



Classification:	Student Policies
Reference:	SPC-SP-03
Created By:	
Creation Date:	2010
Review Date:	14 Dec 2022
Implemented:	

GRIEVANCE PROCEDURE

Version: 4

This Grievance Procedure is to be used in accordance with the principles outlined, and details elaborated in other College policies, including, but not limited to, the College Statutes, Bylaws, Code of Conduct, Guidelines for the College Response to Allegations of Sexual Misconduct (GCRASM), Bullying, Harassment, and Discrimination Prevention Policy, Hazing and Initiations Policy, and all other documents outlined in the College Register of Policies. Nothing in this procedure should be read to contradict or act as alternative to any procedures detailed or principles elaborated therein.

This procedure is applicable to grievances concerning interpersonal misconduct. This includes Sexual Misconduct (as elaborated in the GCRASM) but is not limited to any one type of interpersonal grievance. This procedure is not applicable to individual violations of College policies which do not involve an aggrieved party, such as damage to or misuse of College property or facilities, violation of enrolment or academic policies, misleading staff members, or similar behaviours, which are considered in the “Code of Conduct”.

“Interpersonal misconduct” is to include any behaviours involving an alleged perpetrator and an aggrieved party, where at least one member of College is involved. This includes but is not limited to:

1. Sexual misconduct and sexual assault
2. Bullying, harassment, and discrimination
3. Hazing or victimisation
4. Physical violence
5. Verbal abuse
6. Extortion, blackmail, or manipulation
7. Any behaviour toward another person that violates any relevant College policy

The document is to be given to all members of College annually, and is made available to members of other Colleges or to any enquirer on request.

A member of College who believes himself or herself to be a victim of interpersonal misconduct, or any person who believes himself or herself to have been so victimised by a member of St Paul's College (hereafter the “complainant”), may initiate this Grievance Procedure by making a disclosure and report to any relevant member of staff or of student pastoral leadership.

This procedure distinguishes between a “disclosure” of misconduct, in which the details of the matter are outlined to a member of staff so that pastoral support and discussion of options may follow, and a “report”, by which the complainant makes an official complaint and requests the College act in response to the disclosure.

A complainant may choose to make a disclosure without a report; that is, without initiating the Grievance Procedure. In such a case, the staff member receiving the disclosure will file notes detailing the disclosure, but response will be limited to pastoral support of the complainant, except where staff determine that the alleged perpetrator may pose an ongoing threat to the



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safety of the complainant or of others. A complainant who has chosen to make a disclosure without a report may choose subsequently to make a report, and initiate the Grievance procedure at any time.

A complainant may make a disclosure and/or report directly to the Warden, Vice Warden, Dean or Associate Dean of Graduate House, Dean of Undergraduates, Senior Tutor, Chaplain, Head of Admissions, or another member of the St Paul's Residential Life Team. A complainant may also make a disclosure to a Peer Support Leader or Junior Dean, who must tell either the Vice Warden, Dean of Undergraduates or the Dean of Graduate House, but need not share the name of the complainant without his or her consent. A complainant cannot make a report directly to a PSL or Junior Dean, but may be supported by a PSL or Junior Dean in making a report to a relevant member of staff.

When the grievance procedure has been initiated, the following process will apply, where applicable. The procedure will be guided by the Vice Warden or relevant Dean (Graduate House or Undergraduates), unless requested otherwise by the complainant. The College's response to disclosures of interpersonal misconduct is to be victim-led, and not all sections of this process will apply to all cases, or be in the interests or consistent with the desires of a victim.

1. Initial Response and referrals

- i. The initial response by the College to a report of alleged misconduct is tailored to the time of the offence and the time of disclosure as follows:
 1. Active (i.e. immediate and/or ongoing risk) or recent (within last couple of hours)
 2. Occurred within 72 hours, but not active, complainant not in danger
 3. Occurred more than 72 hours ago, complainant not in danger
 4. Historical offence
- ii. The initial response may include:
 1. Providing assistance to the student, staff member or any other person involved to ensure safety and wellbeing and ameliorate any immediate and/or ongoing risk.
 2. Gathering information to facilitate any appropriate immediate response (security, emergency services etc...)
 3. With consent and where appropriate, providing referral to a medical centre/professional, possibly including the Sexual Assault Crisis Centre at Royal Prince Alfred Hospital.
 4. In the case of Sexual Misconduct, provision of the St Paul's College Disclosure and Reporting Postcard (GCRASM, Appendix 1) and explanation of the options on the card to the student.
- iii. St Paul's College staff/leaders are to be mindful that they may be the first person the complainant and/or alleged perpetrator speaks to about an alleged offence, and to respond to disclosures with appropriate sensitivity and care.



