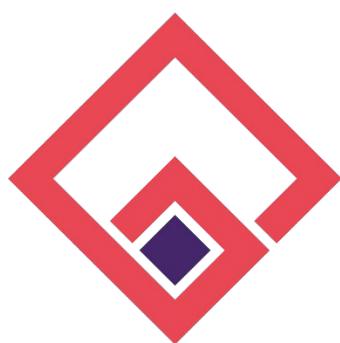


Sexual Misconduct Policy

*Version 2107—Minor Amendments 21 September 2021
Approved by College Council 23 July 2017; 2 October 2017*



**Grace
College**

(Incorporated under
The Religious, Educational & Charitable Institutions Act 1861-1967)
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Contents

| | | |
|---|--|---|
| 1 | Purpose and Objectives..... | 1 |
| 2 | Application..... | 1 |
| 3 | Availability..... | 2 |
| 4 | Definitions, Terms..... | 2 |
| 5 | Policy Statement..... | 5 |
| 6 | Raising concerns of Sexual Misconduct..... | 6 |
| 7 | More information and support | 7 |
| 8 | Review details | 7 |

1 Purpose and Objectives

The purpose of the Sexual Misconduct Policy is to outline Grace College's commitment to ensuring that the Grace College environment is safe, respectful and free from all forms of Sexual Misconduct.

This policy outlines the overarching principles governing Grace College's approach to preventing, addressing and responding to Sexual Misconduct which are behaviours inconsistent with Grace College's core values.

This policy is to be read in conjunction with Grace College's:

- Management of Inappropriate Conduct Policy; and
- Grievance Policy.

Where there is a conflict between this policy and with any applicable Australian law, to the extent of any inconsistency, the applicable Australian law will apply instead of this policy.

2 Application

This policy applies to:

1. all Grace College employees and contractors and consultants who are working for Grace College;
2. all persons associated with Grace College including Council members, employees, residents, contractors, voluntary workers and visitors; and
3. other aspects of Grace College including, the activities of residents of Grace College participating in the Grace College Student Club, whether located on the physical site of Grace College or elsewhere; associated directly or indirectly with Grace College activities; and/or part of a cooperative venture with other parties (e.g. Inter-College Council Inc. or another College).

This policy applies at all times while employees, contractors or consultants are at work, attending training events, travelling for work and whilst attending work functions; including social work functions e.g. work Christmas party, and when dealing with another Grace College Community Member. However, the terms of this policy do not form part of an employee's contract of employment.

This policy may be varied by Grace College at its sole discretion from time to time.

Wherever the term "**Grace College Community Member**" is used throughout this policy, it refers to all persons associated with Grace College and the Grace College site including staff, residents, contractors, voluntary workers and visitors.

Sexual Misconduct Policy
Version 2109

Note that the term Sexual Misconduct as used in this policy, may depending on the circumstances result in disciplinary action being taken up to and including termination of employment or residency as the case may be.

Sexual Harassment - is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual Harassment can be physical, spoken or written, and may include, but is not limited to:

- comments about a person's private life or the way they look;
- sexually suggestive behaviour, such as leering or staring;
- brushing up against someone, touching, fondling or hugging;
- sexually suggestive comments or jokes;
- repeated unwanted requests to go out;
- requests for sex;
- insults or taunts of a sexual nature;
- intrusive questions or statements about a person's private life;
- sending sexually explicit emails or text messages;
- inappropriate advances, including on social media;
- downloading and distributing pornographic material from the internet;
- leaving voicemails/text/image messages with a sexual undertone on a person's telephone/mobile.

A single incident is enough to constitute Sexual Harassment – the behaviour does not need to be repeated.

Sexual Harassment is not sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual or reciprocated.

Behaviour such as physical assault, indecent exposure, sexual assault, stalking or obscene communications may be considered an offence under criminal law, and can also amount to Sexual Misconduct under this policy.

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 individuals who have experienced Sexual Misconduct.

Consent - Consent is freely and voluntarily given by a person with the cognitive capacity to do so. Consent is also defined by the *Criminal Code 1899* (Qld).

Sexual Misconduct Policy
Version 2109

Consent is the voluntary agreement to the act or acts in question and to continue to engage in the act or acts. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct.

Consent can be withdrawn at any time during the act or acts in question.

Consenting to a sexual activity with an individual or individuals does not mean that Consent is given for another sexual activity with an individual or individuals, and Consent only applies to each specific instance of sexual activity.

Circumstances in which a person does not Consent to an act or acts include:

- the person is asleep or unconscious;
- the person is incapable of Consenting, such as where they are affected by alcohol or another drug;
- the person submits to the act because of force or the fear of force, threats or intimidation, fear of harm, exercise of authority, or false or fraudulent representations about the nature or purpose of the act;
- the person submits to the act because of false or fraudulent representation.

No Consent is obtainable from a person under the age of 16 years.

