



**SANCTA**  
SOPHIA COLLEGE  
WITHIN THE UNIVERSITY OF SYDNEY  
*Walk in Wisdom*

## Sexual Harm and Gender-based Violence Prevention and Response Policy

# 1 Introduction

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Sancta Sophia College is a wonderfully diverse and vibrant community of women and men from across Australia and the world.

Every member of our community is entitled to live, study and work in a safe and respectful environment - and each one of us has a role to play in safeguarding that right.

Sexual harm and gender-based violence are never acceptable.

In 2025, the Australian Government introduced the *National Higher Education Code to Prevent and Respond to Gender-based Violence (National Code)*. Standard 7 of the Code requires that '*Student accommodation is safe for all students and staff*'.

The Sancta Sophia College *Sexual Harm and Gender-based Violence Prevention and Response Policy* reflects the standards enshrined in the *National Code*. It aligns with the University of Sydney's *Sexual Harm and Gender-based Violence Prevention and Response Policy 2026*.

Sancta's policy embodies the College's core values of integrity, respect and dignity for all. It provides for accountability and procedural fairness. It is a guide for anyone who experiences harm and needs support. Sancta's pastoral leaders, and the University's safer communities and student wellbeing teams, are always available to help you.

Sancta is our home. Sexual harm and gender-based violence will never be tolerated here.

## 2 Purpose and Application

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### 2.1 Purpose

- (1) This Policy:
  - (a) makes clear that Sancta Sophia College (Sancta) will not tolerate sexual harm and gender-based violence.
  - (b) protects the physical and psychological safety and wellbeing of our community, including students, staff, council members, guests, contractors and others.
  - (c) prioritises the safety, dignity and agency of people who report sexual harm and gender-based violence.
  - (d) provides for safe, person-centred, trauma-informed and procedurally fair responses to reports.
  - (e) encourages safe ethical bystander intervention; and
  - (f) supports our values of integrity, respect, dignity for all, and accountability
- (2) This policy gives effect to our legislative and regulatory obligations, including under:
  - (a) the *National Higher Education Code to Prevent and Respond to Gender-based Violence*.
  - (b) Respect@Work amendments to the *Sex Discrimination Act 1984 (Cth)*.
  - (c) the *Anti-Discrimination Act 1977 (NSW)*.
  - (d) *Work Health and Safety Act 2011 (NSW)*.

### 2.2 Start Date

- (1) This Policy commences on 1 January 2026.

### 2.3 Application

- (1) This Policy applies to:
  - (a) the College;
  - (b) the College leadership;
  - (c) students, staff, contractors and visitors;
  - (d) entities undertaking activities on our behalf.
- (2) This Policy applies to all disclosures/informal reports and complaints/formal reports (collectively 'reports') of sexual harm and gender-based violence by or about students, staff, council members, contractors or visitors.

### 2.4 Relationship to other policies

- (1) The rights and obligations under this Policy are in addition to rights and obligations set out in;
  - a. Sancta's Student Code of Conduct
  - b. Sancta's Staff Code of Conduct
  - c. Bullying, Harassment and Hazing Policy
  - d. Alcohol and Other Drugs Policy
  - e. Complaints and Investigations Procedure
  - f. Social Media Guidelines
  - g. The Sexual Harm and Gender-based Violence Prevention and Response Policy 2025 of the University of Sydney.
- (2) If there is any inconsistency between this Policy and the Complaints and Investigations Procedure, this policy will apply, to the extent of the inconsistency.

## 3 Principles

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### 3.1 Sexual harm and gender-based violence are unacceptable

- (1) Sancta is committed to protecting the safety and wellbeing of all members of our community.
- (2) Students, staff, Council members, visitors and guests, volunteers, and contractors must not engage in sexual harm or gender-based violence. Such behaviour is unacceptable and will not be tolerated.
- (3) Sancta may take disciplinary action against any person who breaches this Policy.

### 3.2 Sancta Sophia College Acknowledgements

- (1) Sancta acknowledges that:
  - (a) sexual harm and gender-based violence have substantial impacts, on individuals, workplaces, families and communities. These impacts may be physical, psychological and financial.
  - (b) workplace diversity and gender equality are important for providing a safe, inclusive and respectful environment for our community.
  - (c) inequality and power imbalance provide underlying social conditions for personal violence. The following communities are disproportionately affected by sexual harm and gender-based violence:
    - (i) women
    - (ii) First Nations people
    - (iii) culturally and linguistically diverse communities
    - (iv) people with disability, and
    - (v) people of diverse sexual orientation and gender identity
  - (d) as leaders of a college community, we have a responsibility to work towards long-term social and cultural change
  - (e) the experiences and identities of people who report sexual harm and gender-based violence are diverse, varied and potentially intersect. This requires culturally appropriate and safe prevention and response measures.

