

Policy Link		New policy		
Responsible Officer		Dean of Students		
Contact Officers		Dean of Students and Dean of Women		
Superseded Documents		Nil.		
Associated Documents		Critical Incident Policy Domestic Violence Policy Non-academic Appeals Policy Privacy Policy Student Code of Conduct		
Review Date		March 2020		
Version	Endorsed By	Approved By	Approval Date	Effective Date
1.0	The Principal	Governing Board	21/03/2019	21/03/2019

1. PURPOSE

Moore College seeks to pastorally care for its students in all aspects of their College experience. The purpose of this policy is to set out the position of Moore College in respect of matters to do with sexual assault and sexual harassment as it cares for its students and to promote a safe learning environment for those students.

2. BACKGROUND

Following a national survey into sexual assault and sexual harassment at Australian universities the Commonwealth Minister for Education and Training requested a sector wide review of how higher education providers are demonstrating that they are places of safety and respect. Higher education providers are required to establish a policy and associated procedures for responding to issues of sexual assault and sexual harassment. Student wellbeing and safety are requirements of the *Threshold Standards* 2.3 and 2.4.

3. SCOPE

This policy only applies to matters of sexual assault or sexual harassment involving students of the College. The policy applies to incidents that occur at College, in the College residences or while students are participating in College required activities such as mission and student ministry positions, with the exception below.

This policy does not apply to incidents of sexual assault or sexual harassment that occur in a student's student ministry position or in their local church where the offender is a member of the clergy or a church worker. Disclosure and formal reports of such incidents may be dealt with through the Anglican Diocese of Sydney's Professional Standards Unit

<https://safeministry.org.au/zero-tolerance/>.

4. DEFINITIONS

This section sets out definitions for key terms and acronyms referred to in the Policy.

Term	Definition
College	The College is Moore College
Consent	Consent occurs when a person freely and voluntarily agrees to consent to a sexual act. A person cannot consent when they are, for example: under threat; intimidated or coerced; asleep or unconscious; incapacitated due to alcohol or drugs, incapacitated due to age or intellectual capacity; tricked or manipulated or under pressure from a person in authority or power over them.
Disclosure	Disclosure means a disclosure by a student of sexual assault or sexual harassment.
Formal report	A formal report means a formal allegation of sexual assault or sexual harassment under the College's grievance policies or codes of conduct.
Sexual assault	Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent ¹
Sexual harassment	A person sexually harasses another person when they make an unwelcome sexual advance, an unwelcome request for sexual favours, or engage in unwelcome conduct of a sexual nature in relation to the person harassed that causes the person harassed to feel offended, humiliated or intimidated. ² Sexual harassment may include: unwelcome touching; suggestive comments or jokes; sending sexually explicit emails or text messages; inappropriate use of social media; displaying suggestive screen savers; inappropriate invitations to go out or have sex and insults of a sexual nature.
Student	Student is anyone studying at any level at Moore College.

5. POLICY PRINCIPLES

5.1 Moore College has a long history of endeavouring to foster respectful behaviour and relationships. It has and will continue to make clear to all that sexual assault or sexual harassment of any kind is entirely unacceptable in this or any other setting.

¹ NSW Dept of Justice. 'What is sexual assault?'

https://www.victimsservices.justice.nsw.gov.au/sexualassault/Pages/sexual_assault_victims.aspx. Accessed 08/01/2019.

² *Sex Discrimination Act 1984* (CTh) 1 January 2014. Page 35.

<https://www.legislation.gov.au/Details/C2014C00002> Accessed 08/01/2019.

- 5.2 The safety and wellbeing of any student disclosing or formally reporting a matter of sexual assault or sexual harassment is the priority of the College.
- 5.3 Where an incident of sexual assault or sexual harassment is reported all parties concerned will be treated with fairness and respect.
- 5.4 Disclosure or not is the student's choice. A student who has experienced sexual assault or sexual harassment is free to disclose or report the incident to College or not. A student who has experienced sexual assault is free to report the incident to the police or not.
- 5.5 The provision of support services and special academic consideration by the College will be part of the College's response for students who have experienced sexual assault or sexual harassment.
- 5.6 All reports and responses to incidents of sexual assault and sexual harassment will be treated confidentially.

Additional information necessary for carrying out or complying with this Policy and the processes for disclosure and accessing support services are detailed in a separate Procedure.

6. LEGAL AND POLICY FRAMEWORK

This section identifies the legal and policy context within which this Policy operates and with which the Policy must conform.

Crimes Act 1900 No. 40 (NSW)

Education Services for Overseas Students Act 2000 (Cth)

Higher Education Standards Framework (Threshold Standards) 2015

Privacy Act 1998 (Cth)

Sex Discrimination Act 1984 (Cth)

7. IMPLEMENTATION

The Dean of Students is responsible for the implementation of this policy.

8. ACKNOWLEDGEMENTS

The following documents are acknowledged in the development of this policy.

TEQSA. *Guidance Note: Wellbeing and Safety*. Version 1.2 (8 January 2018)

Universities Australia. *Guidelines for University Responses to Sexual Assault and Sexual Harassment*. 20 July 2018. <https://www.universitiesaustralia.edu.au/uni-participation-quality/students/Student-safety/Guidelines-for-university-responses-to-sexual-assault-and-sexual-harassment#.XDL6d81xVhE>. Accessed 07/01/2019.

University of Notre Dame. *Policy: Sexual Assault and Sexual Harassment*. 28 July 2017. Last amended 10 July 2018.

https://www.notredame.edu.au/_data/assets/pdf_file/0009/2151/POLICY-Sexual-Assault-and-Sexual-Harassment.pdf Accessed 08/01/2019.

University of Sydney. *Student Sexual Assault and Sexual Harassment Policy 2018*. 1 August 2018. <http://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2018/470&RendNum=0> Accessed 08/01/2019.

9. DOCUMENT HISTORY

Version	Approved By	Approval Date	Effective Date	Sections modified
1.0	Governing Board	21/03/2019	21/03/2019	New policy – Reviewed by Dean of Students 5 March 2019.