



St Andrew's College

Sexual Harm and Gender-Based Violence Policy

This policy has been developed by the St Andrew's College community
Policy authorised by St Andrew's College Council.

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St Andrew's College Sexual Harm and Gender-Based Violence Policy

1. College Members are expected to maintain respectful relationships at all times and in all circumstances. Discrimination, harassment, sexual harassment, assault, indecent assault and sexual assault are not acceptable and will not be tolerated.
2. College Members should understand that harassment, sexual harassment, assault, indecent assault and sexual assault are criminal offences.
3. College Members are expected to actively seek informed consent in their interactions with others and respect the other parties' wishes if it is not given or withdrawn.

The St Andrew's Community

Who we are

Born of the Scottish Enlightenment, St Andrew's College is a diverse and inclusive community united through our College Values. Our members value reasoning, responsibility and personal choice. As such we support one another in maintaining respectful relationships in all circumstances (on or off College grounds, with other College Members, and with all people external to the College).

All College Members are bound by St Andrew's College policies. The term College Members includes all students and staff (both residential and non-residential). Alumni, contractors and visitors to College are also considered to be bound by College policies when onsite.

College Student Members are young adults who are legally accountable for their actions. As a result, the College's policy and procedures relating to sexual harm and gender-based violence emphasises personal responsibility and conformity with the law. We recognise that sexual harassment, indecent assault and sexual assault are abuses of power that contravene [the St Andrew's College Code of Conduct](#) as well as being criminal offences. We take all reports of inappropriate conduct seriously and have well-established processes for responding to these reports with impartiality and sensitivity.

All members of the St Andrew's College Community have the right to live, study and work in a safe and supportive environment and we endeavour to maintain and promote this environment, recognising that we are all responsible for maintaining this through:

1. An historic overarching College motto of 'Christo, Ecclesiae and Litteris' which incorporates the following set of values; Service, responsibility, humility, leadership, friendship, community, inclusion, attainment, enlightenment, rigour and engagement.
2. Education and training for students, which is done throughout the year at College, with sessions run by external providers, by Student Life staff, and supported by ongoing information provided to College members by Student Life, Pastoral Care Leaders and Student's Club.
3. Training senior members of College on how to approach, give information, and support fellow members to seek assistance.
4. Engaging with all College members to intentionally create a community that is inclusive, respectful, and reflective.
5. Responding safely, and in a timely manner, to emerging issues.

Any member of the College community who has concerns or questions is encouraged to seek help for themselves, or for others, at any time either during or after the event. All matters will be confidentially and respectfully managed. The health and wellbeing of everyone concerned is of the utmost importance.

Sexual Harm and Gender-Based Violence Policy Background

St Andrew's College seeks to support its members through their transition to adulthood with a breadth of intellectual, spiritual, cultural, and social experiences. St Andrew's College recognises that everyone in our community has the right to live, study, and work in a safe and supportive environment and that all community members are responsible for maintaining this. College members are expected to maintain respectful relationships and to always seek affirmative and informed consent in all circumstances. **All staff and students at St Andrew's College are considered college members and are covered by this policy.** This policy covers all college members, irrespective of gender, gender identity, intersex status, sexual orientation, race, religion, cultural background or disability.

This policy intends to;

- Make college members aware of the support available to them
- Encourage college members to seek help for any situation where they feel uncomfortable
- To clearly set out the behavioural expectations and legal obligations of college members
- To inform college members of the procedures that the College will follow in responding to a disclosure or complaint
- To ensure that College is a safe respectful community
- To ensure that any adverse experiences are approached ethically, are dealt with sensitively, fairly, confidentially and within Australian Law

Sexual harm and gender-based violence are not acceptable and will not be tolerated. They are a breach of the Code of Conduct and **Sexual Harm and Gender-Based Violence Policy**. Any breaches will be subject to the **Sexual Harm and Gender-Based Violence Policy Procedures**. All reports of sexual harm and gender-based violence will be confidentially investigated in a timely manner. This process is explained in more detail through the Procedures documents.

- College members must understand that sexual harm including sexual harassment, indecent assault and sexual assault are criminal offenses.
- College members must also understand that the College is required to report information about the commission of a 'serious indictable offence' to the Police in accordance with section 316 of the Crimes Act 1900 (NSW).

Note: A 'serious indictable offence' is an offence that is punishable by imprisonment for five years or more, such as rape or indecent assault.

