



St John's College

Within The University of Queensland

Sexual Misconduct and Gender-based Violence Policy

If you have any questions about this policy, please do not hesitate to contact the Warden via email at warden@stjohns.uq.edu.au

Contact Officer	Date Approved by Council	Date of Last Review	Date of Next Review
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1. Introduction

- 1.1 The Sexual Misconduct and Gender-based Violence Policy (**Policy**) guides and governs conduct within and affecting St John's College that falls within the definitions of
- (a) sexual misconduct (section 5.7) and two sub-categories of sexual misconduct, being sexual assault (section 5.1) and sexual harassment (section 5.3); and
 - (b) Gender-based Violence (section 5.8).
- 1.2 If a matter relates to sexual misconduct or gender-based violence, this Policy applies. To the extent of any inconsistency with other College policies, this Policy prevails if the conduct constitutes sexual misconduct or gender-based violence as set out in this Policy.
- 1.3 In this Policy, a reference to:
- (a) **Discloser** means person who has shared information about their experience of sexual misconduct or gender-based violence;
 - (b) **Respondent** means a person whom it is alleged has engaged in conduct that amounts to sexual misconduct or gender-based violence;
 - (c) **Students** means any student who resides at St John's College;
 - (d) **Staff / Staff Member** means any staff member engaged by the College, including contractors (and persons engaged by contractors to work on their behalf), pastoral care leaders, residential student advisors and equivalent, including in a non-paid capacity.
- 1.4 The purpose of this Policy is to:
- (a) set out expected standards of behaviour further to those set out in the Staff and Student Code of Conduct;
 - (b) explain clearly the concepts of sexual assault, sexual harassment, sexual misconduct and gender-based violence;
 - (c) encourage College students, staff and visitors to seek help for themselves, or for others, when any situation makes them feel uncomfortable, and report breaches of this Policy;
 - (d) guide College students and staff in creating a community where informed consent and respect for others' choices are valued, and the principles of the Policy are upheld and actively promoted;
 - (e) set out the procedures that the College will follow in responding to a disclosure or report of sexual misconduct or gender-based violence; and



- (f) make College students and staff aware of the support available to them.
- 1.5 The College will act on all reports of sexual misconduct and gender-based violence to the extent it reasonably can do so and will take appropriate and proportionate action to address all findings of sexual misconduct and gender-based violence. The College is committed to approaching all matters with impartiality and sensitivity.
- 1.6 The College acknowledges that sexual misconduct and gender-based violence under this Policy may constitute criminal conduct. College students, staff, and visitors are encouraged to report concerns about criminal conduct to the police, and the College will support those who do so.
- 1.7 The College cannot make any determination of criminal conduct, but it can investigate sexual misconduct and gender-based violence matters and take action in respect of breaches of its rules, policies and procedures, including this Policy, the Student Code of Conduct or the Staff Code of Conduct.
- 1.8 Findings made under this Policy are made “on the balance of probabilities” i.e. whether the alleged behaviour is more or less likely to have occurred than not.

2. Scope

- 2.1 This Policy covers behaviours that constitute sexual misconduct, sexual harassment, sexual assault and gender-based violence, and the procedures followed by the College when such incidents are reported.
- 2.2 This Policy applies to the conduct of students, staff members and visitors, which:
 - (a) occurs on land or property owned or occupied by the College;
 - (b) occurs during, or in connection with, any function, activity or event which is sanctioned by the College;
 - (c) relates to another College student, staff or visitor to the College;
 - (d) occurs when a person is representing the College in any capacity; or
 - (e) otherwise has the potential to affect a resident of the College or staff member having regard to the wellbeing and safety of other College students, staff or visitors to the College.
- 2.3 This Policy may apply regardless of whether a student's or staff member's conduct occurred while they were a student, resident or staff member of the College (or acting in that capacity) and may be applied regardless of whether the student or staff member no longer resides or works at the College (to the extent that is appropriate).
- 2.4 Where the respondent is not connected to the College in any way, the College may have limited options available to it to respond to a report (for example, it may not be



possible to investigate the report). In these circumstances, the College is committed to offering and providing support services to the discloser.

