



**COLLEGES  
UNIVERSITY  
OF MELBOURNE**

# Sexual Misconduct Policy and Procedure

## **ABSTRACT**

This document (**Policy**) replaces the Fair Treatment Policy and Procedure, and should be read in conjunction with:

- the Discrimination, Bullying and Victimisation Policy;
- Melbourne University's:
  - 'Appropriate Workplace Behaviour Policy' (<https://policy.unimelb.edu.au/MPF1324>);
  - 'Student Conduct Policy' (<https://policy.unimelb.edu.au/MPF1328>);
  - 'Child Safety Policy' (<https://policy.unimelb.edu.au/MPF1337>)

In line with Recommendation 4 of the *AHRC's National Report on Sexual Assault and Sexual Harassment at Australian Universities* (2017), the Colleges engaged an independent, expert-led review of this Policy in October 2018. Following consultation with key staff, experts, students and residents, this was adopted by Heads of Residential Colleges and Halls on 20 February 2019.

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## 1. PURPOSE

Sexual Misconduct is unlawful under state and Commonwealth laws, and is strictly prohibited by the Residential Colleges and Halls of Residence of the University of Melbourne (**the Colleges**).

This Policy sets out expected standards of behaviour, and the principles for preventing and responding Sexual Misconduct occurring at or connected with the Colleges. Sexual Misconduct will be “connected with the Colleges” when it occurs in circumstances covered under paragraph 2 below.

If you are in danger, please contact 000 immediately and seek support under part 4 of this Policy.

### Terminology

The Colleges acknowledge that people who experience Sexual Misconduct may refer to themselves as a complainant, victim or survivor. For simplicity, this Policy will refer to people who have experienced Sexual Misconduct as ‘complainants’, and persons who report (but have not personally experienced) Sexual Misconduct as ‘reporters’.

“Sexual Misconduct” includes sexual harassment, sexual assault, unwanted oral sex, sexual exploitation, indecent assault, acts of indecency, criminal behaviour of a sexual nature, sexting, creating or distributing sexually explicit images or videos without consent, stealthing, stalking and drink spiking.

The terms used in this Policy are defined in **Appendix A**.

## 2. SCOPE

This Policy applies to:

- all students, residents, visitors and staff members of the Colleges;
- former students and residents of the Colleges, where the behaviour covered by this Policy occurred whilst they were a student or resident of a College,

in respect of Sexual Misconduct occurring:

- on all campuses and facilities of the Colleges, including accommodation owned or operated by the Colleges;
- on virtual environments (e.g. email, intranet systems, social media, online forums, communities and platforms);
- at premises in which research, study or learning is undertaken as part of a College activity, including but not limited to placements, internships or field work;
- at all activities and events connected with a College (e.g. sporting events, cultural activities, competitions, conferences and Alumni activities), regardless of where the activity is held;
- whilst staff, residents, students and visitors representing a College, a club affiliated with a College, or whilst on exchange or sabbatical; and
- between a College staff member and a student, resident or visitor.

This Policy does not apply to:

- International House and Medley Hall, being Halls of Residence to which the Policies and Procedures of the University of Melbourne apply;
- Trinity College, which has its own Policy and Procedures; or

- bullying, discrimination, victimisation and other forms of serious misconduct or criminal behaviour, which are covered by the Discrimination, Bullying and Victimisation Policy.

Where a complaint pertains to conduct covered by the Sexual Misconduct Policy and the Bullying, Discrimination and Victimisation Policy, this policy prevails.

### 3. PRINCIPLES

The Colleges are committed to:

- providing a safe, fulfilling and rewarding environment for its students, residents, staff and visitors;
- preventing Sexual Misconduct; and
- responding promptly and appropriately to Sexual Misconduct connected with the Colleges.

This commitment is underpinned by a view that:

- all people have a right to live, work, study and socialise in an environment that is free from Sexual Misconduct regardless of their sex, sexual orientation, gender identity, immigration status and citizenship status; and
- all forms of Sexual Misconduct are unacceptable.