If a member decides not to report an incident of sexual assault to the Police, the College will strive to protect the confidentiality of information relating to the student's disclosure or complaint, while still meeting its obligations under the Crimes Act 1900 (NSW). In some limited circumstances, the College may need to report an incident of sexual assault to the Police against a member's wishes, to ensure the safety of the member or other members of the College community, or to meet its legal obligations. The College will inform the reporting party before reporting an incident of 'serious indictable offence' to the Police.

Sexual harm

- (1) Sexual harm means:
 - (a) any sexual activity a person does not consent to.
- (2) This includes:

Note: See Definitions below

 - (a) sexual harassment;
 - (b) sexual assault;
 - (c) non-consensual sexual touching;
 - (d) non-consensual sexual acts;
 - (e) voyeurism; and
 - (f) recording or distributing an intimate image without the subject's consent, regardless of whether the image is:
 - (i) real or fake;
 - (ii) still or moving.

Note: Behaviour of the kind described in this clause may also be a crime. See Divisions 10, 15B and 15C of the [Crimes Act 1900 \(NSW\)](#).

When is sexual activity considered sexual harm?

- (1) A person sexually harms another if:
 - (a) the other person did not consent to the sexual activity; and
 - (b) the first person:
 - (i) knew that the other did not consent;
 - (ii) was reckless as to whether they consented; or
 - (iii) unreasonably believed that they consented.
- (2) A belief that another person has consented to sexual activity is unreasonable if the first person did not say or do anything to find out whether the other consented:
 - (a) within a reasonable time before; or
 - (b) at the time of the sexual activity.
- (3) Threatening or attempting to engage in any of the conduct described in clauses [3.1](#) or [3.2](#) also constitutes sexual harm.

Informed Consent

St Andrew's College members have the right to make choices free from peer pressure and with a clear understanding of the facts and potential outcomes of that choice. Informed consent to a sexual act should be actively sought at all times.

Consensual sexual activity involves ongoing and mutual communication, decision-making and free and voluntary agreement between the people participating in the sexual activity.

- (1) A person consents to a sexual activity, if, at the time of the sexual activity, they freely and voluntarily agree to the sexual activity.
- (2) A person does not consent to a sexual activity if:
 - (a) they do not say or do anything to communicate consent;
 - (b) they do not have the capacity to consent;

Note: For example, because they have a disability.
 - (c) they are:
 - (i) asleep or unconscious
 - (ii) so affected by alcohol or another drug as to be incapable of consenting;

- (iii) forced, intimidated, coerced, blackmailed or threatened, including when they are afraid of harm to themselves or someone else;
 - (iv) influenced by the abuse of a relationship of authority, trust or dependence;
 - (v) mistaken about the identity of the other person;
 - (vi) mistaken about the nature of the sexual activity;
 - (vii) tricked into doing something they do not want to do;
 - (viii) detained or held against their will;
 - (ix) under 16 years of age; or
 - (x) under 18 years of age and the other person is a staff member or affiliate.
- (3) A person may withdraw their consent at any time before or during a sexual activity, for any reason.
- (a) They may communicate this by words or actions.
 - (b) The fact that a person does not say ‘no’ to, or does not physically resist, a sexual activity does not itself mean they consent to it.
- (4) Sexual activity that occurs after consent has been withdrawn is non-consensual.
- (5) Consenting to a particular sexual activity does not of itself constitute consent to any other sexual activity.
 Note: For example, a person who consents to a sexual activity using a condom is not, by reason only of that fact, taken to consent to a sexual activity without using a condom.
- (6) A person who consents to a sexual activity with another is not, without further consent, considered to have consented to:
- (a) sexual activity with that person on another occasion; or
 - (b) sexual activity with any other person on any occasion.

Gender-based violence

- (1) Gender-based violence is:
- (a) any form of physical or non-physical violence, harassment, abuse or threats;
 - (b) based on gender;
 - (c) that results in, or is likely to result in, any of:
 - (i) harm;
 - (ii) coercion;
 - (iii) control;
 - (iv) fear;
 - (v) deprivation of liberty; or
 - (vi) deprivation of autonomy.
- (2) Violence is based on gender if it is perpetrated because of a person’s
- (a) sex;
 - (b) gender;
 - (c) gender identity; or
 - (d) gender expression.
- (3) Gender-based violence includes:
- (a) sexual harm;
 - (b) stalking;
 - (c) family and domestic violence;
 - (d) coercive control;
 - (e) forced marriage; and

- (f) modern slavery.