## 4 What is sexual harm and gender-based violence?

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### 4.1 Sexual harm

- (1) Sexual harm means:
  - (a) any sexual activity a person does not consent to.
- (2) This includes:
  - (a) sexual harassment
  - (b) sexual assault
  - (c) non-consensual sexual touching
  - (d) non-consensual voyeurism; and
  - (e) recording or distributing an intimate image without the subject's consent, regardless of whether the image is:
    - (i) real or fake;
    - (ii) still or moving.

**Note:** Behaviour of the kind described in this clause may also be a crime. See Divisions 10, 15B and 15C of the Crimes Act 1900 (NSW).

### 4.2 When is sexual activity considered sexual harm?

- (1) A person sexually harms another if:
  - (a) the other person did not consent to the sexual activity, and
  - (b) the first person:
    - (i) knew that the other did not consent
    - (ii) was reckless as to whether they consented, or
    - (iii) unreasonably believed that they consented.
- (2) A belief that another person has consented to sexual activity is unreasonable if the first person did not say or do anything to find out whether the other consented:
  - (a) within a reasonable time before; or
  - (b) at the time of the sexual activity.
- (3) Threatening or attempting to engage in any of the conduct described in clauses 3.1 or 3.2 also constitutes sexual harm.

### 4.3 Consent

- (1) A person consents to a sexual activity if they freely and voluntarily agree to it at the time it occurs.
- (2) A person does not consent to a sexual activity if:
  - (a) they do not say or do anything to communicate consent
  - (b) they do not have the capacity to consent

**Note:** For example, because they have a disability.

  - (c) they are:
    - (i) asleep or unconscious
    - (ii) so affected by alcohol or another drug as to be incapable of consenting
    - (iii) forced, intimidated, coerced, blackmailed or threatened, including when they are afraid of harm to themselves or someone else
    - (iv) influenced by the abuse of a relationship of authority, trust or dependence
    - (v) mistaken about the identity of the other person
    - (vi) mistaken about the nature of the sexual activity

- (vii) tricked into doing something they do not want to do
  - (viii) detained or held against their will
  - (ix) under 16 years of age, or
  - (x) under 18 years of age and the other person is an employee or council member of Sancta
- (3) A person may withdraw their consent at any time before or during a sexual activity, for any reason.
- (a) They may communicate this by words or actions.
  - (b) The fact that a person does not say 'no' to or does not physically resist a sexual activity does not of itself mean they consent to it.
- (4) Sexual activity that occurs after consent has been withdrawn is non-consensual.
- (5) Consenting to a particular sexual activity does not of itself constitute consent to any other sexual activity.
- Note:** For example, a person who consents to a sexual activity using a condom is not taken to consent to a sexual activity without using a condom.
- (6) A person who consents to a sexual activity with another is not, without further consent, considered to have consented to:
- (a) sexual activity with that person on another occasion, or
  - (b) sexual activity with any other person on any occasion.

#### 4.4 Gender-based violence

- (1) Gender-based violence is:
- (a) any form of physical or non-physical violence, harassment, abuse or threats
  - (b) based on gender
  - (c) that results in, or is likely to result in, any of:
    - (i) harm
    - (ii) coercion
    - (iii) control
    - (iv) fear
    - (v) deprivation of liberty, or
    - (vi) deprivation of autonomy.
- (2) Violence is based on gender if it is perpetrated because of a person's
- (a) sex
  - (b) gender
  - (c) gender identity or
  - (d) gender expression.
- (3) Gender-based violence includes:
- (a) sexual harm
  - (b) stalking
  - (c) family and domestic violence
  - (d) coercive control
  - (e) forced marriage, and
  - (f) modern slavery.
- Note:** See definitions in Part 11. Behaviour of the kind described in this clause may also be a crime. See Division 6A of the Crimes Act 1900 (NSW); the Crimes (Domestic and Personal Violence) Act 2007 (NSW), The Modern Slavery Act 2018 (NSW), and the Criminal Code Act 1995 (Cth).
- (4) Gender-based violence can happen in many ways. These include:
- (a) in person, or
  - (b) through electronic communications or use of other technology.

## 5 Prevention

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### 5.1 Ethical bystander intervention

- (1) Sancta encourages and values safe and reasonable ethical bystander intervention to prevent or stop sexual harm and gender-based violence.
- (2) Safe intervention involves:
  - (a) noticing the situation, i.e. paying attention to what is going on nearby
  - (b) deciding if it is a problem:
    - (i) investigating whether someone might need help, and
    - (ii) checking with people around if unsure
  - (c) accepting take responsibility to take action, i.e. not assuming someone else will do something
  - (d) planning to step in:
    - (i) indirectly or directly confronting the issue
    - (ii) without putting oneself or others in danger, and
  - (e) if there is an immediate danger to anyone's safety, contacting:
    - (i) emergency services on 000 (triple zero)
    - (ii) college staff on 0419479832 (RA phone) or 0428661157 (Staff duty phone)
    - (iii) University Protective Services on 02 9351 3333