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- iv. If a medical examination is required, St Paul's Staff/Leaders will assist in a referral to the service of the complainant's choice, as per St Paul's College Disclosure and Reporting Postcard.
 - v. St Paul's College will refer all complainants to the appropriate Counselling and Psychological services for support. Should the complainant request, St Paul's College staff will assist in the booking of any appointments and/or assist in attending the service.
2. Informing other areas of St Paul's College and/or the University.
- i. The College will, with the complainant's consent, inform the relevant staff in the College and/or divisions of the University of suggested actions to lessen the risk of harm to the complainant. This may include the provision of safe spaces to work/study at the College for the involved parties.
 - ii. If the complainant does not give consent for information about alleged misconduct to be provided to other areas of the College or the University, the College may still be in a position to take steps to prevent a reoccurrence.
3. Investigation by the College
- i. Where the complainant identifies the alleged perpetrator as a St Paul's College resident, the College will advise the complainant of his or her options, including College action, or, where relevant, reports to the University or to the Police.
 - ii. If the complainant declines to report the matter to the Police, but requests the allegations be determined by the College, the matter will be investigated in accordance with College statutes, policy and procedures. The College may assist by obtaining a statement from the complainant detailing the alleged misconduct. The complainant may be asked to sign an acknowledgement which states that he or she understand the limitations of the College's ability to investigate and determine such matters. This acknowledgement may also detail the complainant's reporting options in relation to the allegations as well as his or her decision not to report to the Police.
 - iii. Where the alleged perpetrator is a student member of St Paul's College, the investigation will be conducted by the relevant Dean, or the Vice Warden in the case of an undergraduate, or his or her delegate. **The Warden may instead nominate an external person to conduct the investigation rather than the relevant Dean.**
 - iv. **Where the complainant is a member of another Residential College, St Paul's College will, if requested by the complainant, liaise with the complainant's College including, where agreed conducting a joint investigation.**



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- v. Where the complainant identifies the alleged perpetrator of an act of misconduct as a St Paul's College staff member, the matter will be dealt with by the Warden, in conjunction with the College Council as per relevant workplace policies and procedures. It is not the role of any other staff members to interview alleged perpetrators who are staff members. After consideration with the College Council the Warden may nominate an external person to interview and take statements from staff and student complainants/witnesses to an alleged act of misconduct conducted by a staff member. These statements will be referred to the Warden. The College will not take any action that may compromise any criminal investigation.
- vi. Where the alleged perpetrator is from an organisation affiliated with the College, the College may, with the complainant's consent, refer the matter to the affiliated or associated organisation for the organisation to investigate.
- vii. Where the alleged perpetrator is a member of the public not affiliated or associated with the College, or the University of Sydney Inter-College Community in any way, the College has no basis to investigate the allegations and determine if they are substantiated. The report and referral services will still be available, and College staff will support the complainant through the process of reporting the misconduct to the relevant authority.
- viii. Authorisation is required from the Warden, after consultation with the Vice Warden and respective Dean, before any alleged perpetrator is interviewed by St Paul's College staff.
- ix. After authorisation as per 3(viii) or in the case of a complainant, any interview must have two members of St Paul's College staff present. The complainant or alleged perpetrator is entitled to bring a person of support to the interview. Persons of support cannot act on behalf of the complainant or an alleged perpetrator.
- x. Any interview/investigation will have effective notes taken, as per the St Paul's College investigation report (Appendix 1).
- xi. An alleged perpetrator is entitled to the details of the alleged act of misconduct, in detail. Consent for the release of names and any other identifying information will be obtained from the complainant before its release. A complainant has the right of refusal to share identifying details, however he or she acknowledges the limitations as per 3(ii).
- xii. Investigation by the College may include, but is not limited to, interviewing the complainant and alleged perpetrator, interview of witnesses, or review of CCTV.
- xiii. At the conclusion of the investigation, the investigator will issue a finding **on the balance of probabilities (that is, whether the investigator is satisfied that the conduct complained of was more likely to have occurred than not)**. **This finding will be communicated** in writing to the alleged perpetrator and complainant, outlining the College's conclusion on the facts of the matter and advising of any disciplinary measures to be implemented.



