

Staff Sexual Harassment Prevention and Response Procedure

Section 1 - Purpose

(1) This Procedure outlines how Staff and Affiliates can seek support and make a report of Sexual Harassment and details the University's response to complaints or allegations of Sexual Harassment in the workplace.

Scope

(2) This Procedure applies to all Staff and Affiliates of the University.

(3) This Procedure 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).

(4) For Students affected by Sexual Harassment or sexual assault, refer to the [Student Sexual Misconduct Prevention and Response Policy](#).

Section 2 - Policy

(5) Refer to the [Staff Sexual Harassment Prevention and Response Policy](#).

Section 3 - Procedures

Responsibilities and Required Actions

(6) The University is committed to preventing Sexual Harassment and meeting its Positive Duty to eliminate Sexual Harassment in the workplace. Staff and Affiliates are strongly encouraged to report Sexual Harassment so that appropriate action can be taken to prevent harm.

(7) It is acknowledged that making a report can be difficult and affected staff need to make this decision for themselves. Staff who experience Sexual Harassment may want to seek confidential support, i.e. counselling,

reassurance or the opportunity to talk about their experience. In such cases, various support options are detailed below.

(8) In some cases, the University will need to take action even if the person seeking support does not wish to make a report. For example, where a person seeks support and there is a serious and/or imminent risk to the health and safety of a person and/or there is evidence of unlawful behaviour.

(9) There are multiple reporting options available to a Staff member or Affiliate wishing to make a report of Sexual Harassment to the University. These options ensure that appropriate procedures can be implemented to investigate the matter, determine if Sexual Harassment is occurring or has occurred, and ensure appropriate action is taken.

How to Seek Support if You Have Concerns or Have Experienced Sexual Harassment

Crisis Support

(10) If someone is at immediate risk or needs urgent medical assistance, use these Emergency Contacts:

- a. On campus (Macquarie University Security) - (02) 9850 9999; or
- b. Off campus ([NSW Police](#)) - 000.

Internal Support

(11) Staff and Affiliates can seek support or further information in a number of ways, including speaking to:

- a. their immediate manager/supervisor;
- b. a member of the Human Resources team; or
- c. the Chief People Officer.

(12) The University is committed to cultivating a safe and inclusive atmosphere for everyone in its community. The University's Ally Network supports members of the lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) community. Staff interested in connecting with the Ally Network should visit the [Ally Network page](#) to find out more.

External Support

(13) Staff and their immediate family members can access a free confidential counselling, coaching and wellbeing service through the [Employee Assistance Program](#) (EAP). To make an appointment or find out more, visit the [Employee Assistance Program SharePoint page](#).

(14) Staff who are members of a union may wish to contact their Union representative for support and advice.

(15) Contact details for additional external support services are available in the [Schedule of Support Services](#).

How to Make a Report of Sexual Harassment

(16) Staff and Affiliates can report Sexual Harassment through the [Complaint Management Procedure for Staff](#), which sets out how complaints or concerns, including reports of Sexual Harassment, will be managed. Complainants are encouraged to use the online [Staff Complaints Form](#). The [Complaint Management Procedure for Staff](#) also provides information on how to escalate serious complaints, including where there is a serious and/or imminent risk to the health and safety of a person, where there is evidence that the conduct raised is unlawful, or where there is evidence of serious prolonged or systemic issues.

External Options for Making a Report of Sexual Harassment

(17) A complaint about Sexual Harassment can be made to:

- a. the [Anti-Discrimination Board of NSW](#);
- b. the [Australian Human Rights Commission](#); or
- c. the [Fair Work Ombudsman](#).

Procedural Fairness

(18) The [Complaint Management Procedure for Staff](#) and University procedures for managing misconduct are underpinned by the principles of procedural fairness.

No Victimisation

(19) It is important that Staff and Affiliates feel safe and supported in raising concerns and making reports about Sexual Harassment. It is unlawful and a breach of the [Staff Sexual Harassment Prevention and Response Policy](#) and this Procedure for any Staff member or Affiliate to 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.

Frivolous and Vexatious Complaints and Reports

(20) Complaints or reports that are frivolous, vexatious, or intentionally misrepresent events compromise the University's efforts in preventing Sexual Harassment and building a respectful, safe and collaborative community. Such complaints constitute a breach of the [Staff Sexual Harassment Prevention and Response Policy](#) and this Procedure and may result in disciplinary action.

Anonymous Reports

(21) It is often difficult for action to be taken in relation to anonymous reports. In accordance with the [Complaint Management Procedure for Staff](#), the University will not normally take action in relation to anonymous complaints but may do so at its discretion and with regard to matters such as the nature of the complaint and whether there is sufficient information to reasonably progress the complaint.

Section 4 - Guidelines

(22) Nil.

Section 5 - Definitions

(23) 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. Positive Duty refers to the [Sex Discrimination Act 1984](#) (Cth) and Work Health and Safety (WHS) legislation which imposes a positive obligation on employers to take reasonable and proportionate measures to eliminate Sexual Harassment in the workplace.
- 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.

- d. Staff means all persons employed by Macquarie University, including continuing, fixed term, and casual Staff members.

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Responsible Officer	David Ward Chief People Officer
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