



Trinity Residential College Accommodation Contract Code of Conduct

Code of Conduct - Contents

1. Overview of code of conduct pg. 1
 2. Expected behaviours pg. 2
 3. Breaches of the code of conduct pg. 3
 4. Alcohol and other drugs pg. 8
 5. Noise pg. 12
 6. Visitors and guests pg. 13
 7. Harassment and discrimination pg. 15
 8. Sexual misconduct pg. 16
-

1. Overview of Code of Conduct

Purpose

The College is an educational community. The purpose of the College is to provide Residents with an enjoyable living and learning experience within a safe, caring, and respectful environment.

Every community has implicit and explicit rules for acceptable social behaviour - without these shared expectations communities would not function or prosper. A residential college community is no exception.

Respecting the values of the College and the rights and property of others, and of the College, should be a priority for all who have the opportunity to live at the College.

The College supports the position that:

"We should always show care and concern for each other and for the common good. We should behave in such a way that no offence, inconvenience, or disturbance is caused to other Residents or to any person employed directly or indirectly by Trinity Residential College."



The purpose of this Code of Conduct, and any related policies and guidelines, is to make clear to Residents what is expected of them and their guests, and to provide general guidelines within which Residents should manage their life in College.

General Expectations

The general expectation is that every Resident will exercise a high degree of self-regulation. Residents are expected to be respectful and considerate of others and to promote a sense of community within the College. The responsibility for maintaining such an environment rests with each Resident.

Every member of the College community has the right to be treated courteously and fairly, and to be free from acts of nuisance, discrimination, harassment, intimidation, or violence.

All Residents have rights and privileges and with them come responsibilities and obligations. Each Resident must demonstrate respectful, considerate behaviour when interacting with other Residents, with staff members and with guests.

The College assumes that each Resident has carefully and thoroughly read the College policies and guidelines, including the current Terms & Conditions of residency, and that they will meet the expectations and standards articulated in these documents.

Conduct that is in breach of this Code of Conduct will be the subject of processes, consequences and sanctions that align with the seriousness of the breach. The processes to be applied in determining if a breach of the Code of Conduct has occurred, and what the consequences of any established breach will be, are matters reserved for the discretion of the College.

In some circumstances, in determining how to address a breach or repeated breach of this Code of Conduct, the College may need to consider a range of matters, include whether the College has the appropriate resources and expertise to support the Resident, and the extent to which the conduct has or will impact detrimentally on other Residents.

2. Expected Behaviours

2.1 A Resident must:

- (a) conduct themselves responsibly at all times;
- (b) know, understand and comply with all College policies, guidelines and processes;



- (c) show respect and consideration for others; regardless of gender, race, religion, disability, marital status, sexual orientation, or any other attribute, so that all may live, study and work in harmony;
 - (d) embrace the values of community, diversity, service and excellence;
 - (e) acknowledge and accept that the differences between people contribute to the richness of the College experience; and
 - (f) respond appropriately to any reasonable request or instruction from any member of the College's staff, including Resident Advisors.
- 2.2 Residents must conduct themselves in a mature and considerate manner while living at the College, in accordance with the expectations and standards articulated in this Code of Conduct and any related policies and guidelines.
- 2.3 Residents must ensure that their friends, family, guests, or visitors attending the College conduct themselves responsibly and in accordance with the spirit of this Code of Conduct.
- 2.4 The College may terminate a Resident's Accommodation Contract, and require a Resident to leave the College, if the Resident behaves in a manner that is inconsistent with this Code of Conduct or otherwise disregards by act or omission any of the College's policies, guidelines, and expectations.

3. Breaches of the Code of Conduct

Principles for managing breaches

- 3.1 The following principles will apply at any time that this Code of Conduct is being applied:
- (a) procedural fairness and respect will be afforded to all parties;
 - (b) any processes that are applied must be fair and transparent for all parties;
 - (c) confidentiality and privacy of all parties will be respected;
 - (d) decisions will be made in a sensitive and appropriate manner;
 - (e) timely decisions will be made and communicated;
 - (f) investigations will be fair and impartial; and
 - (g) the best interests of the College's community will be considered.