### 5.2 Safe environments

- (1) Sancta staff with pastoral responsibilities must declare whether they have previously been:
  - (a) investigated for an allegation of sexual harm or gender-based violence; or
  - (b) determined by a previous employer or legal process to have committed sexual harm or gender-based violence.
- (2) When deciding if a person is suitable for a position, managers must consider:
  - (a) any information provided under 4.2(1); and
  - (b) any resulting risks.
- (3) When deciding if a person is suitable for promotion, recognition or reward, the Principal or Vice Principal must consider any finding by any employer that they have committed gender-based violence in the course of their employment.
- (4) Staff with pastoral responsibilities must declare any existing or previous intimate personal relationship with a resident.
- (5) If a person provides information under clause 4.2(4), the Principal or Vice Principal must implement an appropriate conflict management plan.

### 5.3 Prevention education and training

- (1) Sancta's Principal and Vice Principal:
  - (a) must ensure the provision of educational and training programs on preventing sexual harm and gender-based violence; and
  - (b) may set:
    - (i) conditions for completing these programs; and
    - (ii) consequences for not completing these programs

**Note** conditions may include exemptions on compassionate grounds.

- (2) The content and delivery of these programs must be:
  - (a) evidence based
  - (b) trauma informed, and
  - (c) tailored to relevant community contexts.
- (3) Unless an exemption has been granted, the following groups must complete training on sexual harm and gender-based violence:
  - (a) Sancta's executive team
  - (b) staff with pastoral responsibilities
  - (c) students

#### **5.4 Prevention initiatives**

- (1) Sancta will disseminate and promote evidence-based prevention communication and initiatives via our traditional and digital communication channels.

#### **5.5 Monitoring and evaluation**

- (1) The Principal and Vice Principal will monitor and evaluate the effectiveness of the prevention:
  - (a) education and training; and
  - (b) communication and initiatives.
- (2) Sancta will use the results of the monitoring and evaluation to inform and improve the prevention initiatives and education and training programs.

## 6 Reporting

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### 6.1 Reporting methods

- (1) A person may report sexual harm or gender-based violence:
  - (a) that they have experienced; or
  - (b) that they have witnessed.
- (2) Reports are made by making one or both of a disclosure/informal report or a complaint/formal report.

### 6.2 Disclosures/Informal Reports

- (1) A person makes a disclosure/informal report when they share information about sexual harm or gender-based violence with Sancta.
- (2) The purpose of a disclosure/informal report is to:
  - (a) seek trauma-informed support; and
  - (b) make Sancta aware of an incident.
- (3) A person who has experienced or witnessed sexual harm or gender-based violence:
  - (a) has a right to decide if and when they want to make a disclosure
  - (b) can choose to disclose anonymously to Sancta using Respect X, and
  - (c) may later make a complaint/formal report about the same incident, as provided in this Section.
- (4) Sancta will not investigate a disclosure/informal report unless:
  - (a) required to do so by law or regulation
  - (b) there is an apparent risk to the health or safety of any person; or
  - (c) if the disclosure/informal report is made by a bystander, we can conduct an investigation appropriately without involving the person who experienced the alleged conduct.
- (5) Sancta will seek and consider the views of the person who made the disclosure before starting an investigation.

### 6.3 Complaints/Formal Reports

- (1) A person makes a complaint/formal report if they ask Sancta to take action in response to a report of sexual harm or gender-based violence.
- (2) The purpose of a complaint/formal report is to:
  - (a) seek trauma-informed support;
  - (b) explore options for addressing or resolving the alleged sexual harm or gender-based violence.
- (3) A person who has experienced sexual harm or gender-based violence:
  - (a) has a right to decide if and when they want to make a complaint/formal report; and
  - (b) can choose to submit a complaint/formal report anonymously through Respect X.
- (4) A person may obtain assistance in making a complaint from:
  - (a) a member of Sancta's pastoral team,
  - (b) a counsellor, or
  - (c) other support person.
- (5) A complainant does not have to specify what action they want us to take.
  - (a) If they request specific action Sancta will:

- (i) consider the request and the impact that Sancta's decisions may have on them; and
- (ii) prioritise the safety and wellbeing of the complainant and of other students, staff and community members.

## 7 Response

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### 7.1 Procedures

- (1) Sancta will manage disclosures/informal reports and complaints/formal reports consistently with this Policy.
- (2) More detailed information is set out in the:
  - (a) Complaints and Investigations Procedures
  - (b) USYD's Student Sexual Harm and Gender-based Violence Response Procedures.
- (3) Sancta will inform the person who reported the conduct ('the reporter') before acting under the relevant Procedures.

