



ST ANN'S COLLEGE

Sexual Misconduct Policy

St Ann's College encourages students to report sexual assault and indecent assault of any kind. The best research available indicates that the incidence of false allegations of sexual assault is very low. The literature also suggests that the disincentives to reporting sexual assault are high due in part to the fact that victims fear that they will not be believed.

With this in mind, St Ann's College takes the position that a person making a report of sexual assault is assumed to be telling the truth in the first instance.

Where a report of sexual assault is made by a member of St Ann's College, St Ann's students and staff are encouraged to use the attached "**Protocol for Responding to an Allegation of Sexual Assault**" to guide their response.

If you or someone you know has been sexually assaulted, St Ann's College is here to provide support, referral and information to assist you. There are a number of options available to you, ranging from an anonymous report through to informal provision of support, formal complaint and full-scale criminal reporting to Police (see "**Reporting Procedures – what are my options?**" below). It is important that the situation is not ignored. There is no time limit on being able to report a sexual assault but you are encouraged to make a report or complaint as early as possible so that you can be supported and provided with good advice about the reporting options available to you. The College recognises that sexual assault is traumatic and you may not wish to progress to a report immediately.

Support

If you have been sexually assaulted, or you have had a concerning sexual experience that you wish to discuss, even if you are not sure whether it falls under the definition of sexual assault, the College encourages you to talk to someone about the incident – what happened and how it is affecting you. You might prefer to talk to a friend first, or bring someone along to support you when you talk to College staff. The following staff have received training in responding to disclosures of sexual assault:

- Residential Tutors
- Equity Officers
- Senior Tutor
- Principal

When you make a report of sexual assault, the College's primary aim is that you be supported through the process of recovery in the way that feels right to you. Therefore if you make a disclosure to College staff, we will listen to you, believe you, support you, give you information about your options, and take steps to help protect your mental and physical health, and your confidentiality. We will help you to clarify what happened, including key facts such as dates, times and places. Feelings such as discomfort or intimidation are also facts, as are effects on study and effects on other aspects of your life at College and your general wellbeing.

Support available to students includes information about appropriate emergency health, counselling, security and accommodation providers, information about and assistance with navigating the College's formal report and misconduct investigation processes, referral to internal and external support services, regular and timely communication about the process and its resolution, interim measures, etc.

Reporting Procedures – what are my options?

Instances of sexual assault reported to the College will be handled in a sensitive, discreet and fair manner, on the assumption that the Reporting Party is making a truthful report. Counselling support services will be offered throughout this process, no matter what kind of report the Reporting Party wishes to make.

Reporting options range from an anonymous report, to an informal request for support, a formal complaint, or a criminal report to the Police. There is more detail around each of these types of report below. No matter what kind of report you choose to make, it will be your decision as the Reporting Party as to what happens with the information you disclose.

Anonymous report

Although the College encourages you to disclose full details about the incident and the Responding Party, so that the College can investigate thoroughly and take appropriate action, you may make an anonymous report without identifying yourself, or the Responding Party, or both, if you wish. Under these circumstances, the College may not be able to take any further action, but where possible will continue to support you and provide counselling or referrals to external service providers as appropriate.

Informal request for support

You may, if you choose, disclose details about the assault, but request that no action be taken. Under these circumstances it is recommended that you speak with the Principal, Equity Officers or Senior Tutor. Your confidentiality will be respected and support and assistance provided, and no investigation or disciplinary action will be taken without your assent.

Note that many students who initially report under these circumstances go on to make a formal report in time, on a timeline which feels right for them.

Formal report

You may disclose details of an assault and ask that an investigation take place. Under these circumstances, you will receive support and assistance throughout the process, and can expect that the College will respond to your report promptly and in a way which cares for your safety, health and wellbeing.

Procedural fairness will apply to parties throughout the report and investigation process.

The College will conduct an initial assessment, which may include taking steps to ensure a safe and non-discriminatory environment for you within the College community. The College may also employ appropriate interim protective measures for the individuals involved.

