



THE WOMEN'S COLLEGE

Within the University of Sydney

SEXUAL MISCONDUCT POLICY

1. Principles

It is the policy of The Women's College that any form of sexual misconduct, including sexual harassment and sexual assault, is not tolerated and is a breach of The Women's College rules. Such behaviours are also against the law.

Consistent with the College values of respect and integrity, diversity and inclusion, every student, employee and other occupant has the right to study and work in an environment that is free from sexual misconduct.

All members of The Women's College community (including the College Council, staff and students) have a role in creating a safe and respectful environment.

2. Scope of this policy

This policy covers behaviours that constitute sexual harassment and sexual assault (actual or attempted), and the procedures followed by the College when such incidents are reported. It must be noted at the outset that Women's College policies and procedures can only be enacted when incidents involve two or more members of the Women's College itself (see Bullying, Harassment and Discrimination Policy 9.2 for those considered to be members of the College).

Where an incident of sexual misconduct involves at least one member of another college, or of the university or the general public, the College has no jurisdiction over such people and may not be able to resolve such matters itself, even if this person was a visitor to the College at the time of the incident. This document attempts to set out the additional means of recourse and support which may be utilised should such incidents occur.

In all instances of sexual misconduct, the College will take a stance of unbiased victim/survivor support.

3. Definition of terms

Sexual misconduct includes any behaviour of a sexual nature that offends, humiliates, or intimidates, and encompasses sexual harassment and sexual assault.

Sexual harassment¹ is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual. Sexual harassment is a type of sex discrimination.

Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by people of every gender and sexual identity against people of every gender and sexual identity. The Sex Discrimination Act makes these behaviours unlawful if they occur in an educational or accommodation area (such as a college).

Sexual harassment may include:

- Staring or leering
- Unnecessary familiarity, such as deliberate brushing up against a person or unwelcome touching
- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about someone's personal life
- Displaying posters, magazines or screen savers of a sexual nature

¹ Definition and examples of sexual harassment are drawn from the Australian Human Rights Commission website.



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- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates
- Unwanted and/or clandestine voyeurism, or recording or distributing intimate images without consent
- Physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual assault

Sexual assault is a legal term used to describe a range of sexual offences, from showing indecent images to another person, to kissing or touching them without consent, as well as penetration of the person's body with a body part or object without consent, unwanted oral sex, and acts of indecency.²

A person who has sex with another person without the consent of the other person and who has no reasonable grounds for believing that the other person consents to sexual intercourse is guilty of an offence, and may be punished by the law.

Consent

Sexual activities with another person must be by free agreement and a person seeking consent has the responsibility to take steps to ascertain consent exists. Consent may be withdrawn at any time. Passivity does not equal consent and in June 2022 new affirmative consent reforms were introduced³.

Under the new affirmative consent laws:

- A person can't assume someone is consenting because they don't say no. Silence is not consent.
- Consent is an ongoing process. A person can change their mind and withdraw their consent at any time.
- A person can't consent if they're so intoxicated that they can't choose or refuse to participate.
- Consent can only be given freely and voluntarily. If you force or coerce your partner into sex, it is not consensual.
- Consent must be present for every sexual act. If someone consents to one sexual act, it doesn't mean they've consented to others.
- A person can't consent if they're asleep or unconscious.

A person does not consent to sexual intercourse or sexual activity if the person (a) does not have the capacity to agree to the sexual intercourse, or (b) has the capacity but does not have the freedom to choose whether to have sexual intercourse, or (c) has the capacity and freedom but does not agree to the sexual intercourse.⁴

4. Reporting

The Women's College is committed to promoting a culture of reporting incidents of sexual harassment or sexual assault. Should a member of The Women's College experience sexual harassment and/or sexual assault, or be a bystander to sexual misconduct, they are encouraged to speak to a College staff member, (which includes Resident Assistants). They should feel confident that their report will be kept strictly confidential and that no action will be taken on their behalf without their consent unless the Principal or her delegate deems the complainant is at personal risk, or the incident involves anyone under the age of 18. It must be noted that under the NSW Crimes Act, both the College and the University may be obliged in some circumstances to report serious indictable offences to police.

² Women's Legal Service NSW

³ NSW Government Communities and Justice

⁴ Australian Human Rights Commission, Discussion paper on the law of consent and sexual assault (2007).



