
SEXUAL MISCONDUCT POLICY & PROCEDURE

St Catherine's is committed to maintaining a college environment free from sexual harassment and sexual assault, collectively referred to in this policy as sexual misconduct.

Sexual misconduct jeopardises the mental, physical, and emotional welfare of our residents, as well as the safety of our community. Sexual misconduct diminishes residents' individual dignity and impedes their access to educational, social, and employment opportunities. It can permanently impact residents' lives and may cause lasting physical and psychological harm.

Sexual misconduct violates the values of the College and will not be tolerated.

All reports of sexual misconduct will be confidentially investigated in a timely manner.

College members should also understand that sexual misconduct including sexual harassment, indecent assault and sexual assault are criminal offenses.

DEFINITIONS

St Catherine's College adopts the definitions of the University for the purposes of the Sexual Misconduct Policy: <http://www.hr.uwa.edu.au/policies/policies/conduct/sexual-harassment>

COMMUNITY

College members include all residents, residential staff and non-residential staff. All College members are bound by the policies of St Catherine's College. Alumni, contractors and visitors to College are also considered to be bound by College policies when on site.

SEXUAL MISCONDUCT

In line with the University of Western Australia, the College understands Sexual misconduct to be instances of:

- Sexual Harassment
- Sexual Violence
- Sexual Abuse

SEXUAL HARASSMENT

Sexual Harassment is defined in legislation as conduct with a sexual component which is unwelcome, unsolicited and unreciprocated. Conduct with a sexual component includes physical, visual, verbal and non-verbal behaviour.

Sexual Harassment includes, but is not limited to:

- leering or staring
- obscene sexual communications in any media including social networking
- persistent following or stalking
- persistent unwelcome invitations, telephone calls or emails
- sending of sexually explicit emails or text messages

- sexually suggestive words, gestures or sounds
- unwanted ongoing declarations of affection or approaches for affection, including gifts
- display of sexually suggestive material
- use of College computer systems for the retention and distribution of sexually explicit material
- unwelcome behaviour or contact of a sexual nature which offends, intimidates, embarrasses or humiliates an individual
- unwelcome physical touching or familiarity, including deliberately brushing against someone, patting, kissing and embracing.

Sexual Harassment involving persistent following or stalking, and indecent exposure, may be considered sexual assault and possibly a criminal offence.

Sexual Harassment may be perpetrated or experienced by people of any sexual orientation or gender identity.

Sexual Harassment may be a single incident or a persistent pattern of unwelcome behaviour.

‘REASONABLE PERSON TEST’

The 'reasonable person' test requires examination of the particular circumstances. Factors such as the relevant ages of the complainant and the respondent, the context in which the harassment occurred and the nature of the relationship between the parties may be relevant when determining what was reasonable in the circumstances.

The fact that not everybody would be offended by the behaviour does not mean that it will not amount to sexual harassment, and it may be sexual harassment even if that sort of behaviour has previously been accepted within a particular work or learning environment. Behaviour that might be acceptable to the reasonable person in one set of circumstances may not be acceptable in another.

SEXUAL VIOLENCE

Sexual Violence includes:

- Sexual Assault
- Sexual Threat

Sexual Violence involving a physically violent and/or coercive component, or threats of physical violence, such as physical molestation or assault, may constitute a criminal offence.

Sexual Violence may be perpetrated or experienced by people of any sexual orientation or gender identity.

Sexual Violence may be a single incident or a persistent pattern of unwelcome behaviour.

SEXUAL ASSAULT

Sexual Assault includes unwanted sexual acts or behaviours which an individual did not consent to, or was not able to consent to, through the use of physical force, intimidation or coercion, including but not limited to:

- aggravated sexual assault (sexual assault with a weapon)
- attempted rape
- indecent assault
- penetration by objects and forced sexual activity that did not end in penetration
- rape (sexual penetration without consent).

SEXUAL THREAT

Sexual Threat is an act of a sexual nature carried out against an individual's will through the use of physical force, intimidation or coercion made face-to-face.

INFORMED CONSENT

Sexual consent is an agreement, by all parties involved, to proceed with a sexual activity. Each person must clearly and freely express that they want to partake in each act (for example, asking for permission before starting oral sex followed by permission before starting vaginal sex).

Informed consent can only be given by those who are:

- 16+ years old
- Not under the influence of alcohol or other drugs
- Fully conscious
- Free from
 - Pressure
 - Force
 - Threats or blackmail
 - Being tricked
 - The influence of others, especially older community members

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

CONFIDENTIALITY

The College aims to maintain the confidentiality of Complainant and Respondent.

Only staff members or external advisers or conciliators involved in advising on, conciliating, investigating or resolving the complaint will have access to material relating to the complaint.

In order to enable effective resolution of the complaint and to prevent gossip, rumour and interference by persons not involved in the complaint, the College will inform all complainants and respondents of the need for them also to maintain 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.

