

# Complaints and Investigations Procedure

## Sancta Sophia College

### 1. Introduction

Sancta Sophia College recognises that everyone in our community has the right to live, study and work in a safe and supportive environment. All members of Sancta Sophia College (including students, staff and Council) have a role in creating and maintaining a safe and respectful environment.

It is always recommended, where appropriate, that members of the Sancta community seek to resolve issues of conflict directly and informally by approaching the person they believe responsible for the issue, and having a respectful discussion that seeks to resolve the issue. It is recognised that there are some circumstances when complaints need to be investigated and possible disciplinary consequences considered.

This procedure provides a framework for action when:

- matters cannot be resolved directly; or
- an issue is too serious to be able to be dealt with informally.

It provides:

- information as to how to raise a complaint or grievance;
- details as to how Sancta will conduct investigations;
- detail as to consequences of breaches of Sancta policies and Code of Conduct.

### 2. Prior to making a complaint

If desired, Sancta staff (including Resident Assistants) can talk over issues of concern prior to complaints being made. Advice may be provided as to how an issue may be resolved informally or coaching as to having a direct conversation. If the matter is of a serious nature, a formal complaint may be advised.

### 3. Making a complaint

Students who are unable to resolve a problem or concern through informal resolution can make a complaint in person or in writing to the College Vice Principal or Principal.

Complainants are not required to put their complaint in writing in the first instance, though this may be required if an investigation is needed.

Complainants are required to engage with the complaints process, and to provide sufficient details of their complaint to permit Sancta to conduct a preliminary assessment and investigation, as appropriate.

Complaints cannot be made anonymously.

#### **4. Preliminary assessment**

Upon receiving a complaint, the Principal or Vice Principal will make a preliminary assessment of the complaint to ascertain its seriousness and determine an appropriate course of action to deal with the matter. A preliminary assessment will lead to one of the following:

- No further action
- Assisted resolution
- Investigation

A decision to take no further action may be made if:

- the complaint does not represent a breach of any rule or policy at Sancta;
- the complaint is frivolous, vexatious or malicious;
- the complainant is unable or refuses to provide sufficient detail to enable the matter to be properly assessed;
- the matter has already been appropriately addressed or resolved, and does not warrant further action.

In such a case, the complainant will be advised of the decision, and supported to find an alternate resolution.

A decision to move directly to assisted resolution may be made when:

- the alleged conduct, if found to have occurred, is not serious enough to warrant a disciplinary response; or
- in the case of a more serious matter, the victim/complainant prefers to move to an assisted resolution process rather than investigation, and the Principal or Vice Principal agrees that this can occur without posing unwarranted risk to the victim/complainant or anyone else.

In cases where an investigation is warranted, the preliminary assessment will consider:

- interim measures to protect the complainant, respondent or the general Sancta community while the matter is investigated;
- referral of the complaint to another body (such as NSW Police).

Irrespective of the outcome of the preliminary assessment, all complainants will be advised of appropriate support options.

#### **5. Assisted resolution**

Where the preliminary assessment determines that assisted resolution is appropriate, resolution may include, but is not limited to:

- clarifying a misunderstanding;
- an apology;
- facilitated discussion, including mediation;
- an agreed plan of action to avoid further incidents;
- implementing awareness raising or educational sessions about behaviour.

## 6. Investigation

Sancta may initiate an investigation:

- for serious complaints (as determined by Sancta in its absolute discretion, taking into account the complainant's views and circumstances);
- where assisted resolution is unsuccessful or not appropriate; or
- in other circumstances where Sancta considers it to be appropriate.

Complaints or grievances may be investigated by the Principal, Vice Principal or a member of the College Executive Team.

The investigator will provide the respondent with:

- the allegation in sufficient detail to ensure they have a reasonable opportunity to respond;
- a reasonable period of time within which to respond to the allegations.

The investigator may choose to interview or seek further information from other sources. The investigator may impose confidentiality requirements on all parties to an investigation.

The investigator assesses all information and makes a finding. Findings can be made "on the balance of probabilities" (the investigator is satisfied that the alleged conduct is more (or less) likely to have occurred than not).

Following the conclusion of an investigation, the respondent is advised in writing of the:

- finding of the investigation;
- any disciplinary consequences emanating from that finding;
- details of any right to appeal.

## 7. Timeliness

Timeliness is an important principle of any investigation. Every effort will be made to provide a speedy resolution to the matter, notwithstanding challenges that may arise in the collection of evidence (e.g. availability of a witness to provide testimony). Both complainants and respondents will be kept informed of the progress of the investigation and advised of any delays in the process that may arise.

## 8. Disciplinary action

Where an allegation is upheld, disciplinary action is determined on the basis of the seriousness of the allegation, the past conduct and behaviour of the respondent, the impact on the complainant, and principles of natural justice.

Disciplinary action includes, but is not limited to:

- reprimand;
- warning;
- removal or rights or privileges;
- moving of rooms;
- suspension;

- expulsion.

## **9. Appeals**

If a respondent disagrees with a finding made through investigation, or with any disciplinary action taken, they may appeal, in writing, to the Sancta Council Chair, Ms Cathleen Crossley, at one of the following addresses:

Level 16, Tower 2 Darling Park  
201 Sussex Street, Sydney NSW 2000

GPO Box 1615, Sydney NSW 2001

## **10. Vexatious complaints**

A student must not make a vexatious or malicious complaint.

For the purpose of this policy a complaint will be considered vexatious or malicious if a student makes it:

- i. knowing it to be false; and
- ii. for the primary purpose of damaging Sancta or the person against whom the complaint is made.

Making a vexatious complaint will result in disciplinary action, up to and including expulsion from the College.

## **11. Complaints or grievances regarding a member of staff**

If the complaint relates to a staff member of the College, the matter should be raised directly with the Principal.

Should the complaint relate to the College Principal it should be put in writing to the Sancta Council Chair, Ms Cathleen Crossley, at one of the following addresses:

Level 16, Tower 2 Darling Park  
201 Sussex Street, Sydney NSW 2000

GPO Box 1615, Sydney NSW 2001

## **12. Record keeping**

All records collected, generated or used as part of the resolution or determination of a complaint under these procedures will be stored confidentially by the College Principal.

## **13. Complaints regarding people outside of Sancta**

If a person alleges conduct by a person over whom Sancta has no jurisdiction, Sancta will support the complainant to find an appropriate alternate avenue of complaint.

## **14. Related documents**

- *Sancta Sophia College Code of Conduct*
- *Sancta Sophia College Sexual Misconduct Policy*
- *Sancta Sophia College Bullying, Harassment and Hazing Policy*
- *Sancta Sophia College Alcohol and Other Drugs Policy*