### 4. SUPPORT

Staff, residents, students and visitors who have experienced or witnessed Sexual Misconduct are encouraged to seek support at guidance at the earliest opportunity. Staff members may also seek support from Human Resources.

Support and pastoral care is available from:

- Safe Coordinators, Safe Contact Persons and External Advisors to the Colleges, who can provide guidance on the options to report Sexual Misconduct and the supports available, and assist complainants, reporters and respondents to engage with the University, the Police, medical and external counselling services as appropriate. Contact details are available at **Appendix C**.
- the Centre Against Sexual Assault (CASA) Crisis Line: 1800 806 292 or 9635 3600. Located at Level 3, 210 Lonsdale Street, Melbourne.
- 1800 RESPECT, which provides counselling on sexual assault, family & domestic violence by phone and webchat (free 24/7). For more details visit [1800respect.org.au](http://1800respect.org.au) or call 1800 737 732.
- The University counselling service at <http://www.services.unimelb.edu.au/counsel>, or call (03) 8344 6927 or Safer Communities at [safer-community@unimelb.edu.au](mailto:safer-community@unimelb.edu.au) or call (03) 9035 8675. Both are located at 757 Swanston Street, Parkville.

For people who require a translating or interpreting service, phone 13 14 50 and ask them to connect you with the service that you need.

For people who are deaf or have a hearing or speech impairment, contact the National Relay Service:

- for TTY users/Voice Calls, phone 133 677; or
- for Speak and Listen, phone 1300 555 727,

and ask them to connect you with the service you need.

## 5. RESPONSIBILITIES

All students, residents, visitors and staff have a responsibility to:

- treat one another with courtesy, tolerance, respect and professionalism;
- refrain from all forms of Sexual Misconduct;
- ensure they do not request, instruct, induce, encourage, authorise or assist other persons to engage in Sexual Misconduct;
- not engage in behaviour that causes any person to fear for their personal safety or well-being, or is perceived to be threatening or intimidating;
- comply with any reasonable direction or request from College staff member where the direction or request supports safety, good order and compliance with this Policy;
- comply with all policies, procedures, residential and contractual agreements, and Codes of Conduct of the Colleges; and
- comply with all relevant state and Commonwealth laws.

Staff members have additional responsibilities under this Policy. The roles and responsibilities Safe Coordinators, Safe Contact Persons, Heads of Colleges, staff and External Advisors are set out in **Appendix B**. The contact details for relevant staff are contained in **Appendix C**.

## 6. BREACHES

All students, residents, visitors and staff must comply with this Policy. A breach of this Policy may lead to disciplinary action, including but not limited to:

- for current and prospective students and residents – up to withdrawal of an offer, termination of residency, restricting / prohibiting access to and association with the College (including to College or Alumni activities and events) and reports being made to the University, other Colleges and external authorities;
- for staff – up to cessation of employment or engagement (and reports being made to the University and/or external authorities); and
- for visitors – up to restricting / prohibiting access and association with the College (including to College or Alumni activities and events) and reports being made to the University, other Colleges and external authorities.

This Policy is not incorporated into any contract or residential agreement of the College(s).

## 7. SEXUAL MISCONDUCT IS UNACCEPTABLE

Sexual Misconduct is unlawful and unacceptable at the Colleges. Sexual Misconduct involves a failure to behave in a respectful or lawful manner.

Sexual Misconduct can:

- involve behaviour by a person of any race, religion, sex, sexual orientation and gender identity;
- occur between strangers or those who know each other well, including those involved in a consensual intimate relationship;
- involve a single incident or comment, or repeated, continuous behaviour.

Behaviour that is consensual and based on mutual attraction, friendship and respect is not Sexual Misconduct.

## **8. COMPLAINTS PROCEDURE**

### **8.1 Overview**

This Complaints Procedure sets out the way that staff, visitors, students and residents can report Sexual Misconduct, and how the Colleges will respond.

Complainants and reporters can report Sexual Misconduct by making a report to the College, or a report to an external body. At any stage of the Complaints Procedure, or when a concern cannot be addressed using this Complaints Procedure, a College may consider and implement actions as necessary to address concerns regarding individuals' safety, wellbeing, or participation in work, study or College life.

