



## SEXUAL ASSAULT AND SEXUAL HARASSMENT (SASH) PREVENTION AND RESPONSE PROCEDURE

<b>Version</b>	1.01	<b>Number of pages</b>	11
<b>Responsible officer</b>	Chief Community Life Officer		
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<b>Approved by</b>	Morling College Board		
<b>Responsible body</b>	Leadership Team		
<b>Keywords</b>	Student; Resident; Staff; Grievance; Complaint; Sexual harassment; Sexual assault; Sexual misconduct; SASH		
<b>Access level</b> <i>Select from the drop-down menu</i>	Public		
<b>Dissemination Range</b>	Public website, staff, students		
<b>Approval date</b>	22 November 2022		
<b>Effective date</b>	22 November 2022		
<b>Review date</b>	October 2025		
<b>Superseded documents</b>	None		
<b>Higher Education Standard</b>	HES_2.3		
<b>Document classification</b> <i>Select from the drop-down menu</i>	Human Resources		

If you or someone else requires help in an emergency, contact 000.

If an experience of sexual assault or sexual harassment has affected or distressed you, these national services are available for support.

- **1800RESPECT** (Ph: 1800 737 732) – National Sexual Assault, Domestic Family Violence Counselling Service
- **Lifeline** (Ph: 13 11 14) – 24-hour crisis support and suicide prevention
- **Beyondblue** (Ph: 1300 224 636) – Mental health support
- **Suicide Call Back Service** (Ph: 1300 659 467)

You can also find information about how to access support on the Morling College website here:

<https://www.morling.edu.au/student-support-services/>

### 1. PURPOSE

- 1.1. To specify the processes for preventing and responding to incidents of sexual assault and sexual harassment (SASH) occurring at, or connected with, Morling College (MC). The procedures in this document apply to current and prospective, domestic, and overseas, students who are studying a course

offered by MC in its capacity as a Higher Education Provider, and for residents who have signed a contract for accommodation on a Morling campus. They do not apply to grievances that relate to studies undertaken in courses offered by Morling under a third-party arrangement with other providers (see *Definitions*). Sexual misconduct will be “connected with Morling College” when it occurs in circumstances described within the “Scope” below.

- 1.2. This procedure accompanies the MC Sexual Assault and Sexual Harassment Prevention and Response Policy. It includes:
  - 1.2.1. information about seeking support for sexual misconduct;
  - 1.2.2. information about how to report sexual misconduct to MC;
  - 1.2.3. information about reporting to external organisations;
  - 1.2.4. information about what happens when someone submits a report about sexual misconduct, via Report Inappropriate or Unwanted Behaviour; and
  - 1.2.5. procedures for MC staff responding to reports.

## **2. SCOPE**

- 2.1. This procedure applies to members of the MC Community when engaged in MC activities or on MC premises. Also see 2.2.
- 2.2. For those members of the MC Community (students or residents), who are enrolled in a non-MC accredited program, the relevant policies and procedures of the enrolling institutions will also apply (see *Definitions*). Attention will be made to consolidating processes wherever possible to reduce impact on any person involved.
- 2.3. This procedure applies to sexual assault or sexual harassment (SASH) affecting anyone 18 years of age or older. Disclosures of child abuse, including any sexual offence or sexual misconduct involving children or young people under 18, which is illegal, are subject to mandatory reporting.
- 2.4. Relevant policies and procedures under Respect@work legislation will apply as necessary to MC staff.
- 2.5. Any response or investigation of a report by MC is not a substitute for a criminal investigation conducted by the police.
- 2.6. Procedures described in this document do not override:
  - 2.6.1. professional standards regarding confidentiality between clients and medical practitioners, nurses, psychologists, social workers;
  - 2.6.2. mandatory reporting requirements according to child protection legislation, Crimes Act 1900 or Work Health and Safety Act 2011;
  - 2.6.3. any other legal obligations applicable to MC.

## **3. STEPS**

### **STEP 1. SUPPORT**

- 3.1. For someone in immediate danger or requiring immediate medical attention, contact the appropriate support service as noted at the start of this procedure.
- 3.2. Confidential support for students and residents is available at MC via Student Services staff, the Campus Chaplain or the Dean of Residents.
- 3.3. Staff can provide information to students and residents about support available for mental health, study, accommodation, finances and referrals to legal advice.
- 3.4. Seeking support can include the request for study adjustments, such as changes to a student's study requirements or assessment schedule. Study adjustments may not include measures relating to other students.
- 3.5. Staff will provide information to students and residents about their choice to formally report through an Inappropriate or Unwanted Behaviour Report.
- 3.6. Disclosures of inappropriate or unwanted behaviour will be recorded in a confidential student file note and recorded on the file of the person making the disclosure.
- 3.7. Where a student or resident chooses not to submit a formal report, support services will still be offered.

