

Staff Sexual Harassment Prevention and Response Policy

Section 1 - Purpose

(1) This Policy outlines the obligations of Macquarie University Staff and Affiliates in preventing and responding to Sexual Harassment.

Background

(2) Staff and Affiliates play an important role in supporting the University to effectively prevent and respond to Sexual Harassment.

(3) Sexual Harassment is a serious issue that can have detrimental impacts on individuals, teams, and the broader community. It can negatively affect an individual's health and wellbeing, as well as impair work performance. It can create a hostile work environment for those who experience or witness it. Sexual Harassment is often driven by underlying gender inequality and unequal power relations. Addressing these root causes is fundamental to eliminating Sexual Harassment in the workplace.

(4) Sexual Harassment is unlawful under the [Sex Discrimination Act 1984](#) (Cth) and the [Anti-Discrimination Act 1977](#) (NSW) and constitutes serious misconduct under the [Fair Work Act 2009](#) (Cth). The [Sex Discrimination Act 1984](#) (Cth) and Work Health and Safety (WHS) legislation also impose a positive obligation on employers to take reasonable and proportionate measures to eliminate Sexual Harassment in the workplace (Positive Duty).

(5) Contact details for external support services are documented in the [Schedule of Support Services](#).

Scope

(6) This Policy applies to all Staff and Affiliates of the University.

(7) This Policy applies to any activity that is connected with the University, including:

- a. all aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport;
- b. on-site, off-site or after-hours work;
- c. any form of contact or communication that is relevant to University business or University activities whether initiated in person, by email, phone, via social media or other electronic means;
- d. attendance at a University campus, residence or facility;
- e. use of University equipment (e.g. IT equipment, vehicles or facilities);
- f. attendance at a University event, function or activity or events, functions or activities connected with the University, including after-hours or off-site social functions; and
- g. participating in any activity as a representative of the University (e.g. meetings, field trips, practicums, conferences, etc).

(8) Students affected by Sexual Harassment or sexual assault involving other students should refer to the [Student](#)

[Sexual Misconduct Prevention and Response Policy](#). If a student experiences Sexual Harassment or assault involving Staff or Affiliates, such incidents will be addressed under this Policy, along with other relevant policies, procedures, and processes. This ensures that Staff members are subject to relevant workplace disciplinary procedures and the [Staff Code of Conduct](#).

(9) If it is unclear which policy applies — whether the [Student Sexual Misconduct Prevention and Response Policy](#) or the [Staff Sexual Harassment Prevention and Response Policy](#) — the Chief People Officer (or nominee) and the Pro Vice-Chancellor (Dean of Students) (or nominee) will collaborate to determine the appropriate policy to apply, ensuring a consistent and fair approach to handling the complaint.

Section 2 - Policy

(10) The University is committed to providing a work environment that is free from harassment and to fostering a workplace culture that actively promotes respect, inclusivity and safety for all members of its community.

(11) University Staff and Affiliates must not engage in conduct that constitutes Sexual Harassment.

(12) All members of the University community are required to adhere to this Policy to ensure that the University is a safe, respectful, and inclusive community where Sexual Harassment is not tolerated.

(13) In addressing Sexual Harassment, the University recognises the critical role of power dynamics and commits to mitigating these through transparent decision-making processes, risk assessment and equitable workplace practices.

(14) Consistent with the Positive Duty, the University is committed to taking proactive steps to prevent Sexual Harassment, including but not limited to conducting regular risk assessments, providing education and training to build knowledge and leadership capability, and building a safe, respectful and inclusive culture.

(15) University leaders, responsible officers and managers are expected to:

- a. create a work and study environment free from Sexual Harassment;
- b. actively promote respectful and inclusive behaviours within the University community at all times;
- c. provide training, support and resources to managers on how to proactively prevent and respond to Sexual Harassment within their teams;
- d. provide support to Staff, Affiliates and students who raise concerns about Sexual Harassment;
- e. encourage Staff, Affiliates and students to speak up about Sexual Harassment and report Sexual Harassment;
- f. respond to reports of Sexual Harassment in a manner that is, to the extent possible, trauma-informed, confidential and timely;
- g. protect Staff, Affiliates and students who report Sexual Harassment from reprisal action; and
- h. hold Staff and Affiliates who engage in Sexual Harassment accountable for their behaviour.