### **8.2 Anonymous reporting**

The Colleges intend to implement an anonymous reporting framework to enable staff, residents, students and visitors to make an anonymous report of Sexual Misconduct covered by this Policy.

Each College will notify its staff, residents, students when it has implemented the anonymous reporting framework.

The Colleges will collate and analyse data on anonymous reports to monitor the prevalence of Sexual Misconduct in connection with the Colleges.

Because reports are anonymous, the Colleges will rarely be able to take action in relation to an anonymous report. If you would like action to be taken in relation to an incident of Sexual Misconduct, you are encouraged to report the incident to the College, the University, or an External Body.

### **8.3 Reporting to an External Body**

Students, residents, staff and visitors may seek independent guidance from and/or lodge a complaint about Sexual Misconduct with an external body at any time. Safe Coordinators and External Advisors can provide you with information on the most appropriate body to lodge your complaint with.

Reports of Sexual Misconduct may be made to:

- Victoria Police: Melbourne North Police Station (open 24 hours), 36 Wreckyn Street, North Melbourne. Phone: (03) 8379 0800.
- Victoria Police Sexual Offences and Child Abuse Investigation Team: Phone (03) 8690 4056.
- Victorian Equal Opportunity and Human Rights Commission: <http://www.humanrightscommission.vic.gov.au/>. Phone: 1300 292 153.
- Australian Human Rights Commission: <https://www.humanrights.gov.au/>. Phone: (02) 9284 9600.
- Fair Work Commission, <https://www.fwc.gov.au/>. Phone: 1300 799 675.
- WorkSafe Victoria: <http://www.worksafe.vic.gov.au/>. Phone: (03) 9641 1444 or 1800 136 089.

Student and staff members of the University may also seek lodge a complaint under the University's policies and procedures if their concern relates to another student or staff member of the University.

If a student, resident, visitor or staff member pursues a complaint with an external body, it may be appropriate for the College to suspend or terminate this Complaints Procedure. However, a College may still take steps to address and prevent Sexual Misconduct.

## **8.4 Reporting to a College**

Students, residents, staff and visitors are encouraged to notify the relevant College of Sexual Misconduct as soon as possible so that the College can:

- provide support and pastoral care, and
- take steps to prevent immediate or ongoing risks to the complainant and others.

Reports of Sexual Misconduct may be made verbally or in writing to a Safe Coordinator, Safe Contact Person or Head of College.

There is no time limit for a complainant to report Sexual Misconduct to the College under this policy. However, a College's ability to effectively respond to, and prevent future incidents of, Sexual Misconduct may diminish over time.

## **8.5 Responding to Sexual Misconduct**

The Colleges aim to deal with reports and disclosures as quickly as practicable and to achieve early resolution of complaints. Where possible, the Safe Contact Person, Safe Coordinator or Head of College will acknowledge receipt of the complaint in writing within five (5) working days, offer support and explain the process.

The Safe Coordinator, Safe Contact Person and/or Head of College will take steps to ensure that ongoing support is provided to the complainant (and any other affected parties), and that they are regularly informed about the College's response.

A College's response to a report will be determined by a range of factors, including but not limited to:

- whether the report is anonymous;
- the wishes of the complainant;
- whether there is a serious or ongoing risk to the health, safety or wellbeing of any person;
- procedural fairness to the respondent;
- whether it is possible for the College to conduct an investigation based on the information available (e.g. whether the parties will participate in the investigation); and
- whether the College has other information about the risks posed by the alleged perpetrator.

None of these factors are determinative.

