



DUNMORE LANG COLLEGE

A Residential College affiliated
with Macquarie University

Sexual Harm and Sexual Harassment Policy

Policy Title:	Sexual Harm and Sexual Harassment Policy
Prepared by:	Dunmore Lang College Management Team
Approved by:	Dunmore Lang College Board
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CONTENTS

1.	INTRODUCTION	3
2.	PURPOSE	4
2.1	Policy Intent	4
3.	DEFINITIONS	5-7
4.	SCOPE	7
4.1	The Dunmore Lang College Community, includes	7
4.2	Practical Guidance	7
4.3	Active Bystander	8
4.4	Breaches	8-9
5.	COMPLAINTS PROCEDURE(S)	9
5.1	Who to Contact	9
5.2	Complaints Process	9
5.3	Internal complaint	10
5.4	External complaint	10-11
5.5	Informal Internal Resolution	11
5.6	Formal Internal Investigation	11
5.7	Complaints against the Principal	12
6.	OTHER GUIDING DOCUMENTS RELATED TO THIS POLICY	12
7.	REVIEWING AND UPDATING THE POLICY	12
	APPENDIX A: Additional After Hours and Crisis Support Contacts	13

1.0 INTRODUCTION

The College's utmost priority is to ensure that everyone feels safe and comfortable within the College, and that it is a harmonious working and living environment for all students. The College staff and student leaders promote a culture of respect and affirmative consent and will maintain a zero-tolerance stance on actions, comments or online posts that imply, express or cause sexual harm. For this reason, it is the College's practice when dealing with complaints between students, to be guided by the following ten key principles:

- i. To be primarily guided in each individual situation by the needs and wishes of the victim/ complainant (person most affected).
- ii. To ensure all parties are provided with an opportunity to have a support person.
- iii. To provide information regarding choices and options.
- iv. To provide contact details for external agencies with expertise to assist as well as College support information.
- v. To provide time and space for individuals to decide and to respect their choices and decisions.
- vi. To maintain confidentiality of all information within the College's control.
- vii. To assist with making a Police complaint where appropriate.
- viii. To seek a resolution in a timely manner to minimise any ongoing harm or distress.
- ix. To seek, where appropriate, an informal resolution that enables issues to be settled through respectful conversations.
- x. To work with an educative lens where possible and to implement community education at an appropriate time as part of any response/ reconciliation.

Dunmore Lang College will maintain best practice by ensuring:

- The student community is provided with a range of presentation and workshops on affirmative consent, bystander ethics, legal obligations, including but not limited to:
 - Consent Education Australia
 - Life Foundations (Communicating with Care)
 - Legal issues (Adair Donaldson)
- Staff maintain updated training in responding to complaints, knowledge of NSW laws including affirmative consent and have a list of available external support agencies.
- Information is available in several different media as well as providing different options for raising a complaint/ concern, including an anonymous online portal.
- There is a clear and accessible complaints procedure if an individual feels their needs have not been met.

Where appropriate, a complaint will be dealt with by the Principal and Dean of Students. If a complaint is received against the Principal or Dean of Students, the Board will stand down the staff member and appoint an external investigator.

The College will keep a file open and maintain any evidence provided in case there is a change of mind unless specifically instructed otherwise.

2.0 PURPOSE

The College is committed to providing an environment and community in which people can live, study and work free from all sexual harm and sexual harassment. Sexual harm and sexual harassment are completely unacceptable. They not only cause harm and distress to the person assaulted or harassed but also damage the College environment and community. Sexual harm and sexual harassment erode the rights of the person assaulted or harassed, weaken morale and detrimentally interfere with life at the College. The College does not tolerate any form of assault or harassment and as outlined in this Policy, particularly sexual assault and sexual harassment.

2.1 Policy Intent

The College:

- is committed to ensuring students, staff and visitors are able to live, study and work in an environment and community that is free from sexual harm and sexual harassment.
- will not tolerate sexual harm and sexual harassment.
- will not condone the victimisation of a person for making a complaint of sexual harm and sexual harassment.
- will implement awareness-raising and communication strategies to ensure that all members of the College community are aware of their rights and responsibilities in relation to the prevention of sexual harm and sexual harassment.
- will deal promptly and effectively with all complaints of sexual harm and sexual harassment from staff, students, and visitors.
- will ensure there are trained staff/student mentors available to assist with advice and facilitating external assistance, and
- will ensure the names and contact details of those staff/student mentors are displayed throughout the College (from 2023 this is via a QR code).