Note: See definitions in [Part 11](#). Behaviour of the kind described in this clause may also be a crime. See Division 6A of the [Crimes Act 1900 \(NSW\)](#); the [Crimes \(Domestic and Personal Violence\) Act 2007 \(NSW\)](#), the [Modern Slavery Act 2018 \(NSW\)](#) and the [Criminal Code Act 1995 \(Cth\)](#).

- (4) Gender-based violence can happen in many ways. These include:
- (a) in person; or
 - (b) through electronic communications or use of other technology.

Definitions

Community

College members include all students and staff both residential and non-residential. All College Members are bound by St Andrew's College policies. Alumni, contractors and visitors to College are also considered to be bound by College policies when on site.

Sexual Activity

Sexual activity means any activity that a reasonable person, having regard to all the circumstances, would consider to be sexual.

Sexual Acts

Sexual Acts means doing an act with or towards another person, or making another person do an act, in circumstances where a reasonable person would consider the act to be sexual. For example:

- a person showing another person their genitals or breasts ('flashing');
- a person sending another person an unwanted still or moving image of their own or someone else's genitals or breasts;
- making a person show another person their breasts, bottom or genitals;
- masturbating or pretending to masturbate in front of another person.

Sexual Harassment

Sexual Harassment is any unwanted behaviour of a sexual nature that offends, humiliates or intimidates an individual or group of people. It may occur as the result of a single incident or repeated incidents, in circumstances where a reasonable person would have anticipated a possibility that the harassed would be offended, humiliated or intimidated.

Sexual harassment occurs if a person:

- (a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
- (c) 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.

For example:

- unwelcome touching, hugging or kissing
- inappropriate staring or leering

- sexual gestures
- sexually suggestive comments or jokes
- displaying, sending or requesting sexually explicit pictures or posters
- giving sexually explicit gifts
- making or distributing a sexually explicit audio recording or photo-shopped image of another person
- repeated or inappropriate invitations to go out or ‘hook up’
- intrusive questions about a person’s private life or physical appearance; and
- requests or pressure for sexual intercourse, or to participate in other sexual activities.

Sexual harassment can occur through email, text, messaging, social media posts and other forms of electronic communication. Acts of sexual harassment may also constitute sexual assault.

Sexual Assault

Sexual Assault is:

penetration to any extent of the genitals or anus of any person by:

- any part of the body of another person (including their fingers); or
- any object manipulated by another person; or
- insertion of the penis into the mouth of another person; or
- use of the tongue or lips on the vagina, penis, scrotum or anus of another person;

without the person’s consent.

Indecent Assault

Indecent assault is touching (or the threat to touch) a person’s body in a sexual manner without consent by another person. For example, indecent assault may include unwanted touching of a person’s breast, bottom or genitals.

Confidentiality

All enquiries or reports will be treated with the utmost sensitivity and respect and will remain confidential except when it is assessed that it is likely that there is a significant risk to any College member. The bounds of confidentiality will be discussed and an individual plan created that addresses a balance between the wellbeing and safety of the individuals involved and the College at large.

Except where it is legally required, the College will keep confidential all information relating to a disclosure or complaint of sexual assault or sexual harassment, unless the student consents to disclosure of part or all of the information for a specified purpose. All reporting and responding parties must keep confidential:

- The identity of the reporting party, the responding party and participants in the resolution or investigation of a complaint
- The information provided or collected during the resolution or investigation of a complaint
- The fact that a complaint has been made
- Any interim measures taken as part of a formal or informal process and
- Any report, outcome or determination of a complaint.

The reporting party and the responding party may disclose the above information within College in order to obtain support or advice from:

- College Principal and Vice Principal
- College Respectful Relationship officers
- Pastoral Care and elected Student Leaders
- Other Staff and students

All College members must understand that they must keep any disclosure confidential.

The reporting party and the responding party may further disclose the above information outside College in order to obtain support or advice from:

- a support person, representative, or personal advisor who agrees to maintain confidentiality;
- a qualified counsellor or psychologist
- a student caseworker or lawyer
- the Police
- the NSW Anti-Discrimination Board or Australian Human Rights Commission.

