UNSW is committed to providing a fulfilling, rewarding and safe learning, research, teaching and employment environment for all staff, affiliates and students. This commitment is underpinned by the firm view that sexual misconduct is unacceptable at UNSW. The following principles express the



The Group, chaired by the Director, Conduct and Integrity Office, reports to the Deputy Vice Chancellor Equity Diversity and Inclusion and Chair of the EDI Board, and comprises representatives from Conduct & Integrity Office, Division of EDI, Gendered Violence Research Network, Employee Relations, Legal Office and others co-opted as required.

### 1.3.2. Sexual Misconduct First Responders

First Responders are a diverse network of specially trained members of the UNSW



7. contacting the Dean, Master, Director or manager at your University or Affiliated Accommodation

Regardless of which avenue is initially adopted, all of the entities listed above will promptly submit a



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Any retaliatory or other adverse action taken or threatened against a staff member or student because of their involvement in reporting sexual misconduct will result in disciplinary action. In this context, retaliatory or other adverse action includes threatening, intimidating or harassing any person, intentionally interfering with an investigation or hindering the academic or professional progress or career of an individual.

Authorisation and policy information

Authorisation

Approved by the President and Vice-Chancellor on 12 July 2021, effective from 12 July 2021.

Accountabilities

*Responsible Officer:* Deputy Vice-Chancellor (Equity, Diversity and Inclusion)



- x [HS307 Hazard and Incident Reporting Procedure](#)

## Superseded Documents

Sexual Misconduct Prevention and Response Policy, v1.1

## File Number

2018/14801

## Definitions & Acronyms

- x **Affiliate** means conjoint and visiting appointees; consultants and contractors; agency staff; emeriti; members of University committees; and any other person, not being an employee, appointed or engaged by the



consent to the sharing of sexually explicit or intimate images of them. In NSW it is a crime to share or record intimate images or videos without consent. The law covers photos and videos of private body parts or a person engaging in a private act, like undressing, showering or having sex.

- x Sexual Harassment occurs where there is an unwelcome sexual advance, or other unwelcome sexual behaviour, towards another person, in circumstances where it can reasonably be expected that the person will feel intimidated, humiliated or offended by the behaviour. The person's age, religious beliefs, race or ethnic origin might be relevant in considering their likely reaction to the behaviour. The unwelcome behaviour might involve a request for sexual contact, but there are other types of conduct which can amount to harassment.

In the context of certain activities and relationships, sexual harassment is unlawful under anti-discrimination legislation. For example, sexual harassment of students by staff of the University is unlawful, as is sexual harassment of staff by students. It is also unlawful for a staff member of the University to sexually harass another staff member. Other examples of unlawful sexual harassment are where the relevant behaviour is by a person offering accommodation or goods or services to the person harassed.

Where the unwelcome sexual behaviour consists of stalking or intimidation, that behaviour may amount to a crime. This will be the case where the stalker intends to frighten the person stalked. Stalking and intimidation need not involve actually following a person; they may occur through phone calls, texting, emailing or social media contacts.

Sexual harassment doesn't necessarily involve physical acts and may take many forms. Some unwelcome behaviour which might amount to sexual harassment includes:

- sending sexually explicit texts, emails or other social media messages;
- intrusive questions or statements about a person's private life;
- displaying posters or screen savers of a sexual nature;
- sexual jokes and comments;
- insults or taunts of a sexual nature;
- leering or staring;
- asking for sex;
- unnecessary familiarity, such as deliberately brushing up against a person

There is more guidance about what may amount to sexual harassment available on the Australian Human

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