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The College adopts a strong stance of victim/survivor support, and sees its role as providing clear guidance on a variety of options for survivors/victims to disclose experiencing sexual misconduct; to seek support, counselling and health services; and to identify procedures and timeframes for investigations, if appropriate. College staff will also provide ongoing pastoral care and assistance to students affected by sexual misconduct.

Should an incident of sexual harassment or sexual assault involve two or more members of The Women's College, the Grievance Officer or staff member who receives the report will follow the procedures outlined in the College's Grievance Management Policy, Guidelines and Procedures. These guidelines contain detailed information on the handling and progressing of complaints, the requirements for procedural fairness, cautioning against victimisation, the handling of policy breaches and vexatious complaints, and penalties and disciplinary measures.

Should an incident of sexual harassment or sexual assault involve a member of another college, university or the general public, in addition to a member (or members) of the Women's College, the College will utilise such policies and procedures which may cover its members, such as other colleges' or university policies. It may also refer members to other documents such as the Sex Discrimination Act and the Australian Human Rights Commission Act.

The Women's College will support any person wishing to report a matter to the police. Irrespective of whether or not the matter is reported, The Women's College will support the individuals concerned, but may elect not to run an investigation into a criminal act to avoid unintentionally marring or hampering a potential police investigation.

The University of Sydney's [Student Sexual Misconduct Policy 2018](#), provides comprehensive avenues for disclosures and complaints of sexual misconduct. Such disclosures and complaints may be made anonymously, in person, or online via a dedicated portal. College students are encouraged to use these reporting options if they would prefer to make a report outside of the College context. Further information on the Sydney University's reporting procedures can be found on the University website: <https://www.sydney.edu.au/students/sexual-misconduct/reporting.html> and in the College Handbook.

5. Responding

Resources at College

Grievance Contact Officers, Resident Assistants, House Committee, Academic Assistants and other staff of the College are provided with First Responder training each year to assist them to support victims of sexual misconduct, including sexual assault. First Responders are not counsellors, but are trained to provide an appropriate initial response. They will listen non-judgementally, provide support, respect any decisions for action and guide victims to the right services.

First Responders at Women's College are the Vice Principal, the Dean of Students and the Resident Assistants. In an emergency, students should call the RA phone out of hours: mob 0421 016 454.

Resources offered by the University of Sydney

Campus Security 9351 3333 24 hours

Confidential helplines

The Safer Communities Office 8627 6808 8.30am-5.30pm Mon-Fri

1800 SYD HLP (1800 793 457 – option 2, then option 1) 9am-5pm Mon-Fri



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<https://www.sydney.edu.au/about-us/vision-and-values/safer-communities/report-sexual-misconduct.html>

safer.communities.officer@sydney.edu.au

Counselling and Psychological Services

8627 8433 (9am-4.30pm Mon-Fri)
Jane Foss Russell Bldg

After hours and 24/7 by calling 1300 474 065 or by texting 0488 884 429.

University Health Service

9351 3484 (8.30am-5pm Mon-Fri) Wentworth Bldg

According to the University of Sydney's policies on bullying, harassment and discrimination, a student found in breach of its policies may face consequences including fines, suspension or expulsion. Staff or affiliates of the University may face disciplinary action or termination of employment. Students wishing to access confidential support from the University can do so by contacting the Student Liaison Officer through Student Support Services (contact details above).

For students at other universities, contact info is listed in the college handbook.

Other resources

1800 Respect National Domestic Family and Sexual Violence Counselling Services

1800 737 732

NSW Rape Crisis Centre

1800 424 017

Royal Prince Alfred Hospital Sexual Assault Service (Ground Floor, KGV Bldg, RPAH)

9515 9040 (Monday to Friday)
9515 6111 (after hours)

6. Handling of reports

The Women's College encourages any person who has been a victim of sexual misconduct to report incidents promptly under these procedures. The Women's College will also seek to facilitate the efficient handling of any complaint made. The College will ensure reports are dealt with sensitively and expeditiously and that parties to a complaint are advised of progress and outcomes. Documentation relating to incidents of sexual misconduct will be kept in a confidential file in the College Archives and only accessed with the permission of the Principal. The College will respond to external requests for information (for example from NSW Police, the University or other institutions), having regard to privacy obligations.

6.1 This policy operates, where appropriate, in conjunction with the following policies and procedures of The Women's College:

Grievance Management Policy, Guidelines and Procedures
Student Grievance Management Policy, Guidelines and Procedures
Student Code of Conduct
Bullying, Harassment and Discrimination Policy

Document Title:

Document Number:

Effective Date:



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Principal