WHO TO CONTACT IN COLLEGE

Senior staff of the College are trained to provide support and information to anyone in College who is concerned about any possible sexual misconduct including sexual harassment or sexual assault. Senior staff members include:

Fiona Crowe (Head of College)
fiona.crowe@stcatherines.uwa.edu.au

Ashleigh Benadretti (Deputy Head of College)
ashleigh.benadretti@stcatherines.uwa.edu.au

Bob Laurenson (Business Manager)
Bob.laurenson@stcatherines.uwa.edu.au

Lynn Webber (Director of Indigenous Access)
lynn.webber@stcatherines.uwa.edu.au

Andrew Boyd (Resident Admissions and Services Manager)
andrew.boyd@stcatherines.uwa.edu.au

Ming Fung Chua (Student Support Coordinator)
studentsupportcoordinator@stcatherines.uwa.edu.au

Anthea Cheong (Student Engagement Coordinator)
studentengagementcoordinator@stcatherines.uwa.edu.au

Holly Nilan (Student Academic Coordinator)
studentacademiccoordinator@stcatherines.uwa.edu.au

These Officers can provide confidential information and support regarding College policies and procedures.

COMPLAINANT

A “Complainant” is any College member/s who makes a report to College concerning the behaviour of another person/s. Any individuals or groups who have witnessed or had something happen to them that they think has breached the College’s policies can make a report. This can be about the behaviour of a St Catherine’s College member or external persons. This can be for an incident/s either on or outside College grounds. The College seeks to support and empower the Complainant who is not obligated to pursue any particular course of action unless there is significant risk to the Complainant or others. St Catherine’s College will support any Complainant wishing to go to the Police to report the incident/s.

RESPONDENT

A “Respondent” is any College member who has had a report made concerning them.

POTENTIAL OUTCOMES FROM AN INVESTIGATION

- A finding that the complaint was not substantiated
- A finding that the complaint was substantiated or substantiated in part
- Steps to restore the Reporting Party to the position that they were in prior to the incident(s) that led to the complaint
- Training in this Policy and related matters
- Referral to other support services or strategies
- Counselling
- Mediation
- Further monitoring of the situation
- Statement of regret or apology, where appropriate
- Requirement to change processes or procedures
- Disciplinary action in accordance with relevant College policies. This may include (amongst other things):
 - Verbal warning
 - Written warning
 - Exclusion, suspension or expulsion from the College
 - Rejection of applications for employment or engagement with the College
 - Non-admission or conditional admission of new members or residents to the College
 - The imposition of conditions on continued residence or membership of the College
 - Termination of membership of the College or any group associated with the College; or
 - Termination of employment or engagement with the College.

The parties will be informed of the findings and relevant outcomes of the investigation.

NOTE: in some circumstances, the seriousness of the allegations will mean that the College is under a legal obligation (e.g. to keep the work and study environments safe and without risks to the health of staff and residents) to ensure that a matter is investigated beyond that which the Complainant intends or wishes. For this reason, where it is appropriate in the circumstances, the College may initiate a complaint or progress a complaint without the involvement of the Complainant. Where appropriate, this may involve de-identifying details of the Complainant.

WHERE TO GO FOR SUPPORT AND INFORMATION

OPEN DOOR POLICY

The priority of St Catherine’s College is maintaining the safety, health and wellbeing of all members. The College community is here to support you. The Open Door Policy means that if you have any enquiries or concerns you can contact anyone in the College community with whom you feel comfortable talking. All enquires and concerns will be dealt with sensitively, confidentially and respectfully.

To support the Open Door Policy, all staff and Resident Advisors (RAs) 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 OR Sexual Assault resource Centre

[WA Police](#)

- 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
- We will not force anyone to make a police report
- We will support you if you choose to make a police report

[Sexual Assault Resource Centre](#) (SARC)

- Provides a confidential counselling service to those who have been sexually assaulted or abused either recently or in the past: (+61 8) 9340 1828 or 1800 199 888 (free call from landlines).

MAKE A REPORT

MAKE 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 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:

- [Head of College](#), Fiona Crowe: fiona.crowe@stcatherines.uwa.edu.au
- Senior Staff of the College listed above

MAKE 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 or the Code of Conduct. It is 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 or Code of Conduct has been breached can make an informal report by approaching any of the following College members:

- Senior staff members (above)
- Resident Advisors (RAs)

MAKE 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. The following links will assist you contact support services at your university:

[University of Western Australia](#)

[Curtin University](#)

[Notre Dame University](#)

[Murdoch University](#)

[Edith Cowan university](#)

SEEK ADVICE OR SUPPORT FROM COLLEGE

OPEN DOOR POLICY

You may talk to anyone you choose in the College community. Here are some suggestions:

- Senior Staff
- Resident Advisors (RAs)
- Mentors

SEEK SUPPORT FROM OTHERS

- Friends
- Family
- [Sexual Assault Resource Centre](#) provides a confidential counselling service to those over 12 years who have been sexually assaulted or abused either recently or in the past: (+61 8) 9340 1828 or 1800 199 888 (free call from landlines).
- [National Sexual Assault, Domestic and Family Violence Counselling Service](#): 1800 RESPECT
- [Lifeline](#): 13 11 14
- [Crisis Care](#): (+61 8) 9223 1111
- [Mental Health Emergency Services](#): 1300 555 788
- [Salvo Care](#): 13 72 58
- [Yogrum](#) offers culturally informed counselling for Indigenous victims of sexual assault.
- [QLife \(LGBTI\)](#): 1800 184 527
- [MAITRI Mental Health Services](#) (Culturally & Linguistically Diverse service): (+61 8) 9328 2699

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

CHANGE YOUR MIND

It's OK to want to change your mind. You can change your mind at any time and we will support you.

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

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

AUTHORISATION

Head of College

Date

Policy number	SMPP 270913	Version	SMPP 270913 v1.1
Created Date	27/09/2013	Last Reviewed	27/11/2017
		Scheduled review date	01/07/2019