Respectful Relationships Officers

The role of the College Respectful Relationships Officers is to provide support and information to any one in College who is concerned about any possible sexual harm or gender-based violence including sexual harassment, indecent assault or sexual assault. These Officers can provide confidential information and support regarding College policies and procedures. They may be instructed by the Principal to investigate any formal complaints.

Respectful Relationship Officer appointed staff members can be found [here](#).

Reporting Party

A Reporting Party is:

- (a) Any College member/s who makes a report to College concerning the behaviour of another person/s.
- (b) Any individual or group who have witnessed or had something happen to them.

A report can be made if the party believes College's policies has breached.

Reports can be about

- (a) The behaviour of a St Andrew's College member
- (b) An external person/s behaviour
- (c) For incident/s on or outside of College grounds

The College seeks to support and empower the Reporting Party. College is not obligated to pursue any particular course of action, unless there is significant risk to the Reporting Party or others. St Andrew's College will support any Reporting Party wishing to go to the Police to report the incident/s.

External individuals may make a complaint against a College member. In this case the external will be supported to seek advice by the respectful relationships officers and College members are bound by this policy.

Responding Party

A Responding Party is any College member who has had a report made against them. If after investigation it is found that the incident/s occurred or credibly could have occurred, the Responding Party may be suspended or expelled from College. Since the College is unable to satisfactorily investigate reports made against external persons, reports made concerning external persons will result in the external person being banned from College grounds. Security and/or the police will be called should they seek to re-enter College grounds.

Standard of Proof

The standard of proof to be satisfied in College investigations of sexual assault and sexual harassment is 'on the balance of probabilities'. This requires satisfaction that evidence on the matter was found to have occurred or is more likely to have occurred than not. The College will take into account the nature and seriousness of the alleged conduct when deciding whether the standard of proof is met. The standard of proof used in criminal investigations and trials is 'beyond reasonable doubt'. This is a higher evidentiary standard of proof.

Active Bystander Intervention

College encourages and values safe active bystander intervention by members of the College community to prevent or stop sexual assault and sexual harassment from occurring or continuing.

The steps involved in safe active bystander intervention are:

- (a) Noticing the situation – paying attention to what is going on nearby
- (b) Deciding if it is a problem – investigating whether someone might need help
- (c) Checking with people around if unsure
- (d) Accepting responsibility to take action – not assuming someone else will do something
- (e) Making a plan to step in – indirectly or directly confronting the issue, without being aggressive or putting oneself or others in danger

All students are trained on Bystander intervention and all student leaders and staff are trained as first responder.

No Victimisation

A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person:

- (a) Making a disclosure or a complaint of sexual assault or sexual harassment
- (b) Providing information about a disclosure or a complaint of sexual assault or sexual harassment
- (c) Supporting a student who has made a disclosure or complaint of sexual assault or sexual harassment
- (d) Engaging in safe active bystander intervention

Non-disclosure agreements

- (1) The College will not use non-disclosure agreements, unless requested by a reporter.
 - (a) A non-disclosure agreement must not:
 - (i) stop the reporter from obtaining support or advice about sexual harm or gender-based violence; or
 - (ii) prevent us from meeting our requirements under the National Higher Education Code to Prevent and Respond to Gender-based Violence.
- (2) The College will not agree to non-disparagement clauses that could have the effect of requiring the reporter to keep their experience of sexual harm or gender-based violence confidential.

Reporting

If you have experienced or witnessed sexual harm or gender-based violence, you may wish to make a report.

Reporting methods

A person may report sexual harm or gender-based violence:

- (a) that they have experienced; or
- (b) that they have witnessed.

Reports are made by making one or both of a disclosure or a complaint.

Report to College

Making a Complaint

A complaint is a formal report by a College member requesting the College to formally investigate a potential breach of the Sexual Harm and Gender-Based Violence Policy or the Code of Conduct. Any College member who believes that policy has been breached can make a complaint to the College.

If you wish to make a complaint to College, you can either:

- (a) Use [Respect X](#) online reporting platform and select 'Make a Formal Report'
- (b) Contact one of the following College members:
[Respectful Relationships Officers](#)
 - Alice Draffin (Vice-Principal and Director of Student Life)
 - Dr Sarah Hendriks (Director of Education)
 - Bonnie Dixon (Director of Operations)
 - Dr Daniel Tyler (Principal)

For more information on the Formal Reporting process please go to the [Making a Complaint Policy](#).