In establishing appropriate standards of behaviour, the College recognises:

- social and/or cultural backgrounds may mean that people identify the same conduct differently.
- sexual harassment can arise where different values and beliefs are not recognised and respected.

- men and women may be sexually harassed by a person or persons of the same or opposite sex.
- appropriate behaviour is behaviour which respects the rights and sensitivities of all people in the College environment.

This Policy applies to all those who are part of the College community, all of whom are also bound by Macquarie University Policy Guidelines, State and Federal Laws. The College community includes:

- students
- staff (whether full-time, part-time or casual)
- Board members
- sub-contractors working on the College site
- visitors to the College
- volunteers
- external mentors
- conference guests

Respect. Now. Always (Macquarie University)

The College supports Macquarie University's **Respect. Now. Always.** [programme](#)¹ and works closely with the Macquarie University staff dealing with education, first-response, support, and monitoring of complaints.

It is also compulsory for all students complete the 'Safer Communities' course available through Macquarie University before moving into the College.

3.0 DEFINITIONS

An **active bystander** is someone who becomes aware of the situation where sexual harm and sexual harassment has the potential to occur, is occurring or has occurred, and intervenes or takes action in response.

Sexual assault means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against another person without the person's consent. It is criminal behaviour. It includes:

- having or attempting to have vaginal or anal intercourse with a person without the person's consent.
- penetrating or attempting to penetrate another person's vagina or anus with an object or any bodily part without the person's consent.

¹ <https://www.mq.edu.au/about/about-the-university/vision-strategy/other-university-initiatives/respect-now-always>

- sexually touching and fondling or attempting to sexually touch or fondle a person without the person's consent.
- kissing or attempting to kiss another person without the person's consent.
- holding or attempting to hold another person in a sexual manner without the person's consent.
- forcing or attempting to force a person to sexually touch or fondle another person.
- forcing or attempting to force a person to perform oral sex.

Sexual harassment means:

- an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person, or
- other unwelcome conduct of a sexual nature in relation to the other person,
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, or intimidated.

Such behaviour may consist of a single incident or several incidents over a period of time.

Examples of what sexual harassment may look like are (but are not restricted to):

- a request for sex.
- a request for sexual favours.
- making any gesture, action, or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence, including a comment about the person's sex life.
- telling jokes or stories containing sexual references or innuendo using any form of communication.
- exposing a person to any form of sexually explicit or suggestive material.
- making unwelcome physical contact such as touching, pinching, or patting.
- making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature.
- deliberately intruding on an individual's personal space.
- staring at or secretly watching a person for the purpose of sexual stimulation or gratification.
- sexual propositions or continued requests for dates.

Sexual assault and sexual harassment do not refer to behaviour that is mutually acceptable to the people involved.

Affirmative Consent means:

- You can't assume someone is consenting because they don't say no. Silence is not consent.
- it is an ongoing process. A person can change their mind and withdraw their consent at any time.
- a person can't consent if they're so intoxicated that they can't choose or refuse to participate.
- it can only be given freely and voluntarily. If you force or coerce your partner into sex, it's not consensual.
- it must be present for every sexual act. If someone consents to one sexual act, it doesn't mean they've consented to others.
- a person can't consent if they're asleep or unconscious.

4.0 SCOPE

4.1 The Dunmore Lang College Community, includes:

- students
- staff (whether full time, part time and casual)
- Board members
- sub-contractors working on the Dunmore Lang College site
- visitors to the College
- volunteers
- external mentors, and
- conference guests

4.2 Practical Guidance

If a member of the College community intends to make physical contact with another person or speak to them about a sexual matter, that person must:

- take responsibility for their own actions.
- seek permission from the other person.
- respect the other person's wishes, including any and all changes in consent/permission.
- take notice of, and respond to the other person's non-verbal communication, and
- refrain from such conduct if in doubt about the other person's wishes.

4.3 Active Bystander

All members of the College community are urged to be active bystanders against all forms of sexual harm and sexual harassment when safe to do so.