### 7.2 Support for reporters

- (1) Sancta encourage people who have experienced or witnessed sexual harm or gender-based violence to seek assistance and support.
- (2) This is available from:
  - (a) trusted family and friends
  - (b) a member of Sancta's pastoral team (Principal, Vice Principal and Dean of Students)
  - (c) Sancta's counsellor
  - (d) the University of Sydney's Safer Communities Office
  - (e) the University of Sydney's Student Wellbeing Centre
  - (f) health and community professionals and services, including those listed in the "Supports and Services" section on Sancta's portal
  - (g) other support person
- (3) Sancta will support reporters by:
  - (a) responding in a compassionate, empathetic and trauma-informed way
  - (b) explaining available support services
  - (c) referrals to emergency assistance and external support services
  - (d) providing culturally safe, trauma-informed support and assistance
  - (e) helping reporters understand their options and make informed decisions
  - (f) providing guidance about how to make a:
    - (i) complaint/formal report at Sancta
    - (ii) disclosure/informal report or complaint/formal report to the University, or
    - (iii) report to the Police
  - (g) providing wellbeing support
  - (h) providing academic support for students, which may include assistance in accessing university academic supports such as reasonable adjustments and special considerations, and
  - (i) working with them to develop a tailored support plan.

### 7.3 Support for respondents

- (1) Sancta encourage people who are the subject of a report ('respondents') to seek assistance and support.
- (2) This is available from:
  - (a) trusted family and friends

- (b) a member of Sancta’s pastoral team (Principal, Vice Principal and Dean of Students)
  - (c) Sancta’s counsellor
  - (d) the University of Sydney’s Student Wellbeing Centre
  - (e) health and community professionals and services, including those listed in the “Supports and Services” section on Sancta’s portal
  - (f) other support person
- (3) Sancta will support respondents by:
- (a) explaining available support services
  - (b) referrals to emergency assistance and external support services
  - (c) providing culturally safe, trauma-informed support and assistance
  - (d) providing academic support for students, which may include assistance in accessing university academic supports such as reasonable adjustments and special considerations; and
  - (e) working with them to develop a tailored support plan.
- (4) The person assigned to work with a respondent must not be the same person assigned to work with the reporter.

## 7.4 Response education and training

- (1) Sancta’s Principal and Vice Principal:
- (a) must ensure the provision of educational and training programs on responding to disclosures, and
  - (b) may set:
    - (i) conditions for completing these programs, and
    - (ii) consequences for not completing these programs.

**Note:** conditions may include exemptions on compassionate grounds.
- (2) These programs must:
- (a) teach participants how to take a trauma-informed and person-centred approach
  - (b) increase participants’ awareness of the effects of trauma
  - (c) take account of the needs of all members of our community, particularly those disproportionately affected by sexual harm and gender-based violence, and
  - (d) be designed to safely manage any disclosures that might arise during them.
- (3) Unless an exemption has been granted, the following groups must complete training on responding to disclosures:
- (a) Sancta’s executive team
  - (b) Staff with pastoral responsibilities
  - (c) students
- (4) This training must be completed:
- (a) as part of their orientation, and
  - (b) at least annually.

## 7.5 Monitoring and evaluation

- (1) The Principal and Vice Principal will monitor and evaluate the effectiveness of support services at least once a year.
- (a) Sancta will use the results to inform and improve service delivery.
  - (b) Sancta will consider our health and safety obligations when deciding about changes to support services.
- (2) The Principal and Vice Principal will monitor and evaluate the effectiveness of Sancta’s response education and training.

(a) Sancta will use the results to inform and improve future programs.

## 8 Managing Disclosures/Informal Reports and Complaints/Formal Reports

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### 8.1 Interim measures

- (1) To minimise the potential for harm to any person, Sancta may take interim measures against a person. Sancta may do so in response to:
  - (a) a disclosure/informal report or complaint/formal report of sexual harm or gender-based violence, pending:
    - i. criminal investigation and/or hearing
    - ii. University investigation, resolution or disciplinary process
    - iii. Sancta investigation, resolution or disciplinary process
  - (b) an interim or final Apprehended Violence Order.
- (2) Sancta will consult the reporter and consider their views before deciding to take interim measures.
- (3) Interim measures should not be interpreted as anticipating or revealing the outcome of any college, university, or criminal investigation process.
- (4) As an interim measure Sancta may:
  - (a) revoke a person's permission to enter or remain on specified parts of the college's lands
  - (b) restrict a person's access to specified buildings, facilities or accommodation
  - (c) prohibit a person from communicating with or approaching another person
    - i. This includes by social media, email, letter or through a third-party; or
  - (d) relocate a resident to alternative student accommodation.
- (5) Interim measure must be:
  - (a) taken on a case-by-case basis
  - (b) imposed for a fixed period of time, and
  - (c) reasonable and proportionate in the circumstances.
- (6) Interim measures may be applied:
  - (a) immediately
  - (b) for the period Sancta consider necessary, and
  - (c) on the terms Sancta consider necessary
- (7) When deciding whether to impose interim measures:
  - (a) Sancta is not required to provide a hearing, and
  - (b) may inform ourselves in any manner that we think fit.
- (8) Interim measures will continue to apply until they:
  - (a) are revoked or varied, or
  - (b) expire in accordance with their terms.
- (9) Sancta must notify a person subject to interim measures within 24 hours of their being imposed.
- (10) A student, staff member, or contractor who is subject to interim measures may seek an internal review by applying to:
  - (a) the Principal or
  - (b) the Chair of Council

### 8.2 Risk Assessments

- (1) Sancta will:
  - (a) undertake a risk assessment in response to:

- i. all reports
  - ii. any information that a staff member has been investigated for or determined to have engaged in sexual harm or gender-based violence.
- (b) manage and monitor any risks on an ongoing basis.