- 2.5 For the avoidance of doubt, the Warden has a discretion as to whether it is appropriate to proceed in accordance with this Policy.

3. Principles

- 3.1 Everyone who lives, studies or works at St John's College has the right to do so in a safe and inclusive environment, and has a role in creating and maintaining such an environment.
- 3.2 Staff and students must not engage in any form of sexual misconduct or gender-based violence.
- 3.3 Sexual misconduct and gender-based violence are unacceptable and will not be tolerated by the College.
- 3.4 All College students, staff and visitors are expected to maintain respectful relationships at all times and in all circumstances.
- 3.5 The safety, welfare and support of all College students, staff and visitors is paramount. The College recognises that sexual misconduct and gender-based violence may have an adverse impact on those experiencing or witnessing such behaviour and is committed to responding quickly and appropriately supporting anyone who is affected.
- 3.6 The College is committed to taking a trauma-informed and person-centred approach to all reports made under this Policy.
- 3.7 Confidentiality and information privacy will be in accordance with the College's legal obligations, policies and procedures.
- 3.8 The College is committed to providing educational and training opportunities for College students, including those around developing respectful and consensual interpersonal relationships, sex positive sessions, gender equality policies and practices, sexual misconduct and gender-based violence prevention, response protocols and processes.



4. Expected conduct

Active bystander intervention

- 4.1 St John's College encourages and values safe active bystander intervention by College students, staff and visitors to prevent or stop sexual misconduct, including sexual assault and sexual harassment and gender-based violence from occurring or continuing. The College offers active bystander training to students.
- 4.2 The steps involved in safe active bystander intervention are:
- (a) noticing the situation – paying attention to what is going on nearby;
 - (b) deciding if it is a problem – investigating whether someone might need help;
 - (c) checking with people around if unsure;
 - (d) accepting responsibility to take action – not assuming someone else will do something; and
 - (e) making a plan to step in – indirectly or directly confronting the issue, without being aggressive or putting oneself or others in danger.

Obtaining informed and positive consent

- 4.3 St John's College expects College students and staff to understand consent and requires that they take proactive steps to obtain informed and positive consent at all times in relation to any conduct of a sexual nature. Failure to take steps to obtain consent will constitute a breach of this Policy.
- 4.4 A person seeking consent has the responsibility to ascertain consent exists. Consent requires more than just saying yes. Consent must be obtained explicitly and through explicit actions. Consent may also be withdrawn at any time.
- 4.5 Everyone must understand that informed consent to a sexual act can only be given by those who are:
- (a) 16+ years old;
 - (b) fully conscious, awake and not intoxicated;
 - (c) not intimidated, coerced, threatened or afraid of harm to themselves or someone else;
 - (d) free from influence or peer pressure, particularly from an older person; and
 - (e) aware of all the relevant facts.
- 4.6 This includes:



- (a) being given sufficient information to understand what they are agreeing to;
- (b) being given a free choice to opt in or out;
- (c) being permitted to change their mind at any time; and
- (d) the fact that a person does not say 'no' or does not 'physically resist a sexual act' does not of itself mean that they consent to the act.

5. Conduct which will breach this Policy and the Staff OR Student Code of Conduct

Sexual assault

- 5.1 Sexual assault is a term used to describe a range of sexual offences, from kissing or touching another person without their consent to penetrating another person's body with a body part or object without their consent. Forcing someone else to commit or witness these acts can also constitute sexual assault.
- 5.2 These acts may constitute a criminal offence. The College encourages that potential criminal conduct is reported to the police. The College does not have jurisdiction over criminal complaints or investigations conducted by the police. However, the College will act on conduct that breaches its policies and procedures particularly where the conduct impacts on the safety, health and wellbeing of others.