## **STEP 2. SUBMIT AN INAPPROPRIATE OR UNWANTED BEHAVIOUR REPORT**

- 3.8. An Inappropriate or Unwanted Behaviour online report form can be used to report sexual misconduct to MC. Reports can be made anonymously or with identity information.
- 3.9. Online reports may be edited by the complainant after submission to either delete or add information. Both the original report and the edited report will be kept on file
- 3.10. A submission may be completed with the support of Student Services staff, the Campus Chaplain, or the Dean of Residents. If this occurs, confidentiality of the nature of the report will be upheld at all times.
- 3.11. Staff and students can report sexual misconduct on behalf of another person using the Report Inappropriate or Unwanted Behaviour form. If possible, discuss making a report with the person who experienced the behaviour and ask for their agreement before reporting sexual misconduct to MC.
- 3.12. An anonymous report means the person making the report has not provided their name or contact details. MC may be limited in what action it can take after receiving an anonymous report.
- 3.13. Submitting a formal report to MC does not abrogate the choice to formally report to an external organisation. Note that reports to external organisations, including Police or a University, are not usually shared with MC. For MC to assess and respond to an incident, an Inappropriate or Unwanted Behaviour online report form must be submitted.

## **STEP 3. DECISION TO INVESTIGATE AND SASH OFFICER IS APPOINTED**

- 3.14. The CCLO shall acknowledge receipt of the Inappropriate or Unwanted Behaviour Report within three (3) working days.
- 3.15. On receipt of a formal report, a decision will be made whether there will be an investigation into the incident.
- 3.16. The CCLO will also assess whether a report indicates that MC needs to take immediate general action, to improve safety. They may seek advice from relevant staff across MC. Confidential discussions with staff at external providers may occur (e.g. MQ Student Wellbeing).
- 3.17. A further assessment will be made to determine whether the conduct reported requires specific investigation by MC. If a decision to investigate is determined, the name and contact details of the person who has been appointed as the SASH Officer will be communicated to the person who made the report.
- 3.18. The appointed SASH Officer must have no conflict of interest in relation to the reported incident. The appointed SASH Officer may be an external investigator.
- 3.19. Where a decision has been made not to investigate, reasons for the decision will be made to the person making the report.