### **8.3 No victimisation**

- (1) A person must not subject another person to detrimental action because they have:
- (a) made a report
  - (b) provided information about a report
  - (c) supported a person who has made a report, or
  - (d) engaged in safe ethical bystander intervention.

### **8.4 Trauma-informed and procedurally fair processes**

- (1) Sancta will resolve complaints/formal reports of sexual harm and gender-based violence:
- (a) in a safe, person-centred and trauma informed way; and
  - (b) consistently with procedural fairness.
- (2) Complainants and respondents:
- (a) will have a reasonable opportunity to:
    - (i) respond to a complaint orally and in writing; and
    - (ii) provide any relevant documents
  - (b) may be accompanied to any meeting by a support person
  - (c) will not be required to:
    - (i) provide physical evidence, or
    - (ii) meet with each other, without their prior informed consent, or
    - (iii) take part in any activity with one another, without their prior informed consent.

### **8.5 Complaints about non-Sancta related conduct**

- (1) If a complaint/formal report is about conduct that has no connection to the college other than that the respondent is a resident, staff member, or contractor, Sancta:
- (a) will consider the safety and wellbeing of students, staff, and contractors when responding
  - (b) may offer a tailored support plan
  - (c) may not be able to take disciplinary action against the respondent, and
  - (d) may refer the complainant to an external agency for resolution.

### **8.6 Complaints about people over whom the college has no authority**

- (1) Sometimes complaints/formal reports are made about people over whom the college has no authority. These include:
- (a) former students or staff members, and
  - (b) visitors.
- (2) In such cases:
- (a) Sancta may:
    - (i) revoke the person's permission to be on College land

- (ii) seek help from another organisation, and release information about the complaint/formal report to it, or
- (iii) refer the complaint/formal report to an external agency for resolution
- (b) Sancta will:
  - (i) inform the complainant before releasing information or making a referral, and
  - (ii) support complainants who are members of the College community during any external complaints process.

## 8.7 Anonymous reports

- (1) Sancta can only act on anonymous reports if:
  - (a) the respondent does not need to know the reporter's identity to properly respond; or
  - (b) there is evidence supporting the report which allows the allegation to be tested fairly.
- (2) Sancta cannot act on complaints/formal reports that do not provide information about the respondent. These complaints/formal reports will be treated as disclosures/informal reports.

## 8.8 Confidentiality

- (1) Except as provided in this Policy, Sancta will keep all information relating to a report confidential, unless the reporter consents to:
  - (a) disclosing part or all of it
  - (b) for a specified purpose.
- (2) Sancta may disclose information about a report if:
  - (a) Required by Agreement between the University of Sydney and Sancta Sophia College
  - (b) required to do so by law or regulation, or
  - (c) there is an apparent risk to the health or safety of any person.
- (3) Apparent risks to health and safety may include circumstances where:
  - (a) the same respondent is named in multiple separate reports by different people
  - (b) the respondent is employed or engaged by:
    - (i) an affiliated organisation, such as a university
    - (ii) another college of the University of Sydney
- (4) If a current or former resident makes a complaint/formal report about conduct related to:
  - (a) the University or related entity,
  - (b) another University of Sydney Residential College;

we may liaise with, seek assistance from or disclose information to the relevant organisation in order to manage and resolve the complaint/formal report.
- (5) Where possible, Sancta will inform the reporter before disclosing information.
- (6) Except as provided in this clause, complainants and respondents must keep confidential;
  - (a) the fact that a complaint/formal report has been made;
  - (b) the identities of:
    - (i) the complainant
    - (ii) the respondent, and