Without limiting the options available, a College may respond to a report of Sexual Misconduct by:

- taking immediate steps to support and protect the parties, including:
  - providing referrals to medical or support services;
  - implementing safeguards to minimise the complainant's contact with the alleged respondent (such as restricting the respondent's access to the Colleges' premises or property where there is an immediate threat to any person), suspending a person from the College and/or suspending a person from specified activities and/or positions of leadership;
  - relocating the respondent (or the complainant on the complainant's request) from the College's accommodation;
  - providing assistance to make a police report;

- supporting the complainant to apply for a Personal Safety Intervention Order to prevent the respondent's contact with the complainant;
- assisting the Complainant to apply for Special Consideration with the University of Melbourne;
- reporting the matter to the police where there is a serious or ongoing risk to the health, safety or wellbeing of any person; and
- providing staff members with access to the Employee Assistance Program;
- on request by a complainant, engaging with the respondent about the alleged Sexual Misconduct, reminding them of the College's policy, and taking steps to ensure that the alleged behaviour ceases and does not recur;
- conducting an investigation in line with 8.7;
- facilitating a conciliation between the complainant and respondent in accordance with 8.8,
- taking no action where there is insufficient evidence for the College to intervene or investigate, and the complainant and/or reporter does not agree to participate in an investigation.

If a College makes a report to the police because it considers that there is a serious or ongoing risk to the health, safety or wellbeing of any person, College will attempt to consult with the complainant to ensure that they know when and why the police will be notified, and take all reasonable steps to support the complainant through that process.

## **8.6 Reports involving multiple Colleges**

Where a report involves a student, resident, staff or visitor from more than one College, the Safe Coordinator from each College will confer to determine how the Complaints Procedure will proceed. Generally, the College with the greatest degree of connection to the complaint will take responsibility for managing the Complaint.

In some circumstances, it may be necessary to seek advice about the handling of the complaint from an external advisor or arbitrator. Where appropriate, the complaint may be referred to an arbitrator for decision.

## **8.7 Investigations**

Where the College receives a report of Sexual Misconduct, it may be appropriate to conduct an investigation. An investigation involves collecting information about the allegations and making findings on whether the allegations are substantiated or unsubstantiated based on the balance of probabilities.

In general, the complainant influences the progress of their complaint through the Complaints Procedure. However, in some circumstances, the seriousness of the allegations will mean that the College is under a legal obligation to investigate the allegations (e.g. to prevent serious risks to health and safety), irrespective of the wishes of the complainant. For this reason, the College may initiate an investigation or progress an investigation without the involvement of the complainant. Where appropriate, this may involve de-identifying details of the complainant.

A request for an investigation can be made in writing to the Head of College (or to the Chair of the College Council in the case of a complaint about the Head of College). The request should include details of the incident(s) and any supporting information.

If the Head of College or Chair of the College Council considers that an investigation is appropriate, they will appoint an independent panel or investigator to conduct the investigation.

The investigation will be conducted in a manner that the Head of College or Chair of College Council considers appropriate. If a College considers it appropriate for the safe and efficient conduct of an investigation, it may:



- direct a person not to carry out their duties or attend certain areas (including College events); and/or
- provide alternative duties, tasks or accommodation to a respondent (or a complainant on the complainant's request).

On completion of an investigation, the College will notify the complainant and respondent of the findings and outcome of the investigation in writing.

## **8.8 Conciliations**

A conciliation is a process where a neutral third party attempts to assist the parties to resolve a complaint by mutual agreement.

A conciliation will only occur if both parties agree to it voluntarily. Because of the serious nature of Sexual Misconduct, a conciliation will only occur if:

- the complaint is in writing;
- the complainant is willing to be identified to the respondent;
- the complainant requests the conciliation; and
- both parties agree to the conciliation.

If the Safe Coordinator considers that a conciliation is appropriate, they will appoint an External Advisor to conduct the conciliation. The role of the conciliator is not to make a formal finding, but to assist the parties to reach a mutually agreed resolution.

The respondent will be provided with details of the allegations and be provided with the opportunity to seek advice from a Safe Contact Person or External Advisor.

The conciliator will meet with the complainant and respondent together or separately. The conciliator will only arrange a joint meeting if the complainant is comfortable with this.

Both parties may have a support person during the conciliation, but not a legal representative or advocate.

If the conciliation does not proceed or is unsuccessful, Safe Coordinator or External Advisor will refer the parties to their Safe Contact Person or External Advisor to discuss further options.