Sexual harassment

- 5.3 Sexual harassment is any unwanted or unwelcome behaviour of a sexual nature that offends, humiliates or intimidates an individual or group of people. It may occur as the result of a single incident or repeated incidents, in circumstances where a reasonable person would have anticipated a possibility that the harassed would be offended, humiliated or intimidated.
- 5.4 Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.
- 5.5 Sexual harassment may include:
 - (a) unwelcome touching, hugging or kissing;
 - (b) inappropriate staring or leering;
 - (c) sexual gestures;
 - (d) sexually suggestive comments or jokes;
 - (e) displaying, sending or requesting sexually explicit pictures or posters;



- (f) giving sexually explicit gifts;
- (g) making or distributing a sexually explicit audio recording or photo-shopped image of another person;
- (h) repeated or inappropriate invitations to go out on dates;
- (i) intrusive questions about a person's private life or physical appearance; and/or
- (j) requests or pressure for sexual intercourse, or other sexual acts.

5.6 Sexual harassment can occur both verbally and physically, as well as through email, text, messaging, social media posts and other forms of electronic communication. Acts of sexual harassment may also constitute sexual assault.

Sexual misconduct

5.7 Sexual misconduct refers to any misconduct of a sexual nature, including sexual harassment and sexual assault. It may also be used to describe activity of a sexual nature that is not in and of itself harassment or assault. Where the term is used within this Policy, it should be taken to encompass any inappropriate behaviour, conduct or activity of a sexual nature (particularly where consent is not given), including sexual harassment and sexual assault.

Gender-based Violence

5.8 Gender-based violence means any form of physical or non-physical violence, harassment, abuse or threats, based on gender, that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy.

5.9 Further information about the factors that drive and contribute to gender-based violence, including factors particularly relevant to St John's College, is included in the College's Whole-of-Organisation Prevention and Response Plan on the College's website.

6. Reporting

- 6.1 The College is committed to promoting a culture of preventing and responding to incidents of sexual misconduct and gender-based violence. Should a College student, staff or visitor witness or experience sexual misconduct or gender-based violence, they are encouraged to speak to the Vice Warden or to a College staff member. The College encourages College students, staff and visitors to disclose or report any incidents which may be in breach of this Policy.
- 6.2 The College will seek to facilitate the efficient handling of any report made. Insofar as matters are within the control of the College, the College will seek to deal with any reports in a trauma-informed manner and, subject to confidentiality requirements that may be applicable, advise parties to a of progress and outcomes.



Types of reports

- 6.3 Students and staff members can make a report of sexual misconduct or gender-based violence under this Policy.
- 6.4 A third party can make a report of sexual misconduct or gender-based violence under this Policy where the respondent is a student or staff member of the College.
- 6.5 Reports can be made by:
- (a) a form on the College's website;
 - (b) submitting a report via the online RespectX Platform (a report can be submitted anonymously via this platform);
 - (c) raising the matter with a staff member of the College (who will then raise the matter with the Vice Warden or Warden as appropriate). The matter may be raised via email, in-person, or on the phone.
- 6.6 A report will either amount to a **Disclosure** or a **Formal Report**, as follows:
- (a) A '**Disclosure**' is the provision of information about a person's experience of sexual misconduct or gender-based violence to the College by the Discloser or another person.
 - (b) A '**Formal Report**' is the provision through formal reporting channels of information about their experience of sexual misconduct or gender-based violence by a Discloser to the College, which requires the College to consider taking steps beyond the offer and provision of support services, including (without limitation) the commencement of an investigation and/or a disciplinary process in appropriate circumstances.
- 6.7 A report will be referred to the Vice Warden or Warden as appropriate, to ensure the proper handling of the report.
- 6.8 If a report is made to a student by another student, the student receiving the report is not expected to handle the matter themselves. The student receiving the report should encourage the discloser to report directly to the College. If the discloser does not wish to do so, the student who receives the report should report the matter to the College and may do so on an anonymous basis if required. It is important that the College is informed of reports so that it can meet its obligations to keep students and staff safe. The College will take into account the discloser's wishes in determining appropriate action.
- 6.9 Anonymity may limit the College's ability to take action due to a lack of information or ability to obtain further information. The College encourages any anonymous discloser to provide as much information as possible.