- (iii) participants in the resolution or investigation of a complaint/formal report
  - (c) information provided or collected during the resolution or investigation of a complaint/formal report
  - (d) any interim measures imposed
  - (e) any report, outcome or determination of a complaint/formal report
- (7) Complainants and respondents may disclose the information described in clause 7.8(6) to obtain support or advice from, or opportunity to make a complaint/formal report to:
  - (a) a support person, representative or personal advisor who agrees to maintain confidentiality
  - (b) a qualified counsellor or psychologist
  - (c) a union representative, student caseworker, or lawyer
  - (d) the Police
  - (e) Anti-Discrimination NSW
  - (f) Australian Human Rights Commission
  - (g) National Student Ombudsman
  - (h) Fair Work Commission
  - (i) NSW Anti-Slavery Commissioner, or
  - (j) a court or tribunal.
- (8) A complainant whose complaint/formal report has been wholly or partially substantiated:
  - (a) by a court, or
  - (b) by the University, after an investigation conducted under the relevant internal disciplinary process
  - (c) by Sancta, after an investigation conducted under the Complaints and Investigations procedure

may disclose

  - (d) the identity of the complainant and the respondent
  - (e) any information provided by the complainant that relates to the substantiated parts of the complaint/formal report.
- (9) A complainant whose complaint/formal report is unable to be resolved because the respondent:
  - (a) has not cooperated;
  - (b) has left Sancta; or
  - (c) is a person over whom Sancta has no authority;

may disclose

  - (d) the identity of the complainant and the respondent; and
  - (e) any information provided by the complainant to Sancta.

**Note:** Complainants should seek advice on the risks of defamation or other legal claims before doing so.

## 8.9 Non-disclosure agreements

- (1) Sancta will not use non-disclosure agreements, unless requested by a reporter.
  - (a) A non-disclosure agreement must not:
    - (i) stop the reporter from obtaining support or advice about sexual harm or gender-based violence; or

- (ii) prevent Sancta from meeting its requirements under the National Higher Education Code to Prevent and Respond to Gender-based Violence.
- (2) Sancta will not agree to non-disparagement clauses that could have the effect of requiring the reporter to keep their experience of sexual harm or gender-based violence confidential.

## 8.10 Reports to the University and/or Police

- (1) A person who has experienced sexual harm or gender-based violence has a right to decide if they want to make a report to Sancta, to the University or to the Police.
- (2) An actual or potential report to the University or Police will not necessarily prevent Sancta from responding to a formal report/complaint of sexual harm or gender-based violence. However, we may postpone or suspend any internal process until the University or criminal process is complete.
- (3) When deciding whether to postpone or suspend an internal process, we will consult with the University and/or Police (as relevant), and the complainant. We will consider:
- a. The potential for our process to impede or contaminate the University or criminal process, and vice versa
  - b. The potential for adverse impacts on the rights of either or both the complainant or the respondent, and
  - c. Whether postponing or suspending would present a risk to the health or safety of any person.
- (4) We may decide to commence or continue an internal college process after a University or criminal process is complete.
- a. In doing so Sancta is not bound by any decision of the University, the Police, the Office of the Director of Public Prosecutions or a court.  
**Note:** The purpose of a Sancta investigation is to determine whether there has been a breach of Sancta policy, not whether a breach of University policy or criminal offence has been committed. The standard of proof required in Sancta investigations is a lower one than the standard required for either University or criminal matters.
- (5) Sections 316 and 316A of the Crimes Act 1900 (NSW) requires Sancta to report information about the commission of a 'serious indictable offence' to the Police or other appropriate authority.
- Note:** A 'serious indictable offence' is an offence that is punishable by imprisonment for 5 years or more, such as sexual assault or sexual touching.
- a. If a reporter does not want information about an incident of sexual harm or gender-based violence to be reported, Sancta will use its best efforts to keep information relating to their report confidential, while meeting its legal obligations.
  - b. In some limited circumstances, Sancta may need to report an incident of sexual harm or gender-based violence to the Police or other appropriate authority against a person's wishes:
    - i. to ensure their safety or others' safety; or
    - ii. to meet Sancta's legal obligations.
- (6) Sancta will inform the reporter:
- a. before reporting an incident of sexual harm and gender-based violence to the Police or other authority; and
  - b. after the report, of what information has been communicated.

## 9 Data collection and reporting

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### 9.1 Purpose

- (1) Sancta will collect:
  - (a) organisational data on implementation of this Policy and related plans and activities
  - (b) de-identified data on incidents of sexual harm and gender-based violence, and
  - (c) de-identified demographic data about:
    - (i) reporters and respondents; and
    - (ii) for students, enrolment and related information.
- (2) Sancta will collect this data to:
  - (a) better understand the:
    - (i) nature and prevalence of sexual harm and gender-based violence, and
    - (ii) systemic and cultural barriers to preventing and responding to it, including in particular communities or settings
  - (b) analyse trends
  - (c) identify the needs of different groups in Sancta's community
  - (d) measure Sancta's progress in preventing and responding to sexual harm and gender-based violence
  - (e) evaluate and inform the design and review of Sancta's:
    - (i) policies
    - (ii) procedures
    - (iii) prevention and response plans
    - (iv) education and training programs
    - (v) prevention communication and initiatives, and
  - (f) meet Sancta's obligation under the National Higher Education Code to Prevent and Respond to Gender-based Violence.
- (3) In accordance with requirements under the National Higher Education Code to Prevent and Respond to Gender-based Violence, Sancta will provide relevant de-identified to the University of Sydney as required. The University will report annually to the Department of Education about the data collected and the insights obtained.