## **8.9 Possible outcomes**

A College will determine the most appropriate way to respond to a report or disclosure. Possible outcomes include, but are not limited to:

- Disciplinary action against the respondent (including the cessation of their engagement etc);
- Official warnings that are noted on the respondent's file;
- Imposing restrictions on the respondent's participation in the Colleges' activities (including Alumni events held off campus) and contact with the complainant;
- Reports to College Alumni groups about restrictions on a respondent's participation in College-affiliated events;
- Counselling for the complainant, respondent and/or reporters;
- Terminating the respondent's residence or relocating the respondent;
- Mandatory training;
- A formal apology by the respondent and/or bystanders;

- Seeking an undertaking from the respondent that the behaviour will cease (where the complainant simply wants the behaviour to stop and removal or termination is not appropriate);
- Conciliation/mediation conducted by an impartial third party (where requested by the complainant and both parties agree to participate);
- Reports to external authorities (e.g. police where there is an immediate or ongoing risk to the health, safety or wellbeing of any person); and/or
- Supporting the complainant to apply for a Personal Safety Intervention Order to protect the complainant and prevent the respondent's access to College activities.

#### **8.10 Withdrawing a complaint**

Where a complainant chooses to withdraw their complaint or does not wish to participate in an investigation, the College:

- will retain the details of the complaint in accordance with clause **Error! Reference source not found.** of this Policy;
- notify the complainant of any proposed action against the alleged respondent;
- offer the complainant ongoing support; and
- confirm the above in writing to the complainant.

A complainant who has withdrawn their complaint may ask the College to reinstate the complaint at any time.

#### **8.11 Reports about the Safe Coordinator or Head of College**

Where a report concerns the Safe Coordinator, the Head of College will act as the Safe Coordinator for the purpose of this Policy and assume the role and responsibilities of the Safe Coordinator.

Where there are complaints about the Head of College, the Chair of the College Council will act as Safe Coordinator for the purpose of this Policy and assume the role and responsibilities of the Safe Coordinator.

The Safe Coordinator will not deal with complaints about their own behaviour or the Head of College.

#### **8.12 Procedural Fairness**

The principles of procedural fairness apply to the complaints procedure. Generally, this means that:

- the Colleges will not make a decision that could adversely affect either party unless it has given that party an opportunity to respond;
- the decision-maker will not be biased towards a party or have a separate interest in the complaint.

#### **8.13 Confidentiality and privacy**

The Colleges aim to maintain the privacy and confidentiality of complainants and respondents. Only the Safe Coordinator, Safe Contact Person, staff members, External Advisers and/or Conciliators directly involved in advising on, conciliating, investigating or resolving the complaint will have access to material relating to a report of Sexual Misconduct. However, the Safe Coordinator will keep the Head of College informed of the status and response to the report.

A key principle of conciliations and investigations is maintaining a confidential process. A College may ask the parties to agree to maintain confidentiality during these processes. This is important to protect the reputation of the parties, minimise the potential for victimisation, ensure that students,

residents, staff and visitors have the confidence to raise allegations, and ensure that witnesses have not had the chance to collaborate or influence each other's recollection, inadvertently or deliberately.

A confidentiality undertaking will not prevent:

- the complainant from discussing their experience of Sexual Misconduct with others, or making a complaint to an external body, or
- any party from seeking advice and support from a professional advisor in relation to the allegations.

#### **8.14 Record keeping**

The Colleges will ensure that reports of Sexual Misconduct are collected and stored confidentially in line with this Policy, including:

- details of the complaint / incident;
- steps taken to respond to the complaint / incident;
- support or assistance required or provided, i.e. whether the person received counselling from university services, whether they reported to police, whether they received support from an external provider;
- the College's response to the report (including referrals to external bodies and support services); and
- any feedback provided by the complainant / respondent in relation to the process.

On request, the Colleges will provide the complainant or reporter with information on their report of Sexual Misconduct.

#### **8.15 False or misleading allegations**

Deliberately making a false complaint under this Policy is a serious matter and is unacceptable. Where a College is satisfied, based on reasonable evidence, that a complaint is malicious, frivolous or vexatious, the complainant or reporter may face disciplinary action.