How a Disclosure will be managed



- 6.10 There are multiple pathways for the College to manage Disclosures, and the most appropriate pathway will be selected based on the circumstances. The College will have regard to the wishes of the Discloser when making this determination. The potential pathways include (but are not limited to):
- (a) a resolution is implemented with the agreement of the Discloser and the respondent;
 - (b) the implementation of safety measures without progressing to an investigation;
 - (c) a decision not to proceed to an investigation of a Disclosure in the specific circumstances;
 - (d) a decision to progress the Disclosure to an investigation.
- 6.11 Where a gender-based violence disclosure relates to conduct that occurred at the College or an event organised by the College, the Discloser may elect that:
- (a) the University of Queensland (**UQ**) leads the response to the Disclosure, including supports and any investigation and / or disciplinary process. If the Discloser elects this course of action, they may also elect to require that the College cooperates fully with UQ in leading the response to the Disclosure, and implement any outcomes decided by UQ. The provisions of this Policy may not be strictly followed in this event, because UQ will be leading the response to the Disclosure; and
 - (b) the College leads the response to the Disclosure (in which case the provisions in this Policy will be followed). The College may provide information to UQ about the Disclosure, including information about the outcome of the risk assessment (outlined further below) and for assistance with managing and monitoring any identified risks either:
 - A. with the consent of the Discloser;
 - B. where it is reasonably necessary to protect the wellbeing and safety of students and / or staff; or
 - C. where such information is confined to the fact that the Disclosure has occurred and how that Disclosure is being managed to ensure compliance with the *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025* and provided it does not identify the Discloser.
- 6.12 The College will seek and consider the views of the Discloser before progressing a Disclosure to investigation. The College may be required to investigate a Disclosure (even if the Discloser does not wish for this to occur) where it is necessary for the safety and wellbeing of students and/or staff.



Formal Reports

- 6.13 The College is required to investigate all Formal Reports where the respondent to the allegations is a student or staff member of the College, regardless of the context in which the allegations occurred.
- 6.14 Where the respondent is not connected to the College in any way, the College may not be able to investigate the Formal Report. The offer and provision of support services to the discloser will be prioritised, and additional steps (if any) that may be appropriate in the circumstances will be considered.
- 6.15 The College's procedures are designed to allow Formal Reports to be finalised within 45 business days, including finalisation of a disciplinary process. However, the CEO / Warden is able to extend this timeframe if the particular circumstances require it.

7. Investigations

- 7.1 Investigations will be conducted in a fair, trauma-informed, person-centred manner.
- 7.2 The College will determine if it is appropriate for the report to be investigated internally or externally.
- 7.3 The College will notify the discloser and respondent in writing if an investigation will be commenced. The notification will be made on the same day, and the discloser will be notified first.
- 7.4 For any investigation, a student may have a support person in attendance (internal or external, provided the support person is not involved in the matter), upon the condition that the support person agrees that they are not an advocate for the student and undertakes to preserve the confidentiality of everything that they become aware of as a result of participating in the process.
- 7.5 The investigator will provide the respondent with sufficient information and particulars to allow the respondent to understand the nature of the concerns and to have a full and fair opportunity to respond to them.
- 7.6 A discloser or respondent will not be required to provide physical evidence relating to an alleged incident of sexual misconduct or gender-based violence.
- 7.7 Findings will be made "on the balance of probabilities" i.e. whether the alleged behaviour is more or less likely to have occurred than not.

Following investigation

- 7.8 If a Disclosure or Formal Report is investigated, there are multiple pathways for managing the matter following investigation, which will depend on what is appropriate in the circumstances. The potential pathways include (but are not limited to):



- (a) a resolution that is implemented with the agreement of the discloser and respondent;
 - (b) the implementation of safety measures without progressing to a disciplinary process;
 - (c) a decision not to proceed to a disciplinary process; and
 - (d) a decision to progress to a disciplinary process.
- 7.9 Disciplinary processes against students will be managed in accordance with section 11 below.
- 7.10 Disciplinary processes against staff will be managed in accordance with section 12 below.
- 7.11 Any investigation or disciplinary process is concerned solely with a potential breach of this Policy and does not supplant, preclude or affect any investigation that may also be undertaken by the police or the university at which a student is enrolled.