### 9.2 Data management

- (1) Sancta will:
  - (a) collect data in a safe, trauma-informed and person-centred way
  - (b) hold and handle data securely
  - (c) report data in a de-identified way, to:
    - (i) prevent identification of reporters, or specific disclosures/informal reports or complaints/formal reports; and
    - (ii) comply with our privacy obligations.
- (2) Sancta will only provide access to information about a disclosure/informal report or complaint/formal report:
  - (a) to relevant University employees and consultants
  - (b) who need it to carry out their responsibilities under this Policy and the Procedures.

# 10 Roles and Responsibilities

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## 10.1 Sancta Council and Executive Team

- (1) Promote and champion a culture where sexual harm and gender-based violence is not tolerated
- (2) encourage people to report sexual harm and gender-based violence
- (3) complete training on preventing sexual harm and gender-based violence and responding to disclosures, and
- (4) monitor and evaluate the effectiveness of support services, and
- (5) monitor and evaluate prevention and response education and training programs and initiatives.

## 10.2 Principal and Vice Principal

- (1) ensure the provision of educational and training programs on:
  - a. preventing sexual harm and gender-based violence
  - b. responding to disclosures
- (2) may set conditions for completing required educational and training programs
- (3) contributes to the monitoring and evaluation of the effectiveness of:
  - a. educational and training programs, and
  - b. prevention initiatives and communications, and
- (4) decide on interim measures imposed on students
- (5) oversees the sharing of information with the University
- (6) respond to disclosures and complaints of sexual harm and gender-based violence in a compassionate, empathetic and trauma-informed way
- (7) support and assist people who have experienced or witnessed sexual harm or gender-based violence
- (8) assist students, staff, and others to make reports.

## 10.3 Principal and Executive Team

- (1) promote and champion a culture where sexual harm and gender-based violence is not tolerated
- (2) encourage people to report sexual harm and gender-based violence
- (3) complete training on preventing sexual harm and gender-based violence and responding to disclosures
- (4) when hiring, consider any pre-employment declaration made by a prospective employee
- (5) consider information about previous allegations of sexual harm or gender-based violence when deciding if a person is suitable for:
  - a. employment
  - b. promotion
  - c. recognition or other reward, and
- (6) implement appropriate management plans for staff who have a current or prior personal relationship with
  - a. another employee, or
  - b. a student.

#### **10.4 Staff with Pastoral Responsibilities**

- (1) promote and champion a culture where sexual harm and gender-based violence is not tolerated
- (2) encourage people to report sexual harm and gender-based violence
- (3) complete training on preventing sexual-harm and gender-based violence and responding to disclosures
- (4) inform managers of current or previous personal relationships with students
- (5) comply with management plans implemented to manage personal relationships.

#### **10.5 Other Staff**

- (6) promote and champion a culture where sexual harm and gender-based violence is not tolerated
- (7) encourage people to report sexual harm and gender-based violence
- (8) complete training on preventing sexual-harm and gender-based violence and responding to disclosures

#### **10.6 Students**

- (1) foster a study, work, living and social environment free from sexual harm and gender-based violence;
- (2) complete training on preventing sexual-harm and gender-based violence; and
- (3) when in leadership positions, complete training on responding to disclosures.

# 11 Definitions

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| <b>Apprehended Violence Order (AVO)</b> | An ADVO (Apprehended Domestic Violence Order) or an APVO (Apprehended Personal Violence Order) made by a court.   |
| <b>Coercive control</b>                 | Repeated patterns of physical or non-physical abuse intended to hurt, scare, intimidate, threaten or control a person within a family or intimate relationship. |
| <b>Complaint</b>                        | A person makes a complaint when asking Sancta to take action in response to a report of sexual harm or gender-based violence                                    |
| <b>Disclosure</b>                       | A person makes a disclosure when they share information about sexual harm or gender-based violence with Sancta  |
| <b>Employee</b>                         | An employee of Sancta, including a continuing, fixed-term or casual employee.   |
| <b>Ethical bystander</b>                | A person who witnesses an event that is disrespectful or harmful and chooses to intervene in a way that is safe and effective.                                  |
| <b>Executive Team</b>                   | Sancta's Principal, Vice Principal, Dean of Admissions, Director of Community Engagement, Facilities Manager and Head of Finance.                               |
| <b>Family and domestic violence</b>     | Behaviour that causes physical, emotional or psychological harm to a person within a family or intimate relationship.   |
| <b>Formal report</b>                    | This has the same meaning as a complaint  |
| <b>Informal report</b>                  | This has the same meaning as a disclosure   |
| <b>Modern slavery</b>                   | A situation where coercion, threats or deception are used to exploit people and undermine or deprive them of their freedom.                                     |
| <b>Non-disclosure agreement</b>         | An agreement, including a deed of release or settlement agreement, that requires particular details to be kept confidential as part of reaching a settlement.   |
| <b>Non-disparagement clause</b>         | A clause in an agreement that requires the parties not to say things about each other that are critical, dismissive or disrespectful.                           |
| <b>Person-centred</b>                   | An approach that places the needs and preferences of reporters at the centre of decisions made in response to their report.                                     |
| <b>Report</b>                           | Any of a disclosure, informal report, complaint or formal report of sexual harm or gender-based violence.   |

