	SEXUAL ASSAULT & SEXUAL HARASSMENT POLICY & PROCEDURES
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Preamble

As a campus dedicated to following the teachings of the Catholic Church, we strive to foster an environment where every student feels safe and respected, and where the dignity of the human person is upheld and honoured. Sexual harassment and sexual assault are inimical to such an environment.

1. Purpose

- 1.1. This document sets out the College's policy on Sexual Assault and Sexual Harassment relating to students and procedures in response to incidents of SASH.
- 1.2. While Sexual Assault and Sexual Harassment are mentioned in other student policies, the objective of this policy is to state with clarity Campion's position in relation to sexual misconduct.
- 1.3. Additionally, this document sets out the principles and procedures applicable to disclosures and complaints of sexual misconduct.

2. Definitions

- 2.1. **Consent** in the context of sexual activity, means free, voluntary, and enthusiastic agreement to engage in the specific sexual activity undertaken. Consent does not exist when the person:
 - is under the lawful age of consent as specified in applicable criminal legislation.
 - agrees because of force, the threat of force, or the threat of humiliation
 - is unlawfully detained
 - is asleep or unconscious
 - is intoxicated to the point of being unable to give meaningful and enthusiastic consent
 - is incapable of understanding the nature of the activity
 - has a mistaken belief about the identity of the other person
 - is mistaken about the nature of the activity

- lacks capacity to understand what is taking place due to a cognitive disability
- 2.2. **Complainant** means a person reporting a complaint of a case of sexual assault or sexual harassment that has been heard of, witnessed, or experienced.
 - 2.3. **First Responder** means any staff member who has been approached by a student disclosing or complaining about a case of sexual assault or sexual harassment.
 - 2.4. **Investigating Officer** means a person appointed to investigate an allegation of sexual assault or sexual harassment and make recommendations based on the outcome.
 - 2.5. **SASH Contact Officer** means the staff member responsible for receiving and recording disclosures and complaints of sexual assault and sexual harassment, as well as investigating cases when necessary.
 - 2.6. **Respondent** means a person against whom a complaint of sexual assault or sexual harassment has been made.
 - 2.7. **Sexual Assault** means a range of behaviours, all of which are unacceptable and constitute a crime. Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their enthusiastic consent, including when they have withdrawn such consent.
 - 2.8. **Sexual Harassment** means an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which, in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated, or intimidated.

3. Scope

- 3.1. This policy applies to disclosures and complaints made by students who may have experienced sexual harassment or sexual misconduct.
- 3.2. The rights and obligations of students under this policy are in addition to the rights and obligations set out in the:
 - Student Code of Conduct, and
 - Student Misconduct Procedures.
- 3.3. At times, sexual misconduct may be disclosed or reported as occurring at a third-party site such as a private venue, event or occasion not connected with or facilitated by Campion. In these cases, the matter may still be investigated by Campion.

4. Principles

- 4.1. Campion College will not tolerate actions and behaviours that could reasonably be considered to be either sexual assault or sexual harassment and will actively take steps to support the victim and to investigate complaints of such. In summary:
 - Students, staff, contractors and visitors must not engage in sexual assault or sexually harass, any other person.
 - Behaviour that is intimidating, abusive, disrespectful or threatening, including sexual assault and sexual harassment, is not acceptable and will not be tolerated.
- 4.2. Through this document and related policies, procedures, and actions, Campion adopts the nine principles for managing Sexual Assault and Sexual Harassment policy and procedure outlined in the TEQSA Good Practice Note (2020).



5. Policy

5.1. Identifying Sexual Assault and Sexual Harassment

5.1.1. For the purposes of the procedures outlined below, the following will serve as a guide for determining what constitutes sexual assault:

- a) rape (also called sexual assault) – the forced penetration of the vagina or anus of any person with any part of the body of another person or with any object, without the first person’s free, voluntary, and enthusiastic consent.
- b) unwanted oral sex – 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 free, voluntary, and enthusiastic consent.
- c) sexual touching – kissing or touching a person’s body in a sexual manner, without their consent. This includes unwanted touching of a person’s breast, buttocks or genitals.
- d) sexual acts – doing 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:
 - (i) a person showing another person their genitals (‘flashing’).
 - (ii) a person sending another person an unwanted still or moving image of their own or someone else’s genitals or breasts.
 - (iii) making a person show another person their breasts, bottom or genitals.
 - (iv) masturbating in front of another person.
 - (v) pretending to masturbate in front of another person.