A complainant or reporter will not be sanctioned just because an investigation is inconclusive and the allegations cannot be substantiated. Disciplinary action will only arise where there is compelling evidence that a report was false or misleading.

#### **8.16 Victimisation**

It is unlawful to victimise any person for making a report of Sexual Misconduct. Any retaliatory action taken or threatened against a staff member, resident, student or volunteer because of their involvement in a report of Sexual Misconduct can result in disciplinary action. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that intentionally interferes with an investigation or the academic or professional progress or career of an individual.

### **9. DISSEMINATION AND REVIEW**

This Policy will be widely disseminated to all students, staff, residents and visitors via the Intercollegiate and individual College websites, during student and staff orientation, and through posters and other means of information. This Policy will be reviewed every two years (or more frequently, if required) by the Heads of Colleges.

### **10. RELEVANT LAWS**

This Policy supports compliance with the following legislation as amended:

- Sex Discrimination Act 2004 (Cth)

- Australian Human Rights Commission Act 1986 (Cth)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Equal Opportunity Act 2010 (Vic)
- Fair Work Act 2009 (Cth)
- Occupational Health and Safety Act 2004 (Vic)
- Occupational Health and Safety Regulations 2007 (Vic).
- Crimes Act 1958 (Vic).

## APPENDIX A: DEFINITIONS

<b>Acts of Indecency and Indecent Assault</b>	<p>In Victoria and across Australia, indecent assault and acts of indecency are crimes. Indecent assault means touching another person in a sexual way (e.g. their breasts or genitals with or without clothing) without their consent. An act of indecency involves an act of a sexual nature with or towards another person without their consent, or making another person do an unwanted act of a sexual nature, including but not limited to:</p> <ul style="list-style-type: none"> <li>• A person showing another person their genitals (e.g. flashing or streaking);</li> <li>• A person sending another person an unwanted still or moving image of their own or someone else's breasts or genitals;</li> <li>• Making another person show another person their bottom or genitals;</li> <li>• A person inappropriately touching their own genitals in front of another person; and/or</li> <li>• A person pretending to inappropriately touch themselves in front of another person.</li> </ul>
<b>Complainant</b>	<p>A student, resident, staff member or visitor who makes a complaint of Sexual Misconduct.</p>
<b>Consent</b>	<p>A person providing free agreement to the sexual activity. Sexual offences against adults may involve a lack of consent to the sexual conduct.</p> <p>There is valid consent where the person indicates, either by words or conduct, that they do wish to engage in the sexual activity.</p> <p>There is no valid consent where:</p> <ul style="list-style-type: none"> <li>• the person indicates, either by words or conduct, that they do not wish to engage in the sexual activity;</li> <li>• force is used or threatened to be used against a person to coerce them into engaging in the sexual activity;</li> <li>• a person is asleep or unconscious;</li> <li>• a person is so affected by alcohol or other drugs, as to be incapable of freely agreeing to the sexual activity; or</li> <li>• the person is unable to provide lawful consent because of their age.</li> </ul> <p>The law in Victoria sets clear age limits for when you can legally have sex. This is called the age of consent. In Victoria it is unlawful to engage in sexual activity with a child under 12 years old, even if they agree. It is also unlawful to engage in sexual activity with a child between the ages of 12 and 16 if you are more than 2 years older than them.</p>
<b>Creating sexually explicit images</b>	<p>Creating sexually explicit photos or videos of a person without their consent, or threatening to do so. This behaviour will be treated as Sexual Misconduct.</p>
<b>Drink Spiking</b>	<p>Adding alcohol or drugs to an individual's drink without their knowledge or consent. In Victoria, drink spiking is a criminal offence.</p>
<b>Rape</b>	<p>The forced penetration of the vagina or anus of any person with any part of the body of another person (including their fingers), or with any object without the express consent of the first person.</p>
<b>Report</b>	<p>Report means a report of Sexual Misconduct made to a College (whether formally or informally) by a student, resident, staff member or visitor.</p>
<b>Resident</b>	<p>Resident means a resident of a College to which this Policy applies.</p>
<b>Respondent</b>	<p>Respondent means a person against whom allegations of Sexual Misconduct are made.</p>
<b>Sexting</b>	<p>The distribution (or threat of distribution) of a sexually explicit image of another person in circumstances contrary to community standards of acceptable conduct. It is a criminal offence to engage in sexting by distributing intimate images of another person:</p> <ul style="list-style-type: none"> <li>• under the age of 18; or</li> <li>• over the age of 18 without their consent.</li> </ul>
<b>Sexual assault</b>	<p>All forms of sexual conduct and behaviour which may constitute a criminal offence including but are not limited to Rape, unwanted oral sex, Acts of Indecency and Indecent Assault.</p>
<b>Sexual harassment</b>	<p>Any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that a person would be</p>