Making a Disclosure

A disclosure is an informal report to the College, sharing information about experiencing or witnessing sexual harm or gender-based violence. The purpose of a disclosure is to make the College aware of an incident, seek trauma-informed support, and explore reporting options.

A person making a disclosure can choose to disclose anonymously and may choose to later make a complaint about the same incident.

The College will not investigate a disclosure unless:

- (c) Required to do so by law
- (d) there is an apparent risk to the health or safety of any person or the College community
- (e) The disclosure is made by a bystander, we can conduct an investigation appropriately without involving the person who experienced the alleged conduct.

If you wish to make a disclosure to College, you can either:

- (a) Use [Respect X](#) online reporting platform and select 'Make an Informal Report' (there is an option to remain anonymous)
- (b) Contact one of the following College members:

Respectful Relationships Officers

- Alice Draffin (Vice-Principal and Director of Student Life)
- Dr Sarah Hendriks (Director of Education)
- Bonnie Dixon (Director of Operations)
- Dr Daniel Tyler (Principal)

Pastoral Care Leaders

The College's Student Counsellor

Making an Anonymous Report to College

To make an anonymous disclosure to College go to [Respect X](#) 'Make an Informal Report' and do not enter your name. You cannot make an anonymous complaint to the College.

Report to University

If a College member is at risk of being hurt or feeling unsafe at College, they may also be at risk of being hurt or feeling unsafe outside of College. To ensure your safety, health and wellbeing, you may wish to inform those external to College, such as your university, of the potential risk.

- [University of Sydney](#)
- [University of Technology Sydney](#)
- [University of New South Wales](#)
- [Australian Catholic University](#)
- [University of Notre Dame Australia](#)

Report to Police

- [A Formal Police Report](#)
- [A Sexual Reporting Option \(SARO\)](#)
- We will support you if you choose to [make a police report](#)
- If a police report is made, our investigation will be suspended until the police investigation is complete
- We are not a 'mandatory reporter' and will not make reports on your behalf (unless legally required to do so)
- We will not force anyone to make a police report unless we are legally required to do so

Where to go for support and information

No Wrong Door

The priority of St Andrew's College is maintaining the safety, health and wellbeing of all members. The College community is here to support you. The No Wrong Door approach means that if you have any enquiries, you can contact anyone in the College community who you feel comfortable talking to. The needs and rights of individuals and the community are paramount, and all enquires will be dealt with sensitively, confidentially and respectfully.

To support the No Wrong Door approach, Respectful Relationship Officers, Staff, Pastoral Care Leaders, and House Committee members, have completed 'Responding with Compassion' training and are ready to assist fellow College members.

Seeking Support and Information in College

We aim to make it as easy as possible to seek information and support in College. You may talk to anyone you choose in the College community. Here are some suggestions:

- [Pastoral Care Leaders](#)
- House Committee
- Student Mentors
- The Student Counsellor
- [Respectful Relationships Officers](#)

Seeking support from others

- Friends
- Family
- Helplines
 - [Lifeline](#) - 13 11 14
 - [1800 Respect](#) - 1800 737 732
 - [Reach Out](#)
 - [Twenty10 NSW Gay & Lesbian Counselling Service](#)

Seeking Medical Advice or Assistance

- [Health Direct](#) (24-hour advice and information) – 1800 022 222
- [The University of Sydney health service](#) – 9351 3484
- [Sexual Health Infolink](#) – 1800 451 624
- [NSW Health Sexual Assault Services](#) RPAH – 9515 9040

Time Limits for Policy

There is no time limit to this policy and reports can be made at any time and are covered by this policy and procedures.

Take No Further Action

You can choose to take no further action or take no further action while you decide what you would like to do. We will support you in whatever options you choose and any enquiries will remain confidential.

If you choose to take no further action you are still able to access:

- Support and advice from College
- Further information
- Support and information from others
- Medical assistance and advice
- Understand there may be times when College is legally required to inform the police

Changing Your Mind

It's OK to want to change your mind. You can change your mind at any time and we will support you. You must understand that once a formal report has been made and investigation taken place, this will be reported to the Principal or Acting Principal and College Council.

If you change your mind you are still able to access:

- Support and information from us
- Support and information from others
- Medical assistance and advice