5.1.2 The following are examples of sexual assault:

- Two people in a relationship start engaging in sexual activity but Person A changes their mind and asks to stop. Person B refuses to stop and forces sexual activity.
- A Student taking advantage of another intoxicated student at a party by encouraging them back to their room and engaging in sexual activity when the student is unable to give free, voluntary, and enthusiastic consent due to being affected by alcohol.
- A lecturer manipulates a student to engage in sexual acts in exchange for better marks.

5.1.3 For the purposes of the procedures outlined below, the following will serve as a guide for determining what constitutes sexual harassment.

- a) staring or leering at a person in a sexual manner.
- b) standing deliberately too close to someone or deliberately brushing against someone as you walk past.
- c) displaying pornographic or sexually explicit material (such as posters or screen savers).
- d) sending sexually explicit emails or SMS messages.
- e) inappropriate advances on social networking sites.
- f) sexual insults or taunting.
- g) requests for sex or repeated unwanted requests to out on dates or to 'hook up'.
- h) making promises or threats in return for sexual favours.
- i) intrusive questions or remarks about a person's sexual activities.
- j) an offensive indecent gesture towards another person.

5.1.4 The following are examples of sexual harassment:

- A student is video recording a College function and focuses the camera intently on another student's body.
- Someone makes public remarks—either verbally or on social media—about a student's sexual activity or body.
- Person A turns down a request for a date from Person B. Person B responds by taunting Person A with sexually explicit and insulting remarks.
- Someone unnecessarily and continually puts their arm around another person's waist, making that person feel uncomfortable and intimidated.

5.1.5 Examples of sexual gestures that may be considered as sexual harassment include:

- Hip thrusts directed at another individual;
- Hand gestures that simulate sex acts;
- Obscene gestures with the lips or tongue;
- Simulating groping or touching;
- Body language used to corner, trap or threaten someone;
- Suggestive facial expressions

5.2. Prevention Measures

5.2.1. Campion will continue to develop and implement a range of prevention strategies that are designed to raise awareness and address the risks to students of experiencing or witnessing sexual assault or sexual harassment. Prevention strategies include but are not limited to:

- A safe environment for students in all College venues and events.
- Relevant policy is accessible on the Campion website.
- Sexual assault and sexual harassment First Responder training for all staff.
- Relevant sexual assault and sexual harassment information prevention and report

material is communicated during student orientation and staff induction processes.

- The Student Wellbeing Team reviews policies and practices related to sexual assault and sexual harassment, including strategy development and implementation, review of policies, systems, processes, and risk management activities, including risk assessments.

5.3. Disclosures of Sexual Assault or Sexual Harassment (See Appendix A flowchart)

- 5.3.1. Students who have heard of, witnessed, or experienced sexual assault or sexual harassment, may wish to disclose information about the incident, even though they may not want it to be investigated or for the College to take any responsive action.
- 5.3.2. Students electing to make a disclosure of sexual assault or sexual harassment may later decide to make a complaint to Campion about the same incident.
- 5.3.3. Students can elect to make disclosures anonymously at any time in writing or in person. They may choose to remain anonymous themselves or to not name the other individuals involved in an incident they have heard of, witnessed, or experienced. If coming forward in person, they may bring a support person. The First Responder and SASH Contact Officer may also have a support person present.
- 5.3.4. Disclosures may be made to any staff member, who, as First Responder, will refer the student to the SASH Contact Officer. In cases of sexual assault, the SASH Contact Officer or the First Responder, will determine whether the student requires emergency support and call the police if necessary and with the consent of the student.
- 5.3.5. Students may wish to disclose information to the First Responder only, who will still need to inform the SASH Contact Officer at the earliest opportunity.
- 5.3.6. The SASH Contact Officer offers further counselling support services to the student(s)—via the First Responder if necessary—and records the details in the SASH Register.
- 5.3.7. Campion will treat all disclosures confidentially and will only investigate disclosures further if there appears to be an imminent risk to a student's health or safety. In that case, the SASH Contact Officer will inform the student who disclosed before commencing an investigation.