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| <b>Residential College</b>      | <p>The residential colleges of the University of Sydney are:</p> <ul style="list-style-type: none"> <li>• Mandelbaum House</li> <li>• Sancta Sophia College</li> <li>• St Andrew's College</li> <li>• St John's College</li> <li>• St Paul's College</li> <li>• Wesley College</li> <li>• Women's College.</li> </ul>  |
| <b>Safer Communities Office</b> | <p>An office of the University of Sydney with specialist support for students who have experienced sexual harm or gender-based violence.</p>   |
| <b>Sancta lands</b>             | <p>8 Missenden Road Camperdown NSW. Includes all land as defined in the Sancta Sophia College Act (1929) and the buildings and any structure upon it.</p>  |
| <b>Sexual activity</b>          | <p>Any activity that a reasonable person, having regard to all the circumstances, would consider to be sexual.</p>   |
| <b>Sexual acts</b>              | <p>Doing an act with or towards another person, or making another person do an act, in circumstances where a reasonable person would consider the act to be sexual. Examples of sexual acts that would generally be considered a breach of this policy:</p> <ul style="list-style-type: none"> <li>• a person showing another person their genitals or breasts ('flashing');</li> <li>• a person sending another person an unwanted still or moving image of their own or someone else's genitals or breasts;</li> <li>• making a person show another person their breasts, bottom or genitals;</li> <li>• masturbating or pretending to masturbate in front of another person.</li> </ul> |
| <b>Sexual assault</b>           | <p>Penetration to any extent of the genitals or anus of any person by:</p> <ul style="list-style-type: none"> <li>• any part of the body of another person (including their fingers); or</li> <li>• any object manipulated by another person;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• insertion of the penis into the mouth of another person; or</li> <li>• use of the tongue or lips on the vagina, penis, scrotum or anus of another person;</li> </ul> <p>without the person's consent.</p>  |

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| <b>Sexual harassment</b>                    | <p>Occurs if a person:</p> <ul style="list-style-type: none"> <li>• makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or</li> <li>• engages in other unwelcome conduct of a sexual nature in relation to the person harassed;</li> </ul> <p>in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.</p> <p>It includes unwelcome:</p> <ul style="list-style-type: none"> <li>• touching, hugging or kissing;</li> <li>• staring or leering;</li> <li>• sexual gestures;</li> <li>• sexually suggestive comments or jokes;</li> <li>• sexually explicit gifts;</li> <li>• repeated or inappropriate invitations to go out or 'hook up';</li> <li>• intrusive questions about a person's private life or physical appearance;</li> <li>• requests or pressure for sexual intercourse, or to participate in other sexual activities;</li> <li>• Sexual harassment also includes displaying, sending or requesting sexually explicit pictures or posters.</li> </ul> |
| <b>Sexual touching</b>                      | <p>Kissing or touching a person's body, in circumstances where a reasonable person would consider the touching to be sexual.</p>   |
| <b>Staff or staff member</b>                | <p>For the purpose of this Policy, has the same meaning as 'worker' under the <a href="#"><u>Work Health and Safety Act 2011 (NSW)</u></a>.</p>  |
| <b>Staff with pastoral responsibilities</b> | <p>Includes Sancta's Principal, Vice Principal, Dean of Students and Resident Assistants</p>   |
| <b>Stalking</b>                             | <p>Includes:</p> <ul style="list-style-type: none"> <li>• following a person about;</li> <li>• watching or approaching a person's home, business, work or social environments;</li> <li>• monitoring or tracking a person's activities or movements, using technology or in another way;</li> <li>• contacting or approaching a person using the internet or other technologically assisted means.</li> </ul>  |
| <b>Student</b>                              | <p>A person who is a resident or associate at Sancta Sophia College. Enrolment at university is not necessary to be considered a student for the purpose of this policy.</p>   |

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| <b>Student accommodation staff</b> | Pastoral care leaders, residential student advisers and equivalent, employed or engaged by the University or a student accommodation provider.                       |
| <b>Student caseworker</b>          | A designated employee of the Students' Representative Council (SRC) or Sydney University Postgraduate Representative Association (SUPRA) at the University of Sydney |
| <b>Support person</b>              | A friend, colleague, union representative, student caseworker or any other person chosen by a person to support them.  |
| <b>Trauma-informed</b>             | An approach that applies the core principles of safety (physical, psychological and emotional), trust, choice, collaboration and empowerment.                        |
| <b>Voyeurism</b>                   | For the purpose of obtaining sexual arousal or sexual gratification, observing a person who is engaged in a private act.   |

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