#### **STEP 4. INVESTIGATIVE PROCESSES**

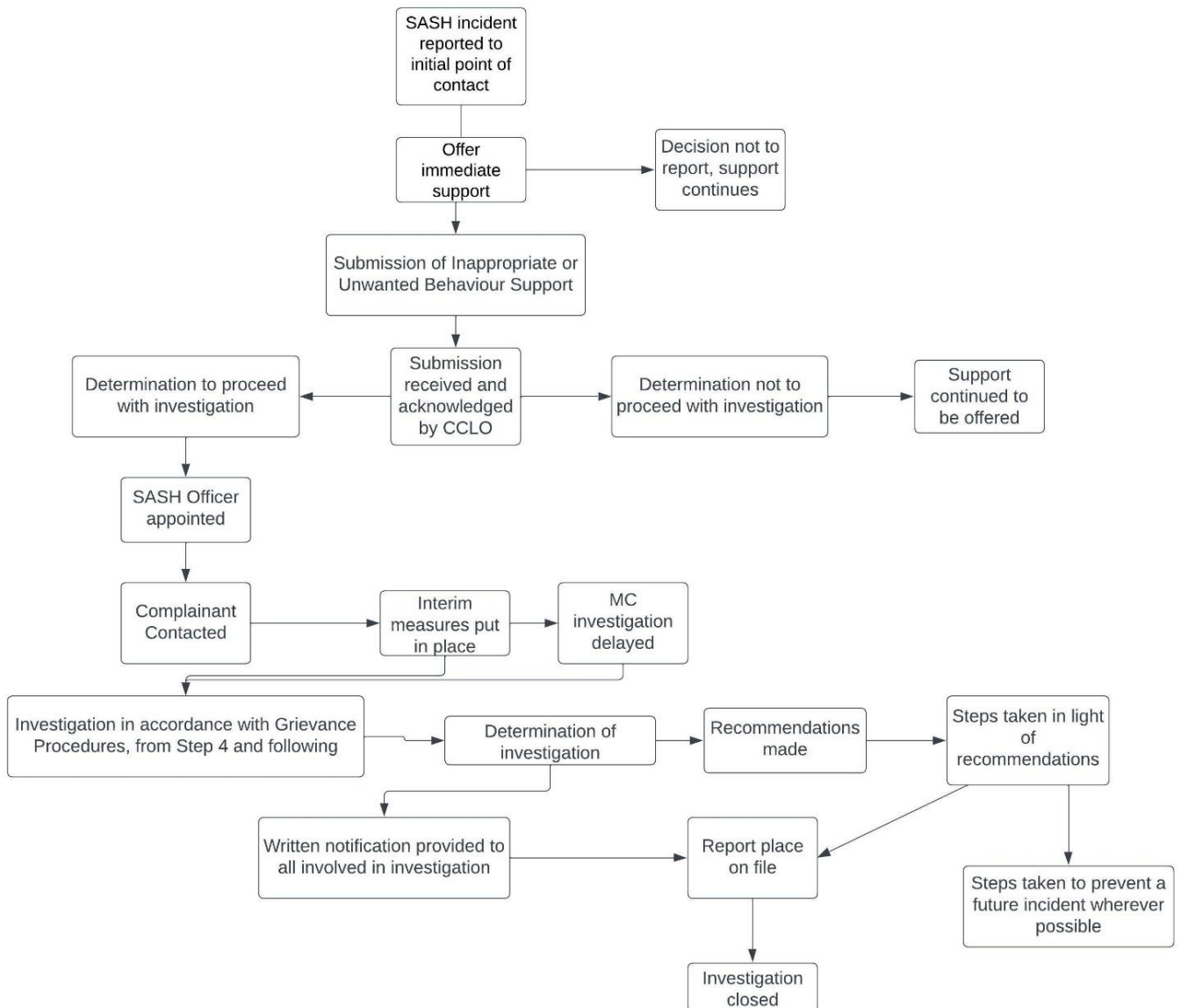
- 3.20. The appointed SASH Officer will contact the person who made the report to discuss their report. This will include a check of their safety, information about access to support services and identifying any other immediate action required to manage safety of any member of the MC community.
- 3.21. This may lead to interim measures being put in place.
  - 3.21.1. Interim measures are temporary restrictions or requirements regarding who a person can contact, or how they can contact someone, or where and when they can go on campus. These restrictions or requirements may be in place for a length of time which MC considers appropriate. MC may also place conditions on the restrictions or requirements, if appropriate.
  - 3.21.2. Interim measures will be approved by the CCLO or the Dean of Residents.
  - 3.21.3. Interim measures may be applied by MC to anyone related to a report of sexual assault and/or sexual harassment to reduce the potential for harm to any member of the MC community.
  - 3.21.4. Interim measures do not anticipate the outcome of any MC or external investigation and are not a determination or penalty.
  - 3.21.5. A person who is subject to interim measures has the right to ask for the measures to be reviewed or varied. They should do this in writing to the CCLO. Any review of interim measures must be completed in a reasonable timeframe.
- 3.22. If the report is made about or on behalf of another person, the SASH Officer will, in addition, consult that person if their identity is known.

- 3.23. The SASH Officer will contact Student Services and/or the Dean of Residents to notify them of any action that may be needed to manage the safety of any member of the MC community.
- 3.24. If MC is subject to mandatory reporting obligations, the SASH Officer will advise the relevant authorities.
- 3.25. If a police investigation, or investigation by another external organisation commences, MC may be required to delay its own investigation. This is to avoid adversely affecting the external investigation. MC may delay its own investigation until:
  - 3.25.1. advised that any MC investigation will not adversely affect an external investigation; or
  - 3.25.2. advised that the external investigation is complete or is not continuing.
- 3.26. Interim measures may be put in place or remain in place during any delay to an investigation.
- 3.27. Where an investigation occurs, the report will be managed and processed in accordance with MC Grievance Procedures and the following:
  - 3.27.1. The SASH Officer will fulfill the role of the “Grievance Officer”.
  - 3.27.2. The person who has made the report or who the report was about will be the ‘complainant’.
  - 3.27.3. Any person/s mentioned in the report as the alleged perpetrator/s will be the ‘respondent’.