5.4. Complaints of Sexual Assault or Sexual Harassment (See Appendix A flowchart)

- 5.4.1. Students who have heard of, witnessed, or experienced sexual assault or sexual harassment, may wish to lodge a complaint about the incident if they would like the incident to be investigated.
- 5.4.2. Students can elect to make complaints anonymously at any time in writing or in person. If in person, they may bring a support person. The First Responder and SASH Contact Officer may also have a support person present.
- 5.4.3. Complainants may choose not to name the other individuals involved in an incident they have heard of, witnessed, or experienced. However, Campion is unable to investigate complaints where the complainant declines to provide information about the respondent. In such cases, the complaint will be treated as a disclosure.
- 5.4.4. Complaints may be made to any staff member, who, as First Responder, will refer the student to the SASH Contact Officer.

- 5.4.5. Students who wish to speak only with the First Responder only, may request that the First Responder pass the complaint onto the SASH Contact Officer on behalf of the complainant.
- 5.4.6. In complaints of sexual assault, the SASH Contact Officer—or First Responder—will determine whether the student requires emergency support and call the police if necessary and with the consent of the student. The SASH Contact Officer or First Responder may also encourage the complainant to contact the police independently or offer to contact the police on their behalf.
- 5.4.7. If the SASH Contact Officer or First Responder also believe, on the basis of the complaint, that there is an existing danger to other students, they may inform the Critical Incident Management Team and call the police, even without the complainant’s consent. This is to ensure the safety of all students. When deciding whether to contact the police, the Critical Incident Management Team will consider:
- evidence of a clear and unacceptable risk to the College or general community.
 - multiple disclosures, reports or complaints about the same person.
 - advice from SASH Contact Officer.
 - the wishes of the person who has experienced the sexual harm.
- If the police are called, the alleged perpetrator will also be informed of this action.
- 5.4.8. In complaints of sexual assault (not been reported to the police) and sexual harassment, the SASH Contact Officer provides support to the student(s)—via the First Responder if necessary—and will investigate the complaint, or delegate the investigation to another staff member (Investigating Officer). The investigation will include the following:
- Requesting a written report from the complainant, if not already received.
 - Interviewing the complainant, if necessary.
 - Interviewing the respondent and asking for a written response.
 - Interview any other possible witnesses and consider all other available evidence.
- 5.4.9. In the process of conducting the investigation, the Investigating Officer must give the respondent a reasonable opportunity to respond to all complaints and claims and to present his/her own evidence or statements. Complainants and Respondents may also be permitted to call witnesses to give evidence who must be prepared to be questioned by the Investigating Officer.
- 5.4.10. The Investigating Officer may choose to conduct a hearing, if appropriate, with the presence of all students involved in the case, including witnesses and support persons. If a hearing takes place, minutes must be recorded, and another staff member must be present.
- 5.4.11. During the investigation, the SASH Contact Officer may take some interim measures to ensure students’ safety. Such measures will depend on the circumstances and may include (but are not restricted to):
- Limiting a student’s movements on campus.
 - Prohibiting or restricting a student’s contact with another student or staff member.
 - Arrange re-assignment or suspension of work-scheme duties.
 - Arrange re-allocation of a student’s accommodation on campus.
- These interim measures should not be interpreted as anticipating or revealing the outcome of the investigation and may need to be done in consultation with other relevant staff, while always prioritising confidentiality.

5.4.12. The Investigating Officer will complete the investigation within five business days. If more time is required, the Investigating Officer will inform the SASH Contact Officer, who will also inform the complainant and respondent.

5.5. Decisions Regarding Investigations of Sexual Harassment

5.5.1. At the conclusion of the investigation, the Investigating Officer will present a report to the SASH Contact Officer who will then decide if the allegation is proven or not proven. The standard of proof to be satisfied in Campion's investigations of sexual assault and harassment is 'on the balance of probabilities', which requires satisfaction on the evidence that the matter found to have occurred is more likely to have occurred than not. Campion 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', which is a higher evidentiary standard of proof.