Formal Report - is providing a formal statement regarding Sexual Misconduct as outlined in Grace Colleges Grievance Policy. A formal statement regarding Sexual Misconduct given to the police or another external agency is also considered a Formal Report, provided that Grace College is made aware of its existence under Grace College's Grievance Policy.

Victimisation - happens if a person does an act, or threatens to do an act against an individual who has experienced Sexual Misconduct, or a person associated with such an individual because:

- they have made a complaint, (complainant), or are associated with a person who has made a complaint including a Formal Report or complaint to the police or other external report, under this policy, or
- they, in good faith, intend to make a complaint including a Formal Report or complaint to the police or other external report; or
- they are, have been or intend to be involved in a proceeding involving Sexual Misconduct, have had a complaint made against them (respondent), or are associated with a person who has had a complaint made against them, under this policy.

A reference to involvement in a proceeding includes involvement in a prosecution for an offence involving Sexual Misconduct, involvement in a Grace College or external agency investigation, or other process to deal with Sexual Misconduct.

5 Policy Statement

Grace College's approach to Sexual Misconduct procedures are operationalised around the following principles.

These principles reflect Grace College's commitment to preventing all forms of Sexual Misconduct, supporting individuals who are impacted by Sexual Misconduct, and responding appropriately and sensitively when Sexual Misconduct occurs:

1. Grace College prohibits all forms of Sexual Misconduct, and requires all Grace College Community Members to comply with this prohibition.
2. Grace College acknowledges that education and awareness are important aspects of prevention, and commits to educating Grace College Community Members to assist in the prevention of Sexual Misconduct in the Grace College Community.
3. Members of the Grace College Community, particularly supervisors and managers, are aware of the responsibility they have in responding appropriately when they are made aware of information regarding Sexual Misconduct, particularly taking account of Trauma-Informed approaches.
4. Grace College will not tolerate victimisation towards any Grace College Community Member.
5. Grace College acknowledges that Sexual Misconduct, including Sexual Assault and Sexual Harassment may include criminal behavior and may be unlawful.
6. Grace College does not have jurisdiction over criminal acts, but can take action in respect of breaches of its rules, policies and procedures.
7. The safety, welfare and support of Grace College Community Members are paramount.
8. Grace College recognises that any event Sexual Misconduct is likely to have an adverse impact on Grace College Community Members, and is committed to appropriately supporting those affected.
9. Collaboration is essential to effectively deal with Sexual Misconduct, which are complex societal issues impacting members of the Grace College community in different ways.
10. Procedures supporting this policy (including as set out in the Grievance Policy) will seek to be Trauma-Informed.

7 More information and support

If you have a query about this policy or need more information please Grace College Equity Officers.

The Employee Assistance Programme counselling is available free to Grace College staff and volunteers regardless of whether the issue is related to a workplace problem or some other issue for the staff member. Grace College staff are encouraged to contact free, professional counselling from Grace College's Employee Assistance Programme - Drake WorkWise on 1300 135 600 or at www.drakeworkwise.com.au.

The following services are available to UQ students:

| Service | Phone | Extension |
|---|---------------------|--------------|
| UQ SUPPORT SERVICES 24 Hr Crisis Counselling | 1300 851 998 | |
| UQ SUPPORT SERVICES—Counselling (Business Hrs) | 3365 1704 | 51704 |
| UQ CHAPLAINCY (Business Hours) | 3365 7059 | 57059 |
| UQ SUPPORT SERVICES & CHAPLAINCY (After Hrs) | 3365 1234 | 51234 |

Additional support service contact details are available in the College's *Emergency & Critical Incident Management Plan (ECIMP)* and with First Aid Kits in all designated Fire Warden Areas of the College. For further information on emergency responses, please consult the ECIMP.

8 Review details

This policy was adopted by Grace College on 23 July 2017.

This policy was last updated on 30 July 2018.

Versions are numbered by year and month (i.e. May 2017 is 1705).

| Version | Revision Details | Sections Affected | Revised by | Reviewed by Principal | Reviewed by Governance & Risk Management Committee | Reviewed by Council |
|---------|------------------|-------------------|------------|-----------------------|--|---------------------|
| 1707 | Initial Draft | All | Monro | 22 July 2017 | Referred directly to Council | 22-23 July 2017 |

Sexual Misconduct Policy
Version 2109

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|----------------|---------------------------------|--------------------------|-------------------|------------------------------|---|----------------------------|
| 1708 | Final Comments for this review. | | Monro | 29 August 2017 | 7 September 2017 | 2 October 2017 |
| 1807 | Minor Changes | 2, 6, 7 | Monro | 30 July 2018 | N/A | N/A |
| 2109 | Minor Changes + Re-branding | 2,6, 7 | Monro | 21 September 2021 | N/A | N/A |

Where other Grace College policies refer to the "Management of Sexual Harassment Grievances Policy", this policy will apply in its place. This policy supersedes any other policies and documents previously issued by Grace College in relation to sexual assault or sexual harassment.