8. Confidentiality

- 8.1 At all times the College aims to deal with matters arising under this Policy in a confidential manner and in accordance with the discloser's wishes, to the extent that is appropriate in a given case and insofar as the maintenance of confidentiality does not conflict with other obligations and responsibilities of the College (including providing appropriate support to its staff and students and legal obligations, including under the *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025*).
- 8.2 If a report is in relation to gender-based violence, a discloser may be entitled to be informed about the process and outcomes (including the outcome of an investigation and / or disciplinary process) in accordance with the *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025*.
- 8.3 Decisions to share information relating to the discloser without the consent of the discloser may only be made by the Warden. In such circumstances, the discloser will be informed and given every possible support by the College.
- 8.4 Participants in any process under this Policy will be reminded about the importance of confidentiality and will be expected to adhere to any directions they are given about maintaining and respecting confidentiality.
- 8.5 Failure to comply with directions regarding confidentiality may constitute a breach of this Policy and the Student or Staff Code of Conduct.
- 8.6 The College's actions to maintain privacy and confidentiality is in no way intended to prevent either the discloser or the respondent seeking other advice, support or



guidance.

9. No victimisation

- 9.1 The College encourages students, staff and visitors to make disclosures and raise concerns or complaints when they witness or experience sexual misconduct or gender-based violence so they can be heard and the issues addressed.
- 9.2 The College expects that no person will victimise or otherwise subject another person to detrimental action as a consequence of that person:
- (a) making a disclosure or a complaint of sexual misconduct or gender-based violence;
 - (b) providing information about a disclosure or a complaint of sexual misconduct or gender-based violence;
 - (c) supporting another person who has made a disclosure or complaint of sexual misconduct or gender-based violence; and/or
 - (d) engaging in safe active bystander intervention.
- 9.3 Any victimisation may result in consequences including under the Addressing Concerns and Complaints Policy and / or the Student or Staff Code of Conduct.

10. Acting honestly and with integrity

- 10.1 Students and staff should act honestly and with integrity. Nobody should make a vexatious or malicious complaint of sexual misconduct or gender-based violence or for an improper purpose.
- 10.2 For the purposes of this Policy, a complaint will be considered vexatious or malicious if it is made knowingly to be false or for a purpose of damaging the College or the person against whom the complaint is made.
- 10.3 Such conduct may also be considered a breach of the Student or Staff Code of Conduct.

11. Disciplinary process against students

- 11.1 If the College determines that a student has engaged in conduct which is a breach of this Policy, whether after any investigation or otherwise, it may implement consequences as outlined in this section.
- 11.2 For students, the consequence for breaching this Policy will be determined by the College on the basis of the seriousness of the alleged conduct, the student's past



conduct and behaviour and the impact on others. The consequences for breaching this Policy may include, but are not limited to:

Response	Description
Removal of rights or privileges	This might include access to facilities, activities or events, or eligibility for leadership positions and other positions of responsibility.
Moving of rooms	A requirement that a student relocate to another room within the College.
Restitution	A requirement that a student contribute to the costs of repair or compensation for loss or damage which has been incurred as a result of their conduct.
Reprimand	A verbal caution that the conduct has breached the Student Code of Conduct (or other related policy) or could lead to a breach. The College's expectations of future behaviour will be re-stated. A student may be required to give an apology to any person impacted by the conduct.
Warning	A written warning that the conduct has breached the Student Code of Conduct (or other related policy). A record will be kept on the College's file. The College's expectations of future behaviour will be re-stated. The student may be required to give an apology to any person impacted by the conduct.
Suspension	A requirement that a student remove themselves from College for a set period of time determined by the College.
Expulsion	A requirement that a student remove themselves (and all property) from the College permanently and that they cease to be a member of the College and lose all rights as an alumnus/alumnae of the College.

