

## Sexual Misconduct Policy - Students

### 1 OBJECTIVES

This Policy sets out the conduct expected of student members of the St Mary's College community. A related document sets out the processes applicable or available where there have been alleged breaches of the Policy and describes the range of consequences that may follow if a student is found by the College to have breached the Policy.

Relationships of a sexual or intimate nature between a student and staff member are never acceptable in any circumstances.

### 2 SCOPE

2.1 This Policy applies to:

- a) All students of St Mary's College, including residential and non-resident students
- b) All student participants in residential or non-resident short courses or programs where these are organised and managed by the College
- c) All residential and non-resident members of the College choir
- d) All people who are guests of student members of the College
- e) Incidents that occur between a College student and a staff member when the staff member is the Complainant
- f) Incidents that occur between a student member and a person who is not a member of the College, when the non-member is the Complainant.

2.2 This Policy applies in respect of Sexual Misconduct by a student member of the College occurring:

- a) On the campus and facilities of St Mary's College, including accommodation owned or operated by the College
- b) On virtual environments (e.g. email, intranet systems, social media, online forums, communities and platforms) involving other members of the College community whether or not hosted by the College
- c) At all activities and events including residential and non-residential members of the College regardless of where the activity is held.

2.3 This Policy does not apply to:

- a) Former students who report a historical incident of Sexual Misconduct that occurred during their time at the College.
- b) Individuals who are part of contracted, commercial or other programs such as when the College provides only accommodation and food
- c) Bullying, discrimination, victimisation and other forms of serious misconduct or criminal behaviour

d) St Mary's college staff, who are dealt with under a separate policy

2.3 Where a Complaint pertains to conduct covered by the Sexual Misconduct Policy and the Community Expectations Agreement, the Sexual Misconduct Policy prevails, and all allegations of misconduct can be dealt with under this Policy.

### 3 POLICY

3.1 St Mary's College is committed to the rights of all students and their visitors to the college to study, live and socialise in a safe environment that is based on inclusivity and respect. The College has no tolerance (sometimes referred to as "zero tolerance") for Sexual Misconduct, including sexual assault and rape.

3.2 The safety and wellbeing of a person disclosing or making a Complaint alleging Sexual Misconduct will be paramount. Throughout this process, the wellbeing of the Respondent will be supported. St Mary's College students must behave with personal integrity and honesty, including in the reporting of alleged breaches of this policy.

3.3 The College has a responsibility for the immediate safety of every resident in the College, to the extent that this is within its control.

3.4 Members of the College are responsible for the actions of their guests and will be held to account for breaches of the Policy by their guests. Students must comply with policies regarding guests including that students may not have overnight guests who are younger than 18 years of age.

### 4 CONFIDENTIALITY

4.1 St Mary's College aims to maintain the privacy and confidentiality of Complainants and Respondents. Only staff directly involved in advising on, conciliating, investigating, or resolving the Complaint will normally have access to material relating to a report of Sexual Misconduct. The College's actions to maintain the privacy and confidentiality of the report in no way are intended to prevent either the Complainant or Respondent seeking other advice, support or guidance. It is intended to protect the privacy of the Complainant and Respondent to the extent possible, and to prevent as far as possible the propagation of rumours and gossip within the College community.

### 5 REPORTING PROCEDURE

5.1 St Mary's is committed to providing a safe and supportive environment in which to report occurrences of alleged Sexual Misconduct. All members of the College have the right to a safe living environment and are encouraged to report instances of Sexual Misconduct in order to ensure the values of the community are upheld and that students are kept safe.

5.2 The associated Sexual Misconduct Procedures document outlines the reporting process for an alleged incident of Sexual Misconduct.

## 6 NON-COMPLIANCE

Agreeing to abide by this Sexual Misconduct Policy is a requirement for students wishing to enter the College and abiding by this Policy is a requirement for a student's continued membership of, or place at, the College. Students are expected to know and to adhere to this Policy, and other College policies.

## 7 DEFINITIONS

**"College"** includes the Principal, Dean, Pastoral and Residential Co-ordinator, and the Council of St Mary's College

**"Complaint"** means a written complaint about a possible breach of the Policy or a verbal complaint made to a designated officer of the College in the presence of another member of staff of the College. The College at its own initiative may commence a complaint process where it considers that the gravity of the allegations warrants such a step.

**"Complainant"** is the person making the allegation of a breach of the Policy and is usually the person affected by the alleged breach. In instances where a third party is filing the Complaint, they are to be referred to as the "Reporter".

**"Discrimination"** means conduct that makes distinctions between people so as to disadvantage some and to advantage others, or treats some people less favourably than others in similar circumstances, on the basis or because of an attribute or status they possess (e.g. sex, gender, race, disability, age, physical characteristics, religious belief, sexual orientation, political opinion).

**"Respondent"** is the person responding to an allegation that they have breached the Policy.

**"Sexual Consent"** means an agreement to participate in a sexual activity. Sexual Consent must be freely given, informed, specific, and reversible. Without consent, sexual activity may be sexual assault or Sexual Misconduct.

**"Sexual Misconduct"** is a term that encompasses conduct or behaviour of a sexual nature that occurs when there is an absence of Sexual Consent. It includes sexual harassment and sexual assault. It is sexual behaviour or conduct that makes the recipient feel uncomfortable, harassed, afraid, or unsafe.

**"Sexual assault"** occurs along a continuum of violent behaviour which includes: any uninvited sexual behaviour which makes the recipient feel uncomfortable, harassed or afraid; unwanted touching or remarks; sexual harassment; coerced sexual activity; and rape with or without physical violence and threats to life. It is sexual activity to which a person does not consent. The use of emotional or physical violence to force another person to engage in sexual activity also may constitute sexual assault.

**"Victimisation"** means any unfavourable treatment of a person because he or she has made a Complaint, or allegation, about a breach of this Policy, whether the Complaint is written or verbal and irrespective of whether the person asked for the Complaint to be conciliated or investigated or not or where they have supported the Complainant or participated in the Complaint process – for example, by providing evidence of Sexual

Misconduct.

## 8 RELATED DOCUMENTS

- Sexual Misconduct Procedures - Students
- Community Expectations Agreement

## 9 POLICY OWNER

The Principal is responsible for the development, compliance monitoring, and review of this Policy and any associated procedures or guidelines.

## 10 REVIEW

This Policy is to be reviewed by 1 February 2024.