What is Sexual Harassment?

(16) Sexual Harassment can take many different forms. It can be obvious or indirect; it can be physical or verbal; in person or online; it can be repeated or one-off; and it can be perpetrated by any person against any other person, irrespective of gender identity.

(17) Sexual Harassment can happen to anyone. Evidence shows, however, that people who identify as members of distinct social groups are more likely to experience sexual assault or Sexual Harassment. These groups include, but are not limited to, people who identify as Aboriginal and Torres Strait Islander, culturally and linguistically diverse, LGBTQIA+, living with a disability and women.

(18) Examples of Sexual Harassment include but are not limited to:

- a. unwelcome touching, hugging or kissing;
- b. staring or leering;
- c. unwanted invitations to go out on dates;
- d. unwanted requests for sexual contact;
- e. intrusive questions about a person's private life or body;
- f. sending sexually explicit emails, SMS text messages or messages/posts via social media;
- g. touching or fiddling with a person's clothing, e.g. lifting up skirts or flicking bra straps; and
- h. behaviour which would also be an offence under the criminal law, such as physical assault, obscene exposure, sexual assault, stalking or obscene communications.

(19) Consensual sexual behaviour at work (such as discussing sex or making references to sex) may constitute Sexual Harassment if a reasonable person would anticipate that it could offend, humiliate or intimidate someone who sees or overhears it.

(20) Conduct may be Sexual Harassment even if the person did not intend to offend, humiliate or intimidate another person.

Social Media, Online Activity and Electronic Messaging

(21) Conduct or interactions which occur using technology and which include or involve other Staff or Affiliates (such as being "friends" with work colleagues on Facebook or sending text messages to a work colleague you are friends with) or which might otherwise be connected with the University, may amount to workplace Sexual Harassment, even if the activity is not itself clearly "work related". This includes social media use, online activity and electronic messaging.

Relationships at Work

(22) The University is a large and diverse community in which mutually beneficial and respectful relationships are fostered. While it is common for people to develop personal relationships with people at work there are circumstances where romantic and/or sexual relationships are strictly prohibited, particularly where there is an actual or perceived misuse of power or authority, such as between a Staff member and a student under their supervision or responsibility, or where the Staff member is able to influence the student's academic outcomes. These relationships are not acceptable due to the potential impact on students, Staff and the University community.

(23) Romantic and/or sexual relationships among Staff may not be prohibited but could constitute a conflict of interest, see [Conflict of Interest Policy](#). In such instances, Staff members are required to refer to the [Staff Code of Conduct](#) and disclose these relationships to ensure transparency and avoid any potential conflicts.

(24) Staff need to be aware that actions in initiating or engaging in personal or sexual relationships with colleagues may amount to Sexual Harassment if their actions constitute unwelcome conduct that could reasonably be anticipated to cause offence, humiliation, or intimidation.

(25) It is completely unacceptable and constitutes unlawful Sexual Harassment for a Staff member to exploit or misuse the power of their position in a sexual way, for example seeking or accepting sexual favours or a sexual relationship in return for academic or professional progress, preference or favourable treatment.

Jokes, Nicknames and Innuendo

(26) Jokes, nicknames, and/or personal remarks that have a sexual focus or connotation may be disrespectful to members of our community and may constitute Sexual Harassment.

What Sexual Harassment is Not

(27) Attraction, flirtation or friendship between colleagues which is mutual and consensual is not Sexual Harassment. However, it is common for people to feel uncomfortable about saying that the behaviour is unwelcome. Behaviour can become Sexual Harassment if interactions change from being mutual and consensual to being unwelcome and unreciprocated.