Conduct identified by Residents

- 3.2 A Resident who is disturbed by the conduct of others ('Affected Resident') has the right to ask the people engaging in inappropriate behaviour to stop the behaviour. If an Affected Resident has any concern raising the matter directly, or a reasonable approach has been ignored, the Affected Resident should immediately contact their Resident Advisor, the Duty Officer, or the Deputy Head of College.

Conduct identified by College staff

- 3.3 Where a member of the College's staff ('Staff Member') identifies an action or activity that may be inconsistent with this Code of Conduct or the College's policies and guidelines, the Staff Member will communicate informally with the Resident about the breach and will request that the Resident cease such activity.
- 3.4 If a Staff Member considers that the breach is:
- (a) not serious in nature and the Resident responds appropriately, no further action will be taken;
 - (b) significant or is a repeated breach, then the Staff Member will:
 - (i) refer the incident or incidents to the Deputy Head of College or Head of College; or
 - (ii) if the incident occurs after hours, record the incident in the 'Duty Officer Report'; or
 - (c) of sufficient severity or seriousness, then the Staff Member will notify the Deputy Head of College or Head of College immediately.

Complaint process

- 3.5 The following steps must be taken where an Affected Resident raises concerns with a Staff Member regarding a person's conduct or where a matter is referred to the Deputy Head of College, or recorded in the 'Duty Officer Report':
- (a) *Identify conduct*
 - (i) The Affected Resident or Staff Member must clearly identify the behaviour that may be a breach of this Code of Conduct.



- (ii) An Affected Resident may discuss the matter with a Staff Member, to determine if the behaviour is likely to be a breach of this Code of Conduct.
- (b) *Make a complaint*
 - (i) An Affected Resident may make a complaint to raise their concerns with the College.
 - (ii) A Staff Member's report of a potential breach of this Code of Conduct in accordance with paragraph 3.3(b) or paragraph 3.3(c) constitutes a complaint.
 - (iii) A complaint must be made in writing to the Deputy Head of College and must clearly:
 - (A) identify the Resident(s) that may have breached this Code of Conduct; and
 - (B) describe the circumstances, activities or actions which may have breached this Code of Conduct, ('Complaint').
- (c) *Initial assessment*
 - (i) Upon receipt of a Complaint, the Deputy Head of College will consider the matter and determine, in their absolute discretion, if:
 - (A) the Complaint is frivolous, in which case no further steps will be taken;
 - (B) if the Complaint may be satisfactorily resolved through a conciliation process, in which case a conciliation will be conducted; or
 - (C) the conduct requires further investigation and, if so, the manner in which the investigation will be conducted.
- (d) *Conciliation*
 - (i) Conciliation is not a disciplinary process, and disciplinary outcomes will not necessarily result from this process.
 - (ii) Where a Complaint is deemed appropriate for conciliation, the Head of College will appoint a conciliator to meet with each party separately to



discuss the Complaint and try to reach agreement regarding the behaviour that is the subject of the Complaint, possible remedies and future behaviour.

- (iii) Prior to a conciliation agreement being finalised, the College will inform the parties involved if it is likely that the Complaint will be investigated by the College, irrespective of the outcome of the conciliation.
 - (iv) If agreement cannot be reached, any party to the conciliation may ask for the Complaint to be investigated.
 - (v) Breaches of an agreement reached via conciliation may result in further disciplinary action being taken by the College.
- (e) *Investigation*
- (i) The Deputy Head of College may report a Complaint to the Head of College.
 - (ii) The Head of College may engage with the Affected Resident, the relevant Staff Member, the person(s) that are subject to the Complaint and any other person identified by the Head of College to seek to understand the facts and circumstances of the matters that are the subject of the Complaint ('Investigation').
 - (iii) The Head of College will give each person the opportunity to share their perspective of the matters that are subject to the Complaint in unemotive language.
 - (iv) The Head of College may seek advice, or participation of, appropriately trained people.
 - (v) Once the Head of College is satisfied that it has all necessary information, they must make a written statement that sets out:
 - (A) a summary of the key findings of the Investigation; and
 - (B) recommended steps for resolving the Complaint, which may include disciplinary action.