An active bystander is someone who becomes aware of the situation where sexual harm and sexual harassment has the potential to occur, is occurring or has occurred, and intervenes or takes action in response. Such actions include:

- in an emergency, contacting the NSW Police by calling 000.
- speaking out against sexual harm and sexual harassment (when safe to do so).
- recognising, addressing and/or reporting situations which have the potential for sexual harm or sexual harassment.
- challenging attitudes and language that promote sexual harm or sexual harassment.
- supporting those who have been affected by sexual harm or sexual harassment.
- leading by example – all members of the College community have a responsibility to make the College a safe place in which to live, study and work.
- contacting an external agency such as Full Stop Australia on 1800 414 017, which is answered 24/7Harm or the NSW Rape Crisis Centre.
- contacting a member of the College staff, a Resident Adviser or a College Harassment Officer².
- contacting Macquarie University Student Wellbeing or reporting an incident via the Macquarie University [portal](#)³.

4.4 Breaches

If a member/members of the College community breach this Policy by sexually harming or sexually harassing another person, the College, after taking into account the wishes of the person who has been assaulted or harassed and the College's legal obligations, will:

- commence complaint procedures
- engage support/assistance from specialist providers such as Full Stop Australia
- notify the NSW Police

Disciplinary actions, depending on the severity of the breach, may include one or more of the following:

- referral to counselling and/or support services
- warning the person about their behaviour

² <https://www.dunmorelangcollege.nsw.edu.au/who-can-i-talk-to>

³ <https://students.mq.edu.au/support/care-reporting/inappropriate-behaviour>

- education and training for the student or the College
- suspension as a student or an employee
- exclusion from the College as a student, visitor or conference guest
- termination of employment
- removal from office
- cancellation of contract

5.0 COMPLAINT PROCEDURES

5.1 Who to Contact

College Harassment Officers:

Dr Alasdair Murrie-West, Principal 0420 622 181

Ms Emily Itto, Dean of Students 0449 252 051

Ms Aimee Woods, Assistant Dean 0409 423 702

Student Harassment Contacts

Appointed each year after completing training. Names are advertised on College noticeboards and Resident Adviser doors.

5.2 Complaints Process

- When a complaint is received, the College Harassment Officer will:
- ensure the College's process for handling the complaint is understood by the complainant, including the option to suspend or stop the process at any time
- obtain and record a full, step-by-step account of the incident/s
- ascertain the complainant's preferred outcome, which can include an apology, the behaviour to cease, a change in working or living arrangements, and/or a police complaint
- agree on the next step, including timeframes and any actions to be undertaken
- decide on an informal resolution or formal investigation noting this can be changed and/or suspended
- keep a confidential record of all details of this discussion and subsequent steps in the process
- ensure that the College's processes and communications remain confidential noting that while the College will request confidentiality from all known parties, it cannot be responsible for the decisions or actions of individuals.

5.3 Internal complaint

Normally, complaints of sexual harm should be made externally in accordance with section A.

However, such complaints may be dealt with internally under this section B where:

- the NSW Police have decided not to take action in relation to the complaint, or
- where the person who believes they have been sexually assaulted (the complainant) is not comfortable or not ready to make a formal police complaint.

In these situations, the complainant should:

- make a note of what happened and the date, time, and location of the incident/s
- inform College staff, a Resident Adviser or Student Harassment Contact who will explain their options and provide support and assistance to obtain advice regarding their choices and any timeframes.

A person who believes they have been sexually harassed (the complainant) should:

- if they are comfortable doing so and it is safe to do so, tell the harasser to stop the behaviour
- make a note of what happened and the date, time, and location of the incident/s
- if it is not appropriate to tell the harasser to stop, or if the harassment continues, inform a College Harassment Officer, a Resident Adviser or a Student Harassment Contact.

A member of the College community who believes that another member of the College community has been sexually assaulted or sexually harassed should encourage that person to inform a College Harassment Officer or raise their concerns personally with a Contact Harassment Officer, Resident Adviser, or Student Harassment Contact.

At any time, the complainant has the right to discontinue this process.

5.4 External complaint

A student or staff member who has been sexually assaulted is encouraged to contact the NSW Police – Eastwood Police Station 02 9858 9299 or 000 – or specialist services such as Full Stop Australia and the College will provide support and assistance to do so.