When Sexual Harassment is also a Criminal Offence?

(28) In addition to being unlawful under discrimination law, some forms of sexual misconduct may also be an offence under criminal law. This includes, but is not limited to:

- a. sexual assault or sexual touching without consent;
- b. stalking; and
- c. image-based abuse, which includes any of the following actions without the person's consent:
 - i. taking or recording an intimate image that shows a person's intimate areas (genitals, breasts, or anal area), a person engaging in a sexual act, a person undressed, showering, bathing, or going to the toilet, or a person doing anything else typically done in private;
 - ii. filming a person's private parts for the purpose of sexual gratification;
 - iii. sharing, sending, or posting online any intimate image of someone without their permission;
 - iv. publishing an indecent article, which can include nude or sexual images shared via technology or posted online; and
 - v. threatening to engage in any of the above actions.

(29) The University may be required to refer matters involving potential criminal conduct to the police. Referral to the police does not preclude the University from dealing with the matter through its internal misconduct and disciplinary procedures.

What is Sexual Assault?

(30) Sexual assault occurs when a person is forced, coerced or tricked into sexual acts without their consent, or if a child or young person under 18 is exposed to sexual activities. It is important to distinguish that while some forms of Sexual Harassment may involve inappropriate sexual conduct, they do not always meet the legal definition of sexual assault.

(31) Sexual assault is a crime and is prohibited by the [Crimes Act 1900](#) (NSW).

(32) Examples of sexual assault include:

- a. sexual intercourse without consent: engaging in any form of penetrative sexual activity without the other person's consent;
- b. aggravated sexual assault: sexual assault involving aggravating factors such as threats of violence, use of a weapon, or assault by multiple persons;
- c. sexual touching: this involves a person touching another person in circumstances where a reasonable person would consider the touching to be sexual. This may include:
 - i. using any part of the body or an object to touch another person;
 - ii. touching through clothing worn by either the person doing the touching or the person being touched;
 - iii. touching areas such as the genital area, anal area, or (in the case of females, transgender, or intersex persons identifying as female) the breasts, whether or not they are sexually developed; and
 - iv. touching done with the intent of sexual arousal or gratification or under circumstances that make the act

sexual;

- d. sexual acts without consent: engaging in behaviours of a sexual nature towards another person without their consent. This may include acts such as masturbating in front of another person or sending unwanted sexual images for example images of intimate areas (breasts, genitals, or anal area); and
- e. recording or distributing intimate images without consent: capturing or sharing images or videos of a person's intimate areas or any activity of a private nature, without the person's consent. Note that this constitutes image-based abuse and is not classified as sexual assault under the [Crimes Act 1900](#) (NSW) but is still a serious offence.

(33) Threatening to engage in any of the above behaviours can also be considered a criminal offence and may attract legal penalties.

Responsibilities of Staff and Affiliates

(34) All Staff and Affiliates have a responsibility to:

- a. familiarise themselves with and adhere to this Policy and its accompanying Procedure;
- b. treat others with dignity and respect;
- c. not engage in Sexual Harassment;
- d. offer support to anyone who is being sexually harassed and let them know where they can get help and advice;
- e. not victimise or retaliate in any way against any person who seeks support or reports Sexual Harassment or who is involved in any procedure in response to a Sexual Harassment complaint;
- f. maintain confidentiality, which means that information about a concern or complaint is only provided to those people who need to know in order for the complaint to be properly actioned;
- g. cooperate during any process; and
- h. participate in regular, mandatory training on their responsibilities to prevent Sexual Harassment, including how to identify, report, and respond to incidents effectively.