Disciplinary Action

- 3.6 Where the Head of College finds that a Resident has breached this Code of Conduct, the Head of College may, in their absolute discretion, impose appropriate disciplinary action which may include:
- (a) issuing a formal written warning that disciplinary action may be taken in respect of similar conduct in the future;
 - (b) issuing a formal written censure or reprimand in respect of the conduct;
 - (c) requiring the Resident involved to:
 - (i) make restitution or reparation to the Affected Party;
 - (ii) undertake appropriate training and / or counselling; or
 - (iii) undertake community reparation work within the College of such a nature, for such a period and within such timeframe as the Head of College may determine;
 - (d) imposing a fine or penalty commensurate with the nature of the offence;
 - (e) not permitting the Resident to reside at the College after completion of the current semester;
 - (f) withdrawing, or seeking reimbursement of, any scholarship, fellowship, or award that may have been awarded to the Resident by the College;
 - (g) suspending the Resident from the College for a certain period of time; or
 - (h) terminating the Resident's Accommodation Contract.
- 3.7 Where the College imposes a fine, consideration will be given to previous disciplinary action taken against the Resident (including fines, censures, or warnings) in determining the amount of the fine. The proceeds of any fines imposed will be contributed to the College's Bursary Fund.
- 3.8 The College will not seek to impose fines where a Resident has been suspended from the College or their Accommodation Contract has been terminated. However, the



College may seek reimbursement of any costs that it may incur to rectify any damage caused to College property or to the personal effects of other Residents.

Appeals

- 3.9 A Resident may appeal to the Deputy Head of College to retract or reconsider the action ('Initial Appeal'). The basis for the appeal may be on procedural or substantive grounds.
- 3.10 If an Initial Appeal fails, an appeal may be made to the Head of College ('Second Appeal').
- 3.11 If the Resident is not satisfied with the outcome of a Second Appeal, a final appeal may be made to the Chair of Council. A final appeal must be in writing and set out the facts and circumstances of the Complaint, summarise the process that was followed to consider the matter and state the outcomes of any Investigation, Initial Appeal and Second Appeal.
- 3.12 The SRA may make an appeal on behalf of a Resident, if requested to do so by that Resident.

4. Conduct - Alcohol and Other Drugs

Overview

- 4.1 The College does not approve or condone the use of illegal drugs or the misuse of legal drugs. The College actively discourages drug dependency and drug abuse and encourages Residents and staff to have a responsible attitude towards the use of alcohol and drugs of any kind.
- 4.2 The College, like the University of Western Australia and other educational institutions, is committed to upholding the law of the State of Western Australia and Commonwealth of Australia relating to the use of both legal and illegal substances.
- 4.3 The College operates on the basic principle that, as young adults, Residents are responsible for what they consume or use. Residents will decide if, what and how much alcohol and/or drugs they will consume. In making those decisions Residents need to identify their own priorities and recognise that the use of alcohol and other drugs may affect a person's judgement and can be potentially harmful, resulting in permanent damage to health, to relationships, to reputation and career prospects.
- 4.4 The College has a strong pastoral interest in its Residents and will be as supportive as circumstances allow, in what are often difficult and complex situations. The College will provide information on the safe use of legal drugs and on reducing personal harm



to Residents who choose to abuse legal drugs - It will not support the use of illegal drugs or the abuse of legal drugs.

Drugs

- 4.5 The College does not condone the use of illegal drugs, nor will it protect users from the law. Drug abuse is a personal decision. Treatment for abuse and the control of drug use are outside of the College's resources and competence.
- 4.6 Use of illegal drugs may offend others in the College community. Those offended are entitled to make their complaints heard and such complaints will be appropriately addressed by the College.
- 4.7 Residents who use, possess, or distribute illegal drugs on College premises may have their residency (and Accommodation Contract) terminated and the College may report the matter to the police for investigation and action. The penalties for possession, use and distribution can be severe.
- 4.8 Trafficking, or participating in the trafficking of, illegal drugs will result in Residents being required to leave College immediately. Such disciplinary action will be based on reasonable evidence and the standard used will be less than that required for a criminal conviction.
- 4.9 Where use of illegal drugs is observed or trafficking is suspected, the College may rely on police or other appropriate resources to resolve the various concerns identified.
- 4.10 The activities of Residents on College premises are covered by relevant Commonwealth and State laws, the policies of the University of Western Australia (and other educational institutions) and the College's own policies and procedures.