- 11.3 For former students, invited guests and any other visitors to the College, the consequences for breaching this Policy may include a permanent prohibition on attending College grounds and/or College events.
- 11.4 For the avoidance of any doubt, any action by the College does not constitute any finding that supplants, precludes or affects any action that may be taken by the police or, in relation to a student, any university at which the student is enrolled.
- 11.5 Students will be given an opportunity to state why disciplinary action should not be taken against them, before disciplinary action is taken.



12. Disciplinary process against staff

- 12.1 For staff involved in a breach of this policy, disciplinary action up to and including termination of employment may follow a substantiated allegation.
- 12.2 Staff will be given an opportunity to state why disciplinary action should not be taken against them, before disciplinary action is taken.

13. Where to go for support and information

Seeking assistance and support within the College

- 13.1 Support services are available for staff and students who are involved in a matter involving sexual misconduct or gender-based violence.
- 13.2 Following receipt of a report of sexual misconduct or gender-based violence, the College will within 48 hours of receiving the disclosure (or immediately if required):
 - (a) conduct a risk assessment, which identifies risks associated with the disclosure (including to the discloser and respondent to the allegations) and control measures for mitigating those risks. The discloser's views will be taken into account and seriously considered. The risk assessment will be reviewed on an ongoing basis; and
 - (b) assign a staff member to develop a tailored support plan for the discloser and respondent, in consultation with the relevant party. A different staff member will be assigned to support the discloser and the respondent.
- 13.3 The College encourages anyone who has experienced or witnessed sexual misconduct or gender-based violence to seek support as soon as possible.
- 13.4 The College staff who have received appropriate training to assist them to support victims of sexual misconduct and gender-based violence include:
 - (a) Warden
 - (b) Vice Warden
 - (c) Provost
 - (d) Dean of Student Wellbeing
 - (e) Chaplain
- 13.5 They will listen non-judgementally, provide support, and guide victims to the right services.
- 13.6 Support measures that may be available include:



- (a) measures to ensure the safety of the discloser or other members of the College community. This may include relocation of the respondent to alternative accommodation;
- (b) discussion with the respondent about measures necessary to ensure safety that may adversely affect the respondent;
- (c) prioritisation of access (including on an urgent basis if required) to support services when needed and/or requested;
- (d) ensuring, to the extent possible, that the discloser is not required to repeat the content of a report multiple times to multiple people;
- (e) prioritising access (including on an urgent basis if required) to external support services when needed and/or requested;
- (f) considering and implementing academic and/or work adjustments to support the discloser at work and/or in achieving their educational outcomes;
- (g) considering and implementing academic and/or work adjustments for the respondent;
- (h) undertaking ongoing risk assessments to manage and monitor any identified risks;
- (i) where necessary, discussing the investigation and disciplinary processes, including the role of the person making the disclosure in those processes (if any), and the range of resolutions and sanctions available if an allegation is substantiated against the respondent; and
- (j) discussing the support options available.

13.7 The College will provide both disclosers and respondents with referrals for support externally as appropriate.

Seeking assistance and support

13.8 If a student is at risk of feeling unsafe at College, they may also be at risk of feeling unsafe outside of College (e.g. when attending university classes). To ensure the safety, health and wellbeing of any student, the student may wish to inform those external to College, such as their university, of the potential risk.

13.9 The College may provide information to UQ about reports in accordance with the *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025*.



Contacting the police

- 13.10 If any College student, staff member or visitor experiences or witnesses sexual misconduct or gender-based violence, they may make a report to the police.
- 13.11 In the event of an investigation being undertaken by the police, the following principles apply:
- (a) the College will support any College student or staff member who chooses to make a police report at any time, but will not compel anyone to make a report if they do not want to; and
 - (b) the College cannot make a report on behalf of a College student or staff member but will support any such individual who does so, including accompanying them to the police; and
 - (c) if a report is made to the police, the College may be required to refrain from taking any further action until clearance is given by the police