	<p>offended, humiliated or intimidated. Sexual harassment by staff, students, residents and visitors is unlawful.</p> <p>A person's intention or motive is not relevant when determining whether the alleged behaviour constitutes sexual harassment.</p> <p>It is not necessary for the person who has been harassed to have told the harasser that the behaviour was unwelcome for the behaviour to constitute sexual harassment.</p> <p>Examples of behaviour that could constitute sexual harassment include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• comments about a person's private life or the way they look;</li> <li>• sexually suggestive gestures or non-verbal behaviour, such as leering or staring;</li> <li>• sexually suggestive comments or jokes;</li> <li>• Indecent exposure, sexual assault, rape, stalking or obscene communications (which are also criminal offences and may be dealt with in accordance with section 5 of this Policy);</li> <li>• Displaying pornographic or sexually explicit material (posters, screen savers, photos, calendars or objects);</li> <li>• Unwelcome physical contact, gestures or other non-verbal communication (including brushing up against someone, touching, fondling or hugging);</li> <li>• Sexually explicit emails, SMS messages, comments, jokes or conversations;</li> <li>• Sexual insults or taunting;</li> <li>• Asking someone for sex;</li> <li>• Repeated requests to go out;</li> <li>• Making promises or threats in return for sexual favours;</li> <li>• Sexual orientation-based insults or taunts;</li> <li>• Sexually explicit humour on posters;</li> <li>• Nudity;</li> <li>• Offensive posts on Facebook, College intranet, or other social networking sites.</li> </ul>
<b>Sexual Misconduct</b>	Behaviour that includes but is not limited to sexual harassment, sexual assault, sexual violence, unwanted oral sex, sexual exploitation, indecent assault, acts of indecency, criminal behaviour of a sexual nature, sexting, creating or distributing sexually explicit photos or videos without consent, stalking and drink spiking. Sexual Misconduct is unlawful and constitutes a breach of this Policy.
<b>Sexually explicit image</b>	Videos, photos or images of a person engaged in a sexual activity, or in a manner or context that is sexual (including photos depicting the person naked).
<b>Staff or staff member</b>	An employee, contractor, volunteer or other workplace participant currently engaged by a College or an official College visitor but does not include conference guests.
<b>Stalking</b>	<p>Engaging in a course of conduct with the intention of causing physical or mental harm to the victim, including self-harm, or of arousing apprehension or fear in the victim for his or her own safety or that of any other person. It includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• following the victim;</li> <li>• contacting the victim (by any means);</li> <li>• publishing information on the internet;</li> <li>• making threats;</li> <li>• keeping the victim under surveillance; and</li> <li>• entering or loitering near the person's residence or place of work.</li> </ul> <p>Stalking is a criminal offence.</p>
<b>Stealthing</b>	The practice of one person covertly removing a condom during a sexual act with another person, when consent has only been provided by the other person to condom-protected sex.
<b>Student</b>	A current student of a College.
<b>University</b>	The University of Melbourne.
<b>Unwanted oral sex</b>	The 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 their consent.
<b>Visitor</b>	A visitor to the Colleges' premises or officially run College event.

## **APPENDIX B: STAFF ROLES AND RESPONSIBILITIES**

In addition to the responsibilities in paragraph 0, staff members of Colleges have the following roles and responsibilities.

