



## St Leo's College Sexual Misconduct Policy

### Introduction

St Leo's College (the College) is committed to promoting and fostering a College environment that is safe, respectful and free from all forms of Sexual Misconduct. St Leo's prides itself on being a welcoming, inclusive and safe place and wants residents, staff, volunteers, guests, contractors and College-related third parties alike to feel valued and respected as they go about their business at St Leo's and otherwise interact on St Leo's virtual platforms.

This Policy sets out the principles informing how St Leo's will respond in preventing and addressing Sexual Misconduct – behaviour which is irreconcilable with the College's values: Conscience, Compassion, Respect, Excellence, Emotional Literacy and Connectedness.

### Scope and Purpose

The Sexual Misconduct Policy applies to all St Leo's residents, staff, volunteers, guests, contractors and College-related third parties and anyone who experiences Sexual Misconduct by a resident, staff member, contractor, volunteer, guest or College-related third party.

The Policy operates when an incident occurs:

1. on St Leo's physical campus or electronic platforms,
2. at occasions where residents, staff or volunteers are representing St Leo's,
3. at any off-site event such as St Leo's resident, staff or volunteer training.

To be clear, instances of Sexual Misconduct which do not occur on St Leo's physical campus can be captured by the Policy. St Leo's encourages anyone impacted by Sexual Misconduct as set out at 1 – 3, above to contact St Leo's to seek that support which the College can offer.

In those circumstances where a person makes a report to the College about a person who is not a St Leo's resident, staff member, volunteer, guest, contractor or College-related third party, the Sexual Misconduct Policy will have no application.

The purpose of the Sexual Misconduct Policy is to:

- i. expressly assert those standards of behaviour that the College Community expects of its members,
- ii. facilitate College residents, staff, volunteers, guests, contractors and College-related third parties in seeking help when another person's behaviour amounts to a breach of this Policy,
- iii. support College residents, staff, volunteers, guests, contractors and College-related third parties create a community where the principles of the Policy are upheld and actively promoted,
- iv. ensure College residents, staff, volunteers, guests, contractors and College-related third parties are aware of the means of accessing the support available to them,
- v. set out the remedial steps that the College will take where there is a breach of the Policy.

## Principles

The following principles reflect St Leo's commitment to preventing all forms of Sexual Misconduct, including Sexual Harassment and Sexual Assault, supporting members of the St Leo's Community who are affected by Sexual Misconduct and responding appropriately and sensitively when Sexual Misconduct occurs.

- A. St Leo's prohibits all forms of Sexual Misconduct and requires all members of the St Leo's Community to comply with this prohibition.
- B. St Leo's acknowledges that education and awareness are important aspects of prevention and is committed to educating the St Leo's Community to assist in the prevention of Sexual Misconduct in the St Leo's Community.
- C. St Leo's Community members are required to take all reasonable steps to maintain a safe and respectful environment at or related to St Leo's.
- D. St Leo's Community members, particularly supervisors and managers, will be made aware of the responsibility they have in responding appropriately when they receive information regarding Sexual Misconduct, particularly taking account of Trauma-Informed approaches.
- E. Interventions and responses supporting this Policy are to be Trauma-Informed.
- F. St Leo's acknowledges that Sexual Misconduct may include conduct which would also amount to a Sexual Offence if proven in a court exercising criminal jurisdiction. The College does not have jurisdiction to determine criminal responsibility and does not make findings in terms of criminal responsibility, including as to whether a Sexual Offence has occurred. However, St Leo's can and will determine whether alleged Sexual Misconduct amounts to, 'Level Two' or 'Level Three' behaviour as defined in the Behaviour Management Policy. St Leo's can and will take action in respect of breaches of its rules, policies and procedures pursuant to its Behaviour Management and other Policies. St Leo's will cooperate with all statutory agencies and, where the Head of College so determines, report matters to the QPS or other external agencies.
- G. St Leo's will support any person who elects to make a report to the QPS in respect of the alleged sexual misconduct of another person.
- H. St Leo's will implement options for support and formal reports that are simple, accessible and available through multiple avenues.
- I. The safety, welfare and support of the St Leo's Community is paramount. St Leo's recognises that any Sexual Misconduct is likely to have an adverse impact on members of the St Leo's Community and is committed to providing support to those affected.
- J. St Leo's will bring sensitivity and timeliness when providing support and responding to formal reports.
- K. Confidentiality and information privacy will be upheld where possible, in accordance with legislative requirements and St Leo's policies and procedures.
- L. St Leo's does not tolerate Victimisation.