Alcohol

- 4.11 In Australia, responsible alcohol consumption by people over the age of 18 is legally and culturally acceptable. Residents who are over the age of 18 are legally entitled to purchase and consume alcohol. The College encourages Residents to make informed choices about the consumption of alcohol.
- 4.12 The College understands that some Residents may expect to consume alcohol while they are in residence. It is the responsibility of Residents to ensure that all reasonable steps are taken to minimise the harmful effects of alcohol and that this Code of Conduct is adhered to.



- 4.13 Consumption of alcohol on College premises must be considered in the wider context of a community recognition and concern about the harmful physical, behavioural, and social effects of excessive alcohol consumption. The College holds the view that the excessive consumption of alcohol is not an acceptable rite of passage and that such behaviour can lead to self-harm and/or harming others. The excessive consumption of alcohol can be life changing and life threatening.
- 4.14 The excessive use of alcohol does not diminish a Resident’s personal responsibility for observing community rules and expectations. Where there is alcohol misuse, staff will deal with it sensitively and raise Resident awareness of support services. When a Resident’s alcohol consumption is consistently excessive, or a Resident demonstrates unacceptable behaviour resulting from the over-consumption of alcohol, the College reserves the right to take appropriate disciplinary action and/or require the Resident to undertake counselling.

General principles for the consumption of alcohol

- 4.15 Responsible consumption of alcohol is permitted on College premises. ‘Responsible consumption’ means drinking in moderation within the limits prescribed in the section titled “Limits” below.
- 4.16 Subject to this Code of Conduct:
- (a) Residents over the age of 18 are permitted to have and consume alcohol in their accommodation;
 - (b) individual and casual group drinking is permitted in some common areas (see the section titled “Venues and the Consumption of Alcohol” below);
 - (c) Residents who prefer not to drink will be supported in this decision; and
 - (d) the consumption of alcohol must not interfere with the interests and welfare of others.
- 4.17 The consumption of alcohol that leads to behaviour that causes harm to individuals, property or the reputation of the College or the University is unacceptable. This includes behaviour that interferes with the reasonable expectation of an environment conducive to study and to sleep, or that disregards the appropriate responsibilities and strategies for conducting events and functions.



Limits for the consumption of alcohol

- 4.18 Residents under the age of 18 must not consume alcohol. Residents must not provide alcohol to anyone under the age of 18. Residents under the age of 18 found consuming alcohol at College, or returning to College in an intoxicated state, will be subjected to disciplinary action in accordance with this Code of Conduct (which may include suspension or termination of their Accommodation Contract).
- 4.19 Residents should not drink with the aim of becoming intoxicated.
- 4.20 Residents should not consume alcohol to excess or be significantly affected by alcohol while on College premises.
- 4.21 Residents must not provide alcohol to anyone who is intoxicated.
- 4.22 Residents must not pressure other people to drink.
- 4.23 Drinking games/competitions must not take place on College premises or at events associated with the College. Any materials or apparatus thought to be part of drinking games may be confiscated by any Staff Member without notice and not returned.
- 4.24 Large groups, the presence of significant numbers of non-residents and/or excessive quantities of alcohol are not permitted.
- 4.25 In all areas (including Residents' accommodation), unreasonable or anti-social behaviour (including excessive noise) that disturbs or interferes with others will not be tolerated. Residents involved will be subject to disciplinary action in accordance with this Code of Conduct.
- 4.26 Any Resident who requires significant assistance or hospitalisation as a result of excessive drinking will be required to meet with the Deputy Head of College and be subjected to disciplinary action.