### **All staff**

All staff have a responsibility to:

- monitor the working and living environment to seek to ensure that acceptable standards of conduct and behaviour are maintained at all times;
- promote this Policy within their work area and the College community;
- take prompt action if they observe or are informed about behaviour that may breach this Policy, by reiterating that any behaviour in breach of this Policy is unacceptable, may result in disciplinary action, and must immediately cease,
- notify the Safe Coordinator and/or Head of College of any concerns of non-compliance with this Policy;
- support students, staff, residents and visitors to report their concerns of Sexual Misconduct, and ;
- refer persons with concerns about Sexual Misconduct to a Safe Coordinator, Safe Contact Person and/or External Adviser for support, information and advice (as appropriate), and inform the Safe Coordinator that they have done so;
- model appropriate behaviour and lead by example;
- ensure that relationships with students and residents are professional, trusting and respectful;
- not initiate, cultivate or encourage relationships with students or residents that have the potential to compromise the welfare or wellbeing of the student or resident; and
- not engage in sexual activity with a student or resident.

### **Heads of Colleges**

Heads of Colleges are responsible for:

- prioritising the agency of the complainant by involving them in decisions about the College's response to their complaint;
- balancing the needs and wishes of a complainant against the obligation to provide a safe environment for all staff, visitors, students and residents;
- ensuring that staff are appropriately trained and know how to respond to reports of Sexual Misconduct;
- establishing an advisory panel to develop an action plan to better protect students, residents, staff and visitors from the behaviour prohibited by this Policy;
- implementing an anonymous reporting framework in 2019 so that de-identified data on Sexual Misconduct can be recorded and reported; and
- ensuring that participants in any investigation by the College are provided with procedural fairness.

## **Safe Coordinators**

Safe Coordinators are experienced staff members appointed by each College. Safe Coordinators are responsible for:

- prioritising the agency of the complainant by involving them in decisions about the College's response to their complaint;
- balancing the needs and wishes of a complainant against the obligation to provide a safe environment for all staff, visitors, students and residents;
- providing ongoing support and guidance to complainants and reporters of Sexual Misconduct, and respondents to Sexual Misconduct complaints;
- ensuring the appropriate and timely appointment of Safe Contact Persons and External Advisers;
- providing training for their College community, Safe Contact Persons on preventing and responding to Sexual Misconduct; and
- advising their College on policies, programs, initiatives and strategies recommended to enhance legislative compliance and promote student and staff access, equity and diversity.

## **Safe Contact Persons**

Each College recruits, trains, and supports suitable senior long term staff members (both academic and administrative) to become Safe Contact Persons, and if required, suitable tutors to the role of Safe Contact Persons.

Safe Contact Persons are responsible for:

- providing advice to students, staff, residents and visitors in relation to Sexual Misconduct;
- providing support to complainants, reporters and respondents of Sexual Misconduct, and respondents to Sexual Misconduct complaints;
- being involved in the complaint handling process.

## **External Advisors**

External Advisors are responsible for:

- providing advice to students, staff, residents and visitors in relation to Sexual Misconduct;
- providing support to complainants and reporters of Sexual Misconduct, and respondents to Sexual Misconduct complaints;
- being involved in the complaint handling process.

## **External Consultant**

The External Consultant, appointed by the College Heads, assists the Colleges to implement the Policy by:

- preparing educational materials, organising and conducting training programs;
- assisting the Safe Coordinators, Safe Contact Persons, External Advisers and Conciliators and College Heads as required in the handling of complaints; and
- making recommendations on policies, programs initiatives and strategies to enhance legislative compliance and promote student and staff access, equity and diversity.



## **APPENDIX C: CONTACTS**

### **SAFE**

**S**exual Misconduct Prevention

**A**dvice and Advocacy

**F**air Treatment

**E**quality and Equity

### **EXTERNAL ADVISORS**

- Michael Mitchell (0447 710 062)
- Kevin O'Neill (0438 514 237)
- Catherine Smith (0411 872384)

### **EXTERNAL CONSULTANT TO THE COLLEGES**

Skye Rose, Practice Leader, Moores: (03) 9843 0418