Following a report of sexual assault the College will assess whether there is a risk of further harm to any member of the community and implement reasonable Interim Protective Measures. This assessment will be undertaken by a member of staff trained in risk assessments or referred to an external expert where advisable. Protective measures are not a penalty or sanction and

are not indicative of any conclusion on the part of the College. Interim Protective Measures may include:

- Moving the Responding Party to an alternate room
- Making arrangements for the Reporting Party to have access to communal College facilities (e.g. the Dining Room) at a time when the Responding Party will not be there
- Suspending the Responding Party from College until an investigation can be completed.

The scope and timing of further investigation and/or action will depend on a number of other factors, including:

- Whether you want to report the matter to Police, the University, or other external agencies
- Whether you wish to make a disciplinary complaint under this Policy (i.e., a formal complaint that may lead to internal sanctions and disciplinary action) and
- Whether you request confidentiality or discontinuation of the investigation.

Both the Reporting Party and the Responding Party will be notified of applicable policies and processes, of investigation outcomes and of any further action the College proposes to take. Both parties will be offered individual counselling and support.

College sanctions and disciplinary action, if requested to be pursued by the Reporting Party, are at the discretion of the Principal and Discipline Committee, considering all the information provided by both parties and all the circumstances. The Reporting Party will be advised of the sanctions that the Principal plans to impose and will have a right of reasonable veto over those sanctions where desired.

Possible sanctions may include:

- Exclusion from College
- Withdrawal of re-admission to College
- Suspension from College
- Written Admonition/Formal Written Warning
- Change of Allocated Room
- Counselling
- Probation

Criminal reporting

The College encourages any student of the College who has been a victim of crime, to report it to the SA Police. College staff will support you in making a report should you wish to do so. In the case of reporting a sexual assault, students are strongly encouraged to communicate with Yarrow Place Rape Crisis Centre about the process of making a report to the Police, what to expect and how the investigation is likely to proceed.

Criminal investigation, prosecution and penalties are a matter for State authorities. As sexual and indecent assault is a criminal offence, SA Police may investigate allegations of sexual assault at their own discretion.

What if I don't want to make a formal report or Police report?

The College will support you, no matter what you wish to do. As the Reporting Party you maintain control of the process throughout and your wishes will be respected.

Throughout the process, we will discuss the importance of acting on reports of sexual assault to prevent further danger to the College community. In the past, students who have initially not been comfortable about disclosing the name of the person who sexually assaulted them, have moved through a process of recovery to the extent that they have felt comfortable about naming a Responding Party and beginning a disciplinary process against them. However, this process happens on the timeline of the Reporting Party and the College will be sure to give first priority to the needs of the individual who was assaulted.

What if I want to make a report on behalf of somebody else?

If you as a support person or bystander wish to make a report, the College encourages you to do so in person to the Principal, or in writing, and the circumstances will be investigated as far as possible. You should encourage those involved to seek support, and report matters as described above, but their wishes should be respected if confidentiality is requested. The College will offer support and advice to any student or staff member affected by sexual assault. Some of the steps in “**Protocol for Responding to an Allegation of Sexual Assault**” may be useful in offering support to a friend who has been sexually assaulted but does not wish to report the matter to the College.

Standards of Evidence

Formal rules of evidence are not applicable. If a student denies responsibility for an alleged breach of the Respectful Relationships Policy, the Sexual Misconduct Policy or the St Ann's College Code of Conduct, the Principal or Discipline Committee will make a decision based on the balance of probabilities.

In a case where the facts are contested, the Principal or Discipline Committee will, after following the principles of procedural fairness and considering all the evidence available, give greater credence to evidence which produces the stronger impression and is more convincing.

This standard is not the same as 'beyond reasonable doubt' which is a more rigorous requirement demanded by the courts in criminal cases. The Principal or Discipline Committee need not reach the degree of certainty that is required to justify a criminal conviction.

Thanks to Deakin University

Thanks to Sancta Sophia College

Thanks to Lincoln College