Venues for the consumption of Alcohol

- 4.27 Residents over the age of 18 may drink in moderation in their room with a reasonably sized group. Residents are expected to use their own judgement in recognising what would be a reasonable group size; a sensible guideline would be the number that can be comfortably accommodated in the room, or by the seating available in an outdoor area.
- 4.28 Residents may use the Jean Randall Common Room (JRCR) between 7.00pm and 9.00pm when STUMPS is not in operation to meet in larger groups, prior to going out.



- 4.29 Alcohol may not be consumed in any of the other College common rooms without prior written permission.
- 4.30 Residents must leave areas clean and tidy, and ensure that all bottles and cans are taken to a recycling bin.
- 4.31 Alcohol may only be consumed in any other area of the College with the prior written permission of the Deputy Head of College or Head of College.
- 4.32 Residents wishing to organise a function or event using College facilities must obtain the prior written permission of the Deputy Head of College or Head of College.

Visitors to the College

- 4.33 Visitors, including ex-residents, to the College must only consume alcohol in accordance with this Code of Conduct.
- 4.34 Residents are responsible for ensuring that their visitors and guests comply with this Code of Conduct.

5. Conduct - Noise

Overview

- 5.1 One of the major challenges of living together in harmony is being able to live in College without being affected by undue loud noise. The College is a social place and clearly there will be a level of noise. It is the responsibility of all Residents to balance these aspects and in doing so ensure that an environment conducive to study, sleep and sensible social interaction is maintained.

Expectations

- 5.2 All Residents need to be aware of the noise they and their guests are making regardless of the hour of the day and ensure that they are not unreasonably disturbing their fellow Residents.
- 5.3 Residents should be particularly mindful of the noise generated from normal activity in quads or common areas, such as listening to music, watching TV, holding small gatherings, sport or other activities, and returning late at night.
- 5.4 Residents are expected to use their judgement with regard to the acceptable number of people in a social gathering.



- 5.5 Residents are encouraged to discuss noise with their Wing Resident Advisor if they are unsure of what constitutes unreasonable noise.
- 5.6 What constitutes an acceptable level of noise at any time is at the discretion of the staff of the College, including the Resident Advisors and Duty Officer.

Specific Noise Restrictions

- 5.7 Residents can generally expect the College to be a reasonably quiet environment. Excessive noise at any hour of the day or night is unacceptable. Residents are required to always be respectful of other Residents and staff and be mindful of the noise level.
- 5.8 Quiet hours are between 10.00pm to 8.00am each day of the week. Outside of these hours, noise must be at a reasonable level. Variation to quiet hours for examination periods and study breaks will be advertised.

Responsibility for addressing noise

- 5.9 Residents are expected to comply with any request relating to loud noise. If a request to lower noise is not appropriately acted upon then those making the noise may be subject to disciplinary action.
- 5.10 Residents who are being disturbed by noise are encouraged to speak with the person/s making the noise to discuss the effect the noise is having on them and requesting that the level of noise be lowered.
- 5.11 If a Resident is uncomfortable approaching the person/s generating the noise, or those people are unresponsive to a Resident's request, the Resident should contact their Wing Resident Advisor or Duty Officer.

6. Conduct - Visitors and Guests

Overview

- 6.1 All members of College have the right to feel that they are living in a secure environment with facilities maintained for their use. No resident should be intimidated by the presence of non-residents, nor should they be inconvenienced by having to share facilities with non-residents.
- 6.2 The College is not a place for groups of non-residents to be entertained.
- 6.3 Providing ongoing accommodation or unpaid meals to visitors is not appropriate and any such behaviour will be treated as a serious breach of this Code of Conduct.



- 6.4 Visitors and guests must not eat any items of food from the Dining Hall unless a guest meal has been purchased prior to consumption. The Resident must be present and responsible for the purchase of a guest meal for each individual visitor and occasion.
- 6.5 Whilst Residents are welcome to invite visitors into the College, it is for the benefit of all Residents that visitors are always accompanied by the Resident. Residents are expected to take responsibility for their visitors at all times while they are on College premises. Residents must not give their keys or fobs to visitors under any circumstances or allow them to use College amenities.
- 6.6 Residents will be held responsible for the misuse or damages of any College facilities or amenities caused by their visitors.
- 6.7 Inviting large numbers of non-residents to College premises is not permitted and such gatherings should take place off-campus.
- 6.8 Residents will always be responsible for the actions of their visitors and guests.
- 6.9 A Staff Member may require that non-residents leave the College premises if they are not accompanied by a Resident or they are behaving in an inappropriate or unacceptable manner.