If you do not want to speak directly to a police officer but want to report an assault to the Police you can do so via their online portal [Sexual Assault Reporting Option \(SARO\)](#). You can provide your details or remain anonymous.

A student or staff member who has been sexually harassed may also complain to:

- the Australian Human Rights Commission: 02 9284 9600 and 1300 656 419 or
- the NSW Anti-Discrimination Board: 02 9268 5544 and 1800 670 812 (for regional NSW only).

If the complaint is first made to a Resident Adviser or Student Harassment Contact, the Resident Adviser or Student Harassment Contact must report to a College Harassment Officer within 48 hours. However, the report need not identify the complainant if they have asked not to be identified.

5.5 Informal Internal Resolution

Where a complainant has chosen informal resolution, the College Harassment Officer will:

- inform the alleged assailant or harasser (the respondent), in person or in writing or both, of the complaint and provide them with an opportunity to respond and, at the same time, inform the respondent of the support services available both inside the College and externally
- ensure both parties understand their rights and responsibilities under the College's policy, including the importance of maintaining confidentiality
- if possible, mediate an outcome that is satisfactory for the complainant
- where appropriate, refer the complaint to an external mediator
- ensure as far as possible that confidentiality is maintained
- follow up, implement additional training or education, and monitor the situation at College to ensure as far as possible that such behaviour does not recur

5.6 Formal Internal Investigation

If a formal internal investigation is requested by the complainant, or if an informal resolution fails, the College Harassment Officer will escalate the matter to the Principal who will investigate further and/or appoint a person to investigate.

That person (the investigator) will:

- afford natural justice to all involved
- separately interview all directly concerned
- separately interview witnesses
- keep records of the interviews and investigation
- ensure confidentiality and minimise disclosure
- make a determination (a finding) as to whether or not, based on the available evidence, the investigator is reasonably satisfied on the balance of probabilities (i.e. it's more likely than not) that the alleged incident/incidents of sexual harassment occurred
- in such a case, recommend appropriate action, which may include a change of duties for the harasser, change to working or living arrangements or, where the

incidents were frequent and/or severe, dismissal (if a staff member) or exclusion (if a student)

At the completion of the investigation, the investigator will provide a written investigation report including findings and recommendations to the Principal or, where the Principal is the subject of the allegations or where there could be a perception of bias should the Principal make final decisions in the matter, to the Chair of the College Board.

The Principal (or the Chair of the Board) is to:

- make final findings in relation to the allegations
- where the findings are that the allegations have been sustained, determine the appropriate disciplinary action (see above in section 6.0)
- review the College procedures and the investigation to learn from the situation and to take whatever action is necessary to ensure the ongoing proper functioning of the College as a place in which people can live, study and work free from all sexual harm and sexual harassment
- continue to monitor the situation and provide retraining to members of the College community where required
- check to ensure the action taken meets the reasonable needs of the complainant.

5.7 Complaints against the Principal

If a complaint is made against the Principal, the procedures in this Policy apply, except that the matter will be referred to the Chair of the Board for determination and any power to be exercised by the Principal will instead be exercised by the Chair. While an investigation is being conducted, at the discretion of the Chair of the Board, the Principal may be stood down from any duties involving direct contact with students and may be required to shift from living onsite.

6.0 OTHER GUIDING DOCUMENTS RELATED TO THIS POLICY

- Effectively preventing and responding to sexual harassment: A Code of Practice for Employers by the Australian Human Rights Commission.
<http://www.hreoc.gov.au/sexualharassment/employerscode/COP2008.pdf>
- Action Chart – Sexual Harassment
- Action Chart – Sexual Assault

7.0 REVIEWING AND UPDATING THE POLICY

Unless legislative changes demand otherwise, this policy is to be reviewed on a two-year basis and any issues identified in the effectiveness of the processes and procedures under this policy are to be rectified promptly.

APPENDIX A.

Additional After Hours and Crisis Support

Emergency Assistance	000 (triple zero)
Lifeline	13 11 14
Suicide Call Back Service	1300 659 467
NSW Mental Health Access Line	1800 011 511
QLife	1800 184 527
1800 Respect	1800 737 732
Beyond Blue	1300 224 636
Men's Line	1300 789 978