Responsibilities of Managers and Supervisors

(35) Managers and supervisors have a responsibility to:

- a. monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
- b. model respectful behaviour;
- c. if they observe or suspect sexual harassment in the workplace or behaviour that otherwise breaches this Policy, promptly take appropriate steps to address the behaviour or, if unsure, seek advice and assistance in relation to addressing the behaviour;
- d. promote this Policy and respectful and inclusive behaviours within their teams, offices, departments, and faculties;
- e. regularly conduct risk assessments to identify potential areas where Sexual Harassment might occur, implement appropriate controls to mitigate these risks, and monitor the effectiveness of these strategies on an ongoing basis;
- f. make Staff aware of the reporting options available in relation to Sexual Harassment (refer to "How to Seek Support if You Have Concerns or Have Experienced Sexual Harassment?" and "How to make a Report of Sexual Harassment" within the [Staff Sexual Harassment Prevention and Response Procedure](#));
- g. treat all reports of Sexual Harassment seriously and take appropriate and trauma-informed action to respond to the report in accordance with the University's procedures;
- h. treat all reports of Sexual Harassment confidentially, which means that information about a concern or complaint is only provided to those people who need to know in order for the complaint to be properly actioned;

- i. take appropriate steps to protect any person making a report of Sexual Harassment from victimisation; and
- j. undertake training regarding their responsibilities as a Manager in relation to workplace Sexual Harassment prevention and response and contributing to a respectful workplace culture.

Disclosure and Reporting

(36) Staff, Affiliates, students and visitors are encouraged to disclose or report incidents of Sexual Harassment to access support and ensure that the University can take appropriate action to prevent further harm. There are a number of ways in which Staff, Affiliates, students and visitors can report Sexual Harassment, which are regularly reviewed to ensure their accessibility and effectiveness. A summary of the various reporting options can be accessed on the Respect@Macquarie Staff SharePoint.

(37) Reports of Sexual Harassment will be taken seriously, investigated promptly, and addressed with appropriate action, consistent with the University's commitment to providing a safe and respectful work environment.

(38) Staff and Affiliates who experience or witness Sexual Harassment should report the behaviour using one of the reporting options provided by the University. All reports will be handled with care, respect, and confidentiality.

Breaches of this Policy

(39) The University will take appropriate action against any Staff member or Affiliate engaged in Sexual Harassment or otherwise proven to have breached this Policy. Depending on the circumstances and severity of the case, for Staff, this may result in disciplinary action, up to and including termination of employment. For Affiliates, this may be cessation of their contract or relationship with the University. Managers who repeatedly fail to take appropriate preventative measures to prevent Sexual Harassment may also be subject to disciplinary action.

(40) Staff and Affiliates are legally responsible for their own behaviour. Legal action can be taken against individuals and/or against an employer (i.e. the University) for workplace Sexual Harassment.

Sexual Assault and Sexual Harassment within the Student Community - Respect. Now. Always.

(41) The Respect. Now. Always. (RNA) project at the University aims to provide a safe University community by preventing sexual assault and harassment, fostering safer environments and enhancing responses to sexual violence. This initiative aligns with the broader goals of promoting respectful relationships and behaviour across the University and the broader community.

(42) Staff members are encouraged to support students affected by sexual assault and harassment. For further guidance, including information on support services and appropriate responses, Staff should refer to the [Student Sexual Misconduct Prevention and Response Policy](#), [Student Sexual Misconduct Prevention and Response Procedure](#) and [Guide to Student Sexual Misconduct Prevention and Response Policy and Procedure](#).

Implementation and Review

(43) This Policy will be reviewed and updated regularly to ensure continued compliance with the Positive Duty and other relevant legal obligations.

Section 3 - Procedures

(44) Refer to the [Staff Sexual Harassment Prevention and Response Procedure](#).

Section 4 - Guidelines

(45) Nil.

Section 5 - Definitions

(46) The following definitions apply for the purpose of this Policy:

- a. Affiliates means persons holding Honorary titles with the University and contractors and volunteers working for the University.
- b. Staff means all persons employed by Macquarie University, including continuing, fixed term, and casual Staff members.
- c. Sexual Harassment has the same meaning provided in the [Sex Discrimination Act 1984](#) (Cth) as:
 - i. an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or other unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Status and Details

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Responsible Executive	Eric Knight Deputy Vice-Chancellor (People and Operations)
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