Overnight guests

- 6.10 Each Resident's Accommodation Contract applies to a single room for the sole use of the Resident. Residents are not permitted to 'share' their accommodation.
- 6.11 Residents are permitted to have one guest accommodated in their room for a maximum of 2 consecutive nights twice per semester free of charge. The Deputy Head of College or Head of College may, in their sole discretion:
 - (a) give permission for a Resident's guest to stay more than 2 consecutive nights; and
 - (b) require the Resident to pay a reasonable fee for their guest's stay.
- 6.12 Residents must not give their keys to their guests under any circumstances. Guests are not permitted to enter a Resident's room unless the Resident is present.
- 6.13 Residents must inform their Wing Resident Advisor of any guests that are staying overnight for security, fire, and emergency purposes.
- 6.14 Residents should not have guests during study and examination periods unless authorised by the Deputy Head of College or the Head of College.



- 6.15 Parents and other older adults should not stay overnight in a Resident's room. It is not appropriate for these adults to be sharing facilities with Residents.
- 6.16 A Resident's guest should have minimal impact on other Residents and must comply with this Code of Conduct. Residents with concerns about overnight guests should speak with their Resident Advisor in the first instance.
- 6.17 While there is no accommodation charge for overnight guests, Residents who choose not to comply with the College's reasonable expectations will incur a charge equivalent to the current standard casual guest rate.
- 6.18 Any meals consumed by a Resident's guest in the College's Dining Hall must be paid for in accordance with clause 6.4.
- 6.19 Any action taken by a Resident which is inconsistent with Clause 6 may result in disciplinary action.

7. Conduct - Harassment and Discrimination

- 7.1 Harassment refers to any offensive, belittling, or threatening behaviour directed at an individual or group which takes place in circumstances in which any reasonable person, having regard to the circumstances, would have been offended, humiliated, or intimidated. Harassment is behaviour that is unwelcome, unsolicited, usually unreciprocated, and often (but not always) repeated. Sexual harassment is included in this definition and is one particularly serious form of harassment. In addition to sexual harassment people may experience harassment or discrimination because of their belief systems, including political or religious beliefs or activities, cultural, racial, or socioeconomic background, gender, sexual orientation, physical features, or disability, among other things.
- 7.2 The College is committed to maintaining an environment in which all Residents and staff are valued and respected. Harassment or discrimination of any form has no place in the College community.
- 7.3 All forms of harassment and discrimination are serious issues, and such behaviour is unacceptable. The College will not accept or tolerate any form of harassment and all complaints of harassment will be dealt with in accordance with this Code of Conduct.
- 7.4 Any Resident or Staff Member who feels they have been subjected to any form of harassment or discrimination is encouraged to take action to resolve the issue. The College will assist in any way possible, either by initiating action within the College or by referring the matter to the appropriate authorities.



- 7.5 Disciplinary action will apply to any Staff Member or Resident who is found to have harassed or discriminated a member of the College community.

8. Conduct - Sexual Misconduct

Overview

- 8.1 The College is committed to maintaining a culture of respectful relationships within a safe environment.
- 8.2 The College has a comprehensive Sexual Misconduct Policy and Procedure with a zero-tolerance approach. During College orientation the Head of College will provide all Residents with a verbal policy overview. The policy is available digitally on the Resident Portal. Hard copies of the policy will be available in Resident Services and Reception.
- 8.3 Sexual harassment; sexual coercion and intimidation; sexual exploitation; and sexual assault are all forms of sexual misconduct that are prohibited in the College community.
- 8.4 The College will address any disclosure or complaint about sexual misconduct in accordance with this Code of Conduct. The safety and wellbeing of a person disclosing or filing a complaint of sexual misconduct is viewed as a priority by the College. Immediate and ongoing assistance will be provided, and confidentiality will be respected at all times.
- 8.5 The College Sexual Misconduct Policy applies to all Residents, Staff Members, and visitors. There are significant consequences for anyone found to have been involved in sexual misconduct.