5.5.2. If proven, a penalty will be decided upon (see Student Misconduct Procedures).

5.5.3. Complainants and Respondents will be notified of the outcome in writing. The notification must set out:

- a) the findings of fact.
- b) a summary of the evidence on which those findings are based.
- c) any finding of sexual harassment.
- d) if applicable, any penalty imposed.
- e) the grounds and methods for lodging an appeal against the decision and/or the penalty.

5.5.4. Complainant and Respondents must be notified of the decision within five business days after the conclusion of the investigation.

5.5.5. If a case of sexual assault that was not initially reported to police has been proven, the Critical Incident Management Team will be notified and police may be contacted to ensure the safety of students and to meet the College's legal obligations to report criminal acts (under NSW Crimes Act 1900). In this case, the points listed under section 5.4.7 will be considered and the College will inform the student and alleged perpetrator before calling the police.

5.6. Appeal

5.6.1. Appeals may be lodged following the grounds and processes outlined in the *CCA Student Misconduct Procedures*.

5.7. Vexatious Complaints

5.7.1. A student or staff member shall not make a vexatious or malicious complaint of sexual assault or sexual harassment.

5.7.2. For the purposes of this policy, a complaint will be considered vexatious or malicious if the student or staff member makes it:

- (a) knowing it to be false; and
- (b) for the primary purpose of damaging the reputation of the College or any individual.

5.7.3. Any vexatious complaints will be considered as Serious Misconduct and investigated by the College Executive Committee under the Student Misconduct Procedures.

5.8. Reporting and Governance

- 5.8.1. All investigations into incidents of sexual assault and sexual harassment, will trigger a review of the related policies and procedures.
- 5.8.2. All incidents of sexual assault and sexual harassment, whether reported as a disclosure or complaint, will be reported to the Campion Institute Board, with all identifying features of staff and students not disclosed.

6. Roles and Responsibilities

- 6.1. The Student Wellbeing Team is responsible for reviewing this document annually.
- 6.2. The Director of Operations is responsible for overseeing the implementation of this policy and procedures.
- 6.3. The Director of Operations is responsible for providing the Campion Institute Board with a report of disclosures and complaints of sexual assault and sexual harassment and actions taken.
- 6.4. The staff member appointed as SASH Contact Officer, with the assistance of the Student Wellbeing Team and the Director of Operations, is responsible for developing a familiarity with this and all related policies and procedures and for maintaining the SASH Register.
- 6.5. All staff must be familiar with this policy and procedures, especially in the event of becoming a First Responder or delegated with the responsibilities of an Investigating Officer.

