



St Andrew's College

ESTABLISHED 1867

Sexual Misconduct Policy

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St Andrew's College Sexual Misconduct 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seek informed consent in their interactions with others and respect the other parties wishes if it is not given or withdrawn.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 misconduct 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 College Life staff, and supported by ongoing posts and information provided to College members by College Life, Pastoral 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 Misconduct 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.

Rather than creating policy grounded in punitive measures, this policy aims to empower College Members by focusing on wellbeing. We encourage our members to think critically, make informed choices and to hold themselves and others accountable for their actions. It seeks to assist all College members to always engage in respectful relationships, to actively seek informed consent and ethically negotiate all relationships and interactions. 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
- Guide college members in creating a community where informed consent and respect of others choices are valued
- 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 report
- 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 misconduct is not acceptable and will not be tolerated, it is a breach of the **Respectful Relationships** and **Sexual Misconduct Policies**. Any breaches will be subject to the **Respectful Relationship** and **Sexual Misconduct Policy Procedures**. All reports of sexual misconduct will be confidentially investigated in a timely manner. This process is at the discretion of the reporting party and is explained in more detail through the Procedures documents.

- College members must understand that sexual misconduct 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.

Definitions

Community

College members include all students and staff both residential and non 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.

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.

College Members should understand that informed consent to a sexual act can only be given by those who are

- 16+ years old
- Fully conscious, awake and not intoxicated
- Not intimidated, coerced, threatened or afraid of harm to themselves or someone else
- Free from the influence or peer pressure, particularly from older community members
- Aware of all the relevant facts

This includes

- Being given sufficient information to understand what they are agreeing to
- Being given a free choice to opt in or out
- Being permitted to change their mind at any time
- The fact that a person does not say 'no to', or does not 'physically resist a sexual act' does not of itself mean that they consent to the act

Sexual Misconduct

Sexual misconduct 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. Sexual misconduct includes sexual harassment, indecent assault, sexual assault and any other unwanted behaviour of a sexual nature (e.g. comments of a sexual nature)

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 may include:

- Unwanted sexual advances

- Unwanted requests for sexual behaviours
- Other unwanted behaviour of a sexual nature

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
- requests or pressure for sexual intercourse, or other sexual acts

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 any unwanted sexual intercourse by one or a group of people, against another without their consent. Intercourse means penetration of genitals, bottom or mouth by any object or body part.

A person will be considered to have sexually assaulted another person if the other person did not consent to the first person's actions; and the first person:

- knew that the other person did not consent;
- was reckless as to whether the other person consented; or
- should reasonably have known, having regard to all the circumstances, that the other person did not consent.

Threatening or attempting to engage in any of the above conduct may also constitute sexual assault.

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 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:

- their immediate family members
- a qualified counsellor or psychologist
- their student representative 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 misconduct 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.

Appointed staff members include:

Dr Hester Wilson (Vice Principal and Director of College Life)
viceprincipal@standrewscollege.edu.au

Ian Smith (Director of Operations)
bursar@standrewscollege.edu.au

Hannah Atwell (Director of Advancement)
advancement@standrewscollege.edu.au

Rev Dr Gareth Clayton (Chaplain)
ghc_clayton@bigpond.com

Elly Howse (Senior Tutor)
seniortutor@standrewscollege.edu.au

Reporting Party

A Reporting Party is

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

- A report can be made if the part believes College's policies has breached.
- Reports can be about

The behaviour of a St Andrew's College member

- An external person/s
- 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:

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

All student leaders and staff are trained as first responders and by a process of peer led training, student leaders assist all student members of College to be aware of all policies and learn the above skills.

No Victimisation

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

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

Where to go for support and information

No Wrong Door Policy

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 Policy** 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 Policy**, all staff, pastoral leaders and most senior students, including mentors/academic buddies, students' club leaders and academic area tutors have completed physical and mental health first responder training and are happy to assist fellow College members.

If you have experienced or witnessed sexual misconduct, you may wish to:

Contact the police

- Make a report to the police, this can be:
- 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

Making a Report

Making a Formal Report to College

A formal report is a request by a College member to College to formally investigate a potential breach of the Sexual Misconduct Policy, Respectful Relationships Policy or the Code of Conduct. Any College member who believes that policy has been breached can make a formal report to College.

If you wish to make a formal report to College, you need to contact one of the following College members:

- Principal (Wayne Erickson – principal@standrewscollege.edu.au)
- Respectful Relationships Officers

For more information on the Formal Reporting process please go to

<http://policy.standrewscollege.edu.au/index.php/reporting-options/formal-report/>

Making an Informal Report to College

An informal report is a request to College by a College member to informally investigate a potential breach of the Sexual Misconduct Policy, Respectful Relationships Policy or the Code of Conduct. The informal report provides a chance for you to discuss what happened and look at options for restoring your sense of safety, fairness and allowing those who have been involved the chance to understand how their actions have affected you.

Any College member who believes that the Sexual Misconduct Policy, Respectful Relationships Policy or Code of Conduct has been breached can make an informal report by approaching any of the following College members:

- Respectful Relationships Officers
- Pastoral Leaders

Making an Anonymous Report to College

The link below will allow you to make an anonymous report to College. As reporting via this link is completely anonymous it may be difficult to take much action. Your report however will be noted and may add to other information that may lead to a formal report which can help us to act to ensure that St Andrew's is safe for everyone. To make an anonymous report to College go to

<http://policy.standrewscollege.edu.au/index.php/anonymous-report/>

Making a Report to your 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
- Western Sydney University
- University of Notre Dame Australia

Seeking Advice and Information

Seeking Medical Advice or Assistance

- Health Direct (24-hour health 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 6111

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 Leaders
- House Committee
- Trained senior students
- Respectful Relationships Officers

See our respectful relationship pamphlets

Seeking support from others

- Friends
- Family
- Helplines
 - Lifeline – 13 11 14
 - 1800 Respect – 1800 737 732
 - Reach Out – 8029 7777
 - Twenty10 NSW Gay & Lesbian Counselling Service -1800 184 527

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 an investigation taken place, the incident 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

St Andrew's College takes pride in developing policy that is evidence based. We update each policy and procedure regularly, working in consultation with our student and staff members to ensure that College members are aware of, know where to access and understand the policies. Please contact the College Life team if you have any queries (collegelife@standrewscollege.edu.au)

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