#### **STEP 5. RECOMMENDATIONS AND REPORTING**

- 3.28. If a report has been substantiated, and recommendations made, the recommendations will be forwarded to the appropriate internal or external person or body.
- 3.29. A depersonalised data report on reporting under this policy will be made to the MC Board annually.

## 4. FLOWCHART



## 5. DEFINITIONS

Key Term or Acronym	Definition
Balance of probabilities	A standard of proof, which means that it was more likely than not that something occurred in a certain way.
Child	Any person under the age of 18.
Complainant	A person who makes an Inappropriate or Unwanted Behaviour Report or about whom an Inappropriate or Unwanted Behaviour Report has been submitted.
Consent	<p>Consent means a person has freely chosen to take part in sexual contact. Consent requires ongoing agreement; it can be withdrawn at any time. Where consent is withdrawn, or cannot be given, sexual contact must stop.</p> <p>If someone has given consent in the past, it cannot be assumed that they consent to further sexual contact. Consent cannot be assumed because someone does not resist, verbally or physically, or because they do not appear to be resisting.</p> <p>Consent can be given by words or actions if those words or actions are clear indications of willingness to engage in sexual contact.</p> <p>A person is not able to consent to sexual contact when:</p> <ul style="list-style-type: none"> <li>• they are asleep or unconscious</li> <li>• they are substantially intoxicated by alcohol or any drug</li> <li>• they do not have capacity to consent because of their age, physical disability, or cognitive capacity</li> <li>• they are intimidated, coerced, or threatened</li> <li>• they are unlawfully detained</li> <li>• they are pressured to engage in sexual activities by another person, who is in a position of power, authority, or trust</li> <li>• they are tricked about the identity of any person involved</li> <li>• they are tricked about the situation</li> <li>• they are under 16 years of age.</li> </ul>
Interim measures	Interim measures are temporary restrictions or requirements regarding who a person can contact, or how they can contact someone, or where and when they can go on campus.
MC	Morling College Limited which includes all its campuses and its controlled entities e.g., Morling Residential College, Morling College Village
MC Accommodation	<p>Means any:</p> <ul style="list-style-type: none"> <li>• Morling Residential College</li> <li>• Morling Village</li> <li>• Residential premises which are owned, operated, or managed for MC staff or students.</li> </ul>

MC activities	Means the activities of MC and MC community, including: <ul style="list-style-type: none"> <li>teaching, study, and research at MC</li> <li>the management or administration of MC</li> <li>recreational, commercial, disciplinary, or ceremonial activities of MC or MC community</li> <li>any clinical, professional, or practical work, including workshops, camps or fieldtrips or vocational placements, whether or not it is part of a program or unit of study at MC</li> <li>any other activities sponsored, controlled, or supervised by MC, including sporting events, cultural activities, competitions, conferences, student clubs, exchanges, or sabbatical</li> <li>online activities associated with MC, such as MC online learning platforms and MC social media.</li> </ul>
MC community	Includes the following: <ul style="list-style-type: none"> <li>members of the Morling College Board</li> <li>staff (see Definition below)</li> <li>students (see Definition below)</li> <li>residents in MC accommodation</li> <li>sub-contractors and tenants working on MC premises</li> <li>persons conducting an authorised business or other activity upon MC premises;</li> </ul>
Morling College Premises	Means any: <ul style="list-style-type: none"> <li>premises owned, operated, supervised, occupied or controlled by MC, including premises of which MC is the landlord;</li> <li>premises on which MC activities take place;</li> </ul>
MRC	Morling Residential College
Person-centred	Refers to an approach that supports a victim or survivor’s rights and wishes; and prioritises safety, dignity and respect.
Respondent	The person about whom a report is made.
SASH	Sexual assault and sexual harassment
Sexual Assault	For the purposes of this Policy, a person may be considered to have sexually assaulted another person if: <ul style="list-style-type: none"> <li>the other person did not consent to sexual contact or a sexual act; and</li> <li>the person should have reasonably known, having thought about the circumstances, that the other person did not consent to sexual contact or a sexual act.</li> </ul> Sexual harassment can take many forms and may be physical, verbal, or occur online. It includes behaviour that may be considered an offence under criminal law, such as stalking. Sexual assault is a legal term used to describe a range of sexual offences, from showing indecent images to another person, to kissing or touching them, as well as penetration of