7. References

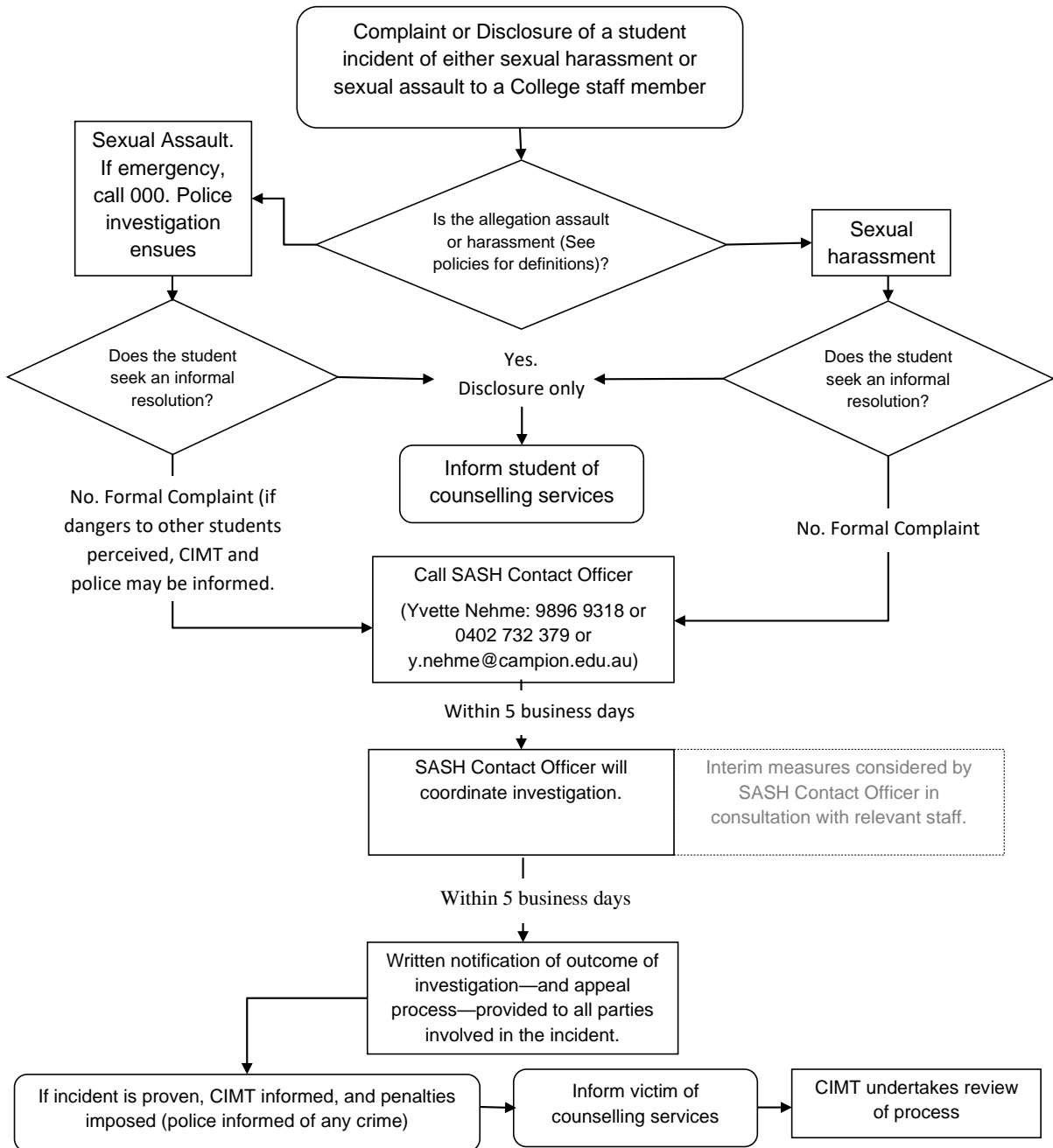
- 7.1. TEQSA Good Practice Note, “Preventing and Responding to Sexual Assault and Sexual Harassment in the Australian Higher Education Sector”, 9 July 2020.
- 7.2. Higher Education Standards Framework (Threshold Standards) 2021
- 7.3. HEPP-QN SASH-IN Study Final Report, 2019
- 7.4. Avondale University, “Sexual Misconduct and Sexual Harassment Policy and Procedures”, 10 September 2020.
- 7.5. Kaplan Professional, “Sexual Misconduct Prevention and Response Policy” 27 July 2021
- 7.6. Crimes (Domestic and Personal Violence) Act 2007
- 7.7. Crimes Act 1900

8. Policy History

Version	Date of approval	Amendment
1	February 2022	n/a

Flowchart: Responding to a report of student sexual assault or harassment

This flowchart is for guidance only for Campion staff. Please refer to the relevant policies for further details (especially SASH Policy & Procedure; Critical Incident Policy & Procedure; Student Misconduct Procedures; Student Code of Conduct; Staff Code of Conduct).



*Critical Incident Management Team

If I have been a victim

of sexual harassment or sexual assault OR witnessed such an incident...

(leering, obscene communication through any means of media, stalking; touching another individual in a way that offends, intimidates, embarrasses, or humiliates; physical, verbal and non-verbal abuse)

WHAT ARE MY OPTIONS?

Victims and witnesses who report, in good faith, any incident of sexual harassment or sexual assault will NOT be penalised for misconduct for any other violations of the Student Code of Conduct.



YOU ALWAYS HAVE A RIGHT TO:

