



## **Policy: Sexual Misconduct**

<b>Policy Type:</b>	Board Policy
<b>Policy Number:</b>	TCB13
<b>Date Approved:</b>	24 March 2021
<b>Previous Policy:</b>	New
<b>Review Date:</b>	28 February 2022

---

### 1 OBJECTIVES

This Policy sets out the conduct expected of student members of the Trinity Residential College community. A related document sets out the processes applicable or available where there have been alleged breaches of the Policy and describes the range of consequences that may follow if a student is found by the College to have breached the Policy.

### 2 SCOPE

2.1 This Policy applies to:

- a) All students of Trinity College's Residential College, including residential and non-resident students
- b) All student participants in residential or non-resident short courses or programs where these are organised and managed by the College
- c) All residential and non-resident members of the College choir
- d) All people who are guests of student members of the Residential College (see definition "Trinity College Guests")
- e) Incidents that occur between a Residential College student and a staff member when the staff member is the complainant
- f) Incidents that occur between a student member and a person who is not a member of the College, when the non-member is the complainant.

2.2 In respect of Sexual Misconduct by a student member of the College occurring:

- a) On all campuses and facilities of Trinity College, including accommodation owned or operated by the College
- b) On virtual environments (e.g. email, intranet systems, social media, online forums, communities and platforms) whether or not hosted by the College
- c) At all activities and events including residential and non-residential members of the Residential College regardless of where the activity is held.

2.3 This Policy does not apply to:

- a) Former students who report a historical incident of Sexual Misconduct that occurred during their time at the College. These reports are managed using the Trinity College Policy on Incidents of Alleged Historical Sexual Misconduct

- b) Individuals who are part of contracted, commercial or other programs such as when the College provides only accommodation and food
  - c) Students in the Trinity College Foundation Studies program and Trinity College Theological School, each of which has its own Codes of Conduct and policies and procedures which cover sexual misconduct
  - d) Staff, volunteers, including members of governance committees, contractors, tutors, visiting scholars, and coaches (whether or not they are remunerated) as the individuals are covered under the Trinity College Staff Code of Conduct
  - e) Bullying, discrimination, victimisation and other forms of serious misconduct or criminal behaviour, which are covered by the Trinity College Student Code of Conduct – Residential College.
- 2.4 As per the Staff and Student Codes of Conduct, relationships of a sexual or intimate nature between a student and staff member are never acceptable in any circumstances.
- 2.5 Where a complaint pertains to conduct covered by the Sexual Misconduct Policy and the Student Code of Conduct, the Sexual Misconduct Policy prevails, and all allegations of misconduct can be dealt with under this Policy.

### 3 POLICY

- 3.1 Trinity College is committed to the rights of all students and their visitors to the college to study, live and socialise in a safe environment that is based on inclusivity and respect. The College has no tolerance (sometimes referred to as “zero tolerance”) for sexual misconduct, including sexual assault and rape.
- 3.2 Sexual misconduct is a term encompassing any uninvited sexual behaviour which makes the recipient feel unsafe, uncomfortable, harassed, or afraid and includes sexual assault and rape.
- 3.3 The safety and wellbeing of a person disclosing or making a complaint alleging sexual misconduct will be paramount. Throughout this process, the wellbeing of the respondent will be supported. Trinity College students must behave with personal integrity and honesty, including in the reporting of alleged breaches of this policy.
- 3.4 The College has a responsibility for the immediate safety of every resident in the Residential College, to the extent that this is within its control.
- 3.5 Trinity College aims to maintain the privacy and confidentiality of complainants and respondents. Only staff directly involved in advising on, conciliating, investigating or resolving the complaint will normally have access to material relating to a report of Sexual Misconduct. The College’s actions to maintain the privacy and confidentiality of the report in no way is intended to prevent either the complainant or respondent seeking other advice, support or guidance. It is intended to protect the privacy of the complainant and respondent to the extent possible, and to prevent as far as possible the propagation of rumours and gossip within the Residential College community.