	the person's body with a body part or object. <a href="#">Further information</a>
Sexual harassment	<p>For the purposes of this Policy, sexual harassment is defined as:</p> <ul style="list-style-type: none"> <li>• unwanted sexual advances, or unwelcome requests for sexual favours; or</li> <li>• other unwelcome behaviour of a sexual nature; and</li> <li>• a reasonable person, considering the situation, would expect the person experiencing the behaviour to be offended, humiliated, or intimidated by the behaviour.</li> </ul> <p>Sexual harassment can take many forms and may be physical, verbal, or occur online. It includes behaviour that may be considered an offence under criminal law, such as stalking. Examples of sexual harassment include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• unwelcome touching, hugging, or kissing</li> <li>• staring or leering</li> <li>• unwanted invitations to go out on dates</li> <li>• unwanted requests for sexual contact</li> <li>• intrusive questions about a person's private life or body</li> <li>• sexually explicit emails or SMS messages</li> <li>• touching or fiddling with a person's clothing, such as lifting a skirt or pulling down trousers.</li> </ul>
Staff	Any staff member of MC, including officers, employees and contractors of MC and appointees to conjoint, adjunct, emeritus, honorary, and visiting academic positions of MC.
Student	<p>Does not include students enrolled in an ACT unit or award for credit (ACT students see <a href="https://www.actheology.edu.au/sash-and-dfv-services/report-sash/">https://www.actheology.edu.au/sash-and-dfv-services/report-sash/</a>).</p> <p>A student of MC and includes:</p> <ul style="list-style-type: none"> <li>• a person taking any unit not for credit i.e., audit</li> <li>• a person who is enrolled in a program or unit of study in Education; Counselling; or Chaplaincy and Spiritual Care</li> <li>• a person who has accepted an offer of admission to MC but who has not yet enrolled in any program or unit of study</li> <li>• a student of another educational institution who is authorised by MC to be on or to have access to or use of MC property</li> <li>• a person who was a student at the time of any alleged misconduct</li> <li>• a person who became admitted or enrolled as a student after having done so by misleading or dishonest means</li> </ul>

	<ul style="list-style-type: none"> <li>any person who undertakes any academic exercise on MC premises or which is part of a program or unit of study provided, supervised, or assessed by MC.</li> </ul>
Vexatious/malicious reports	<p>A report will be considered vexatious or malicious if:</p> <ul style="list-style-type: none"> <li>it does not have a basis in fact; and</li> <li>it causes damage to another person's or MC's reputation or standing.</li> </ul>

## 6. RELATED DOCUMENTS AND LEGISLATION

### Legislation

Anti-Discrimination Act 1977 (NSW)  
 Children and Young Persons (Care and Protection) Act (NSW) 1998  
 Crimes Act 1900 No 40 (NSW) Division 10 Sexual offences against adults and children.  
 Equal Opportunity Act 1984  
 Health Records and Information Privacy Act 2002 (NSW)  
 Privacy Act 1988 (Cth)  
 Privacy and Personal Information Protection Act 1998 (NSW)  
 Respect@Work legislation (Cth) forthcoming  
 Sex Discrimination Act 1984 (Cth)  
 Tertiary Education Quality and Standards Agency Act 2015 (Cth)  
 Work, Health and Safety Act 2011 (NSW)

### Morling College documents

Course Review Policy  
 Discrimination, Bullying and Harassment Prevention Policy  
 Grievance Policy – CCSC, EDU and MRC  
 Grievance Procedures– CCSC, EDU and MRC  
 Health and Safety Inspection Checklist  
 Morling College Community Code  
 MRC Code of Conduct  
 Privacy Policy  
 Protection of the Vulnerable Policy  
 Risk Register  
 Sexual Assault and Sexual Harassment Prevention and Response Policy  
 Staff Code of Conduct  
 Staff Grievance Procedures  
 Student Code of Conduct

## 7. REFERENCES

- Australian College of Theology Sexual Assault and Sexual Harassment Policy
- Macquarie University Sexual Assault and Sexual Harassment Policy
- Macquarie University Sexual Assault and Sexual Harassment Procedure

- Macquarie University Guide to Student Sexual Assault and Sexual Harassment Policy and Procedure
- University of NSW Sexual Misconduct Prevention and Response Policy

## 8. VERSION HISTORY

Version	Approved by	Approval Date	Effective Date	Changes made
1.01	Policy Coordinator	April 2023	April 2023	Updated to the latest template, including addition of keywords. Leadership Team added as Responsible Body.
1.0	MC Board	22 November 2022	22 November 2022	New procedure

*Download this procedure anew with each use, as it may have changed.*