M. St Leo's recognises that Sexual Misconduct may be experienced by all people regardless of their sexuality or gender identity.

### **Definitions**

College Community – means current St Leo's residents, staff, other workers, volunteers, official visitors, College-related third parties, recognised individuals, honorary position holders, support position holders and contractors.

Sexual Harassment – happens if a person:

- a. subjects another person to an unsolicited act of physical intimacy; or
- b. makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
- c. makes a remark with sexual connotations relating to the other person; or
- d. engages in any other unwelcome conduct of a sexual nature in relation to the other person;
- e. and the person engaging in the conduct described in (a), (b), (c) or (d) does so –
- f. with the intention of offending, humiliating or intimidating the other person; or
- g. in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Examples of sexual harassment include (but are not limited to):

*Examples for paragraph (a)*

- physical contact such as patting, pinching or touching in a sexual way;
- unnecessary familiarity such as deliberately brushing against a person;

*Examples for paragraph (b)*

- sexual propositions;

*Examples for paragraph (c)*

- unwelcome and uncalled for remarks or insinuations about a person's sex or private life;
- suggestive comments about a person's appearance or body;

*Examples for paragraph (d)*

- offensive telephone calls;
- unwanted sexual attention using internet, social networking sites or mobile phones;
- indecent exposure;
- a publication such as sexually offensive emails or graphics;
- sexually offensive screensavers or posters.

Just because someone does not object to inappropriate behaviour at the time, it does not mean that they consent to the behaviour.

A single incident is enough to constitute sexual harassment – it does not have to be repeated.

Sexual Misconduct – is a broad term encompassing any unwelcome behaviour of a sexual nature without consent. It includes conduct that could amount to a Sexual Offence and/or Sexual Harassment.

St Leo's residents should be aware that 'Sexual Misconduct' as defined in the College's Policy may also amount to 'general misconduct' for the purposes of the UQ Student Integrity and Misconduct Policy and the Student Code of Conduct or 'misconduct' or 'serious misconduct' under the Enterprise Agreement where the resident is a UQ employee.

For the purposes of St Leo's Sexual Misconduct Policy, Sexual Misconduct is any unwelcome behaviour of a sexual nature without consent. It includes conduct that could amount to a Sexual Offence and/or sexual harassment.

Sexual Misconduct as defined in this Policy may amount to 'irreconcilable conduct' for the purposes of the College's Behaviour Management Policy.

Sexual Offence – is any criminal offence of a sexual nature under the criminal law, including the *Criminal Code 1899* (Qld) and the *Summary Offences Act 2005* (Qld).

Trauma-Informed – means understanding, recognising and responding to the impact of trauma, and emphasising physical, psychological and emotional safety and the importance of choice for persons who have experienced Sexual Misconduct.

Victimisation – happens when a person does an act, or threatens to do an act against a complainant, or another person associated with the complainant, including a witness or third party reporter, because a complainant, or another person associated with the complainant:

- has made a formal report, report to the police or other external report; or
- intends to make a formal report, report to the police or other external report; or
- is, has been, or intends to be involved in a proceeding relating to Sexual Misconduct.

A reference to involvement in a proceeding includes involvement in a prosecution for an offence involving Sexual Misconduct, involvement in a College disciplinary process or investigation pursuant to the College's disciplinary framework or external agency investigation, or any other process to deal with Sexual Misconduct.

Victimisation does not include any action taken against a person for a false or malicious complaint made against another person in order to prejudice that other person.

### **Acknowledgement**

St Leo's College Sexual Misconduct Policy is premised upon and complements the University of Queensland's equivalent Policy. St Leo's is fully supportive of the University's zero tolerance approach to instances of Sexual Misconduct. St Leo's acknowledges UQ's work in creating the original Policy.

<b>Version control</b>	
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