Sexual harassment

- 8.6 Sexual harassment is unwelcome, unsolicited, and unreciprocated conduct with a sexual component which offends, intimidates, embarrasses, or humiliates a person.
- 8.7 Sexual harassment can be a single incident or a persistent pattern of unwelcome behaviour.
- 8.8 Sexual harassment can take many different forms – it can be obvious or indirect, physical, or verbal, repeated or an isolated incident. It can be perpetrated by a person of any gender against a person of the same or any other gender.
- 8.9 Behaviour can constitute sexual harassment even if it occurs between people in a consensual relationship.



8.10 Sexual harassment can include (but is not limited to):

- (a) staring or leering;
- (b) unnecessary familiarity, such as deliberately brushing up against someone, or unwelcome touching;
- (c) suggestive comments or jokes, gestures, or sounds;
- (d) insults or taunts of a sexual nature;
- (e) intrusive comments or questions about someone's private life;
- (f) communications, comments, advances or suggestions of a sexual nature sent via any platform, including social media, emails and text messages;
- (g) requests for sex or repeated unwelcome requests to go out on dates; and
- (h) indecent exposure, stalking or obscene communications via any means.

Sexual coercion and intimidation

8.11 Sexual coercion and / or sexual intimidation occurs when someone pressures or tricks another person into doing sexual things. It involves behaviour that is abusive, controlling or threatening in some way.

8.12 Sexual coercion or intimidation can include (but is not limited) to a first person:

- (a) saying they'll leave a second person or have sex with someone else if the second person doesn't have sex with them;
- (b) trying to get a second person to drink more alcohol with the objective of getting the second person to agree to have sex;
- (c) making a second person feel guilty for not having sex when the first person wants to;
- (d) saying that a second person owes them sex;
- (e) making a second person feel scared to refuse sexual advances because of what the first person might do – this might be a fear of physical assault, but can also include fears of the first person saying bad things about the second person to others, sharing private or damaging information about the second person, or taking away support (e.g. taking away money);



- (f) saying they will get a second person out of debt, provide the second person with drugs, let the second person stay at their house, or help the second person with a problem if the second person has sex with them;
- (g) holding a second person down, yelling at the second person or trying to scare the second person into having sex; or
- (h) insisting on any sexual act or activity that may be uncomfortable, frightening, or hurtful to a second person.

Sexual exploitation

- 8.13 Sexual exploitation occurs when a person abuses or exploits another person's sexuality without that person's consent for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose.
- 8.14 Sexual exploitation includes any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes.
- 8.15 Sexual exploitation can include (but is not limited to):
 - (a) recording and/or distributing images or audio (without that person's consent) of sexual activity, intimate body parts, or nakedness;
 - (b) "revenge pornography" in which a person threatens to post (or does post) images, audio, or video of a person participating in sexual activity;
 - (c) viewing another person's sexual activity, intimate body parts, or nakedness without their consent in a place where that person would have a reasonable expectation of privacy;
 - (d) exposing someone's genitals without their consent;
 - (e) refusing to use safe sex practices;
 - (f) making sex a condition of assistance/support; or
 - (g) psychologically blackmailing.

Sexual assault

- 8.16 Sexual assault describes a range of sexual crimes committed against a person. The information in this section is for summary purposes only, and does not constitute a substitute for, or accurate statement of, the content of the relevant criminal laws.



- 8.17 Sexual assault includes is any unwanted sexual act or sexual behaviour which an individual did not consent to, or was not able to consent to, through the use of physical force, intimidation, or coercion, or through lack of capacity due to drugs or alcohol.
- 8.18 It is a criminal offence to proceed with a sexual activity if the first person is aware that the second person might not be consenting, or the second person might be in a condition such that they are unable to give their consent. Sexual assault is a serious crime. It can result in arrest, prosecution, and criminal penalties, including imprisonment.
- 8.19 Sexual assault includes (but is not limited to) aggravated sexual assault (sexual assault with a weapon), attempted rape, indecent assault, penetration by objects and forced sexual activity that did not end in penetration, and rape (sexual penetration without consent).
- 8.20 Sexual assault includes the penetration of the vagina, anus or mouth by a penis or the penetration of the vagina or anus by another body part or by an object manipulated by another person. It also includes oral sex.