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4. Concurrent Investigations

- i. Where there are concurrent reports of an investigation of an act of misconduct to the College, the University or the Police arising out of the same set of circumstances, the criminal proceeding/processes take precedence over any College misconduct proceeding.
- ii. Ordinarily formal College disciplinary action will not be able to proceed until a criminal proceeding is finalised. However, in exceptional circumstances, the Warden may determine otherwise. In all cases, the College will proceed with due care to ensure that any action taken in the College proceeding does not prejudice the criminal proceeding/process.
- iii. Deferral of a College investigation does NOT prevent the College taking other reasonable measures to identify and mitigate imminent or potential risks to the College community.
- iv. St Paul's College staff will assist criminal investigations where required, in accordance with the requirements of the law, University and College regulations, policies and procedures.

5. Where the complainant decides to disclose but not report

- i. A complainant may identify a St Paul's College student as the alleged perpetrator of an act of misconduct, but not wish to make a report to the College, the police, or other authority. Where this occurs, The College will support his or her decision and explain that he or she can change his or her mind at any time. The incident will be notified to the Warden. The College will also consider other options to ameliorate any risk to the safety of persons affected by the activities of the alleged perpetrator.
- ii. Where a St Paul's College staff member is identified as the alleged perpetrator of an act of misconduct, but the complainant does not wish to report the offence to the Police or to the College as staff misconduct, the College will support the complainant's decision and explain that he or she can change his or her mind at any time. The incident will be notified to the Warden. The College will also consider other options to ameliorate any risk to the safety of persons affected by the activities of the alleged perpetrator.
- iii. Where the complainant identifies a perpetrator as being from an organisation affiliated or associated with the College, but does not wish to report the offence to the Police or for the matter to be referred to affiliated or associated organisation, the College will support the complainant's decision and explain that he or she can change his or her mind at any time. The College will also consider other options to ameliorate any risk to the safety of persons affected by the activities of the alleged perpetrator at that other organisation.
- iv. Where ongoing risk to the complainant or members of the broader University community is identified, the incident will be reported to the Director of Student Support Services.



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- v. Where lack of further action by the College may present an ongoing risk to the College community, the Vice Warden, the Dean of Undergraduates, or Dean of Graduate House is responsible for identifying said risk and implementing appropriate actions to ameliorate that risk and to provide a safe work and study environment.
- vi. The above principles must also be balanced against the obligation of the College to protect the wellbeing and safety of the College community and to comply with any mandatory legal reporting obligations.

Implementation of Reasonable Measures

The College is committed to providing accessible and non-discriminatory support for students who are affected by misconduct. In order to provide a safe environment conducive to study to all parties, the College, through the recommendation of the relevant Dean or Vice Warden, and approval of the Warden, may impose reasonable measures on some or all parties to an ongoing grievance investigation. These measures should not be construed as disciplinary, do not prejudice the outcome of an investigation, and do not presume guilt on the part of any party.

6. Reasonable measures to a complainant and/or alleged perpetrator during an investigation may include, but are not limited to:
 - i. Changes in the attendance time of meals
 - ii. Academic support adjustments through the Senior Tutor
 - iii. Relocation into another section of the College
 - iv. Suspension from the College, for a reasonable time
 - v. Suspension from College activities, including participation and access to the College bar
7. The application of Reasonable Measures outlined in 6(i) will be determined on a case-by-case basis. Application of Reasonable Measures as result of a Report, or during an investigation by College or an external agency, is not determinate of the outcome of the investigation or occurrence of misconduct.
8. In implementing Reasonable Measures, the College will:
 - i. Consider the risk to the complainant
 - ii. Consider the welfare of the involved parties
 - iii. Apply the principles outlined in all relevant College policies, including, but not limited to the Statutes, Bylaws, Code of Conduct, and the GCRASM
 - iv. Seek to balance any conflicting rights and interests to ensure victimisation does not occur;
 - v. Take into account any relevant external requirements as a result of sexual misconduct potentially amounting to a criminal offence; and
 - vi. Discuss the proposed Reasonable Measures with the affected parties.



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Outcomes of Grievance Procedure

Following the conclusion of investigations undertaken pursuant to this Grievance Procedure, the Warden, in consultation with the Vice Warden and relevant Dean, may impose such outcomes as he is empowered under the College Statutes, Bylaws, Regulations, the Code of Conduct, the GCRASM, or other College Policies, as relevant to the misconduct in question.

These may include, but are not limited to caution, reprimand, warning, fine, compulsory counselling, removal of rights/privileges, community service, moving of rooms, suspension, or expulsion.



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APPENDIX 1: St Paul's College Investigation Report
INVESTIGATION REPORT

Date of Report:	
Present:	
Type of Case:	
Complaint Summary:	
INCIDENT ID per Incident Register:	
NOTES from discussion:	
Welfare Concerns:	
-	
-	
Action Taken:	
Signed:	Date: