



Sexual misconduct policy procedures

1. Purpose

This procedure describes the processes for reporting and resolving disclosures and complaints about alleged sexual misconduct involving a member of the College community.

2. Applicable governance instruments

- Jane Franklin Hall Sexual Misconduct Policy
- Jane Franklin Hall Code of Conduct
- Jane Franklin Hall, College Obligations and Terms of Residence (COTR)

3. Application and definitions

All applications and definitions as described in the Jane Franklin Hall *Sexual Misconduct Policy* are applicable to these procedures.

4. Reporting incidents of sexual misconduct

4.1 Any person may make a disclosure or a complaint of sexual misconduct regarding a member of the College community.

4.2 Whether a person makes a disclosure or a complaint is dependent on the outcome the complainant wishes to occur.

4.3 The procedures related to making a disclosure or a complaint differ and are outlined in the following pages.

4.4 Instances of sexual misconduct reported to the College will be handled sensitively, discretely, fairly, objectively and without bias.

4.5 Counselling support services will be offered throughout the reporting process, irrespective of whether the complainant makes a disclosure or a formal complaint. Counselling will also be offered to respondents and support persons.

4.6 The College encourages anyone who has experienced or witnessed an act of sexual misconduct to seek support as soon as possible.

4.7 Support can be given by anyone at the College, although complainants are encouraged to talk to a Senior Resident, the Dean of Students, the Principal or an external counselling and advice service.

4.8 Recommended external advice services include but are not limited to: the University Safe and Fair Community Unit (SaFCU); Sexual Assault Support Services (SASS); University of Tasmania Counsellor; Lifeline; Beyondblue; or to Tasmania Police (see contact details on page 6 of this procedure).

4.9 The confidentiality and privacy of complainants and respondents will be maintained where possible, noting that the College also has reporting obligations to the University and, in the case of complainants under 18 years of age, to Tasmania Police.

4.10 All records and information generated during a disclosure or formal complaint are stored confidentially by the College.

4.11 The College may need to speak with others to progress a matter, to comply with obligations at law, or to implement appropriate safety measures. As far as possible, the complainant will be spoken to prior to the required action being taken.

4.12 For complainant's over 18 years of age, the complainant may choose to report the matter to the police. The College cannot do this on the complainant's behalf, although it can provide support to the complainant to make a police report. For complainants under 18, the College must report the matter to police.

4.13 The opportunities for the College to provide appropriate support and identify and respond to risks and incidents may be limited if:

- A report is made anonymously or without all of the details;
- Significant time has passed between incident and report;
- The complainant and/or the respondent is/are no longer at the College, and/or;
- Information is disclosed to the College by a support person in the absence of the complainant.

4.14 If a complaint is made directly to an external agency such as the University of Tasmania or the Tasmania Police, the College may also take action to ensure the safety and wellbeing of the community.

4.15 In some cases the College may itself decide to initiate a complaint.

5. Making a disclosure

5.1 A disclosure is not a formal complaint. It can be a way for a complainant to raise an issue and seek support or advice on possible reporting options.

5.2 At the College, disclosures can be made to any member of our community, although complainants are encouraged to raise the matter with any Senior Resident, the Dean of Students or the Principal.

5.3 The Dean of Students and/or the Principal will be notified of any disclosures made to Senior Residents or other staff, although the level of detail passed on will depend on the complainant's wishes.

5.4 Details of complaints are taken and stored confidentially.

5.5 When a disclosure is made the College can:

- Assist with information and referral to available support and advocacy services; and/or
- Advise the complainant of options for possible further action;
- Provide information about College policies.

5.6 Unless deemed essential for safety reasons, the College will take no other action unless a formal complaint is made to the College.

5.7 A support person, or those who have witnessed or have knowledge of an act of sexual misconduct can also make a disclosure.

6. Making a formal complaint

6.1 It is not necessary for a complainant to have made a disclosure before submitting a formal complaint.

6.2 Formal complaints are dealt with by the Dean of Students and the Principal. In the event of their unavailability or of a conflict of interest (including if a complaint involves one of these two people), a Council member will step in.

6.3 A support person, or those who have witnessed or have knowledge of an act of sexual misconduct cannot make a formal complaint. However, a support person can assist a complainant to make a formal complaint.

6.4 A formal complaint must be made to the Principal or the Dean of Students in writing via email or letter.

6.5 A complainant is free to change their mind about the formal complaint at any time, including to withdraw it. That decision will be respected and the College will continue to provide support, information and advice to the complainant.

6.6 The College will respect the wishes and choices of the complainant as to how the matter is dealt with to the furthest extent possible. However, as part of its commitment to providing a safe place for residents and staff to live, work and study, the College may take any necessary action to avoid foreseeable risk of harm to members of the College community.

6.7 In some cases it may be necessary to take precautionary measures upon the receipt of a formal complaint of sexual misconduct. This is to ensure:

- the safety and wellbeing of the complainant and the College community; and/or
- all reasonable risks of victimization or further inappropriate behaviours are removed; and/or
- the integrity or confidentiality of any process under these procedures; and/or

- reduce negative impacts on the College's reputation or on the reputation of any member of the College community.

6.8 Precautionary measures include but are not limited to: separation of parties to the complaint; suspension or expulsion from the College; exclusion from College grounds and activities; directions to resign from leadership positions.

6.9 The Crisis Management Committee (CMC) will make decisions about the suspension or expulsion of the respondent and/or the respondent's associates from College in relation to a formal complaint. The CMC is a sub-committee of the Jane Council comprising the Chair of Council, the Deputy Chair of Council, the Principal and other members as appointed on a regular basis.¹

6.10 In the event that a suspended respondent is cleared of allegations, the CMC will determine if the respondent can return to College.

6.11 In making its decision the CMC will consider a range of matters including but not limited to: the findings of the formal investigation; College safety and wellbeing; the complainant's circumstances; the likelihood of another formal complaint being laid; the respondent's past behaviour while at College including compliance with the Code of Conduct.; the safety and wellbeing of the respondent.

6.12 Precautionary measures do not in any way prejudge the outcome of an investigation.

7 Processes once a formal complaint is received

7.1 STEP ONE: Initial assessment

- 7.1.1 The Dean of Students or Principal will promptly acknowledge receipt of the complaint, acknowledge the complainant's experience and offer counselling.
- 7.1.2 The Dean of Students will raise a casefile to keep records of all matters related to the complaint.
- 7.1.3 The Dean of Students and/or Principal will promptly and fairly conduct an initial assessment with the intention of determining if and what precautionary measures are required.
- 7.1.4 The Principal, or the Dean of Students in the Principal's absence, will inform the Chair of Council.
- 7.1.5 Where a serious matter occurs and involves one or more members of the University of Tasmania community, the Principal will inform the University. In the Principal's absence the Dean of Students will inform the University.

¹ Further information on the composition of the CMC can be found in the College Handbook at <https://jane.edu.au/residents/downloads/current-resident-information/>

7.2 STEP TWO: Precautionary measures

- 7.2.1 Where it is possible that a precautionary measure is the suspension or expulsion of a student(s) from College, the Principal, with the Chair's agreement, will convene a meeting of the CMC.
- 7.2.2 The CMC will decide if a student should be suspended or expelled from the College.
- 7.2.3 If the respondent is suspended or expelled from the College, the respondent will be accommodated at the College's expense offsite for a period of up to two weeks to enable the respondent to find alternative accommodation. From the date of removal from the College, all fee payments at Jane will cease and any prepaid fees will be refunded from the date of removal with no penalty.
- 7.2.4 The respondent will be offered counselling.
- 7.2.5 In the event that a respondent is suspended from College as a precautionary measure, the College will maintain contact with the respondent until the matter is resolved by a formal investigation.

7.3 STEP THREE: Formal Investigation

- 7.3.1 To reduce the risk of conflict of interest, the College may not investigate a formal complaint of sexual misconduct itself.
- 7.3.2 Should the complainant choose a resolution via criminal law, the College will support the complainant to contact the police.
- 7.3.3 If the complainant does not wish to take the matter to the police, the College may refer the investigation to an external agency. This may be SaFCU or where appropriate other external investigators, noting that external agencies are only able to investigate potential breaches of its own or the College's policies.
- 7.3.4 The College will render full assistance to any external investigation including but not limited to providing contact details of the respondent and of potential witnesses.
- 7.3.5 In the event that an investigation is outsourced, once it is underway, the College's role will become one of ongoing support and communication with the complainant and the respondent.

7.4 STEP FOUR: Post Investigation

- 7.4.1 If a complaint against a suspended or expelled respondent is upheld the respondent will not be allowed to return to College.
- 7.4.2 If an investigation concludes that the complaint is unsubstantiated or there is no case to answer, the Principal will, with the Chair of Council's agreement, convene the CMC who will determine if it is

appropriate for a suspended or expelled respondent to return to College.

- 7.4.3 At the conclusion of any investigation, regardless of the outcome, the College may take either disciplinary or preventative action to ensure the continued wellbeing of the College community.
- 7.4.4 Consequences for breaches of the sexual misconduct policy will be determined on the basis of the investigation conclusions and recommendations, seriousness of the alleged conduct, the community member's past behaviour and the wellbeing and safety of the College community.
- 7.4.5 If an investigation concludes the complaint is malicious or vexatious, disciplinary action may occur.

8. Timeliness

8.1 The College will use its best endeavours to act and respond to all matters within its control in a timely manner.

8.2 In situations outside the College's control, such as an external investigation, the College will endeavour to keep all parties informed as far as possible and will continue to provide support.

9. Other situations

9.1 Where either the complainant or the respondent is not a member of the Jane community, the College may act according to these procedures to ensure the safety and wellbeing of College Community members. Such action may include but is not limited to: providing support, taking precautionary measures or applying disciplinary measures.

10. Review

10.1 At the latest, these procedures will be reviewed at the same time as the review of the Sexual Misconduct policy is undertaken.

External advice contact details

University of Tasmania

- Safe and Fair Community Unit (SaFCU) 6226 2560 OR
SaFCU@utas.edu.au
- Counsellor 1800 817 675
- After Hours counsellor 1300 511 709
text on 0488 884 168

Sexual Assault Support Services (SASS)

- During business hours 6231 0044
- SASS 24-hour crisis support (1800 697 877) 1800 MYSUPPORT

Lifeline

13 11 11

Beyondblue

1300 22 46 36

Tasmania Police (non-emergencies)

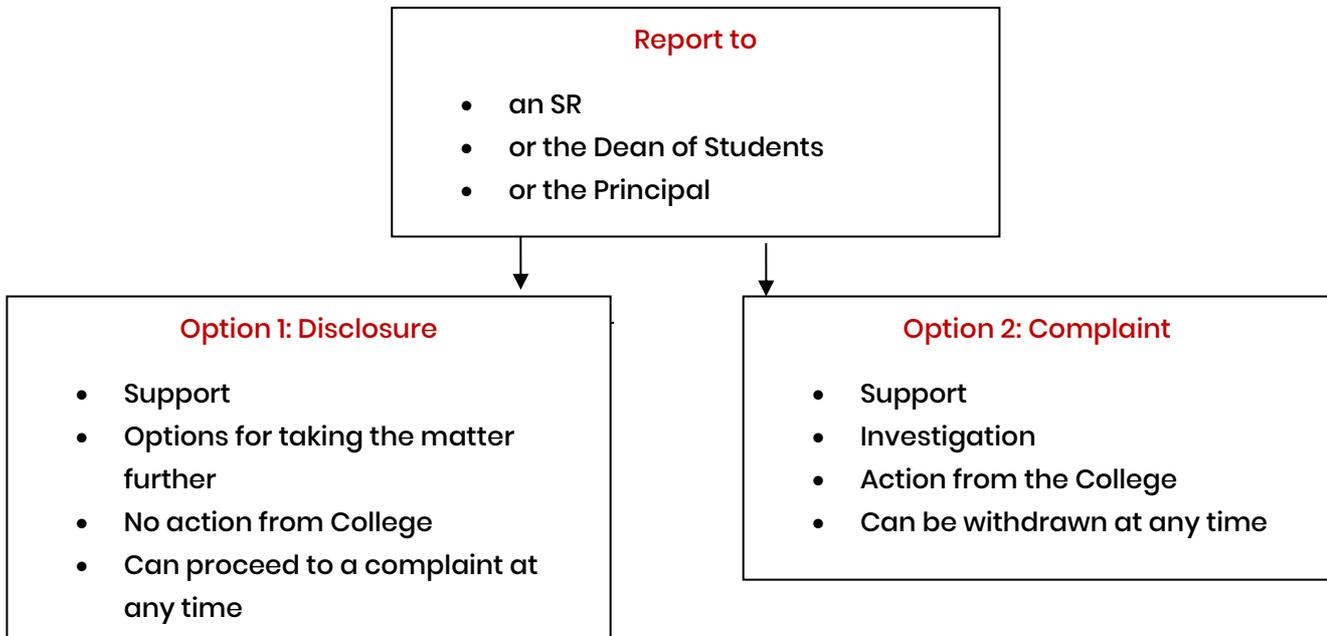
131 444

Emergencies 000



JANE FRANKLIN HALL

Procedures for Reporting Sexual Misconduct



Procedures in making a complaint