Consent

- 8.21 Consent is an agreement between participants to engage in sexual or other behaviours. If a person consents to sex it means that they want to have sex at that time with that particular other person. When sexual activity happens without consent it becomes sexual assault or rape.
- 8.22 Consent needs to be given for each separate non-consensual penetration encounter and a person cannot consent if they are intoxicated or affected by other drugs, asleep or unconscious. Silence or passive participation cannot be interpreted as consent. All parties need to have discussed and verbalised their willingness to participate.
- 8.23 Any form of sexual touching or sexual activity without consent is sexual assault. A person cannot give their consent if:
- (a) they are passed out or unconscious – this might be due to drugs, alcohol, or a violent assault;
 - (b) they are asleep;
 - (c) they are conscious, but the effects of alcohol or drugs leave them unable to say what they do or don't want;
 - (d) another person tricks them into thinking the other person is someone else;



- (e) the behaviour of another person makes them feel too scared to say no; or
- (f) the number of people seeking their consent makes them too scared to refuse or resist, or makes it impossible for them to do so.

8.24 Consent needs to happen every time. Each and every time a person engages in any sexual activity, ranging from touching or kissing to having sex, they must always have the other person's consent. Just because a person agreed to have sex once doesn't mean that they agreed to have sex at any other time. Just because a person is in a relationship with a second person doesn't mean that the second person can have sex with the first person whenever they want – they still need consent.

8.25 Consent must happen at every step. Just because a person consented to do one particular sexual act, doesn't mean that they have consented to any other sexual act.

8.26 Showing interest isn't consent. Giving someone attention, agreeing to go on a date or flirting with them isn't consent.

8.27 A person can withdraw their consent at any time, for any reason.

Disclosing and reporting incidents of sexual misconduct

8.28 Any form of non-consensual sexual contact with another person is not tolerated by the College. Any such conduct is a direct breach of the conduct expected by the College and the wider community.

8.29 The College encourages any person that has experienced sexual harassment, sexual coercion, intimidation, exploitation, or sexual assault, to seek confidential support and advice.

8.30 Incidents of sexual misconduct are frightening to experience and may have long lasting effects.

8.31 The decision to disclose and the decision to report are separate decisions and there are a range of people and services who can assist with the process including:

- (a) Head of College (phone: 0403 202 757), Deputy Head of College (phone: 0408 919 840), or any member of the Resident Services Team or Resident Advisor Team;
- (b) After Hours Duty Officer (phone: 0419 950 286);
- (c) Counsellor and Wellbeing Programs Advisor (email: jsparrow@trc.uwa.edu.au);



- (d) UWA Counselling and Psychological Services (phone: (08) 6488 2423);
 - (e) UWA Medical Centre (phone: (08) 64882118);
 - (f) UWA Complaint Resolution Unit (phone: (08) 64888547 / 0400 890 879 or email: complaints@uwa.edu.au);
 - (g) Sexual Assault Resource Centre (phone: (08) 9340 1828 / 1800 199 888);
 - (h) 1800 RESPECT (phone: 1800 737 732); or
 - (i) WA Sex Assault Squad (phone: (08) 9428 1600 or email: sex.assault@police.wa.gov.au).
- 8.32 The College also has a Disclosure Record Form that is available to all Residents to use following any occurrence of sexual misconduct (or other misconduct such as bullying, discrimination, or hazing).
- 8.33 The Disclosure Record Form is a confidential report that is used to inform the development and implementation of appropriate immediate or ongoing plans, actions, and support. Names can be disclosed, or it can remain anonymous though this does impact on the College's capacity to investigate the matter
- 8.34 The Disclosure Record Form is available at Reception, Resident Services, in the Disabled Toilet in the Resource Centre and on the College's website. The Disclosure Record Form can be submitted to any member of the Resident Services Team, each of whom are trained to respond to disclosures of sexual misconduct.