### 4 REPORTING PROCEDURE

- 4.1 Trinity is committed to providing a safe and supportive environment in which to report occurrences of alleged sexual misconduct. All members of the College have the right to a safe living environment and are encouraged to report instances of sexual misconduct in order to ensure the values of the community are upheld and that students are kept safe.
- 4.2 The associated Procedures document outlines the reporting process for an alleged incident of Sexual Misconduct.

## 5 NON-COMPLIANCE

5.1 Agreeing to abide by this Sexual Misconduct Policy is a requirement for students wishing to enter the Residential College and abiding by this Policy is a requirement for a student's continued membership of, or place at, the Residential College. Students are expected to know and to adhere to this Policy, and other College policies.

## 6 DEFINITIONS

**“College”** includes the Warden, Council and the Board of Trinity College, and includes each of them acting in a way authorised by the Trinity College Act 1979, the Constitution of Trinity College, or any other policies and procedures from time to time in place at Trinity College.

**“Complaint”** means a written complaint about a possible breach of the Policy or a verbal complaint made to a designated officer of the College in the presence of another member of staff of the College. The College at its own initiative may commence a complaint process where it considers that the gravity of the allegations warrants such a step.

**“Complainant”** is the person making the allegation of a breach of the Policy and is usually the person affected by the alleged breach. In instances where a third party is filing the complaint, they are to be referred to as the “Reporter”.

**“Discrimination”** means conduct that makes distinctions between people so as to disadvantage some and to advantage others, or treats some people less favourably than others in similar circumstances, on the basis or because of an attribute or status they possess (e.g. sex, gender, race, disability, age, physical characteristics, religious belief, sexual orientation, political opinion).

**“Non-resident students”** means current students of the Residential College who are not in residence, which can include students currently enrolled in the College's Non-Resident program, students currently enrolled in short courses and programs, or external members of the Choir, Trinity Tiger Tones, Candy Stripes or other groups with ties to the College.

**“Residential student”** means students who are in residence in the College.

**“Respondent”** is the person responding to an allegation that they have breached the Policy.

**“Sexual Consent”** means an agreement to participate in a sexual activity. Sexual Consent must be freely given, informed, specific, and reversible. Without consent, sexual activity may be sexual assault or sexual misconduct.

**“Sexual Misconduct”** is a term that encompasses conduct or behaviour of a sexual nature that occurs when there is an absence of consent. It includes sexual harassment and sexual assault. It is sexual behaviour or conduct that makes the recipient feel uncomfortable, harassed, afraid, or unsafe.

**“Sexual assault”** occurs along a continuum of violent behaviour which includes: any uninvited sexual behaviour which makes the recipient feel uncomfortable, harassed or afraid; unwanted touching or remarks; sexual harassment; coerced sexual activity; and rape with or without physical violence and threats to life. It is sexual activity to which a person does not consent. The use of emotional or physical violence to force another person to engage in sexual activity also may constitute sexual assault.

**“Trinity College Residential community”** means current, enrolled residential and non-residential students and alumni engaged in activities that involve current students of Trinity College. Included are non-resident and alumni members of the Choir, Trinity Tiger Tones, Candy Stripes, sporting teams and other such groups.

**“Trinity College Guests”**. Members of the College are responsible for the actions of their guests and will be held to account for breaches of the Code by their guests. Members must comply with policies regarding guests including that members of the College may not have overnight guests who are younger than 18 years of age.

**“Victimisation”** means any unfavourable treatment of a person because he or she has made a complaint, or allegation, about a breach of this Policy, whether the complaint is written or verbal and irrespective of whether the person asked for the complaint to be conciliated or investigated or not or where they have supported the complainant or participated in the complaint process e.g. by providing evidence of misconduct.

## 7 RELATED DOCUMENTS

- Sexual Misconduct Procedures
- Student Code of Conduct

## 8 POLICY OWNER

The Warden is responsible for the development, compliance monitoring and review of this Policy and any associated procedures or guidelines.

## 9 REVIEW

This Policy is to be reviewed by 28 February 2022.

## 10 VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
1.0	Board	24 March 2021	24 March 2021	New Policy